

MARINA SOL HOMEOWNERS ASSOCIATION REGIME  
MINUTES OF THE GENERAL ASSEMBLY MEETING  
NOVEMBER 14, 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 Denis
Member	Griffith, Claire Virginia
Member	Guidici, Kristi Lea

Susan Gonzales was introduced as the translator. Dan Jones moved that we release the translator. The motion was seconded by John Pinkerman and passed unanimously.

A quorum was established.

Motion 1: To waive the reading of the notice of the meeting. Move by Steve Dutra, seconded by Dan Jones. Passed unanimously.

Motion 2: To approve the notice of the Meeting. Moved by Steve Dutra, seconded by Tom Falkner. Passed unanimously.

Motion 3: To . Moved by Paul Joseph, seconded by Tom Falkner. Passed unanimously.

Motion 4: To waive Moved by Paul Joseph, seconded by Tom Falkner. Passed unanimously.

Motion 5: To approve the minutes of the previous meeting. Moved by Paul Joseph, seconded by Tom Falkner.

Discussion:

Steve Dutra said that the Board of Directors had ignored a direct resolution of the General Assembly This resolution was to ..... Bart explained that there was no conflict of interest , and that the Board had acted in the best interests of the Homeowners, Claire asked why her letter of explanation regarding putting a tape recorded into the Executive session of the Board, was not included in the minutes. Bart explained that, as stated in the minutes, it would be appended to the minutes, in the office, available to anyone who wished to see it. The motion passed unanimously.

The President's Report was presented by President Penney. (See Appended). There was no discussion and the Report was accepted.

The Treasurer's Report was presented by Lorie Luiza. The bank balance was \$9999999999 USD as of November 01, 2009. We have collected some late dues and interest, but there is more to do. Bill Gardner asked if there had been any activity on the Reserve account this year. Lorie said that other than the \$100,000.00 USD that had been moved to the Mexican account to take advantage of the exchange rates, no other transactions had taken place. That \$100,000.00 USD was replaced as the 2009 dues were collected.

The Manager's Report was presented by General Manager Aurelio Cruz Chona. (See Appended). There were no questions from the floor.

#### Vigilance Committee

The Vigilance Committee report was presented in three (3) parts. Claire Griffith explained that there were some problems with the spring break guests. She also told the Assembly that there were noise problems caused by the pool table in Clint Suveges' unit D... . She said that parking may be getting a little better.

Krisit Guidici talked about how well the pool project had turned out. She also told the Assembly about the money the HOA saved by not using outside contractors for architecture, engineering, electrical and plumbing. The approximate savings were \$50,000.00 USD.

President Clint Suveges told the Assembly that he had heard some complaints, but suggested that verbal complaints had little meaning. The way to have your complaints addressed is to write to the Board of Directors. At their meetings, they are given a packet of correspondence. All of those letters are addressed. He also suggested that the Marina Sol Observer seems to be a venue for negative comments. Perhaps it would be better to use the established channels to create better communication.

#### Discussion

Adrienne Kenlan said she does not think that the Vigilance Committee is the "Supreme Court". She wants there to be term limits for Vigilance Committee members. Also, she says she has written letters and received no response.

Connie .....A401 says she doesn't know the correct way to write a letter to the Board.

Lorenzo Wolters says some people are taking this Vigilance Committee thing too seriously. He says that the job is to protect the bylaws, not the grounds, etc.

Adrienne Kenlan says that the Vigilance committee attends the Board of Directors Meetings and she wants them to attend Executive Session as well.

Steve Dutra suggested that the Vigilance Committee should not editorialize. He also wanted to know if email can be considered letters to the Board in the future.

Henry Penney said that they could be. He will print them and include them in the packet.

#### Security Committee Report

Kim Jones, John Pinkerman and Jim Sclafani met to see what might be done to improve security at Marina Sol. They had several good recommendations. Some have already been implemented, and some are still in process. Kim Jones told the Assembly there needed to be clearer supervision of the guards and more clarity about their duties. The Board of Directors thanked the Committee for all of its hard work and great ideas.

#### Elections

There were nominations from the floor. Wayne Peterson nominated Steve Dutra. The nomination was seconded by Mike Shah. Mr. Dutra declined to serve.

Adrienne Kenlan said she had sent in her request to be on the ballot on time, and wondered why her name had not appeared. Manager Chona said the request was received too late. He told Adrienne that she could be nominated from the floor. Adrienne nominated herself. The nomination was seconded by Dan Jones.

The candidates each made a short speech regarding their qualifications to be nominated.

Bart Cuomo said he had been an owner at Marina Sol for 22 years. He felt that we are close to getting things into great shape and he would like to stay on the Board and see the process through.

Bill Fawthrop said that things were getting better at Marina Sol. Many positive changes have occurred and that we finally have money in the bank. He would like to finish what he has worked on for a long time.

Adrienne Kenlan said she had been at Marina Sol for 19 years. She said that she cares deeply for Marina Sol, and is not a rabble rouser. She will champion lower rates.

Henry Penney said that he has been an owner for 6 years. His experience includes 10 years as a bank manager and many years of public service. He has also served on many Boards.

Chalyne Salgado told the Assembly that she has been here 37 years. She is a professor at the university and speaks fluent Spanish. She is concerned about delinquent accounts.

Lisa Seace said that she and her husband, John have been owners since 2001. She said that she made her decisions by listening to everyone, and then choosing what she thought was best for the homeowners.

#### OLD BUSINESS

Jim Waldie reported on the Pool and Water Treatment Projects. There was a slide presentation showing the scope of the work. Special attention was paid to the problems which were found once the digging began.

John Pinkerman said we need a service contract.

We need to send a notice to all homeowners and renters to desist using bleach and antibacterial soaps, as it will damage the bacteria in the processing tanks.

There were questions about how we decided to proceed in repairing the pool and decking. We had a professional pool company from the USA inspect the pool. They told us the main problem was that the pool was attached to the decking, and that other problems might be exposed after the pool was drained. They said that the pool was structurally sound. When the pool was drained it was determined that the lights were substandard. They needed to be replaced. The new lights are low voltage and will be safer and more cost effective. We also installed new schedule 80 PVC pipe as the old pipe was leaking. The pool was filled from the Fire Department trucks. Marina Sol made a small donation to the Department of 1200 pesos, and is seen as a good citizen. It was called a win/win. The Assembly gave Jim Waldie a round of applause.

Bart Cuomo asked if the ladder in the corner was going to be replaced. No it will not, as it might crack.

Adrienne Kenlan asked why the new bridge between the clubhouse and the restaurant is so high. That was a design decision. However, anyone not wishing to cross the bridge can walk around on the new wider sidewalks.

Lorenzo Wolters said he felt that we got our money's worth having Jim Waldie do this job. Steve Dutra said the original project did not cover the full scope of the work. That is correct. Several unanticipated problems occurred when the actual digging began.

Adrienne Kenlan asked why the lights are in the concrete rather than sticking up on poles. Imbedding lights in concrete is the current method of lighting. It creates a safer walking area. Filters are on order to dim the lighting a little as some people find it too bright.

#### BUDGET

The budget is in pesos at eleven (11) to one (1). The budget presented to the General Assembly is slightly different than the one sent out in the packets. The reason is that the Board had more information by the time the actual budget was printed. We expect to end the year with a surplus of \$22,543 pesos.

We will be creating a new Employee Retirement fund. This is necessary because Mexican law requires a specific payment when workers retire. We have several employees who are nearing retirement and we must be prepared. This money will be held in a separate account.

#### Comments:

Anthony explained the reason we have separate add-ons is so that the Homeowners can chose which items we want to go forward with. We are a community and we have the same agenda; to raise our property values and have a nice place to live or visit. We are going in the right direction, and we all have to work together.

Henry explained that the reason we want to take \$100,000.00 USD from the Reserve account is to take advantage of the current thirteen (13) to one (1) exchange rate.

Lorenzo Wolters complimented Treasurer Lorie Luiza and President Henry Penney for getting the budget into great shape and using the peso effectively.

Chalyene asked why the Maintenance fees are so high.

Steve Dutra Asked several questions.

1. Why do we have such a high rate? Why is there so much difference between 2007 and 2008? And why is it so much higher in 2009?
  2. Kudos to the Board for collecting past dues.
  3. Our licenses are so much less, why?
  4. What are the office supplies?
  5. Computer services are high, why?
  6. Painting is in two (2) places, maintenance and projects, why?
  7. Why do we have propane and solar?
  8. The concrete in the bar was not in the original proposal, why was it done?
- Kim Jones liked the updated budget and thanked the Board.

Adrienne Kenlan suggested that people who voted by proxy for the budget should not be counted because they voted on the draft. She also wanted to know why the check-in fees were not in the budget. (They have been cancelled) In addition, she asked why the Oasis has not paid late fees. (Because she has not been late). Also, why are the fees for the Board so high? Why is there and \$800.00 USD airplane ticket? Why not use "Go to Meeting"? (The Board must see the physical plant, and interact with the staff, and sign documents in front of the Notario). Further, isn't the restaurant responsible to pay for everything? (Yes to utilities, No to capital improvements).

Clint Suveges moved to approve the budget. The motion was seconded by Lisa Seace, and passed by a straw poll. This means that the budget will pass, but we still must vote by paper ballot.

#### OTHER BUSINESS

There is an option for the HOA to switch from a chlorine pool to a saltwater pool. Kim Jones asked about the possibility of bacteria. This item will be placed on the agenda for the May 2010 meeting.

There is an opportunity to save money by using solar power. We may be able to light the complex without electricity. We will be investigating this for the future.

#### REMARKS FOR THE GOOD OF THE ORDER

Chalyene asked why the propane costs are so high. (That is used mostly for the Jacuzzi)

Lorenzo moved that the Board look into other ways to insure the property. The motion was seconded by Tom Falkner and passed unanimously.

Dinah Briggs asked what happened to the plan to improve the clubhouse. It is still in the plans, but has been put on hold until the money can be found to do it.

Kristi Guidici said that the sidewalk repair and replacement should match with what has been done so far.

Mike Shah asked how we can get the money to complete the concrete work.

Clint Suveges said we may need short term money from the reserve.

Kim Jones moved that in the event that Motion 8 passes, the Board is authorized to take \$20,000.00 USD from the Reserve, to be repaid into the Reserve in 2010. The motion was seconded by Lisa Seace and passed unanimously.

Clint Suveges moved to adjourn the meeting. The motion was seconded by Kim Jones and passed unanimously.

The meeting was adjourned at 12:15 pm.

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

1. Elected: Henry Penney, Bart Cuomo, Lisa Seace and Bill Fawthrop.
2. Motion 8 to transfer the Reserve account money passed.
3. The HOA dinner did not pass
4. The project to complete the sidewalk did pass.

Respectfully submitted,

Lisa Seace  
Secretary,  
Marina Sol HomeOwners Association