**Minutes**

**General Assembly Minutes**

Those present: Lorraine Selma Skoda, Ed Franklin Skoda, Sylvia Sebastian, Henry Herman Laxen, Sydney Metrick, Chris D’Alleva, Sam Recinos, Tim Whiting

Date Dec 14, 2019 4:14pm–5:06pm

Tim Whiting: discussion of three options-board continuation, dissolving the frac ad turning the frac over to the city, hiring a management company. Maintaining the frac ourselves would require major investment from the residents all of whom who are on the board want to be less involved.

We will present the option of working with a management company. We have a doc by the previous administration that says we have the legal right to transfer management. If we have 14 voters who are owners and paid, we have a quorum. We are likely to have a majority to vote for working with a management company.

When residents arrive, we check them in and confirm the accuracy of their email addresses and phones. Tim will do an introduction and list all the work we handled.

“Handled the boulder rolling down the hill, the tank overflowing, CFE punctured our water line, fixed main water line, new pump, redid electrical, contracted w/city for new LED street lights, two new water reading valves.”

Agenda has six things we did this year. Tim will ask the board to add any not mentioned. Sylvia will present break even budget. Then we will ask for the vote to approve the budget.

Sylvia says then the existing board resigns, then we get a new board or a management company.

Tim’s idea is for us to interview the two management companies, decide and then within two months present the decision at another general meeting.

Everyone has the agenda and a copy of the budget.

**General meeting December 14, 2019 4 p.m.**

Meeting called to order by president, Tim Whiting. Introduced Henry Laxen as secretary. Stated that this is a General Assembly meeting and that a quorum is 14 members. Asked for each person to introduce themselves and which household member will be voting. Sam & Giselle Recinos (Gaviota 27)-Sam votes; Tom Orf & Chris D’Alleva (Gaviota 7)-Chris votes; Rod & Lisa Struss (Gaviota 26) -Rod votes; Amy Friend (Gaviota 28) votes; Ed & Lori Skoda (Villa Alta 5) Ed votes; Vicky Mitchell & Max Sanchez (Gaviota 25) Vicky votes; couldn’t hear next; Romeo Danni & Esther G32 -Romeo Votes, Joe & Alicia Yaranon G31- Alicia votes; Sydney Metrick (Gaviota 5) votes; Sylvia Sebastian (Villa Alta 2) votes; Almandina and Manny Rosales (Villa Alta 4-Dina votes, Doug & Nancy lot 50, Octavio & Cynthia Milangos G 3-Octavio votes

**List of topics**

Break even budget

Vote on: dissolve frac, explore management company, new board

**Quorum**

Fifteen plus one proxy from Francisco Ico del Rio

**Minutes** 2

President, Tim Whiting introduces meeting. This is the annual General Meeting. We need a quorum to do business or we take a 15 minute break and re-establish based on number of attendees. There are new people here so we’ll go around and introduce ourselves. There is only one vote per house so state who has the vote. There are 28 units in the frac so 9 would be a majority in the quorum.

The meeting is open. As a formality, Tim moves we accept the minutes of the last GA. Moved, 2nd and passed.

Tim introduces himself and explains he has a progressive non-treatable cardiomyopathy. For this and fatigue of the board, we (the board) have looked at other ways to continue the frac.

A fraccionamiento is a Mexican legal entity to develop an area and share resources to manage the area. We are governed by our by-laws. We are recognized by the mayor to run our area as we see fit. It’s the board’s opinion that we should at least try a management company to maintain the structure and character we already have. If, after a specific time, a new board wants to take over from the management company, it would be fine. This is not meant to be a permanent solution, more of a bridge.

We will discuss this later and also vote on two other options.

If there are people who want to be new board members and want to move on in their direction, we can elect them.

We also have the option of dissolving the frac and turning the water over to SIMAPA, the city water company, and have everyone fend for themselves on other issues. Water rates would increase sharply and water supply would be unpredictable. There are service problems working with the city. The city garbage service was expensive and horrendous. There were weeks with no service and no provision for yard waste.

As a frac: we clean the tank annually. We have maintained and improved our water system and have two more years of concession with CMA. We’ve repaired several thousand gallon holes, replaced the pump, replaced bad connections to houses. We’ve maintained the roads, repaired the wall when a boulder rolled down and broke through. We have construction by-laws that keep this as a single family development and the laws are sanctioned by the government. This year we also revamped the electrical system in the well house, repaired a leak at the well head and replaced a conduit. We moved two water meters to make them accessible for reading. We repaired the chain link fence, negotiated to change the street lights to LED which increases safety, and got the city to pay for and maintain them.

Joe Yaranon asked to see the pump and was told it had already been repaired.

Chris D’Alleva added that when CFE put in new poles, one punctured the H2O line from the pump to the tank. Board members turned of the water and got the puncture repaired the next day. We also had a break in the water main in front of G24 and got it fixed quickly.

Sydney Metrick said we got rid of squatters in G24 and located the owners, Ed and Charles Vinis who are with us today.

Joe Yaranon asked if the city inspects the frac. President Whiting replied, the by-laws say if you plan to build, you present your plans to the board and we give them to the city. Upon approval we give permission to build.

President moved on to treasurer’s report

**Treasurer’s report**

Sylvia Sebastian handed out copies. Stated the proposed 2020 budget is based on status quo. Dues are $7500/year which includes 250 liters of water, maintenance, CFE, administration (our accountant which we are legally required to have) We are not legally allowed to make any profit. We have $201,000 projected expenses, $10,000 in reserve. There are 28 houses, one with an extra lot for an additional $1,000=211,000. Consuelo, on San Vicente buys water from us @ $2500/year. We get a bit of money from water overages and a bit of bank interest. Total is $226,000. We were over budget last year due to water issues but got paid back dues by Mr. Vinis so now we’re even. We have $180,700 cash in an investment account and $20,000 in checking as of 12/12.

Rod Struss asked, If we wanted to add something extra how would that be handled. Sylvia responded there would be a special assessment.

She went on to say that Aldrete who owns G40 and 41 are the only ones not paid up. Letters are sent to anyone who does not pay on time stating their water will be cut off until payment is received.

She asked or a motion to pass the proposed budget. Motion made, seconded and passed.

**President’s Report**

Finding someone to manage the frac for a price is one solution. Dissolving the frac and giving the well to SIMAPA is another, or, if when the current board resigns new people wish to be board members, we can elect them. Nancy volunteers to assist board members.

Joe Yaranon makes a motion to dissolve the board. There is no second.

Rod Struss requests additional information on the motions. Tim suggest people do research on options and a special general meeting can be called that requires only six members. The meeting would be posted.

Lisa Struss asks what jobs management would do and Rod adds wanting to know their culpability.

President Whiting responds.

I have spent 30 hours finding and interviewing people and came up with two good candidates. If we vote to decide this option, the board will sit down with these two candidates and determine which we think would be best. At that time we’d create a list of their responsibilities, and determine what it would cost in terms of dues. Then the board would call a special meeting in which residents could vote on it.

Amy Friend asked if we can make a motion to accept the management.

Rod Struss maid the motion is to investigate. It was seconded by Sam Recinos and approved by majority.

The president said if we get the sense we’d like to keep it going we’d deal with it then. We will meet with the management companies ad present findings within two months.

**New Business**

Joe Yaranon asked about a security plan. Tim said we have no plan, each person is responsible for their own security. Esther Danni (?) said at 40 Gaviota people go up and down the hill and wanted to know if there was a way to prevent this. Tim responded that those are private lots and we have no authority.

**Board Resignation and Nominations**

Current board resigned. The president asked for nominations. Tim will remain president. Nominees:

Sam Recinos-vice president

Vicki Mitchell-treasurer

Sydney Metrick-secretary

Chris D’Alleva-member at large

Ed Skoda-member at large

All seconded and approved

Meeting adjourned

\documentclass[letterpaper,twoside]{report}

% \usepackage[width=6in, height=10in, nohead, foot=12pt]{geometry}

\usepackage{graphicx} \usepackage[english]{babel}

\usepackage{hyperref} \usepackage{minutes}

\usepackage{lineno}

% \usepackage{draftcopy}

% \draftcopyName{Draft}{155}

\minutesstyle{

% columns = {1},

header = {list}, %or {table},

vote = {list}, %or {table},

contents = {true}, %or {false}

} \usepackage{manglar}

\usepackage{color}

\usepackage{amsmath}

\definecolor{light-gray}{gray}{0.95}

\newcommand{\hhlcomment}[2]{\textcolor{red}{#1}\textit{#2}}

\newcommand{\thisYear}{2019}

\begin{document}

\begin{sffamily}

% \linenumbers{}

\begin{Minutes}{General Assembly Minutes}

\selectlanguage{english}

\participant{Lorraine Selma Skoda, Ed Franklin

Skoda, Sylvia Sebastian, Henry Herman Laxen, Sydney Metrick,

Ruth Christiani, Chris D'Alleva, Tom Orf, Max Sanchez, Vicki Mitchell }

\minutesdate{Dec 18, 20187} \starttime{4:14pm}

\endtime{5:06pm}

\author{Henry Herman Laxen}

\maketitle

\listofdecisions{}

\topic{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 4:24pm.

During this time no proxies were submitted.

The size of the quorum was determined to be 7 members, meaning

that a 2/3 majority would require at least 5 votes.

\topic{Minutes} After a brief discussion, Henry Herman Laxen

made a motion to accept the previous minutes. Seconded by Sylvia

Sebastian, and approved unanimously. \decision{Minutes}{The

minutes of the previous GA meeting were accepted}

\topic{Treasurer's report}

\subtopic{Current Status}

Even though the year to date budget described in~\ref{budget}

shows a current surplus, when we factor in the December expenses,

which are typically the highest of the year, we estimate that we

will have a small surplus. All fees, especially CFE and

water have increased during the year.

\subtopic{Delinquencies}

Gaviota \#35 continues to be a chronic offender. He is overdue for

2018 and his services have been terminated. The death of Claire

Knudsen in \#24 has left her house in a legal situation that makes

it virtually impossible to collect. 2017 and 2018 have not been

paid and we don't anticipate payment for the upcoming year

either. We have been unable to collect the water overage of \$8056

from Gaviotas \#30 and \#35. Their service has been discontinued

since November. Gaviotas \#8 owes \$172 in water overage dues.

Please remember that there is a late payment interest rate of 4\%

per month.

\subtopic{Accounts}

There is \$81,497.41 in the Santander account. Savings is

\$175,553.44. Petty cash is \$55376.28

\subtopic{Proposed Budget}

While we expect our CFE and water expenses to continue to

increase, we hope to have less maintenance next year. If we are

very strict in our spending we can keep the dues at

\$7500.\footnote{42\% of the \$7500 annual dues goes towards

supplying water for each member}

Our proposed budget for next year is basically the same as last

year. I propose moving \$9000 pesos from the regular maintenance

budget to the CNA budget. Projected expenses are \$209,000, Santander reserve is

\$10,000, severance reserve is \$5000, projected income is

\$211,000.

\label{budget}

\colorbox{light-gray} {%

\begin{tabular}{|l|r|r|}

\hline

\hline

Item &\parbox{3.5cm}{\center{2018 Actual

Expenses Excluding December}} &Proposed \thisYear{} Budget \\

\hline

Water &21,817 &22,000 \\

CNA &34,908 &38,000 \\

Maintenance &44,454 &70,000 \\

CFE &29,463 &40,000 \\

Administration &17,363 &25,000 \\

Legal &6000 &6000 \\

Bank Charges &5143 &6000 \\

IVA &461 &2000 \\

\textbf{Total} &153,352 &207,000\\

% \multicolumn{3}{|l|}{\hhlcomment{Note}{my number differs from yours}}\\

\hline

\hline

\textbf{Bank reserves-required} &10,000 &10,000 \\

% \hhlcomment{True?}{Reserve Carryover} &estimated &150,000 \\

Reserve Carryover &estimated &150,000 \\

Reserve Severance &5000 &5000 \\

\hline

\end{tabular}

}\\

\colorbox{light-gray} {%

\begin{tabular}{|l|r|}

\hline

\multicolumn{2}{|l|}{\textbf{\thisYear{} Projected income} All Houses \footnotemark[1]}\\

\hline

\parbox{3in}{Dues: 28 houses @ 7,500 + 1 lot} &211,000\\

Consuelo &2,500\\

Estimated Water Overage &11,000\\

Estimated Santander gain &3000\\

\textbf{Total} &227,500\\

\hline

\hline

\end{tabular}

}

\colorbox{light-gray} {%

\begin{tabular}{|l|r|}

\hline

\textbf{Amount of Water} & \textbf{Cost per Cubic Meter}\footnotemark[1]\\

0 - 250 & included\\

250 - 500 & \$3.5 pesos\\

500 - 1000 & \$4 pesos\\

1000 and up & \$7 pesos\\

\hline

\end{tabular}

}

\footnotetext[1]{The cost is calculated on the amount over the

initial value in the row, thus if you use 702 cubic meters the

price would be: $(500 - 250) \* 3.5 + (702 - 500) \* 4 = 1683$ pesos}

The interest charged for late payments will remain as stated in

the bylaws at 4\% per month. Henry Herman Laxen moved and

Lorraine Selma Skoda seconded that the proposed budget described above

be accepted, that the dues remain at \$7500 pesos per year, and

that the water fees stay the same as last year, as reflected in

the table above.. Passed unanimously. \decision{New Budget}{The

proposed \thisYear{} budget was accepted.}

\topic{President's Report}

Lori thanked her team for their contributions.

After a recent board meeting, the board has decided it will no

longer offer extensions or payment plans for collecting the

\thisYear{} dues. If you have not paid by March 15, all services

will be discontinued. If you wish to restore your services, you

will need to pay your past dues, plus the costs for disabling and

re-enabling the services. No exceptions.

\subtopic{Water Usage}

Total usage last year was approximately equal to our annual

allotment. We are allowed a 10\% overage, so no further attempts to

increase our allotment were made this year. We have five years left

on our CNA contract.

\subtopic{Completed Projects}

We installed a chain link fence at the returno to keep people from

using \ldm{} as a thoroughfare to the lots behind the development.

CFE installed new power poles throughout the \fracc{}.

The water tank has been cleaned and the pump is running well.

Villa Alta \#1 submitted plans to the \fracc{} and to \obras{}

for their home improvement projects, according to bylaws. Both were

approved by the board of directors.

\subtopic{Upcoming Projects}

We are waiting for CFE to remove to old poles before we order

and install new LED lights. The cost of the new lights will be

approximately \$25,000 pesos.

We plan to clean to water tank in March \thisYear{}.

\topic{Elections}

The current \bod{} resigned, paving the way for new elections.

The following slate of officers was proposed by Lorraine Selma

Skoda, seconded by Henry Herman Laxen, and accepted unanimously:

\subtopic{List of officers}

\label{officers}

\begin{tabular}{|l|l|}

\hline

\hline

President & Timothy Napier Whiting\\

\hline

Vice President & Lorraine Selma Skoda\\

\hline

Treasurer & Sylvia Sebastian\\

\hline

Secretary & Henry Herman Laxen\\

\hline

Member at Large & Francisco Ico Del Rio\\

\hline

Member at Large & Chris D'Alleva\\

\hline

Member at Large & Sydney Metrick\\

\hline

\hline

\end{tabular}

\decision{New officers}{The members listed in~\ref{officers} are

elected to the \bod{}}

Any current member of the \Fracc{} who is interested in serving

on the \bod{} is \textbf{strongly encouraged} to do so. Please contact

one of the existing board members to express your willingness.

The \bod{} authorizes President Lorraine Selma Skoda to protocolize

minutes of the \acldm.

\topic{New Business}

We met with an attorney yesterday. Gaviotas \#24 has been vacant for 2

years. He recommended that the \fracc{} ask the court for

physical possession of the property. Henry Herman Laxen moved that we

allocate \$50,000 pesos to acquire physical possession of the

property. Chris D'Alleva seconded. Approved unanimously.

\decision{Gaviotas \#24}{The allocation of \$50,000 to acquire

physical possession of the property was approved.}

\subtopic{List of Members}

\label{members}

Lori listed all current members of the \fracc{} and suggested that

they be accepted as members of the \acldm{}. The list follows.

Lorraine Selma Skoda moved and Sylvia Sebastian seconded that they

be accepted. Carried unanimously.

Leticia Salcedo Avalos, Jorge Octavio Mijangos Borja and Maria de

Lourdes Alejandro Sandoval Suaste, Linda Clark, Chris D'Alleva,

Romeo Joseph Danni and Esther, Greg Deutsch, Amy Friend, Consuelo

Espinoza Garcia, Jose S. Benavides Gomez, Oscar Castaneda Jimenez,

Henry and Nadine Laxen, Agustine Rosas Lomeli, Lillian Lozano,

Sydney Metrick and Thomas Banks, Rebeca Montes and Jesus Nunez

Flores, Maria Elena Morales de la Paz, Tom Orf, Sam and Giselle

Recinos, Ricardo Aldrete Reyes, Francisco Ico Del Rio, Alejandro

Rizo, Armandina Juarez Rosales, Sylvia Sebastian, Lori and Ed Skoda,

Rod and Lisa Struss, Timothy Napier Whiting and Kate Schomp, Joe and Alice Yaranon, Audrey Zikmund, Max Sanchez, Vicki Mitchell, Ed and Charles Vinis

\decision{Acceptance of Members}{The members listed in~\ref{members} be,

accepted into the \acldm{}.}

\topic{Future Meeting} The date of the next meeting was not discussed

\topic{Adjournment} Meeting adjourned at 5:14 pm.

\textbf{Estos minutos puede ser obteninido en Espanol si estan

pedido.}

\end{Minutes}

\end{sffamily}

\end{document}