

# Minutes 1

## General Assembly Minutes

**Those present** Sandy Kingham, Petteri Starbird, Audrey Zikmund,  
Claire Knutson, Henry Laxen, Ruth Kading, Tim Whiting, Hans  
Wil Wellmer, Ed Skoda

**Date** Dec 3, 2013 4:02pm–5:45pm

### List of topics

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<b>1.1 Quorum</b>	<b>1</b>
<b>1.2 Proxies</b>	<b>1</b>
<b>1.3 Minutes</b>	<b>1</b>
<b>1.4 Treasurer’s Preliminary report</b>	<b>1</b>
<b>1.5 Commisario’s Report</b>	<b>2</b>
<b>1.6 President’s Report</b>	<b>2</b>
<b>1.7 Old Business from the Floor</b>	<b>3</b>
<b>1.8 New Business</b>	<b>3</b>
1.8.1 Morosos	5
1.8.2 Yard Waste	5
1.8.3 Construction Fees	5
<b>1.9 Elections</b>	<b>5</b>
<b>1.10 Proposed Future Business by New Board</b>	<b>6</b>
<b>1.11 Future Meeting</b>	<b>7</b>
<b>1.12 Adjournment</b>	<b>7</b>

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The minutes of the previous GA meeting were accepted	1
Interest and water rates to remain the same as last year	3
The budget of \$195,500 was approved, there will be no dues increase this year.	4
Update the table of construction fees to reflect 2014 values instead of 2001 values.	5
President Tim, Vice President Lori, Treasurer Ruth, Secretary Henry, Member Romeo, Commisario Bill	6

Clarify the bylaws to specify that the homeowners association is responsible for water delivery, not water, and not responsible for sewage. . . . . 6  
 A tree will be planted in the communal triangle in memory of John Kading . . . . . 7

### 1.1 Quorum

A quorum was not established and after the requisite waiting period of ten minutes the assembled members were declared a quorum and meeting was brought to order at 4:15pm. The size of the quorum was determined to be 8 members, meaning that a 2/3 majority would require at least 6 votes.

### 1.2 Proxies

A request for proxies was made, but none were offered.

### 1.3 Minutes

After a brief discussion, Henry made a motion to accept the previous minutes. Seconded by Sandy, and approved unanimously.

**Decision:** The minutes of the previous GA meeting were accepted

### 1.4 Treasurer’s Preliminary report

This year’s budget was less than the amount actually collected. More water overage fees were collected than anticipated, along with the fact that many budget areas were under spent. This results in an approximately \$46,500 peso carryover. Wil inquired about the current cost of banking fees. Ruth explained that because the government now requires all taxes to be paid electronically, our previous account had to be closed and a new one opened in 2011. The fees are now 400 pesos per month. Ed commented that this is consistent with what his company pays as well.

We have now had a part time employee, Guillermo, for four years. Part of the reserve fund will be set aside for his eventual severance pay. \$4000 pesos of this year’s carry-over funds will be used to start the severance reserve. We will add \$500 pesos per year to this fund from the operating budget to stay current.

This year we had fewer overall problems with the pump. At the beginning of the year, the CFE (electric) bills were rising considerably, but after Victor adjusted the amperage for the pump, the electric bills decreased and were in line with former years.

Henry asked about the lifetime of the pump. Tim said the pump has an 8 or 10 year warranty, he wasn’t sure exactly. The current pump is 18 months old, so it should last at least another 6 years.

Ruth mentioned that because of the passing of Glenn Sager, it is not clear who is responsible for paying her dues. She has been in contact with her (Glenn’s)

daughter, but the situation hasn't really been resolved. Thus collection for that house may be delayed.

## 1.5 Commisario's Report

There was no Commisario report this year.

## 1.6 President's Report

Tim thanked Nadine and Henry for providing the pizza and the view, and Ruth for her tireless efforts as treasurer. He also noted that John Kading's premature death was a shock to us all, and that his contributions to the Fraccionamiento will be sorely missed.

All units in the fraccionamiento now have accessible moroso valves and water meters. Additionally, all but 5 houses have had their connections to the main water pipe replaced. Tim commented that Jose Luis did a good job in laying the new pipes.

Ed noticed a dead tree that was hanging over the power lines on Rosas property, and had the tree removed by Roberto.

Tim is working with Sr. Alcantar to increase our water allotment from CNA. We are currently very close to completely using our allotment with the existing houses, and one lot was purchased this year which may increase our water usage.

The water tank washing has been completed. We also repaired the switch box (telephone) which was in the process of being destroyed by neighborhood kids.

At a previous board meeting, \$5000 pesos was allocated to paint the curbs in the Fraccionamiento. So far only \$2400 pesos has been spent. 7 of the 8 houses on the east side of the Fraccionamiento have had their curbs painted, and 3 out of 18 on the west side have also been done.

Ed noticed that some of the light poles in the Fraccionamiento are decaying and will need to be replaced before they come tumbling down. Henry has already taken photos of the poles, and will send them to Ed to formally submit them to CFE. With luck, this will get us in the queue for replacing the poles before they break and everyone loses power.

Trash pickup has been an ongoing problem this year. Last year we had a single large truck come by once a week to collect the trash. With the change in administration, we had been promised three pickups a week. The reality was that a small truck showed up perhaps twice a week, and often did not collect all of the trash in the fraccionamiento Tim will attempt to get a real schedule so that Fraccionamiento members can plan accordingly. If you put your trash bags out the night before the collection date, it is a good idea to spray them with bug spray to deter the neighborhood wildlife from sampling the delicious and easily available cuisine. There will be a new trash contract in January, and hopefully our concerns can be addressed. In the meantime any interested party is welcome to investigate alternative private trash collection agencies if they so desire.

Tim said that the quarterly individual house water readings have been helpful in finding some unsuspected leaks and that well readings are still higher than the total of individual readings. This is consistent with the previous information we received from a well professional, namely, that the meter for well is installed incorrectly, and it would be a major project to change the configuration at well head to correct it. His suggestion to use individual meters as our actual water usage.

We have also done some road repairs, but more need to be done. There is a large pothole coming up towards Villa Alta. There is also a very large trench where our road meets the carretera that needs to be addressed.

## 1.7 Old Business from the Floor

Wil inquired about the status of the water tank. After it was cleaned, Tim went inside and could find no evidence of leaks. The paint just to the left of the stairs is bubbling, but he believes it is caused by sweat, not a leak. The sludge at the bottom of the tank was also removed. Wil recommended we flush the sludge once a year.

## 1.8 New Business

Ruth said that the interest rate (4% per month) and water rates should remain the same as last year. As a percentage of the budget, the water came to 42.56%. Tim moved and Sandy seconded that we accept the new budget. It was passed unanimously.

**Decision:** Interest and water rates to remain the same as last year

Item	2013 Budget	Proposed 2014 Budget
Water	53,000	53,000
Maintenance	53,000	54,000
CFE	37,000	40,000
Administration	32,000	32,000
Legal	10,500	10,500
Misc.	12,000	0
Bank Charges	5500	5500
<b>Total</b>	<b>191,000</b>	<b>195,000</b>
<b>Bank reserves-required</b>	<b>20,000</b>	<b>20,000</b>
Santander Serfin	10,000	10,000
Actinver	10,000	10,000
Reserve Carryover	28,312	42,500
Reserve Severance	0	4000

<b>2014 Projected income All Houses <sup>1</sup></b>	
Dues: 28 houses @ 7,500 + 1 lot	211,000
Estimated Water Overage	12,000
Estimated Actinver gain	2000
<b>Total</b>	<b>225,000</b>
<b>2014 Projected income Without Morosos <sup>1</sup></b>	
Dues: 25 houses @ 7,500 + 1 lot	188,500
Estimated Water Overage	12,000
Estimated Actinver gain	2000
<b>Total</b>	<b>202,500</b>

The proposed budget of \$195,500 and the anticipated income of \$202,500 could leave us with a \$7,500 surplus, which will be placed into our contingency fund for unknown future expenses. Will moved to accept the 2014 proposed budget \$195,500. Ed seconded the motion and all voted in favor.<sup>2</sup>

**Decision:** The budget of \$195,500 was approved, there will be no dues increase this year.

A Table explaining the water rates is as follows:

Amount of water in cubic meters	Price per cubic meter in pesos
0 - 300	included
301-500	3
501-1000	3.75
1000+	7

*Failure to pay all dues and water overages by the date indicated (30 days from date of bill,) or to make alternative arrangements with the Treasurer before that time, shall cause interest on any unpaid amount to accrue at 4% per month. Continued noncompliance (failure to pay by 60 days from the date of the bill) shall result in the cessation of water delivery to the residence in question.*

This is unchanged from the previous year.

### 1.8.1 Morosos

The following properties have not paid their past due assessments and are considered morosos. The board may in the future pursue these delinquent homeowners by whatever legal means at their disposal, including hiring an attorney and filing liens on the properties.

House # 26	Sra. Armida Toledo Gonzalez
House # 27	Sra. Marta Elena Perez Toledo
House # 35	Sr. Agustine Rosas Lomeli

<sup>1</sup>In order to give an accurate income projection, we have split the budget into two sections. The first section assumes all houses will pay their dues, while the second assumes that the houses that have not paid in the last several years will continue to fail to do so.

<sup>2</sup>The full 2014 budget is available on line at <http://www.nadineloveshenry.com/chapala/lm/gaMeetings/2014ldmBudget.pdf>

### 1.8.2 Yard Waste

Wil suggested that residents be encouraged to place their yard waste in large black trash bags, and avoid having their gardeners dispose of it on the empty lots.

### 1.8.3 Construction Fees

Ruth calculated the current fees and deposits for construction, based on past inflation rates. The new fees are:

#### Construction Fees and Deposits (Year 2014)

New Construction	Refundable Deposit: \$20,809 pesos Water Hook-up Fee: \$8,673
Renovation	Refundable Deposit: \$5,000 to \$12,000 as determined by the Board of Directors

Henry moved and Wil seconded that the new rates be reflected in the Building and Zoning document. Approved unanimously.

**Decision:** Update the table of construction fees to reflect 2014 values instead of 2001 values.

## 1.9 Elections

The current board resigned, paving the way for new elections.

The following slate of officers was proposed by Henry, seconded by Ed, and accepted unanimously:

President	Timothy Napier Whiting
Vice President	Lorraine Selma Skoda
Treasurer	Ruth Mapes Kading
Secretary	Henry Herman Laxen
Member at Large	Romeo Joseph Danni
Comisario	William Harold Friend

**Decision:** President Tim, Vice President Lori, Treasurer Ruth, Secretary Henry, Member Romeo, Commisario Bill

Any current member of the Fraccionamiento who is interested in serving on the board is **strongly encouraged** to do so. Please contact one of the existing board members to express your willingness.

## 1.10 Proposed Future Business by New Board

Tim is planning to complete the new piping to the last five houses that so far haven't been updated if there are sufficient funds available in the budget at the end of 2014.

Tim suggested that, as a security measure, all residents obtain photos of their employees, their cars, and their credentials. There was little enthusiasm for this

proposal. Henry suggested we hire a guard for one month to obtain the requested info as people enter the Fraccionamiento There was even less enthusiasm for his proposal.

Tim proposed a small modification to the bylaws, adding one word and removing another. The old language is:

To take charge of Public Services such as water, sewage, public lighting, streets and sidewalks, security, public gardens and trees, garbage collection, and to assure that the recommended environmental practices are followed.

The new language is:

To take charge of Public Services such as water delivery, public lighting, streets and sidewalks, security, public gardens and trees, garbage collection, and to assure that the recommended environmental practices are followed.

Wil pointed out that individual homeowners have always installed their own septic systems, and that this language in the original bylaws was a mistake. Henry moved and Ed seconded that this be adopted. Accepted unanimously. Since this is not the usual procedure for modifying the bylaws, if any Lomas del Manglar member objects, we will call a special General Assembly meeting to propose and re-vote on this change.

**Decision:** Clarify the bylaws to specify that the homeowners association is responsible for water delivery, not water, and not responsible for sewage.

Tim had a water quality test performed, and for the first time the bacteria level was not zero. It came back at a level of 8. Generally health problems do not arise until the level is over 100, but as a precaution, Tim notified those homeowners that do not have their own purification systems of the new level. Tim will shock the well and retest it soon.

Tim suggested that we replace the dead tree in the communal triangle with a new Mandarin tree, dedicated to John Kading. Audrey moved and Sandy seconded that this be done. Approved unanimously

**Decision:** A tree will be planted in the communal triangle in memory of John Kading

## 1.11 Future Meeting

The date of the next meeting was not discussed

## 1.12 Adjournment

Meeting adjourned at 5:45 pm.

**Estos minutos puede ser obteninido en Espanol si estan pedido.**