

Meeting Minutes: for March 25, 2023
ASOCIACION DE VECINOS FRACCIONAMIENTO PLAYA DE ORO, A.C.
(referred to as the "Association" or the "Playa de Oro HOA")

Call to Order for the 2023 Annual General Assembly Meeting and Election of the Board of Directors



PLAYA DE ORO NEIGHBORS ASSOCIATION AC

UNITED PROPERTY OWNERS OF PDO

SAN FELIPE, BC MEXICO

11862 S. FOOTHILLS BLVD PMB 501

YUMA, AZ 85367

Date: March 25, 2023

Time: 9:02 AM meeting called to order, Location: Playa de Oro Upper Pool area

1. Call Meeting to Order Called to order at 9:02 am
2. Establish Quorum -Quorum established by the HOA VOTE now results of 65% (required by cc&r for a 50% participation)
3. Introduction of Current Board of Director: -Paul Easley(President HOA) George McClellan VP via Zoom-Scott Harmier Treasurer Cathy Tiwald(Secretary HOA) via Zoom- Colleen Newell
Parliamentarian Keith Farr Alternate, Vicki Fisk Alternate
See attached scanned attendance lists from Sign in and Zoom log for owner attendance.
4. Report by Omar Medina Property Manager
 - a. Security Safety award presentation. Omar introduced himself and each guard introduced themselves.
 - b. Scott read to all the situation of a homeowner who needed help back in February and A certificate of achievement and recognition along with a cash award of approximately \$400 each was presented to Omar Medina Cordero, Moises Lerma, Luis Fernandez.
5. Business Items:
 - (a) Report by President
 - Approve January 20, 2023 minutes January meeting- Approved- Scott made a motion to approve and Colleen 2nd it. Passed unanimously
 - (b) Report by Treasurer: Scott referenced the January financial reports. The reports presented by Scott are attached. The February report is pending. Scott stated that the operating costs are usually around \$15,000 dollars but this month was higher due to taxes owed to the Mexican government.

Discussion question was presented on the cost of the Property Manager. Don Koontz wanted to know if the PM was a salary employee or contracted independent PM and if he is an independent contractor why are we building an office for him?

Paul explained the office approved by the owners in the November vote is for an HOA office for us to hold meetings in, to store our records, and a small office will be available for the PM. But this is not a building for just the PM. Colleen also added that the current Library area which is being rented has had the rent go up twice in the last year. Even the utilities of a new building will be less than the rent. The library can be part of the space as it will be shelves in the general meeting room. Paul stressed that nothing has been set in stone on the building. That the building money fund collected thus far has been set aside and will not be touched until a committee is formed to review what will be built and where. Paul offered his own opinion that putting the building back by the arroyo gate on the HOA property would allow the guards to have a bathroom at that end of the property. Also the roof could be used for the guards instead of the guard tower.

Sharon asked about using the GreenZone. Don Koontz explained that the Green Zone is owned by the city and not by PDO.

Ian asked about the cost value of paying the PM \$1850 per month vs what we paid PMD. Paul explained that we paid PMD the same amount of \$1850 per month. But PMD gave us a 50% discount in exchange for not paying dues on their lots and they held on to a vote in all elections for each lot they owned. Now that they have left they do not have those votes except for their own houses when dues are paid like all other owners. Vicki and Colleen both offered that the new PM -Omar is doing way more than PMD ever did and we have greatly improved the look and function of the campo and working conditions for the guards.

Paul and Cathy reminded everyone discussion is to be held at the end of the meeting as we need to finish the meeting.

6. Ratification of the Ballots provided to the Associates

(a) Reading and Announcement of the Proxies and counting process - of the 157 eligible votes there were 102 that voted: This is our 65% and thus the quorum was reached.

7. Election or reelection, in its case, of the Members of the Board of Directors of the Association

(a) Announce vote results (Electronic and physical proxies)

(1) Board Members

Candidate Votes

Virginia Ferrari 84

Keith Farr 81

Mitch Newell 43

Terence Cunningham 40

Hassan Masuomi 38

(2) 2023 Budget

2024 Budget -PASSED

“APPROVE- 2024 Budget” 59 votes “DISAPPROVED- 2024 Budget” 43 votes

(3) Amendments to the CC&Rs -(A)-ADDING A DEFINITION FOR 'CONTIGUOUS LOTS'--PASSED

“Yes - to add this amendment to the CCRs” -63 votes

“No - to not add this amendment to the CCRs”-39 votes

(B) ADDING LEGALLY FUSED LOT TO CCRs DEFINITIONS– PASSED

“YES - to add legally fused lot to CCRs definitions”-78 votes

“NO - to not add legally fused lot to CCRs...”-24 votes

(C) Section 7.1 Nonpayment of Dues and/or Assessments -PASSED

“YES - to add the Section 7.1 Nonpayment of Dues...”--77 votes

“NO - to not add the Section 7.1 Nonpayment of...”--25 votes

(b) Recess for New Board to appoint Officers 10 MINUTE RECESS:

(c) Announce and Appointment of Officers within the Board of Directors of the Association

New officer appointment:

President: Paul Easley

Vice President: Virginia Ferrari

Treasurer: Terry Cunningham

Secretary: Keith Farr

Parliamentarian: Vicki Fisk

Alternate: George McClellan

Alternate: Mitch Newell

8. Old business

a. Campo clean up was a great success: Dan Hagar stated the campo clean up was very successful. Many people showed up, the trash was picked up and then the group met at Sharon's house for wine after the clean up.

b. Update on Monitors for Guard house: Use of TV from George McClellan's house: Keith reported that the TV George loaned the HOA guard house is working great. The screen works well and provides nice big 10x8 images for each of the cameras. The guards love it and can see all the images at once clearly. There are no recurring fees for the cameras. We have a video recorder that keeps approximately 3 weeks of recordings for each camera.

c. Solar panel location update: The lower pool is now being heated by the solar panels that are on the ground east of the pool. This has been a long process to complete all the necessary steps with CFE to get these operational. The panels on the Old PMD building have been moved. There are 44 panels that were removed and are lined up by the bathhouse. A location to mount

these on is under negotiation at this time. The current owner of the Old PMD office was charging us rent for having them on the roof. He made an offer of 20 cents on the dollar to purchase them from us. That was not to our financial advantage and thus they have now been removed.

d. Office Construction update: Paul stated we need to hold a town hall discussion on the construction of the building. A building committee needs to be formed. That we do not have enough information at this time to give a detailed report as it needs full discussion by owners. No location has been decided at this time. Ida asked if the money collected for the building fund for this year could go instead to our reserve emergency fund which has been drained. Paul stated this was money voted on by the owners and would require another vote petition initiated by the owners to be brought forth to all owners.

e. Engineering bids update: No update as we are still waiting to find an engineer to offer solutions to the water flow issue.

f. Microphone purchase for all board meetings for those using zoom: Keith researched microphones and one is being used at this meeting and it has been successful in allowing those on zoom to hear the meeting. It is asked that all those attending on zoom keep their microphones muted to stop background noise and that those in the meeting do not have side conversations as those are picked up on the mic making it difficult to hear the speaker.

g. Update on meeting with Realtors: this was postponed -Cathy has offered to help with this as a committee member and not a board member.

9. NEW BUSINESS:

a. Communication: Cathy stated that communication has become a problem for the all the members of the HOA. The email system used by the HOA is one directional out. Owners can only reply to the HOA board and not each other. The email replies received by the HOA are often long complex threads where information gets lost. Owners complain of not getting emails or finding them in their junk folders. Cathy also explained that Facebook threads and discussions are also very hard to follow and several people recently started different posts regarding the upcoming vote and following all of the different threads was confusing. Even the most recent Facebook post on the ladies luncheon was buried in all the posts and missed by some. There is also the situation that many emails or Facebook posts are made that are directed at only a small group of owners yet all the owners receive the message and it is not relevant to them. Cathy has looked at many other methods, including those designed just for HOAs. These are expensive. Cathy sent out a general email with all the details of the research she has done. Cathy suggested the board and the owners consider the use of Whatsapp Communities as it provides a place to store photos, and documents. It has a one directional group for the HOA to send announcements and then under the umbrella of the community many subgroups can be formed each with their own administrator. It is easy to add people as well as delete them from these subgroups. The messages in the groups are bidirectional and specific to only those in the group. Thus keeping the messages to each owner relevant and less cluttered. These messages do not go to a junk

folder and are not as easily lost. The cons of this system is while it works on iphones and androids, it is a little more complex to work on Ipads or Computers in that a QR code must be downloaded to add the app and then it does not provide notifications on the ipad or computer thus one must check that device for messages. Cathy suggested a committee be formed to look at this option. Discussion was offered by a few.

Grant stated he felt just using email with a "reply all" feature would be the best method. He stated there is nothing in the CCR nor the Bylaws about not sharing emails with each other. Paul explained we have owners who have specifically asked that their email not be shared and thus we send all messages as BCC so their desire is honored. But we do have a directory that is made by Carol Keller and those wishing to share their info are in it.

Don asked if it is used internationally in Mexico and Cathy answered it can be used in any country.

- b. Vial of Life in guard house mailboxes. Provided as a donation and there are enough left to give to new owners when they complete a house as a gift.- Cathay explained that the Vial of Life folder and insert card were provided to each HOUSE not a lot. That use of this method of sharing emergency medical information is completely voluntary. That the information can share vital medical information with the paramedics and physicians. PDO guards would use it only to notify an owner's emergency contact person. The paramedics of OMD know that PDO has these at every home and they will look for it on the fridge. The red sticker is to be put outside near the front door of the house indicating the folder is on the fridge. There is a pocket on the front of the folder for a photo.
- b. PayPal vs Credit card acceptance in Freshbooks: Scott explained that we have been paying PayPal about \$1,300 USD a year in service fees. When the HOA decided to accept PayPal and make it convenient for owners to use this method to pay their dues, the HOA accepted paying the service fee, but this is now just too expensive. The cost for PayPal is 3.8% for each transaction. Freshbooks is the HOA accounting software and this program now allows the PDO HOA to accept Credit cards and have the dues payment go straight to the bank and record the payment directly into Freshbooks accounting system. The service fee for this is 3% and for those willing to use it the fee will be charged to them.
Dan Hagar stated 3% for the Credit card charge is a reasonable amount as it is much higher with the international exchange in Canada when using PayPal.
Don Koontz asked if Zelle could be used. Cathy and Scott explained that the USA bank the HOA uses does not allow us to accept or use ZELLE in a business account. In fact we fought hard in the last year and have just now been able to do mobile photo deposits which is greatly aiding the speed of adding income to our accounts. Ian asked if Freshbooks now accepts ATM Debit cards. Scott said yes.
- d. 100th house ground break celebration: need date and time: Cathy explained that 2 more houses are breaking ground. The Aguilar family of block 10 lot 4 are the

99th house to be built and house number 100 has been approved and the lot cleared and should break ground any day. This is owned by Jose Bueno and is Block 16 Lot 4. Cathy suggested a celebration of the 100th home in PDO. We can set a date and time when that owner actually breaks ground.

- d. Update on lot sales: new owners: 2 other new owners have recently purchased lots in PDO and Rich Cahills house Block 18 lot 8 has sold and the new owner is David Betts and will be moving to PDO full time in August. So we want to welcome our new owners. The HOA does send new owners a PDO Residence Guide with lots of good information about “how to” do many things while living in PDO. Like paying bills, shopping, how to get the internet and more. This was written by Melanie Flanigan and has been very helpful to new owners.
- d. Purchase of a LOCKBOX for the guardhouse: Scott discussed the need for a lockbox to store the emergency money for the ambulance if an owner needed to pay for an ambulance and did not have the funds. Scott explained the plan for the box as:
 - 1. hold the emergency fund money for an ambulance cost, if an owner does not have the funds.
 - 2. Could hold keys for the owners that want to share their keys for the guards to access the house in an emergency.
 - 3. Discuss plan that BOD would be the ones to have the code to the box and Guards could only obtain code from a BOD member. The code would be changed after each time it is used.Scott called for a motion to spend up to \$150 on a lockbox. Vicki 2nd. Passed unanimously.
- g. Presentation by OMD on Ambulance services: Diego from OMD (located at Pete’s camp) presented an overview of their services. Their company is staffed by Certified Paramedics and nurses. They have 4 fully stocked ambulances. The supplies in the ambulance include, IV supplies, medications, defibrillators, EKG monitors, Portable ventilators (breathing machines), and emergency first aid supplies. They have an office in Pete’s camp and a treatment room there that is fully stocked with emergency supplies. They offer a yearly renewable service for \$9,000 pesos/family that includes unlimited ambulance trips to San Felipe or to the USA for all members of the family of the member. If a member is not feeling well and wants to be evaluated they can come to the office in Pete’s camp for an evaluation at no charge as part of the yearly benefits. Diego shared that a ride to the USA in another ambulance with RED CROSS or the fire department is \$650 for the single ride. Jim Greene shared that he had to use that service once for a medical emergency and after that he joined OMD and feels confident in all they have to offer. Diego of OMD offered all members of PDO to come to Pete’s camp any time to view the ambulance and their emergency setup.

10. Public Comments:

- Dan Hagar suggested the formation of a committee to look at the definitions of an “improved lot” as it is vague

- Peter Scott asked if the library will be part of the multi use room in the new building.
- Peter Scott asked for a list to be made to all of those who owe back dues so that others interested in those lots might consider offering to pay the lot off. Paul explained that per the ccr if a person wants to see the owners with past dues that owner has to present in writing to the board a request and then will be allowed to view the list. The list of past dues will not be printed nor shared.
- Grant Pritchard made a comment about forming a coalition on delinquent dues on lots.
- Jim Greene added that when he was on the board he tried to hunt down the past due owners with search engines and google and some of these owners have simply vanished.
- Cathy offered that there is now an attorney in Mexicali that deals in collection. The name and contact information for this attorney has been presented to the board and they will contact him to determine if the legal process of going after past dues is a financially viable option.
- Don suggested looking to see if the past due owners have paid their Fideicomiso. If that is past due then it becomes void and they no longer own the lot. At that point it could be sold again.
- Jim Greene added that he supports the HOA charging those using PayPal and Credit cards to pay the service fee. If one does not want to pay the fee, then pay the dues with a check.
- Hassan suggested more transparency. He would like to see an owners meeting every 3-6 months that shows every invoice and receipt paid by the HOA. He has also requested that all board emails are sent to him for transparency.
- Hassan said that while the Negotiation vote passed the previous negotiations were done before the vote passed, and that those names need to be shared and the details of the situation shared. Paul shared one example of one owner with extreme medical issues needing to sell her lot and the total of her Fdeicomiso, back taxes and back HOA dues made the cost more than the lot was worth. Only the HOA dues could be negotiated. She would have walked away fully if the deal had not been made. The HOA gains money that they would have otherwise lost. Plus the lot is now owned by a new owner who will support PDO.
- Hassan stated due to these negotiations and refusal of the board to share the names, he is calling for a vote of no confidence in the president and demands he resign immediately. Paul stated he has been on the board many years and does all this work voluntary as he wants this community to prosper.
- Virginia stated in response to the vote of no confidence that the board just did a vote and voted Paul as president. Virginia stated she asked for the role of president but was not voted into that position. So the board has made the decision to keep Paul as president. Hassan stated he accepted that vote.
- Virginia Ferrie stated this is the 1st time on the board for her and she wants transparency. She wants to present to the community the names of who recently obtained negotiations.

- Paul asked what benefit it was to know the names. The amounts have been presented and sharing the special circumstances could actually hurt those involved by revealing information they do not want publicly shared.
- Cathy Tiwald stated: She was appalled by those demanding the names. “That we as neighbors need to be respectful of each other and to our neighbors' situations that they may not want shared. If the owner of the negotiation wants to publicly state they were part of a negotiation that is their business, but it is not ours to post it. Posting the names is hurtful and possibly humiliating to those who were involved. Why would we be so mean to each other? That is an act of bullying by those who did not get their way in the vote. There is no benefit to anyone else to know the names. But there is great potential for damage and hurt to the owners who made the negotiations by being publicly displayed. We have posted the financial information and that is appropriate. But posting the names is a witch hunt. What will be done by this, are you all trying to publicly humiliate our own neighbors, are you hanging them on a cross for all to see. This is evil and mean and should never be done. The vote demonstrated that the majority agree in negotiations so publishing the names of those recent negotiations is of no benefit other than to intentionally hurt others.”
- Louise Carusio made a request for the negotiation information to be made public.
- Dan Hager made a suggestion that the committee that is formed to discuss and review negotiations include 1 member from the BOD. It was agreed that each committee that is formed should include a board member.

Zoom Chat Comments:

- Dwayne Bartell: Note for future discussion that contiguous lots retain the right to sell that lot in the future, so I think some level of dues for them is appropriate. The right to sell is important to them so they should pay at least partial dues. The HOA can't continue to lose lots that should be paying dues. Fused lots, lose that right so that is a different category. From Dwayne Bartell
- Greg Mckinney:
Only those who paid \$\$ to build the HOA office should be allowed to vote to change how the money for the new constitution should be used.
- Helene: With the solar panels out in the elements, overtime being compromised can a resident buy them, the board repurchases new ones at the time the panels could be used.
- Judy: People can have their opinions and still be respectful about it. This is my first meeting and I can tell that the membership will never be happy with any one person who might be president. It really won't matter who the president is.

Regarding negotiations; My question is, is that the same information shared in the States HOA's? Is everything everyone else's business in all HOA's?

- Greg Tiwald supports Paul Easley as president

- 11. Adjourn

(In accordance with HOA bylaws, in order to receive the right to speak, the member must be current in their dues. The right to speak will be limited to 5 minutes.)