

RIO BUENA VISTA HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS OPEN SESSION MINUTES

February 4, 2012

9:00am

Golf Course Club House

Rio Buena Vista

- A. Establishment of quorum:** It was determined that a quorum of the Board was present. Mark Bantle, Alan Baker and Allen Lyon were present. Rick Median was unable to attend. Management was represented by Judith Stalder.
- B. Call Meeting to Order:** The meeting was called to order at 9:05pm.
- C. Report of Executive Session:** There was no Executive Session scheduled at this time.
- D. Organizational Matters:**
- 1. Acceptance of resignation by Dennis Chance:** Upon a motion made and seconded the Board accepted the resignation of Dennis Chance with thanks.
 - 2. Appointment of a member to fill the seat vacated by Dennis:** Upon a motion made and seconded John Harrington was appointed to the seat vacated by Dennis Chance for a period of one year.
 - 3. President:** Upon a motion made and seconded Mark was appointed to President of the Board of Board of Directors for Rio Buena Vista HOA for 2012.
 - 4. Vice President:** Upon a motion made and seconded Allen was appointed to Vice-President of the Board of Board of Directors for Rio Buena Vista HOA for 2012.
 - 5. Secretary:** Upon a motion made and seconded John was appointed to Secretary of the Board of Board of Directors for Rio Buena Vista HOA for 2012.
 - 6. Treasurer:** Upon a motion made and seconded Rick was appointed to Treasurer of the Board of Board of Directors for Rio Buena Vista HOA for 2012.
 - 7. Member at Large:** Upon a motion made and seconded Alan was appointed to Member at Large of the Board of Board of Directors for Rio Buena Vista HOA for 2012.
- E. Homeowner open comments:** Fourteen (14) homeowners were present. The following comments were made. Comments were made that could be presented to the Board for action at a later meeting.
- F. Special Presentations:** Richard Nogales of Redhawk Engineering spoke with the Board and community about the sewer problems. Several suggestions for a solution to the issue were addressed.
- G. Board Education:** No formal Board education was presented with this agenda. There was a discussion about the new laws for 2012 and how they will impact the way this Board conducts business.
- H. Committee Reports:**
- 1. ARC:** No report was given.
 - 2. Rules:** No report was given.
 - 3. Landscape:** No report was given.

I. Administrative Issues:

1. **Approval of Minutes:** Upon a motion made and seconded the Board approved the minutes of the September 17, 2011 meeting as presented.
2. **Homes in Escrow:** Management reported that there are no open escrow accounts. One home has been lost to foreclosures since the last meeting. Several short sales are pending.
3. **Walk through Reports:** There was a brief discussion concerning the asphalt project and the walk through that was completed by Rick and Judy on Friday, February 3, 2012.

J. Financial Issues:

1. **Review of Bank Statements:** The Board reviewed the reconciled bank statements from September through December 2011 without questions or comments.
2. **2011 Profit and loss:** The Board reviewed the 2011 Profit and Loss without questions or comments.
3. **2011 Balance sheet:** The Board reviewed the 2011 Balance Sheet without questions or comments.
4. **Homeowner list:** The Board reviewed the current homeowner list without comment.
5. **Aging Report:** The Board reviewed the current aging report. Management reminded the Board that they have decreased the amount of aged money by nearly $\frac{3}{4}$.
6. **Collection issues:**
 - a. **Account 040-002-03:** The lien process has been started on this account.
 - b. **Account 040-003-01:** Small claims action has been filed.
 - c. **Account 040-003-02:** This matter was cleared on close of escrow.
 - d. **Account 040-006-01:** This member is making payments are arranged and approved at the last meeting.
 - e. **Account 040-017-01:** This lien has been filed.
 - f. **Account 040-022-01:** The small claims process is moving forward on this account.
 - g. **Account 040-022-02:** Upon a motion made and seconded the lien process was approved for this account.
 - h. **Account 040-024-01:** There was a discussion about this matter. The Board asked that a letter be sent informing the homeowner that the lien would remain until the balance is paid in full.
 - i. **Account 040-026-01:** Upon a motion made and seconded the Board approved reversing late and letter fees that had been assessed on a payment that was lost in transit.
 - j. **Account 040-053-01:** The lien has been placed on this unit.
 - k. **Account 040-069-01:** Management has been notified that this unit was taken in a foreclosure action and that a forced lock-out has occurred. The balance on the account

will likely be a write off due to a previous bankruptcy action.

- l. Account 040-103-01:** The lien process has been started with this account.
- m. Account 040-118-01:** Upon a motion made and seconded the Board approved the lien process on this account.
- n. Account 040-125-01:** The lien has been placed on this unit.

7. Annual Review: This is underway now.

K. Correspondence: The Board reviewed an email from the homeowner at 1165 Marina Drive. Upon a motion made and seconded the Board upheld the rules as written and agreed that the golf cart must be registered as stated. Mark abstained.

L. Architectural Processing: Two homeowners have come to MVA for letters concerning their patio approvals in 2005-2006. No approval letters were found so the letters were sent to the homeowners. Please now ratify those approvals for future reference. Additionally 1127 Marina Drive asks for ARC approval on several landscaping features that were completed during this reporting period. Those changes were also previously approved by ARC and simply need to be ratified by the Board.

- 1. 1146 Beach Drive:** Upon a motion made and seconded the Board ratified this ARC letter.
- 2. 1158 Beach Drive:** Upon a motion made and seconded the Board ratified this ARC letter. One Board member abstained.
- 3. 1127 Marina Drive:** Upon a motion made and seconded the Board ratified these ARC changes.

M. Landscape Issues:

- 1. Landscape Company:** There was a discussion about the current landscaper. There was a discussion about Redhawk Engineering being able to assist the HOA with their landscape needs via Gardening by the Sea a subsidiary of Redhawk Engineering.
- 2. Rocks at Pool:** This was previously approved and will be completed once the electrical work is complete.
- 3. Plantings at the front entrance:** This project is now complete.
- 4. Specific guidelines to be given to the landscape company:** There was a discussion about the scope of work to be given to new prospective landscapers. The Board would like to see landscaping and housekeeping combined into one contract. The following should be included in the scope of work:
 - a.** The Board agreed that all gravel and sand should be swept out of the gutters each week.
 - b.** The landscape material should be kept in a neat desert appearance.
 - c.** The weeding on the river bank near the pagoda should extend to the water's edge.
 - d.** The irrigation should be checked no less than monthly.
 - e.** The community spaces should be free of weeds at all times.
 - f.** Bathrooms should be cleaned weekly.

- g. Garbage cans should be rolled up near the homes weekly.
- h. Individual yards should be weeded at the direction of management and billed separately.
- i. Trash should be picked up weekly.
- j. Timers should be checked for both the lights and the irrigation system at least monthly.

N. Property Maintenance Issues:

1. **Termite Inspection:** No subterranean termites in or around the pool area. The Board is not interested in routine pest control around the pool area.
2. **Slurry sealing/pavement repairs:** This project is now complete. The Board asked that the tar between 1166 and 1170 that was found on the walk through on Friday be removed by Sunland.
3. **Sewer Issues:** This matter was addressed during the special presentations portion of the meeting. Redhawk Engineering will provide the Board with a bid at the next meeting.
4. **Electrical work: Upon a motion made and seconded the Board approved the bid by Actionline Electric to complete the work on the lights around the pool area.**
5. **Pool Issues:**
 - a. **Pool Maintenance:** The bubble was placed over the emergency shut off valve in November.
 - b. **Pool Lights:** Other than timers being checked no other concerns were noted.
6. **Fence Maintenance:** No concerns were noted.

O. Old Business:

1. **Small claims action against C&D Construction:** C&D Construction claims they were never served with a demand for payment. Management has resent that demand and will file the small claims amendment as soon as possible.
2. **Towing Contract:** The Board asked that management check to make sure sweeps are still being made on Friday nights and Saturday afternoons.
3. **Bathroom door locks:** There was a discussion about this project.
4. **Lift station:** There was a discussion about the lift station. The Board is almost sure other communities are using the lift station.
5. **ARC recommended changes:** This matter was tabled.
6. **Gate:** This issue is on hold.
7. **Website:** No concerns were noted.
8. **Newsletter:** The Board agreed that a newsletter should be included with billing statements on a quarterly basis.

9. **Road/sewer Maintenance agreement with non-HOA homes within RBV:** Management has pulled documents and begun to write letters for payment from the homes on both Beach and Marina that are not part of the HOA to reimburse the HOA for part of the cost of the asphalt project.

P. New Business:

1. **Resignation of Jeriann:** The Board reviewed the email from Jeriann resigning as soon as a replacement can be found.
2. **Decals for registered vehicles:** Management stated that decals for the recreational vehicles should arrive very shortly.
3. **The impact of SB 593:** There was a discussion about the need for the Board to meet more often. They agreed to meet every six weeks. Each meeting will rotate, one meeting at the river and one meeting at the office of MVA. Teleconference information will be provided for all meetings.
4. **Emergency matters brought in after publication of the agenda:**
 - a. Letter to the river front homeowners concerning leases from State Lands: There was a general discussion about this letter and the impact it will have.
 - b. Kahala Agreement: There was a general discussion about this agreement. The Board agreed that each home on the river should be looked at for any ARC letters that need to be sent and any changes that need to be made to existing structures.

Q. Date of Next Meeting: The next meeting was set for March 24, 2012 at the offices of MVA at 3pm.

R. Recess: The Board recessed to Executive Session to discuss a possible personal matter at 1:15pm.

S. Reconvene: The Board reconvened at 2:30 into open session at the north entrance to the river walk. Each home on the river was looked at for issues that may block access to the river. The following homes will be asked to make changes to their changes landward of the river.

1. **1178 Beach Drive:** The rolling gate across the river walk must be removed.
2. **1172 Beach Drive:** The shade structure must be refurbished or removed.
3. **1118 Beach Drive:** The entrance to the stairs that present a trip and fall must be redesigned.
4. **1120 Beach Drive:** The entrance to the stairs that present a trip and fall must be redesigned.

T. Recess: The Board recessed at 4:50pm to a date within the next 30 days to consult with legal counsel over matters discussed in Executive Session and to get guidance on the Kahala agreement and the impact that agreement may have on the HOA and ARC. ARC will be invited to the meeting with legal counsel.

U. Reconvene: The Board reconvened at 2pm on Sunday, February 12, 2012 to discuss the Kahala Agreement and the two applications submitted to The State lands Commission. The entire Board was present. Allen Lyon was present in person. Mark Bantle, Alan Baker, Rick Medina and John Harrington were present via teleconference. Management was represented by Judith Stalder, Mary Deusch, Association Legal Counsel was present. Jennifer Lyon was present to discuss the impact on ARC.

V. Kahala Agreement: Mary agreed that all actions taken to date are in compliance with the agreement as it stands.

W. Applications to State Lands:

1. **1218 Beach Drive:** The Board with legal counsel consent agreed to send a letter to The State Lands Commission voicing their concerns over this lease because of the apparent blockage of access to the sandy beach adjacent to this address.
2. **1146 Beach:** No action was taken on this matter.

X. Adjournment: The Board adjourned at 3:30pm by unanimous consent.