

MARINA SOL HOMEOWNERS ASSOCIATION REGIME

MINUTE OF THE GENERAL ASSEMBLY MEETING OF MAY 2, 2009

President Penney called the meeting to order at 9:13 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 Dennis
Member:	Griffith, Claire Virginia
Member:	Guidici, Kristi Lea

Suzanna Gonzales was introduced as our Translator. Since no translator was needed. Lisa Seace moved that we excuse the translator. The motion was seconded by Ann Cope and passed unanimously.

Ann Cope moved and Steve Dutra seconded the motion to waive the reading of the notice of the meeting. The motion passed unanimously.

Ann Cope moved and Steve Dutra seconded the motion to approve the notice of the meeting. The motion passed unanimously.

There was an introduction of the Board of Directors, the Vigilance Committee, and the Attorney, Omar Quijano, followed by the Homeowners introduction.

The Vigilance Committee President confirmed that all FM3s were in order.

Ann Cope moved that we waive the reading of the minutes. The motion was seconded by Tony Peluso.

Discussion:

Adrienne Kenlan requested that Bill Gardner's failed motion at the November 2008 General Assembly, regarding an eighteen month lease to Oasis Bar operator Leticia Tolosa be included in the minutes. Since that information was already included in the minutes, on page eleven, there were no corrections or additions to be made and the motion to accept the minutes passed unanimously.

Treasurer's Report

There were several questions, by Steve Dutra for the Treasurer. Lorie Luiza explained that some difference were the result of moving items into different categories to provide a clearer picture.

Gwen Lentz told the Assembly that the budget number in the packet was \$509,000.00 USD and the amount voted on in the Assembly meeting was \$559,000.00 USD. She felt this was unfair to those who voted by proxy.

Lorenzo Wolters suggested that we do the budget in pesos, and assess the owners in pesos and worry about the exchange later.

Henry said that most of the owners understood US Dollars better than pesos. Also the Pool Project and the Water Treatment Project are bid in dollars.

Bart Cuomo suggested that there should be a separate line item for the 2007 shortfall.

Adrienne Kenlan asked a question regarding our legal fees. They are not complete at this time.

Steve Dutra asked about the electric bills and Chaylene asked where the guarantees for the elevators are.

Lorie Luiza told the Assembly that all accounts and information will be presented for owners review if they wish to see them.

Lowell asked if we can do a different fiscal year. Attorney Quijano informed the Assembly that it is not allowed in Mexico. Also you cannot be forced to pay your fees in dollars. You may pay in pesos at the prevailing rate of the day you make your payment.

A motion was made by Ann Cope and seconded by Rick Greenhead to approve the Treasurer's Report

Further Discussion:

Adrienne Kenlan objected to the report. The motion passed.

Manager's Report (Appended)

A motion was made by Kim Jones and seconded by Adrienne Kenlan to approve the Manager's Report. The motion passed unanimously.

Vigilance Committee Report

President Clint Suveges told the Assembly that there were no written complaints and no negative comments in the Manager's Report. The Board is doing a good job planning for the Pool Project and the Water Treatment Project.

Discussion:

Chaylene Delgado said she had complained to Manager Chona about security and that he had told her that the problem was taken care of.

Gwen Lentz reported seeing hookers in the Lobby.

Karen Sclafani reported seeing a woman in the hall checking door knobs.

Sydney Smith reported several maintenance problems.

Clint Suveges questioned whether Claire Griffith should remain on the Vigilance after being caught tape recording an executive session of the Board of Directors.

Claire admitted that she brought a tape recorder. She offered an explanation. (Appended)

President Henry Penney explained that Executive Sessions are where the Board discusses legal and personnel matters.

Old Business

The Palapa Bar agreement was described and everyone had a two page overview of the lease in their packets.

Adrienne Kenlan told the Assembly that we should never have signed the lease as the restaurant is one of our biggest assets.

Kim Jones asked about the Pallapa Bar's insurance. The tenant is carrying \$100,000.00 USD, which is the most that is allowed.

Steve Dutra Apologized for the manner in which he called for the removal of the Board over the lease. He cited conflicts of interest as his motivation.

Rick Greenhead asked if clause 2389, the right to retain possession under Mexican law, was removed. Yes, it is gone.

John Lear told the Assembly that the situation had become too volatile, and that if Leticia had wanted to, she could have buried the HOA.

Adrienne Kenlan questioned whether the deposit on hand, from the previous lease was \$9,900.00 USD or \$10,000.00. Clint said that he has the cancelled check in the amount of \$10,000.00.

Kim Jones asked if the 15% discount to owners will be retained. No, it is not a lease item; it was just something the vendors did in better financial times.

Gwen Lentz remarked that there is not a lot of income from walk ins. It is mostly just owners and renters.

President Penney said that this item is resolved and that it is time to move on.

THE POOL PROJECT

The Board is soliciting bids from licensed contractors. So far, it seems that they will be too expensive. Vice President Waldie is a contractor in Cabo, and we can hire him for \$2,000.00 per month, for August and September.

Karen Sclafani said that we should have a signed contract, with professionals, before any work begins.

Steve Dutra asked how comfortable the Board is with the ability to hit the projected cost of \$48,400.00 USD. Jim Waldie answered that we can do it.

Also, is there a plan to keep the tile from falling off? Jim Waldie says yes, it is part of the reason that we have to take the concrete off of the pool.

Gwen Lentz asked if we will be able to do the walkways at the same time. No, not yet. We do not have the money in the budget to do that at this time.

Clint suggested any excess funds be used to have stamped concrete on the pool decking. A motion was made by Gwen Lentz to do so, and was seconded by Kim Jones. The motion was tabled until the Water Treatment plant was completed.

Steve Dutra asked what qualifications Mr. Waldie had to act as General Contractor for the pool project. Mr. Waldie has built several projects, here in Cabo, including the Tennis Courts. He is also licensed in California, as a General Contractor.

Ann Cope asked if there would be a contingency fund for the project. Jim said he would check with the Board of Directors for any problems that might arise.

WATER TREATMENT PROJECT

Jim Waldie explained that the Mighty Mac system is very successful. It is installed in several places in Cabo and the owners are very happy with it. There remains a concern about odor. Bart suggested that some folks go and check out a site. Kim Jones and Gwen Lentz volunteered to go; they will be joined by Claire Griffith and Ann Cope.

Steve Dutra asked what it costs to empty the tank when it gets full. It is \$500.00 USD per service, which is usually about every two (2) years.

Jim Waldie also explained that the system has two (2) pumps to prevent any problems.

Ann Cope asked about system back up. There is a 'Diverter Valve'.

PAST DUE ACCOUNTS

Bill Gardner requested a discussion of old fees and penalties, and what the HOA could do about them. There was a spirited discussion which resulted in a motion by Lorie Luiza, seconded by Rick Greenhead to go after this revenue, which passed unanimously. This was followed with a motion by Lisa Seace, seconded by Rick Greenhead to asked Omar Quijano, attorney, to write a notice with the correct Mexican Language, to move forward. The motion passed unanimously.

ON GOING MAINTENANCE

We are still working on installing new water line in the buildings to replace the old, inadequate, and leaky PVC that is now in use.

There is a loose bridge post which will be replaced during the pool repair.

Steve Dutra suggested giving a dashboard pass for parking on the side of the A Building.

Dinah Briggs suggested getting gym equipment.

There were several other suggestions for improving the clubhouse. President Penney said that we could make a menu of items for these improvements, and they could be voted on in November.

Bart suggested a security committee, to gather information, and report back to the board. The office will send out a request for volunteers, and the president will appoint the committee from those volunteers.

Leticia Tolosa suggested that we need one more guard as economic times are hard and crime is rising.

There were several other security suggestions which will be considered by the new Security Committee.

Adrienne Kenlan moved to have security cards. The motion died for want of a second.

Bart moved that there should be a pool party for the employees. The motion was seconded by Leticia Tolosa and passed unanimously.

OTHER DISCUSSION

Claire Griffith asked why businesses are allowed to park under the A Building. The answer is that owners are allowed and renters are not allowed.

Kim Jones revisited the idea of charging for parking under the A Building for extended periods as a way of creating revenue. The answer is that we cannot, as it is not allowed according to the bylaws.

COMMENTS FOR THE GOOD OF THE ORDER

It was suggested that we try to have the most complete financial information possible to aid the Homeowners in making budget decisions.

Ann Cope thanked the Board of Directors for doing a good job.

Ann Cope moved to adjourn the meeting. The motion was seconded by Lisa Seace. The motion passed unanimously.

The meeting was adjourned at 1:23 pm

Respectfully Submitted

Lisa Seace
Secretary