



VIVO RESORTS
OAXACAN BEACHFRONT LIVING

Minutes of the Regular Meeting
Vivo Resorts Leadership Council
February 24, 2021, 11:30 am
Online Meeting & Vivo Board Room

Call Meeting to Order and Proof of Quorum

The meeting was called to order at 11:32 am CST. A quorum was present.

Regime Representatives: Richard Brown – Regime 1, Ted Duffy – Regime 2 Residential, Pat Simpson – Regime 2 Commercial (**Secretary Pro tem**), Kim Horrill – Regime 3 (**Acting Chairperson**), Cary Mullen – Master Association Club, Sandra Irvine – Villas, Daniel Mayrand – Vivo Foundation

Management: Alma Angulo – Condo Manager, Alberto Herrera – Director of Hospitality Operations and Rental Management

Approval of Minutes – The minutes of the February 10, 2021 Meeting were approved as distributed.

Unfinished Business

Election of Officers – To be postponed until R3 Election which will be February 25, 2021. Election of officers can be either through email or a special meeting.

Vision & Mission/Objectives for 2021 – The Board edited and adopted the 2021 Objectives which are attached to these minutes.

Communication Distribution Protocols – There was no further discussion on the communications policy. It is adopted as distributed.

Drone Policy – The edited drone policy was reviewed and approved. It will be sent in the applicable format to the other Vivo Boards for adoption. It is attached to these minutes.

New Business - The Vision/Mission and objectives adopted in this meeting will be included in the General Forum PowerPoint.

Adjournment – The meeting was adjourned at 12: 29 am

Vivo Resorts Leadership Council

2021 Objectives

Informed and developed in alignment with and support of Vivo Resorts' Mission and Vision

Vivo Resorts Vision (forward looking)

To be a globally recognized brand of beautiful resorts and residences that enhances the lives of people.

Vivo Resorts Mission (how we get there)

Create beautiful living and recreational spaces where enhanced relationships, joy, and health can happen with purpose and meaning.

Leadership Council Purpose

The purpose of this Council is to act in concert to recommend unified goals, cost efficiencies, initiatives, rules, regulations and policies that apply to and benefit all Regimes, the Master and the Community and to keep all Boards informed of issues, events and policies that may be of relevance to the Community and that in turn, the Council is kept informed by individual Boards of issues of relevance to the Owners within the Community.

Objectives

Our SMART objectives fall within four broad areas for 2021. These are Communication, Safety, Fiscal, and Land Stewardship

Communication

Objective #1

Create a communication roadmap that delivers clear, respectful, and timely communications to the parties represented by the leadership council. The roadmap will include how feedback and/or questions from Owners (and guests), can be effectively managed.

Safety and Security

Objective #1

Work with management to identify areas of safety & security that are deemed most relevant to the community and communicate them efficiently and precisely to the members.

Objective #2

Establish a program to garner feedback from the community concerning their understanding of the safety program and what they need to do in the event of an emergency. Perform practical tests of knowledge as needed.

Objective #3

Work with Management and the Boards to review community related safety incidents quarterly with the intent to ensure there is a culture of continuous improvement and learning.

Land stewardship

Objective#1

Work with management and the Vivo Foundation to identify two recycling projects in 2021 that will begin to create a community culture of recycling and introduce opportunities for Owners to get engaged with the community.

Fiscal

Objective #1

Provide a quarterly overview of fiscal matters across regimes with a clear view for fairness, transparency, efficiency with the objective of optimizing costs and processes across the site by working with the Vivo Boards.

Objective #2

In 2021, the Leadership Council, with management, will support and assist as needed with the Fibre installation project providing regular communication with the appropriate Boards and Owners, including cost summaries and project timing. The Leadership Council will work with Management on any training or instructions Owners may require to fully utilize the new equipment. Management will report on the project timeline and associated costs.

Vivo Resorts Leadership Council

Communication Policy

General – Communication Distribution

General protocols are that after every meeting the minutes will be reviewed by the Members in draft form and after preliminary approval they will be distributed to the Boards of Directors and after their review, it will be posted to the new Owners Website. This may change upon decision of the Council.

Approved protocols and minutes will be posted to the Regimes Website

www.vivoresortscommunities.com

Council Communications Directives:

- a. Make or receive suggestions to/from the Boards of Directors on enhancements, programs or projects that the Owners desire;
 - i. **Assist Regimes within the scope of authority of each individual Regime or Association**, using emails, surveys, and/or forums, solicit the owners concerning programs and enhancements that they desire. All communication is to be preapproved by actions of the Boards before distribution.
 - ii. **Adoption of Initiatives:** The Council will review documentation to validate the opinions and desires of the owners and have approval of the majority of the Regime Representatives before action is taken. Many actions will have a financial consequence and the Boards must validate that the majority of owners are in favor of these actions.
 - iii. **Opinions** The Council acts on behalf of all members of the Association and for the benefit of the community as a whole. The opinions of the Council are not to be represented as the opinions of the community unless validated by survey or poll.
- b. Assist the Board in researching and implementing Board-approved projects that benefit the Owners; and
 - i. The Council will present the above to the Boards of Directors at their regularly scheduled meetings. The Board will approve/disapprove projects or enhancements as they feel appropriate. No action can be taken by the Council prior to approval by the Boards

- ii. *Reports are to be factual and proactive with recommendations that are free from criticism, defamation or personal opinion.*
- c. **Assist the Board of Directors as the Board feels necessary.**
 - i. *The Boards will explicitly assign tasks to the Council to undertake.*
 - ii. *The Councils are not empowered as a standards enforcement authority but rather will report to the Boards advising about policies and procedures it thinks should to be enacted or modified.*
 - 1. *Individual Council members acting solely as an owner may report alleged violations of community standards in the following manner:*
 - *All reports are to be made to the appropriate Board in confidence.*
 - *Any reports containing personal information/addresses must specifically be noted as “confidential- not for distribution”*
 - *No report of alleged infraction can be cc’d or bcc’d to any other person.*
 - *There may be no defamation of fellow property, Regimes or commercial entities. This pertains to both written and verbal communications. Use constructive input.*
 - *No opinions or judgments shall be rendered concerning the fault or intent of any supposed violator.*
 - *Only Boards through Management will investigate alleged violations. They will determine the process for notice or enforcement. Processes will be followed as directed by Board adopted policies and procedures.*
 - *No individual owner is empowered to direct staff to take enforcement action in any manner.*
 - *All rules and regulations shall be enforced equitably, and no class of owners shall be singled out for additional scrutiny.*

Responsibilities of Boards in Monitoring Communications:

Individuals, Associations and Board members need to be very careful about their communications and those of the members of their Regimes. Neither they nor the Regimes or Associations are protected from liability for libel, slander, defamation, invasion of privacy or business interference. In order to protect the Regimes or Associations, they and individual owners must be careful to keep all communications on the level of policy and procedure. It is one thing for an individual to talk directly and confidentially to their neighbor or the Boards about resolving a problem between them, but it is entirely different to communicate with third parties. Individual situations should never be emailed

or e-blasted or otherwise communicated directly to anyone other than the Boards or management staff, as appropriate, who will handle every situation in a consistent, uniformly careful, private and respectful manner. A person or organization can be liable for damages, even if they are technically accurate, if they go about it in a manner that causes unwarranted harm or damage.

The mission of the Councils is to make owners [Residential (rental and non-rental), Commercial] feel heard and welcomed rather than policed or harassed.



POLICY REGARDING USE OF DRONES IN COMMON AND
LIMITED COMMON PROPERTY

Resolution #

Adopted February 24, 2021

The following policy has been adopted by the Vivo leadership Council (“Council”) at a regular meeting of the Board of Directors.

Purpose: To establish a policy to govern use of drones which includes any type of unmanned aircraft, either with or without cameras, on or affecting Common and Limited Common Property to protect the person and privacy of not only the members, guests, invitees and employees but also the physical property. The Board recognizes that the use of drones must be restricted with a process for use be precisely outlined.

IT IS RESOLVED that the Council does hereby adopt the following policy governing use of Drones or affecting Common and Limited Common Property:

Prior to the use of drones within any Regime, Master Club Areas and/or Commercial Areas, the applicant for drone use must fill out an application with Vivo Hospitality Management who will approve the application and notify the relevant Board(s) and all occupants at Vivo concerning the drone activity no less than 24 hours prior to the intended use. Management may approve exceptions if sufficient notice is given. The notification will include the timing, purpose and location of the drone use. Approval will be based on applicant qualifying under the following terms:

1. Applicant must state the purpose, time, date and flight path map.
2. Applicant agrees that drones cannot be used for recreational purposes. Permitted uses may include the marketing the property for sale or lease, special event videography, or as otherwise permitted by the board from time to time.
3. Applicant must show proof of ability to operate a drone either through licensure or professional references. All references will be validated.
4. In no event should an operator of a drone be permitted to take photographs or videos of any person who can be identified without that person’s prior written consent or invade the privacy of another person on any lot or common area.

5. No party should be allowed to operate a drone in any manner that constitutes a danger to persons or property, that constitutes a nuisance, or that harasses, annoys, or disturbs the quiet enjoyment of another person, including without limitation, another owner or their family members, lessees, guests or invitees.
6. No party should be allowed to operate a drone in any manner that constitutes a danger or harassment to wildlife.
7. The Owner/Operator assumes all risks and liabilities associated with such activity (including but not limited to liability for injuries to themselves and others, damage to property, claims of invasion of privacy, nuisance, harassment, etc.),
8. The Owner/Operator will indemnify the Regimes, Master Council and Vivo Hospitality and its directors, officers and other representatives against any claims that may be asserted against them on account of the operator's activities (including but not limited to reasonable attorneys' fees and costs).

Violations of this rule may result in a fine pursuant to the Council's fine schedule as adopted and amended from time to time by the Board of Directors or any other remedy allowed by the laws of the State of Oaxaca or Federal laws of Mexico.

By: _____ Title



VIVO RESORTS
OAXACAN BEACHFRONT LIVING

Application for Use of Drone

Unit #	
Owner Name	
Contact Email	
Contact Telephone	
If applicable:	
Operator Name:	
Operator Email:	
Operator Telephone:	
Purpose of Drone Use:	
Date of Use:	
Time of Use:	
Flight Path:	Please submit map

I agree to the following with signature below and initialing each term.

_____ Operate only during the time, date and flight path outlined unless given written approval for modification

_____ Drones cannot be used for recreational purposes.

_____ Must show proof of ability to operate a drone either through licensure or professional references. All references will be validated.

_____ In no event should an operator of a drone be permitted to take photographs or videos of any person without that person’s prior written consent or invade the privacy of another person on any lot or common area.

_____ No party should be allowed to operate a drone in any manner that constitutes a danger to persons or property, that constitutes a nuisance, or that harasses, annoys, or disturbs the quiet enjoyment of another person, including without limitation, another owner or their family members, lessees, guests or invitees.

_____ No party should be allowed to operate a drone in any manner that constitutes a danger or harassment to wildlife.

_____ The Owner/Operator assumes all risks and liabilities associated with such activity (including but not limited to liability for injuries to themselves and others, damage to property, claims of invasion of privacy, nuisance, harassment, etc.),

_____ The Owner/Operator will indemnify the Regimes, Master Council and Vivo Hospitality and its directors, officers and other representatives against any claims that may be asserted against them on account of the operator’s activities (including but not limited to reasonable attorneys’ fees and costs).

_____ Violations of this rule may result in a fine pursuant to the Council’s fine schedule as adopted and amended from time to time by the Board of Directors or any other remedy allowed by the laws of the State of Oaxaca or Federal laws of Mexico.

Signatures:

Applicant: _____ Co-Applicant _____

Print Name: _____ Print Name: _____

Date: _____ Date: _____

For Management Use Only:

Received By: _____ Date: _____

Sent to: _____ Date: _____

Approved By: _____ Date: _____

Status:

Approved Approved w/ Stipulations Revise & Resubmit Rejected