

Mariner's Valley Two Maintenance Association Board Meeting Minutes

July 11, 2021

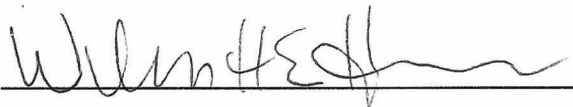
Called to order at 3:05pm by President Frank Alexich

Board members present: David Monk, Bill Kern, Marion Baricuatro, Frank Alexich, Lonnie Bonds (joined midway), Alan Gardner, Jackie Midwin

1. Irrigation Project – Vendor request to not invoke Liquidated Damages

- a. Gardner reported that a walkthrough of the large portion of the Common Area ("Large lawn space") with Vendor on July 8, 2021 appeared to demonstrate proper sprinkler operation of each of the valves/sections of the large area utilizing the new sprinkler controller.
- b. Gardner also reported that cleanup of the Large lawn space is still in progress, including screen fencing, posts, rock/debris and associated mowing of the area.
- c. Gardner also reported that the vendor is requesting that the Liquidated Damages provided for in Amendment 1 of the contract dated May 10, 2021 not be invoked due to vendor cost overruns. Vendor raised that should Liquidated Damages be invoked by the Association, then Vendor plans to escalate cost overruns to mediation. Gardner noted that per the Agreement and Amendment 1, a total of \$7,400 in Liquidated Damages had accrued since the agreed-upon completion deadline of May 31, 2021 expired.
- d. Gardner further reported that the invoice received from the Vendor on July 9, 2021, was submitted prior to Vendor's completion of the cleanups of the Large lawn space, and was incorrectly designated for completion of the "Small lawn space"
- e. Gardner to communicate to Vendor that the invoice should be corrected to not specify "Small Lawn Space" and that it should be submitted only after completion of the Large lawn space cleanups per the Agreement
- f. After discussion on the Liquidated Damages request, Gardner moved that a letter to the Vendor be drafted clarifying that any payment in full is the Board's decision per the signed Agreement and that any costs incurred by the Vendor are the Vendor's sole responsibility. Monk seconded. Six votes in Favor, one vote (Bonds) opposed.

4:00pm Baricuatro moved to adjourn the meeting, Gardner seconded. Unanimous.

Signature: 
William Kern – Board Secretary

Date: July 21, 2021