

1 **Minutes 1**

2 **Board of Directors Meeting**

3 **Those present** William Bratton, William Friend, John and Ruth Kad-  
4 ing, Henry Laxen, Lori Skoda, Tim Whiting

5 **Date** March 9, 2010 4:05pm–5:50pm

6 **1.1 New Accountant**

7 **1.1.1 History**

8 For many years Silvina Martinez has been doing the accounting for the Asociación  
9 Colonos Lomas del Manglar, A.C.. She has announced that she is closing her office  
10 and would prefer not to continue. Her previous rate was \$350 pesos per month,  
11 but if we wish to retain her services she would raise them to \$500 pesos per month.  
12 Her work was reviewed by Javier Rosell who met with Tim, John, and Ruth.

13 **1.1.2 Meeting with Javier Rosell**

14 Feb. 26, 2010 - Tim, John, & Ruth met with Javier Rosell. Javier is the current  
15 accountant for Chapala Haciendas. After a long discussion about our needs and the  
16 current handling of our accounts, Javier told us he was unable to take us on as a  
17 new client. He is trying to downsize his practice to pursue other ventures. He said  
18 he would refer us to Rodolfo Rivera, he would call Sr. Rivera and ask him to call  
19 us. He (Sr. Rosell) provided the following information:

- 20 1. We need to get a back-up CD/flash drive (electronic copy) for our filed ac-  
21 counts.
- 22 2. Change the way our accounts are reported to Hacienda for IETU
- 23 3. We need legal facturas for everything. Anyone paying for something for the  
24 fracc. needs to present our RFC number

- 25 4. Pre-paid 2010 dues and carry-over funds should be reported as *passive* and  
26 *capital* funds so it does not appear that we have made a profit
- 27 5. At our annual GA need to have in the minutes the fiscal report and amount  
28 going into the *capital* account for protocolization

### 29 1.1.3 Meeting with Rodolfo Rivera

30 On Mar 2, 2010 Tim, John & Ruth met with Rodolfo Rivera. He provided the  
31 following information:

- 32 1. For occasional gardener - need a *contract* and to pay withholding tax; for-  
33 mality for federal tax office.
- 34 2. Can/should develop special reserve accounts; ex: water delivery system/pump,  
35 road maintenance
- 36 3. At annual general assembly - declare amount of reserve - *legal reserve*
- 37 4. Our copies of the 2008 and 2009 (possibly other years) annual report to  
38 Hacienda do not include the supporting additional pages showing the actual  
39 accounting
- 40 5. Payments over 2300MN should be made by check, not cash (Santander Serfin  
41 charges 12pesos plus IVA for each check)

42 Sr. Rivera's charge will be \$900MN/month plus 16% IVA (\$144MN) = \$1044MN/month,  
43 \$12,528MN/year.

44 Following our meeting, Rodolfo e-mailed us copies of 5 laws pertaining to the  
45 ISR, IVA and IETU and 3 summaries of them related to an Association. He followed  
46 up the next day with a phone call to be sure we'd received the e-mail and to say he  
47 was sure we didn't have to pay IETU.

48 By making the modification in the 2010 Budget shown below, we can find the  
49 extra money to pay Sr. Rivera's fees.

Office	4200.00	accountant
Office	5000.00	taxes (we may still need this)
Contingency	3807.00	carry over from 2009-unbudgeted
Legal	9500.00	possibly use part of this

51 **Decision:** We will contract with Rodolfo Rivera

52 Tim moved and Henry seconded that we contract with Rodolfo Rivera for future  
53 accounting services. Approved unanimously.

## 54 1.2 Casita and Rental Policy

### 55 1.2.1 History

56 Lot 9 was developed by Bob Bolcom and placed in his son, Shawn's name. Bob was  
57 married to Silvia Campo who had a son by a previous relationship names Marcos.

58 The owners asked for and received permission to build a wall on their property.  
59 They later turned this wall into a casita, without permission from the Asociación  
60 Colonos Lomas del Manglar, A.C. nor the city of Chapala. Marcos and his wife  
61 Misol moved into the casita. Subsequently Sylvia and Shawn moved to Texas, and  
62 their house remained unoccupied for one year. It is now rented to another party  
63 with two children and a small dog. Recently a new electric meter was installed on  
64 for the casita.

### 65 1.2.2 Clarification of Casita Policy

66 Concern was expressed about other lots being subdivided and used in a similar  
67 manner. Tim drafted and circulated a proposed clarification of the rental / casita  
68 policy. He asked that board members make comments on this proposal. <sup>1</sup>

69 **Decision:** Take clarified Casita policy to a Mexican Lawyer for review

## 70 1.3 Banking

71 The bulk of the Asociación Colonos Lomas del Manglar, A.C. money is in an account  
72 at Lloyds. We move it to Santander bank as needed. At this point Tim, John, Lori,  
73 and Dan have signature authority on the bank account. This leads to problems  
74 during the summer, when both Tim and John may be absent at the same time.  
75 John and Ruth met with Santander bank and inquired about adding or removing  
76 signatures from the account. In addition to the previous requirements of passport,  
77 FM2/FM3, and proof of residence, the bank now requires a copy of the protocolized  
78 minutes stating that the additional people to be added to the account were voted  
79 upon.

80 Tim met with Bancomer and discovered that the bank requires that people with  
81 signature authority have a non-profit working permit. It is expected that Lloyds will  
82 become a bank soon, and we will revisit the banking situation at the next meeting.

## 83 1.4 New Business

### 84 1.4.1 2/3 majority requirement

85 Bill Bratton raised the issue of requiring a 2/3 majority vote for major changes  
86 to the bylaws. Tim stated that such a provision is already in place. A discussion  
87 followed about what constitutes a 2/3 majority. The following points were made:

- 88 1. It is impossible to force home owners to attend general assemblies.
- 89 2. While it is certainly desirable that all home owners vote on a particular issue,  
90 it cannot be required.

---

<sup>1</sup>This note was added after the meeting was adjourned: After a meeting with Lic. Sergio Macias we felt that a letter should be sent to all owners clarifying the existing bylaws, zoning, and building codes regarding the prohibition of multi family use, and our resolve to enforce these to the fullest extent of our bylaws and Mexican law.

- 91 3. The best we can do is make it easy and convenient for all home owners to  
92 vote if they wish to do so.
- 93 4. Important issues will be sent to all home owners at least 2 weeks prior to a  
94 general assembly, either by email or regular mail.
- 95 5. Home owners unable or unwilling to attend the general assembly may vote  
96 via email or regular mail on the issues presented to them.
- 97 6. It is important to have up to date contact information for all Lomas del  
98 Manglar home owners.

#### 99 **1.4.2 Unleashed dogs and dog excrement**

100 Several members of the board, expressed concern that Dan's dogs are out of control  
101 and a potential threat to dogs of other neighbors. The board has also received  
102 complaints that the dog excrement left by these and other dogs is not being picked  
103 up by their owners. Home owners are reminded to properly leash their dogs and clean  
104 up after them while inside the boundaries of the Lomas del Manglar development.  
105 This topic will be discussed again at the next meeting if complaints persist.

#### 106 **1.5 The well**

107 The board was given a tour of the pump house by John Kading, who explained the  
108 workings of the pump and circuit breakers. Bill Bratton feels that the well head is  
109 not properly constructed, and should be reworked to bring it into conformance with  
110 regulations. John provided a url for people who believe their water has an odor.  
111 The url is <http://www.water-research.net/sulfur.htm>

#### 112 **1.6 Adjournment**

113 Meeting adjourned at 5:50 pm.