

# Rio Buena Vista H.O.A.

## Board Meeting Minutes

Saturday October 24<sup>th</sup>, 2020

The Board Meeting was called to order by the President Mark Bantle at 9:00 A.M. In attendance were Board Members Mark Bantle, Jeff Marsden, Allen Lyon, Frank Padilla, Otto Matt Hinderliter, and the Community Association Manager Amy Telnes. General Members present were asked to sign an attendance sheet that will be kept on file with these Minutes.

### **General Business:**

The Board reviewed the August 29<sup>th</sup>, 2020 Board Meeting Minutes.

**Action: Upon motion made and seconded, the Board unanimously approved the August 29<sup>th</sup>, 2020 Minutes as written.**

The Board reviewed the September 2020 Financial Statements

**Action: Upon motion made and seconded, the Board unanimously approved the September Financial Statements as presented.**

Frank Padilla reported that in August our Attorney submitted the required government claims notice to the City of Needles requesting the City to take ownership of water and sewer. The City rejected it. The next step is that we will file a complaint in superior court.

Once a complaint is filed in court the City will have opportunity to request the complaint be dismissed for the statute of limitations. We hope a judge will not dismiss it.

### **Old Business:**

The Board requested the Manager send a letter to the City of Needles reporting the horrible problem with the change they made to pick up trash on Fridays. Because we are a vacation community with a majority of week-end use, trash sits out all week and garbage rots and smells. The letter will request that we received trash pick up on Monday or Tuesday. The Board encouraged owners in attendance to call the City. The more that complain will get their attention.

The President Mark Bantle reported that the Board had received legal advice on short term rentals. There is a conflict between the CC&R's and the Rules and Regulations, and transient is not defined. The problem is Covid created a huge increase in short term rental activity along with a lot more owners here, which brought to light some of the concerns that short term rentals can cause. The Attorney recommend fixing the conflict by taking a straw poll of the owners to find out what changes a majority of the owners want. The Board can make a rule change, but the CC&R's require an owner vote and super majority approval to change. The cost would be approx. \$800 to change the CC&R's. Those in attendance discussed potential legal issues with either way this goes. Prior year decisions were made to rental rules to solve rental problems. The main reason for requiring rental registrations is to help the Board and the Manager identify vehicles and trailers and get them moved quickly when there are parking violations. The homes that don't belong to the HOA don't have to follow our rules, so short-term rentals will still exist in the Community.

The Vice President Jeff Marsden and Rental Rules Committee Chairman reported the Committee has met. The Committee is comprised of 5 people that rent and 4 that do not. The one rule that everyone in the

Committee agreed on was to propose no rentals on the 3 big weekends in the Summer. The Committee Members that currently does rent is serious and they want to fix problems. There was a discussion on having a Rental Committee moderate and mediate rental problem reported to them.

**Action: A motion was made that the Board vote to fix the conflict by amending the rules so that all rentals must be at least 30 days, and then send the CC&R's vote out to see if the owners will pass amendment to allow rentals for less than 30 days. The motion was seconded.**

The Board discussed giving the decision to amend the CC&R's to the owners and let them vote to change the CC&R's to fix the conflict. If that happens a rule change by the Board may not be needed and we'll know for sure what a majority of the owners want.

**Vote: 2 – 3, the motion did not pass.**

The Board will develop a survey with questions to take the straw poll to see what direction the owners would like the Board to go with this.

**New Business:**

The Board reviewed the 2021 Budget and reported that legal expenses were up and if we have to fund a lawsuit with the City, we will need more funds. There was a discussion on ways to fund the lawsuit which is to raise dues, get a loan or line of credit, or try to pass a special assessment.

**Action: A motion was made to accept the 2021 Budget without a dues increase. There was no second. The motion did not pass.**

**A motion was made to raise dues 20%. There was a second. Allen Lyon stated he is against a dues raise because once dues go up they never go down. He would like to see funds needed for the legal battle be separated from our monthly dues.**

**Vote 3-1 in favor to approve the 2021 Budget and raise the dues 20%. The 2021 dues will be \$115 per month.**

Golf cart safety concerns with children were brought up. There were a lot of complaints, but no one could or would identify the children involved. The Board explained that unless we know who the specific people causing the dangers are, we cannot do much more than put out general reminders to everyone about following the rules, which has been done. We could be more effective if we had a way of dealing directly with the people that are causing the dangers. One owner offered to make large stickers with each home address to place on golf carts so the dangerous golf cart drivers can be identified and properly reported.

The next Board Meeting was set for January 9<sup>th</sup>, 2021 at 9:00 A.M. in the Rio Buena Vista pool area.

With no further business, the Board Meeting was adjourned at 11:36 A.M.

Signed this 2 day of July, 2021

By: Frank Padilla  
Frank Padilla, Secretary