

**CONSUMER COMMITTEE MEETING
November 21st, 2019**

Telephone Conference: Called to Order at 1:31 pm EST

In Attendance:

Receiver:

Brick Kane
Val Miller
Anita Jen
Henry Jen

Committee Members:

Lisa Daniels
Larry Grice
Craig Hibbert
Shryl Kirkbride
Linda Ozmindowski
Jimbob Slocum
Leslie Thomas
Ted Wyberanec

FTC:

Caroline Dorsey

Follow-up and updates RE:

Beach Club

- The Receiver has been provided with information regarding visitors planning a trip to the Reserve; it is expected that the upcoming tourist season beginning mid-December will be busy. The tourist season typically runs through mid-April.
- At this time, no qualified party has expressed any interest in taking over the Beach Club operations, and no specific plans have been presented. Therefore, there is no opening date or schedule of operation currently planned.
- A necessary qualification is that all volunteers AND full/part-time/temporary employees are required to have Belize Work Permits in place.
- There are also requirements to have a liquor license, specified business permits, and insurance issued before the Beach Club can legally open and operate.

- All costs of operation would have to be paid by the Beach Club from the income generated. This includes licenses, permits, salaries, food and liquor inventory, GST, and repair and cleaning of facilities, appliances, and items used in regular and expected Beach Club operations; those costs are not a maintenance expense requiring payment by the Receiver.
- The Beach Club can only be opened if the legal requirements are met and it can generate enough profit to cover all expenses; therefore, any interested party would need to have a detailed plan of operation that indicates a good likelihood of the business being self-sufficient.
- It was suggested that nearby businesses in Belize could be contacted to discuss the possibility of having an existing food/beverage operation step in to run the Reserve Beach Club restaurant/bar as a satellite operation. It is assumed that an existing restaurant business would have all licenses and permits in place and up-to-date, and an attractive agreement might be worked out to the benefit of both parties. However, the legalities of a running a satellite operation in Belize are not known. There is currently no definitive plan to pursue such an option.
- While it is understood that many owners have expressed a desire to have the Beach Club operational, there is no viable plan for that at this time. The Committee will continue discussions at its next meeting.

Electric Meters

- Anita Jen reported that after much investigation, the Receiver has discovered the cause of the exorbitant electric costs generated from the Beach Club: the Beach Club meter was initially set up to also provide service for other areas in the future, and although the extra anticipated services had never been activated, the electric meter had a multiplier of 60 that has been in effect for a number of years.
- The Receiver is currently in the process of having the incorrect old meter disconnected and a new one installed. A new slab is required for this installation.
- There was never a permit issued for the first meter and it was not registered. Therefore, it is unlikely that any of the excess amounts paid would ever be refunded.
- It will take some time after the new meter is operational to determine the magnitude of the previous multiplier.
- The Marina has a multiplier of 40 because of the services associated with the boats.

Marina

- Committee members were provided with a copy of an April 2014 letter to John Usher and the accompanying “Environmental Compliance Plan Prepared for Sanctuary Marina” by the Department of the Environment. This was a document not previously seen by the Receiver until it was sent to them by Erwin a few weeks ago.
- The expected Marina repair proposal from ABM finally arrived (much later than expected), but with a proposed cost close to \$98,000, it was significantly higher than the original estimate of \$60,000-\$72,000. The proposal also excluded a description of the work and was considered unacceptable.

- The Receiver contacted ABM, who finally sent a Scope of Work. However, that arrived just prior to the Committee meeting and the Receiver had not had time to study it.
- It was the consensus of the Committee that further assessment and bids need to be pursued from other companies; it was also agreed that a contract is a necessity. It was suggested that US based coastal/waterway engineering firms would be an appropriate outreach. Leslie has a contact in the industry and agreed to inquire about specialty firms that might be approached. The Receiver will study the issue and obtain more information as they consider the best way to proceed.
- It was noted that Richard Mulvania has prepared information regarding issues facing the Marina, including Belize restrictions and the need for a dry dock. It will be forwarded to the Receiver for consideration of changes needed due to impacts on homeowners and commercial interests.

Equestrian Center

- Jimbob sent information to the Receiver from Dori Bishop, who has extensive experience with horses and spent time looking into the Equestrian Center. She had some recommendations regarding care of the horses.
- Val Slocum will be returning home to Belize soon and will also look into veterinary recommendations.
- All recommendations will be considered by the Receiver, and the Court Order regarding good and proper care of the horses will be adhered to.

Gas Station/Mini Market

- The Receiver reports that there has still been no progress in communicating with the current manager. Attempts are continuously being made and it is hoped a report will be available on this situation by January.

Internet

- The Internet is a continuing problem: unfortunately, there has been no progress with this situation. Henry Jen directed Alfonso Bailey to contact the Public Utility Commission and is still waiting for a reply - the only option is to get an okay from the PUC for a permit. There is currently no permission from the PUC to resell internet service.

Rental Properties

- Currently, the only rental is the Red Roof House, which has been rented through sometime in January.
- The Receiver has arranged for inspection and cleaning of the Beach Tents, as it had been their hope to have them available for rent during the upcoming tourist season.
- There was subsequent discussion about regulations and requirements for rental units in Belize, and it was the consensus that this issue has to be investigated. If there are legal requirements which need to be met before the Beach Tents can be legally rented, there

is no choice but to accomplish meeting those requirements before officially making the Tents available. The Receiver will pursue this necessary step.

- When it is determined that the Beach Tents can be legally rented, Claudina will handle all reservation details for the Receiver.

Modification of SRWR Articles of Association and Prep of New RCC&E's for SRWR

- The Receiver commended Larry for his extensive work writing and modifying the AOA's and RCC&E's . Committee members agree these are extremely important documents moving forward.
- Currently, work is being done with bullet points to highlight all changes made so they can be easily found and compared.
- The plan is to have final drafts completed prior to the January 2020 Committee meeting so they can be reviewed and discussed.

Restructure of the ARB – Draft DRG Checklist

- Committee Members were provided with a draft packet for the proposed Design Review Group that is intended to replace the now disbanded Architectural Review Board. This packet contains the following pages: a Request for Architectural Review; a List of Conditions; a Notice of Completion form; an Architectural Design Review Checklist/Guidelines form; a list of Required Information on all Plan Sets; Builder's Requirements; Architectural Review Procedures.
- During discussion about the packet, the Receiver noted the importance of remembering that the idea is for the DRG to be in a position to make recommendations while letting the Owner and Builder make decisions – we do not want to insert the DRG into the middle of everything.
- There was consensus that accountability is important and everything written needs some method of compliance. It was noted that the RCC&E's will address a bit of that from the perspective of how an owner gets their grievance to the SRWR Board.
- The suggestion was made that there may be a need for a DRG Supervisor onsite; however, there is a question of whether that person would be liable for mistakes or other issues. The Receiver agreed that there would have to be specific guidelines regarding this and the liability issue needs further contemplation.
- There were some concerns regarding liability, accountability, and whether or not some specific guidelines in the Environmental Compliance Plan (ECP) would and/or should be included and applicable. The Receiver asked that Committee Members send an email regarding specific issues they would like to have considered. It is hoped to finalize the DRG packet for implementation early in the New Year.

Environmental Compliance Plan

- Committee Members were provided with a copy of the 2009 letter to John Usher and accompanying “Environmental Compliance Plan Prepared for Sittee River Wildlife Reserve” from the Department of the Environment.
- It was noted that the Marina ECP Plan referenced under **Marina**, above, seems to back up this ECP.
- It was also noted that the ECP doesn’t cover a large portion of the acreage – most of the 12,000 acres is not covered in this document. And, nowhere does it cover the Equestrian Center, the Organic Garden, any wildlife rehabilitation areas, or the Sanctuary Island.
- The ECP does not define that any part of SRWR lands is a reserve – it appears that it is not. The Receiver will look into this.
- There was a question as to whether or not the Reserve/SRWR has been compliant: were compliance checks/verifications done? Were required fees paid regularly? Is the ECP still in effect? The Receiver will look into this.

Submission to Central Bank – Transfer of Title Legal Description Errors

- The Receiver is trying to clear up issues with the Central Bank. The bank wants to have details about the flow of money collected for all lot sales – what lots were sold, how much money was collected, when and where was it sent. This is very complex and the Receiver is doing forensic work to determine how much money went into Belize accounts and how much into US accounts. When the research reveals the required information, it will hopefully open the way for resolving title issues.
- It was also recently discovered that many of the legal descriptions are incorrect. Right now, the only known errors are in the Estates area; apparently, one of the roads was put in the wrong place after initial surveys were done. This was discovered by accident when a homeowner was trying to obtain title and discovered during the process that legal descriptions and dimensions did not match official records.
- In order to correct the legal records and before any titles can be issued in this area, the lots in Estates all need to be resurveyed. This will cost the Receiver approximately \$25,000-30,000 US. Although the cost is high and this is a most unfortunate situation, there is no choice about what has to be done.
- It is not yet known how many legal descriptions are in error – everyone hopes there will be no more surprises in this regard.

The meeting was adjourned at 3:06 pm EST.