

Rio Buena Vista 2019 Annual Meeting Minutes
April 20th, 2019

The 2019 Annual Meeting was called to order at 9:00 A.M.

Quorum was verified with receipt of 44 Ballots.

Mark Bantle and Jeff Marden were elected to the Board.

OLD BUSINESS:

Frank Padilla provided a legal committee report. Approximately 2 months ago, the Legal Committee met with the Attorney that represented the Varela's and their development company who is experienced in real estate and land use. The Committee asked the Attorney if we have a winnable case based on what the Committee presented, and that was unknown because the Attorney needs to review all the documents. Frank Padilla reported it was learned the conditions of the development do not state that the Association will be responsible for the infrastructure. A City engineer sent a letter listing repairs that needed to be made to the infrastructure including the lift station. The City then provided the parts and reimbursed Varela's for their expenses on the repairs. From that point forward it appears the City's position was that the Varela's became responsible for the sewer. Frank Padilla's concern is that only a City Engineer made that determination. Frank Padilla reported a City Council Member made a motion to reduce connection fees to 50% and once repairs are made it will go back to Council for acceptance and dedication, but that never happened. Frank Padilla reported the Varela's Attorney is requesting a \$7500.00 retainer. To begin, the Attorney needs to review all of the documents Frank has unearthed. One option is to file a writ which means the Attorney would submit his argument with documents and exhibits. The City would do the same. It is a push and pull as we have exhaust all of our administrative options first. Frank Padilla reported \$5000.00 will get the document review done and a demand letter going. Legal fee estimates are \$100,000.00 to get a decision from a judge. At this date, the Legal Committee is requesting the \$7500.00 retainer be paid to continue on.

NEW BUSINEES:

The Financial Statements through 3-31-2019 were distributed and reviewed.

The Board distributed and discussed changes to the Rules and Violation Enforcement Policy. Changes discussed were as follows:

- To establish a violation of the governing documents of the Association, proof of said violation must be obtained. Proof must be substantiated by written notification of said violation by a Board Member, a homeowner, or the Community Association Manager and/or employees of the Manager.
- A Board Member, a homeowner, or the Community Association Manager and/or employees of the Manager must complete, sign, and file a formal written complaint using the Complaint/Violation/Maint. Request Report Form which comprehensively lays out the

basis of the complaint and provides the information regarding when, where, who, what, and how the violation occurred.

- When a complaint is received and the complaint is verified by the Community Association Manager and/or employees of the Manager, the Management Company will then send a Courtesy Warning Letter to the offending owner of record at his or her last known address. This letter will state the nature of the offense and the deadline for correction.

The Board reviewed and discussed bid from BSE Engineering to assess repairs needed to the sewer line from Lot 25 to Lot 40.

Action: With no further business, upon motion made, seconded, and unanimous approval, the 2019 Annual Meeting was adjourned at 9:42 A.M.

Organizational Board Meeting:

The Organizational Board Meeting was called to order at 9:45 A.M. In attendance were Board Members Allen Lyon, Scott Morgan, Mark Bantle, Matt Hinderliter, Jeff Marsden, and the Community Association Manager Amy Telnes.

Upon motion made, seconded, and unanimous approval the 2019 Officer Positions were assigned as follows:

President: Allen Lyon

Vice President: Scott Morgan

Secretary: Mark Bantle

Treasurer: Jeff Marsden

Director: Matt Hinderliter

Architectural Committee Chairman Scott Morgan

The Board reviewed the January 19th, 2019 Board Meeting Minutes and March Financial Statements.

Action: Upon Motion made and seconded, the Minutes and Financials were unanimously approved. Vote 5-0.

The Board reviewed the proposed changes to Rules and Violation Enforcement Policy

Action: Upon Motion made and seconded, the changes to the Rules and Violation Enforcement Policy were unanimously approved. Vote 5-0.

In conjunction with what the Legal Committee is doing, the Board is also looking into repairs needed to the infrastructure. The Board reviewed a bid to assess the sewer line from Lot 25 – to Lot 40 from BSE Engineering for a not to exceed price of \$1500.00.

Action: Upon motion made and seconded, the Board unanimously approved the bid from BSE Engineering provided it includes a bid for the work that will be required. Vote 5-0.

Action: Mark Bantle made a motion to retain the Varela's Attorney based on the Legal Committee's report from the 2019 Annual Meeting. Jeff Marsden seconded. Jeff Marsden stated the Committee has come this far, and it worth continuing to see what's in the documents. Otto Hinderliter stated he would like the Committee to prepare an end game because he does not see supporting 6 figures to go any further forward. Allen Lyon stated he agreed with Otto Hinderliter. Scott Morgan stated he is concerned if we lose in court and spend all our money with an Attorney, then we won't have any money left to fix the infrastructure. A few owners were in attendance and their voiced consensus was to allow Frank Padilla to put a package together to continue to the demand letter.
Vote 3-2. Mark Bantle, Matt Hinderliter, and Jeff Marden voting for. Allen Lyon and Scott Morgan voting against.

The next Board Meeting was set for July 13th, 2019 at 9:00 A.M. in the pool area.

Action: Upon motion made, seconded and unanimously approved, the Board Meeting was adjourned at 10:13 A.M.

Signed this 27 day of Jan, 2020

By: 
Mark Bantle, Secretary