



Asociación de Regularización de
Vecinos de la Cholla, A. C.
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LA CHOLLA NEWS

September 2021

ANNUAL MEMBERSHIP FEES ARE DUE

We frequently hear from Vecinos who search all of their email in-boxes, but cannot find emails sent through Firedrum. With this correspondence, we are trying a new bulk email service due to the fact that only 60% of our members are opening their Firedrum emails. We are committed to using on-line methods of communicating and for paying annual Vecinos dues in order to save a significant amount of money in handling, paper and postage costs. To that end, we now have two methods of on-line payments. The preferred online payment service is Zelle, which has no fees to either party in the transaction. When using Zelle, Info@VecinosDeLaCholla.org is the recipient. We have a PayPal account as well. PayPal charges the recipient 3.25% to process the transaction. A \$4.83 is deducted from every \$150 payment through PayPal. When using PayPal, @VecinosDeLaChollaOrg is the recipient. If you have already paid your \$150 annual dues, your receipt and stickers will come in the US mail. You may ignore the rest of this article.

[Click here](#) to download a membership contact update sheet. The form is a fillable pdf. You may complete the form on your computer, save it and email the completed form back to our membership manager, Monica Koerner at VecinosDeLaCholla@yahoo.com. If you prefer the "old school" method, print the form, fill it out and send it to our PO Box. We do not accept verbal changes to our membership records, so please complete the contact sheet to make changes. Other changes may be made by email, if they occur during the fiscal year. This year static house stickers will not be available. We were able to save our association a significant amount of money by having peel and stick house stickers printed here in Puerto Peñasco.

Questions regarding your membership status and annual fees should be directed to our membership manager, Monica Koerner at VecinosDeLaCholla@yahoo.com. Email is preferred, but Monica may be reached at 602.539.3674 (from the USA) or 638.382.5251 (from Mexico).

Your Vecinos Board and management appreciates the members who have faithfully supported their community through the payment of their annual association dues. We know the frustration in La Cholla felt by these current AC members with those homeowners in La Cholla who choose not to support their community for whatever reason. Roughly \$45 of the \$150 annual dues go to subsidize the non-paying homeowners. In response to this issue and many other Civil Association problems, at the end of 2016, the State of Sonora passed new comprehensive legislation regulating Civil Associations.

Article 61 states: "Dues not paid on time by the condominium owners and holders on the dates and in the manner established in the General Assembly or Internal Regulations, shall cause a late interest at the rate set by the General Assembly or in the Internal Regulations. The legal interest rate shall be applied in absence of any stipulation of that type."

Article 62 states: "In case of a transfer of a private property unit, the transferor shall deliver to the buyer acknowledgement of no debt on the payment of ordinary administrative and maintenance dues, reserve and extraordinary dues, if applicable, which shall be issued by the administrator. The notary public will not be able to formalize transfer of the Private Property Unit if the transferor does not exhibit the no debt acknowledgement in question."

Local Notarios have been enforcing Article 62. When a La Cholla property is sold, the seller must produce a letter of "no debt" from the Vecinos de la Cholla, AC. Without this letter, the property cannot be transferred to

the buyer. Real Estate Agents request the “no debt” letter, on behalf of the Notary recording the transfer, from Monica when a La Cholla property is sold. **The transfer cannot happen without this letter.** Vecinos members in good standing will have no problem receiving the “no debt” letter. The Vecinos Board has been willing to work with homeowners indebted to the Association in true hard ship cases; however, other members will have to be current with all Vecinos dues in order to receive a letter of no debt necessary in any La Cholla property ownership transfers.

We know everyone is looking to a more normal Covid-free La Cholla season beginning in the fall of 2021!!

COVID19 Protocols return to Puerto Peñasco

A number of new Covid-19 infections and the new Delta variant have prompted members of the Municipal Health and Safety Council to unanimously approved some new health and safety measures in essential and non-essential activities that came into force on August 9th to mitigate the number of infections and spread of the virus.

On behalf of the Mayor Kiko Munro and the secretary of the City Council, Terencio Gutiérrez they affirmed that the municipal administration in coordination with the State and Federal government, as well as with the support of the private business sector, have made an effort to continue vaccination campaigns, aided by the cross-border vaccination program in Lukeville-Sonoyta for the benefit of the Rocky Point population. However, he clarified, there is still citizen resistance who have refused to be vaccinated and abide by the recommendations in place, which has led to an increase in positive cases and a rise in coronavirus infections. Other factors in the increase in infections had been the relaxation of preventive measures since Rocky Point decided to return to more normal activities through the Peñasco se Activa Plan, causing the Municipal Health Coordination to begin again the inspection tours to make sure that the standards are being enforced.

The approved regulations are:

1. The measures previously established by the Health and Safety Council remain in force for the general public, visitors and tourists:

- Mandatory use of mask.
- Installation of sanitizing mat at the entrance of all commercial establishments.
- Application of antibacterial gel.
- Body temperature check.
- Maintaining a healthy distance (minimum 1.5 meters).

2. Restaurants may stay open, but at 50% of their normal capacity, without new restriction of hours.

3. Mobile Food Stalls (fixed and semi-fixed), may be continued without restriction of schedule.

4. Bars, Clubs and the like, restricted to 50% of their capacity and must close no later than 11:00pm.

5. The following measures are established for the development of activities in Tourist Boats:

- Tourist boats may operate at 50% of their maximum capacity, including crew.
- Respect the security protocols and schedules issued by the Harbor Master’s Office for all types of vessels.

6. Activities in Party Venues and/or Meetings may be carried out at 40% of normal capacity, with the following restriction:

- Social events destined for minors under 15 years of age are suspended - such as: piñatas, baptisms and similar events.

7. Leagues and/or Sports Teams, where minors under 15 years of age participate, are suspended.

8. Citizens in general are encouraged to keep children under 15 years of age at home, since they are the most vulnerable to the Delta Variant of COVID-19. It is also established that the city will follow guidelines of any future preventive and security measures which may be issued by the Federal or State Government through the Secretary of Health of the State of Sonora and Council State Health



RAIN HITS LA CHOLLA DUE TO HURRICANE NORA

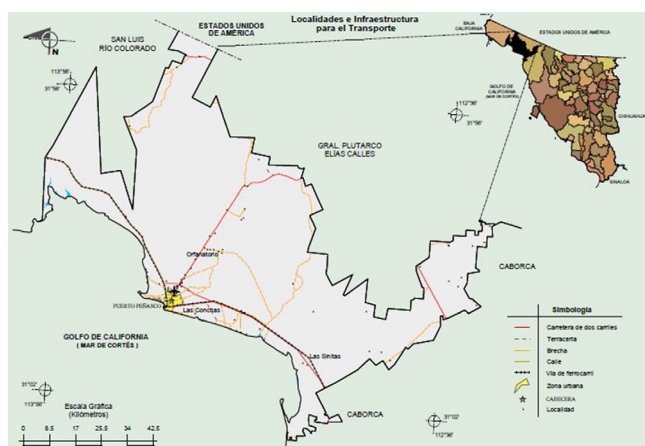


On August 31, 2021 LaCholla received the first significant rain in 6 months and it was a doozy! If you have never been at your Cholla home during a heavy rain, it's an experience. It is amazing to see water running in the sand, but soon you realize the water has to go somewhere. The first rule of plumbing is that water runs down hill, even if over sand. Back in 2018, LaCholla was hit with 6 inches of rain; the destruction resulted in over \$40,000 in road damage. The latest rain, thankfully did not cause similar destruction; however, your Civil Association (Vecinos de la Cholla) stepped in to make road repairs immediately. Vecinos Vice President, Kelly Ross contacted Juan at SRB to begin restoring the roads. Rain damage such

as this or the extensive damage in 2018 cannot be predicted. For over 30 years, the Vecinos de la Cholla AC has set aside thousands of dollars of reserve funds to react to a rainy day, like this one.



In Mexico, there are three layers of government. From the top down, the layers are Federal, State and Municipal. There is not a fourth level to compare with counties in every state in the United



States. LaCholla is part of the municipality of Puerto Peñasco. Each municipality is responsible for all of the land and residents within their jurisdiction. As shown in the map to the right, Puerto Peñasco stretches northeast to the the municipality of Elias Calles (Sonoyta), to the southeast to Caborca and northwest to San Luis. There has been talk around La

Cholla that someday we will be “annexed” into Puerto Peñasco. There is no annexation in Mexico. Every square inch of land in Mexico is part of some municipality. These rumors include the false hope that when we are annexed, the city will take care of everything. The truth is that we have always been part of Puerto Peñasco and the city services will not change after some mythical “annexation”. This a part of why our Civil Association was created, to enhance the services provided by the city. Imagine how long it would take to repair our roads if we didn't have our Civil Association and were totally dependent on the municipality of Puerto Peñasco! Thank the paying members for the financial support of ongoing road repair and maintenance in our community.

MONTHLY FINANCIAL AND BANK STATEMENTS

As promised, your Vecinos Board is committed to providing its members direct access to the monthly financial and bank statements. The statements are posted on our website, www.VecinosDeLaCholla.org and on our Facebook page, VecinosDeLaCholla AC.

[Click here for June 30 fiscal year-end statements](#)

[Click here for August Statements](#)

A MESSAGE FROM VECINOS AC BOARD

As many of you are aware there has been much rhetoric back and forth on the Cholla Bay Homeowners Facebook page as well as direct email to many of our members. At the June 2021 meeting, President Dugan provided recorded documents reflecting the Vecinos De La Cholla AC as a legal entity and Mr. Dugan as President. Recall at that Board meeting, it was agreed upon by those of the opposition group and the Board that a meeting would be held with both attorneys to discuss these two issues. President Dugan indicated the meeting would be held by the first of July. Vice President Ross asked who was representing the group and Benji Brown indicated it would be Hector, the SBR attorney. To date, The Vecinos attorney has not been contacted by anyone representing the group to conduct the agreed upon meeting. President Dugan, in a meeting with Gus Brown, inquired if Hector would be representing the group and his response was no; Hector is the SBR attorney. No name or firm has been provided to the Vecinos in order to set up the meeting. The Board did provide documentation in the subsequent Board meeting minutes, an opinion on the information presented by the group as being altered and a letter from the Vecinos legal counsel in support.

In lieu of the agreed upon meeting with attorneys, this group has now requested to sit with a delegation of members of the Board to “negotiate and compromise” on issues with Benji Brown as moderator. None of the Board, except for one, wanted to sit with them face to face, due to the year-long allegations and personal attacks on various members of the Board, much less the leading prevaricator, as a moderator. In response, the Board suggested that dialog be conducted in writing between this group and the Board on issues they want to discuss, along with the facts to support their position. The Board would then respond in writing. No issues will be personal attacks on anyone. Also, issues that have been previously discussed and responded to will not be revisited. The Board is satisfied with the counsel received and abides by the information provided and duly recorded.

Prior to the proposed discussions, it is only right that everyone involved become current members by paying their dues. It is only fair and right that discussions should be between “current paid-up members”, like yourselves. In the past, the group has stated they had no interest in serving on the Board. To this end, all participants in this discussion will pledge to and state they will not run for any office for the next 2 consecutive terms (6 years) and that no participants will be employed by the AC at any time in the future. No public communication will be made unless both parties agree to what is written. Any agreement will have to be approved by the Board and ratified by the current members. No moderator will be necessary, due to all communication being in writing. Most importantly, there will be no negotiations regarding amnesty to those not paying their dues and are not current. The members are tired of those that have not paid, yet benefit from the services provided by those that pay. Finally, the Board stated, “if you agree, we look forward to a positive and non-antagonistic communication sent by your group on your social media stating the written communications will begin as soon as dues are paid.”

The Board has received nothing. To the contrary, an email was sent to their distribution list with another threat of court action.

The Board solution is one of clearing the deck on both sides and allowing new members to step up to actively participate in the continuance of the AC.

Recently, Gretchen Ellinger submitted her letter of resignation from the Board. The Board was presented with a motion to accept her resignation and it was unanimously approved. Unfortunately, a gracious letter of resignation became something beneath her intellectual level. Her resignation letter contained attacks on Mr. Dugan, and reported conversations of “I heard” and “rumor has it”. When asked, one Board member to another, Mr. Dugan was told, “I have my confidential sources”. I am sure this response would unnerve any of you. She continued with the most far-reaching claim that a 24-year-old LLC used one time by the Dahstrom’s and the Dugan’s to buy a fix-up house in Tucson, was used to purchase property in New Mexico in 2018!!! Mr. Dugan has stated that if in fact he has any interest in any property owned by the said LLC in New Mexico, he will do whatever he can to sell the property and give any proceeds to the Vecinos!! Again, Mr. Dugan has asked her for the property’s location and has received no answer.

Lastly on this matter, Mr. Dugan, as are other members of the Board, have been friends with Gretchen for many,

many years and am sorry this friendship has been tainted by the actions of others resulting in her conclusions. Using some of the words she has used in her resignation about Mr. Dugan's personality, we will refrain from attacking her "passive aggressive behavior, personality, or ignorance", but rather to say that we wish her good health and good fortune in the future.

In conclusion, many of our members have been here from the start of the AC (1991) and know of the reasons why it was formed and the ups and downs we have had, but as we all look back to what has been accomplished by various Boards through the years with talented, non-paid, volunteer individuals. They have done a pretty damn good job for a community that has had little help from the public sector. Pappy Brandt, Connie Northworthy, Ken Goodin, Bucky Maud, Lew Felton, and of course, Alan Peterson, to name a few of the members throughout the years, are just some of the heroes of our organization.

The real heroes are the current members who realize how difficult it is to accomplish anything in a foreign country as non-citizens. They know the Board has done the best they can and have supported them through the years.



FIRECRACKER PARK

La Chollas' version of central park is our very own Firecracker Park. The park was developed back in the 80's before the regularization of our community. It was named after a colorful Cholla Bay character of the early days of Cholla Bay. Butch "Firecracker" Heldt was born on the 4th of July and celebrated his birthday and our independence each year with fireworks. The nickname, Firecracker, stuck with him his entire life. The property was donated to Puerto Peñasco by Gus Brown as part of the regularization process in the late 80's. Although owned by the city, the Vecinos de la Cholla AC has maintained and improved the park. Part of your Association dues goes to this ongoing effort. Board member, Darrell Smith, has volunteered to coordinate the park's maintenance. Darrell reports that recently the ramadas have been sanded and varnished, broken roof tiles have been replaced and the playground equipment has been sanded and repainted. The park has playground equipment for children, a soccer field, a basketball court, a pickle ball court, a horseshoe pit, two ramadas and barbecue grills.



CHOLLA LIBRARY

Jennifer & Heath Stockard with much help from Gordy Waite continue to be our wonderful volunteer librarians. For over two years they have done a wonderful job! Barb & Bob Dammann, our former librarians, have been more than pleased with their successors. If you haven't been in the library in a while, don't be surprised if your favorite section has moved. There is a library map on the table that will help you find the section you are looking for.

- How does the library work? It is a lending library. Take a book/puzzle/movie/game and bring it back when you are finished.
- What can be donated? Fiction & non-fiction books in good condition with no tears, pages missing or water damage. We will also take DVD movies, audio books on CD, puzzles and games with complete sets/pieces. (Please no magazines, how-to books, textbooks, manuals or oversized coffee table books.)
- Where is the library? The Cholla Bay Library is located on the west side of the Cholla Community Center. The AC provides keys to the library to Cholla residents. If you don't have a key, please let me know and I will be happy to get one for you.

The library is full of mysteries, romances, adventures and information. Whether you are a fiction or non-fiction fan, the library has something waiting for you...

Jennifer Stockard - Volunteer Librarian
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