

Asociación de regularización de vecínos de la cholla P.O. Box 620 • Lukeville • AZ • 85341 www.Vecínos De La Cholla.org

Vecinos de la Cholla, AC

Board Positions Open

General information

The Vecinos Board of Directors meets approximately six times per year (Fall/Winter/Spring). These meetings are held at 9:00AM Sunday mornings at the Community Clubhouse. These meetings typically last 1 - 2 hours, including audience participation following adjournment. Much of the correspondence is conducted via email between Board meetings.

The term of office is three years and begins immediately after elections are held at the April annual general assembly meeting. The term expires at the third anniversary of the members' election (general assembly meeting). All positions require a status of Permanent Resident as designated by the Mexican Immigration Service.

Our first Vecinos President, Alan "Pete" Peterson was instrumental in forming the Vecinos de la Cholla A. C. He served from the inception until 2004. He took a "hands-on" approach to the operations of the Vecinos Board. One of the main reasons our dues are so inexpensive is this "hands-on" approach. The Vecinos have rarely used professional management or administrative services.

Vice President

As with most Vice President positions, the Vecinos Vice President steps in when the President is unavailable. There is no specific description of the Vecinos Vice President in the Constitution. However, the Constitution addresses the position of President in a lengthy description:

"The President of the Board of Directors shall be the general legal representative and shall have the following faculties:

"Faculties for general and ample powers of attorney for legally representing, powers of management with all the general and special faculties that are required in special clauses in the law, according to that specified in articles 2831 † of the civil code for the state of Sonora and its corresponding article 2554 †† of the civil code for the federal district and for all the Mexican republic in federal matters, expressively authorizing him to promote all types of cases and trials, including protections; undertake any efforts before any authorities, desist of the first and of the assemblies; present complaints, grant pardons, take stands and positions. Grant and substitute powers and delegate faculties in terms that are found fit for the interests of the association, as well as submitting all types of documents and renew the power and powers at all time.

To settle disputes and if no settlement is reached undergo the resolutions of a judge, and in the name of and in representation of the Association de Regularizacion de Vecinos de la Cholla appear before local and federal offices of juntas de conciliacion y arbritraje, just as appearing before the secretaria del trabajo y prevision social and its delegations in the different states of the country, with faculties to make settlements and compromises, to attest claims and to obligate the granter in all types of labor trials, in the terms of articles 10, 12, 14 and 692 of the federal law of work.

And also to alienate, buy and acquire all types of goods and real estate, set the price and receive numerary, sign the corresponding deeds or invoices.

To subscribe, endorse, appraise all types of the credit titles, the terms of articles 9 of the general law of titles and credit transactions, only in the name of the Association."

The current Vice President, Kelly Ross, has voluntarily taken on the road and sign maintenance lead position.

Secretary

From the Vecinos Constitution: "The secretary shall write the act of the Board sessions and those of the general assembly of members in the book of records and sign together with the President. He shall sign together with the President the correspondence and shall keep a file and keep the mail."

Our current Secretary, Kathy Barnard, distributes the agenda prior to every Board meeting and provides written minutes after every Board meeting. The minutes are distributed to the members through email and the Vecinos website. Our secretary has been in charge of annual meeting elections, unless the position of Secretary is open. The President appoints another Board member to chair the election, if the Secretary position is open.

Treasurer

From the Vecinos Constitution: "The Treasurer will be in charge of handling funds and the properties that form part of the social patrimony. He shall sign along with the President the documents that imply obligations for the Association. He shall be responsible for the accounting and shall present a monthly report to the Board of Directors of the management of the funds and properties of the Association and to the annual general assembly a statement including all the annexes that reveal the current situation of the Association and are related to the corresponding fiscal year."

Our former Treasurer also took on the responsibility of maintaining and managing the Community Clubhouse.

Delegate of Vigilance

From the Vecinos Constitution: "The members have the right to watch over the fees that they are giving and the property of the Association to be sure that they are being used for then objectives of the Association, for this purpose they will have the right of access to the accounting books and other documents of the Association, with previous appointment. A Delegate of Vigilance shall be appointed, he shall be elected in the annual assembly of members.

The Delegate of Vigilance is a non-voting member of the Board; the position is a liaison between members and the Board of Directors.

Board Members at Large

The Vecinos Constitution does not specify a certain number of Board positions. It states there can be no less than 4 or more than 15. The Constitution mandates 4 officers, the Delegate of Vigilance and the Mexican representative. Currently, there are 4 Board Members at large; the maximum number would be 8.

The main responsibility of these Board members is to attend meetings and respond to correspondence in a timely manner. Historically, these Board members have voluntarily taken on major community

responsibilities. One of these members, Darrell Smith, has taken on the responsibility of maintaining the park. Another, Lew Felton has taken on the responsibility of communicating with the general membership through email and the **VecinosDeLaCholla.org** website. Upon the departure of our Treasurer, Board member Pat Champion, has temporarily taken on managing and maintaining the Community Clubhouse.

These "at large" Board members can make the position as large or small as the responsibilities they choose to take on.

Footnotes

† ARTICLE 2831 of the Civil Code of the State of Sonora - In all the general powers for lawsuits and collections it will suffice that it is said that they are awarded with all the general and special faculties that require special clause according to the Law, so that they are understood as conferred without any limitation. In the general powers to manage goods, it will suffice to express that they will be with that character, for that the proxy has all kinds of administrative faculties.

In the general powers, to exercise acts of domination, it will be enough to be given with that character to that the agent has all the owner faculties, both in relation to the goods, and to do all kinds of efforts in order to defend them. When they would like to limit, in the three cases mentioned above, the faculties of the seizures, The limitations will be consigned, or the powers will be special.

The notaries will insert this article into the testimonies of the powers granted.

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†† The Mexican legal system contains different categories of representation. Specifically, for purposes of the Supreme Court's decision, it is important to note article 2554 of Mexico's Federal Civil Code, which states that there are three types of general powers of attorney: 1) general power of attorney for acts of ownership; 2) general power of attorney for acts of management; and 3) general power of attorney for litigation and collections.

Generally speaking, the power for acts of ownership grants full authority to the representative to act as if he or she were the owner of the property or assets, thus having the power to sell, transfer, dispose of and defend any assets of the principal. The power for acts of management grants the authority to administer and manage property, interests or assets. Finally, the power for litigation and collections grants authority to represent the principal in a dispute before judicial or other authorities.

The main issue from which the conflicting precedents arose derives from an interpretation based on the principle of qui potest plus, potest minus, i.e., that the broader authority would necessarily include the more limited authority. Thus, the argument goes, a power of attorney allowing greater authority would grant, implicitly, a power with a more limited authority. Specifically, in its decision, the Supreme Court analyzed whether it was true that a power for acts of ownership included a power for litigation and collections in accordance with article 2554 of the Federal Civil Code and other similar Mexican state codes.

The Supreme Court concluded by stating that a power for acts of management is different from, and therefore cannot encompass, a power for litigation and collections. The Court reached this conclusion utilizing different lines of interpretation of the text of the Civil Code.

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