

**Hawaiian Paradise Park Owners Association  
APPROVED – Board of Directors Meeting Minutes  
December 21, 2016**

**I. Call to Order:** President, John Rudolf (District 4) called the Board of Directors meeting to order on November 16, 2016 at 6:05 p.m. Quorum was established. Two recorders were run during the meeting for transcription because the Recording Secretary was absent due to illness. The meeting took place in the HPPOA Hui Activity Center Library.

**II. Roll Call:**

**Board of Directors:** Ruth Mizuba, Vice President (District 2), Randi Larzalere, Secretary (District 6), Dr. Jo Maynard (District 5), Richard Solie, Treasurer (District 7), Patrick Murdoch (District 9), Chris Anderson (District 8), Larry Kawaauhau (District 1)

**Absent:** John Rudolf, President (District 4), Jerry Sodan (District 3)-off-island

**Guests:** Shawn Merrill, Robert Merrill, Carl McMinity, Steve Crawford, and Beth Evesong, Terri Stratton

**III. Approve Agenda**

Discussion: Unfinished Business: Added 10. Sale of Property on 4<sup>th</sup> Avenue. **Richard Solie (District 7) moved to approve the Agenda of 12-21-16 as amended. Randi Larzalere (District 6) seconded the motion. Vote: Yes-7. Unanimous. Motion carried.**

**IV. Approve Past Minutes**

Discussion: Bond Estimate Amount due was corrected to \$10,000,000 and some typos were corrected. **The Board voted unanimously to approve the November 16, 2016 BOD Meeting minutes as corrected. Motion carried.**

**V. President's Report** – The Vice President reported that the President, John Rudolf (District 4) texted her that he would be off-island until January 12, so there was no President's report.

**VI. Treasurer's Report** – Richard Solie – Reported he didn't yet have time to review the November financial statements, but he did review the audited financial statements for June 30<sup>th</sup>, which will be covered in New Business. He and the GM, Don Morris have taken the preliminary steps toward the finance committee's recommendation to research banks to refinance the bond. One bank recommended HPPOA find a financial advisor. Chris Stark resigned from the finance committee and was replaced by Parker Nicholson. The finance committee discussed how the equipment, purchase and contract policies are approved as well as the upcoming budget and information that they need from Don Morris, GM, which Dr. Jo Maynard stated she would liaison to get for the committee. The finance committee is recommending that the deposit breakdown by month shouldn't be included in the packet because it has confidential information in the report and it's also covered by another report that they do called the deposit summary report. He stated that has sent the approved minutes of the finance committee to office staff member, Bridget Hayley, to put up on to the website, but they have not yet been posted.

A discussion about the bond taken out, the ridiculous rate of the bond and the people who took out the bond ten years ago by having a special meeting during the middle of the week to get it passed on to a really angry community who feels hoodwinked and ripped off. They will look for the best refinancing possible and try to move the community forward, but **Chris Anderson (District 8) moved to create a committee to investigate the Bond's origin, ten years ago, to find out who was responsible for it, and if any criminal activity was done by, not only the Board, but possibly bond enforcement agencies. Dr. Jo Maynard (District 5) seconded the motion.** Discussion: A company in the bond process was legally prosecuted around that time for overcharging, so the doesn't want to waste any money to do this, but they want to investigate and be able to actually know and answer exactly what was going on with that bond, with clear transparent answers when people ask about the history of its origin. Chris Anderson stated that he looks forward to putting in the time and effort to research and answer these questions for the community and everyone who wants to know. **Vote: Yes-7, Unanimous. Motion carried.**

**VII. GM Report** — Don Morris –

Aloha, thank you for all the road maintenance and safety requests this past month. We currently have a backlog of approximately 280 road maintenance requests. Most of these requests are for the repair of potholes. The response to the requests has been delayed and slow going, in part due to the large amount of rainfall that we have received in the past months, but the larger issue has been that our grader has been down for about a month. It is going to be down for two to three more months, due to the parts not being available by an

aftermarket retailer. The grader is over 15 years old and it is difficult to get parts for it. This particular part has to be manufactured by the original maker because it is obsolete. This is not even a major part, but a small part that makes the grader inoperable until replaced. If it were a major part, the grader would probably be down even longer. I strongly recommend the BOD consider the purchase of a newer grader. I foresee only more problems and longer down times with this grader and we need to have something in place so that the owners do not have to deal with bad roads while we are getting equipment repaired. Our roads cannot be left ungraded for two to three months, so I have some information for the Board to review.

#### **Equipment:**

**Randi Larzalere (District 6) moved to purchase the grader, case model 845B, from Allied. Larry Kawaauhau (District 1) seconded the motion.** Discussion: Without it road, we don't get the roads graded. We need the equipment to keep things going. This has the ripper to properly prepare the roads. There are some good attributes to this piece of equipment. The old grader is in constant disrepair. The GM wants to use the money he obtains from Collections. If they get a loan with a fixed rate and they can re-evaluate as needed in the budget to make bigger payments as able and there's no penalty for early pay-off. HPPOA must keep the roads maintained and they cannot do that without the equipment and specifically, not without this piece of equipment. We have to keep going forward repairing these roads, this is the easiest way to get the results needed to help the community see what they are paying for in their road maintenance fees. HPPOA actually has enough money to pay cash for this, but they need to keep back-up money, so although in support of the purchase, they had a deep discussion of what manner to pay for it e.g. financing to keep a reserve for emergencies versus paying for it cash in order to save \$10,000 to \$30,000 finance fee. **Randi Larzalere (District 6) moved to amend her motion for Don Morris, GM, to purchase the Case 845B grader with financing from Bank of the West, option 4. Dr. Jo Maynard seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**

We still only have one sidearm mower. We tried a chap fix on the New Holland side arm, but it did not work. We have no small deck mowers. The grasshopper mower is still being review by the manufacturer to see if they will cover the repairs under the warranty. All other equipment is running as well as can be expected at this time.

**Mowing:** The Grasshopper Yard and Tree Service continues to mow the main roads and cut back the corners. His contract is up at the end of this month. I have attached his current proposal for your review. I was also requested to obtain some more proposals for this task. I requested proposals from four other vendors and only received one back. It is also attached. The road crew mowed 84 miles of roadway easement. A discussion about the three quotes for this service occurred along with Grasshopper's contract specifics such as termination at will versus completion of term quotes. Discussion of cost to use a contractor versus using the road crew that does not have the equipment to do the work. If the association could do the work themselves, they'd need a larger crew along with working equipment to do it. **Richard Solie (District 7) moved to accept the contract from Grasshopper Yard and Tree Service with the changes regarding cancellation of contract for the amount of \$3100, which does not include the seed retardant. Chris Anderson seconded the motion.** Discussion: It's a six-month contract, which can be cancelled at any time, should the equipment and manpower situation allow for that change. This will be subject to them accepting the change in terms HPPOA wants to allow cancellation at will. **Vote: Yes-7, Unanimous. Motion carried.**

**Weedwacking:** Road crew weed wacked Paradise main corners, mailboxes and signs from 21<sup>st</sup> street down to 16<sup>th</sup> street, Beach, Lemiwai, Palikai, B, C, D, F, and G.

**Gravel, graded and rolled:** 13.5 miles

**Rubbish pickup:** 2.25 tons

**Dead animals:** 2 pigs

**Trees removed:** 4 areas of trees removed

**Signs replace:** 2 stop signs replaced

**Safety Report:** No accidents or injuries for the past 29 months. ~~ **Thank you for your support.**

#### **VIII. Committee Reports –**

**1) Bylaws Committee – Chair was not present.** Steve Crawford spoke as a member of that committee, stating that they are working on the "powers and authorities" of section 8 item C and the next meeting tomorrow has been cancelled because two members cannot attend. They plan to meet the first part of January.

**2) Nominating Committee – Robert Merrill –** There are five districts open and it's up to them to market these open positions which they've done by purchasing banners and got an extra banner out of it because they got such a good deal. They will be attending swap meets to promote it in January and they've created forms for application to have with candy and signs to promote the openings. They

missed the last swap meet because all the spots were taken. They have everything and are ready to go. They intend to use the HOA member billing to send the Board of Director's form to know which districts are opening and the back of the forms have a map on it, so people can see what district they actually live in. They are also going to put out a Press Release and advertise on Facebook and two or three other social networks. The deadline for getting in the candidate submission is March 17<sup>th</sup>. **Randi Larzalere (District 6) moved to form an elections committee that will take over once Robert Merrill is done with the nominating committee, then all the paperwork and everything to do with the actual voting and election will be turned over to the elections committee. Richard Solie (District 7) seconded the motion.** Discussion: Non Board members and nominating committee members are encouraged to participate in this committee. The ballots will be counted to a neutral third party like those counting the ballots or to a special mailbox. To save money, they decided to let the elections committee to decide what independent organization should receive the ballots and do the count for the election. *Robert Merrill was asked to be the Chair of the election committee. Ruth Mizuba, Leilani Bronson-Crelly, Randi Larzalere and Richard Solie volunteered to be on the elections committee. Richard Solie volunteered to oversee the finances of the committee.* **Vote: Yes-7, Unanimous. Motion Carried.**

**VIV. Community Resources** – Tabled. Judi Houle was not present to give a report this month.

#### **X. Owner's Input:**

Beth Evesong: Thanked the Board members for being here and volunteering for the community. With all due respect, she stated that as a former finance committee member, she was concerned that all the finances were not taken into consideration in such a major expenditure besides the grader, but a lot of other issues that are needed to be considered in our budget and developing another budget for our future. I support the GM in the need for a new grader because potholes are a major issue, but she doesn't think the board has given enough consideration to the amount of money needed for that equipment because there is a ratio for our bond for how much money the Association spends that's really important for all to consider. She stated to Richard Solie, Treasurer, that she was disappointed that, again, this month, there was no report from him about the status of what the current budget is of the Association. We have in the past been given numbers about how much money the Association has as cash on hand and how much recovery was being done for all of the past few fee, and what our financial status is, which is important to be a part of this meeting so she hopes that in the future he will spend a little more time before he comes to the meeting and have a financial report and information for the Board meeting. She stated that she doesn't know what the Association is getting in terms of the budget to look at in order to review and look at to make those decisions, but she hoped that the Board put in a little more consideration before spending the money because of how it will look to the community to make such a large purchase, even though it is clearly needed.

Carl Mcminimy: Thanked the Board for taking his recommendation to move up the owner input section in this meeting. It's nice to be heard, thank you.

#### **XI. Unfinished Business:**

1. **Status of County Park** – Ruth Mizuba (District 2) – Reported that she has spoken to their representative, Eileen Ohara, the county councilperson, and she's asked that we wait for Mayor Kim to get into office and see what his priorities are before we start loading him up with letters supporting the county park.
2. **Mailbox update** – Ruth Mizuba (District 2) & Patrick Murdoch (District 9) – **Dr. Jo Maynard (District 5) moved to create a Mailbox Committee with Ruth Mizuba, liaison to become the Chair with Patrick Murdoch (District 9) and Jerry Sodan (District 3) as the second and third members of the committee. Randi Larzalere seconded the motion. Vote: Yes-7, Unanimous. Motion carried.** Patrick stated that he is aware of others who have been working on this and asked for any pertinent information already garnered to be shared with the newly formed committee. A packet of information with a spreadsheet of costs was distributed to get an idea of what this would cost to get mailboxes for the entire community. Patrick Murdoch gave a materials and costs report along with postal service requirements to make this happen. All private communities have to supply their own boxes. They will be meeting with the post office on January 9, 2017 to see what they are requiring, but it is probable that they will require a box for every lot. There is an issue about the 2064 boxes that are in the upper end of HPP. Some are ruined, but it would be nice if there are any that can be reusable, although the locks will need to be changed, too. The main road and possible accidents to the existing post boxes is a true safety issue. A lengthy discussion occurred. They will revise the letter to make it concise in order to mail it out early January to look for approval from the membership.
3. **Albizia removal from office parking lot** – **Richard Solie** – The arborist that he was supposed to meet didn't show as mentioned last time, but he spoke to the University and they won't do any hazard trees, which these are, the GM has an

estimate for \$10,000 to take out twenty trees. GM stated that HELCO isn't giving any cooperation despite their lines being tangled in the trees. HELCO won't cut power to the line to cut down the trees, but they will come out after the trees fall on the lines and require the lines to be repaired. These are right outside the office over super high voltage power lines very close to the office. A discussion occurred. Because of the High voltage they can't just have people on ropes go up there. The danger is extreme. **Richard Solie (District 7) moved to allow the GM, Don Morris to pursue some more bids beyond the three they already have and then to make a decision what to do at the next Board meeting. Chris Anderson (District 8) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**

4. **Approve District Recall Policy** – Dr. Jo Maynard – A recall policy put together by a previous Board independent committee consisting of Craig Creilly, Dr. Jo Maynard, Janice Ashford, Paul Wheelless created a procedure for recall, which was distributed last month for voting upon this month. A lengthy discussion occurred about the proposed policy procedure policy. **Randi Larzalere (District 6) moved to approve the HPPOA Board of Directors Removal/Recall Policy. Chris Anderson (District 8) seconded the motion. Yes-6, No-0, Abstain-1 (Richard Solie/District 7)**

Discussion about a letter to be written regarding the recall form received from people who have not identified themselves, but instead represented themselves on the recall form as being HPPOA, but with someone from a different district's return mailing address within the Park. The HPPOA did not create this petition for recall, but the people behind the petition for recall have used HPPOA instead of putting in their own names.

5. **Arbitration** – GM, Don Morris – Curious about the amount of fees and if there was any double billing and who initiated a balance that would be paid. He sent all the invoices to Jo Maynard to liaison with the attorneys in order to look at those numbers and whether they are accurate. June Conant's payment was received on time, but written to the lawyer's office rather than the Association. The legal fees were roughly \$35,000 for the arbitration, of which HPPOA won on all points. The four who instigated the arbitration paid \$3,548.46, but there's 193.75 still outstanding for each of the arbitrators in this costly exercise that gained us absolutely nothing, so it's hoped that these behaviors can be avoided in the future. Mr. Crawford shouted out from the audience, "talk about yourselves, all right?!" and the Vice President replied that she was talking about both sides and the hope that we can all commit ourselves to working cooperatively so we're not costing our community – Mr. Crawford attempted to interruptive by speaking out over her from the audience – the Vice President said, excuse me and continued -- so we're not costing our community Association \$35,000 for – Mr. Crawford again shouted out from the audience that they did it because they wanted the Board to meet and talk to them. He persisted in interrupting stating that he's said this over and over in public meetings what they wanted. She affirmed understanding him this and continued, stating, All of your issues have been addressed, Mr. Crawford, but I'm hoping that in the future all of us can work cooperatively because many of your issues weren't even issues of your concern. They were for the Board's concern. You have your opinion, but the Arbitrator agreed with the Board.
6. **Carl & Susan McMinimy hearing on lot consolidation** – The McMinimy's bought a lot that was consolidated, but was previous two lots with Paradise Park Association and they are contesting their paying of two road fees. Even though the county allowed them to consolidate the lots, they think that they should only have to pay one road fee even though HPPOA has their property listed as two lots. Mr. McMinimy clarified this statement of history by adding that neither he nor the people they bought the lots from consolidated them, and that that part of the bylaws does not fit their situation because they have paid, since they've been in the park – interjecting a self interruptive threat of violence at the GM, Don Morris during his explanation causing a cacophony of voices – when calm was regained and he composed himself from his tirade, he continued stating that he has paid what he feels he's legally responsible for, and he feels that is only one lot. Your property is listed with HPPOA as two lots. He contends that because the county says they're one lot, then that's what's legal, but the County has made it quite clear that they don't govern private subdivisions. He refused to understand that just because in his opinion two lots don't exist, it doesn't matter that they exist to HPPOA, he refused to understand that his opinion and the county's separate allowance of consolidation for the purposes of their taxation does not force HPPOA to have to acknowledge the consolidation per the Communities bylaws. It was noted that there is also case law that supports the ruling that HPPOA does not allow consolidation of lots by the county to erase indebtedness to pay the road fee for each lot as originally created. Mr. McMinimy firmly seethed as he persisted insisting that the Board has to follow directive and inform their employee, the GM to put him in good standing for having paid for one lot as he feels is his legal obligation despite case law already won by the Association pertaining to this exact matter with another member in the past who lost the same case. He stated that then he doesn't have to pay any road fees, if HPPOA won't accept just one payment for one lot and then he stormed out of the meeting. A board member showed a map that distinctly maps his property as being two lots. It's two half-acre lots. Because the lot was configured, they had to consolidate the lots for the county for the septic, so the county allowed that consolidation for the house to complete, but that didn't in any way void the fact that the house is situation on two lots. Otherwise everyone could build homes like that to force

him or herself out of having to pay their fair share of their road fees. **Dr. Jo Maynard (District 5) moved to have the Board send a letter to Carl and Susan McMinimy stating its decision that they are obligated to pay two road fees for their two HPPOA lots, based on reiterating the case law and bylaws regarding his two lots. Patrick Murdoch (District 9) seconded the motion.** Discussion: The letter should also add that they must treat HPPOA's employees with civility and not laden with threats of physical violence. This is a case of doing your own due diligence or make sure you have a realtor who informs you of these things. **Vote: Yes-7, Unanimous. Motion carried.**

7. **Annual Update** – Randi Larzalere – She's received everything, but the Albizia and Fire Ant blurbs which she was under the impression were going to be brought tonight by Judy Sumter are not yet in her possession. The President's message was discussed. Bridget moved some things because she thought it was done, but those spaces were being left open for Judy to write about fire ants. Food bank January will be the last due to funding, also initiated by community member and former board member Ken McIlvray, now still on the finance committee. He doesn't think that feeding the needy or the Food Bank needs to be on the HPPOA agenda, so the volunteers in HPP are going to try to get grants for it. A discussion occurred regarding what might be good to add on or replace something as need per priorities.
8. **Commercial Scale Road Maintenance Assessment** – GM, Don Morris – Previously passed by the board. Schools and churches are done. Trying to get the changes approved so that it can go out with the billing. It was given to the commercial scale. **Dr. Jo Maynard (District 5) moved that the Board approve the changing of the special extra burden road maintenance fee into the commercial scale road maintenance fee as GM, Don Morris has suggested. Randi Larzalere seconded the motion.** Discussion: A lot of schools in HPPOA don't pay an assessment fee and should be doing so. This assessment will go out with the next bill. It won't be implemented until 2018. **Vote: Yes-7, Unanimous. Motion carried.**
9. **Area Beautification** – Randi Larzalere – January 7, 2017 at 8 a.m. meeting at the office. It is the same day as neighborhood watch, so she's hoping they'll make their meeting short so the people will then come for that. Wants to start at Maku'u and work its way down. Even showing up late is appreciated. Ruth Mizuba will continue to volunteer to do her clean up washing the mailboxes on 15<sup>th</sup>.

## XII. New Business:

1. **Department of Health Letter** – A letter was received from the Health Department regarding Violations and fines are coming from Honolulu due to dust complaints from Mango Acres' road and another person who often had a complaint. Speed is an issue. Watering roads has occurred. The GM, Don Morris prepared a letter for approval from board to send to the Health Department to answer to all the things he is doing and including the plans and chip seal project all meant to abate the dust. **Dr. Jo Maynard (District 5) moved to approve Don Morris, GM's letter to the Health Department regarding dust abatement the HPPOA plan and current implementation update. Richard Solie (District 7) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**
2. **Activity Center Deposit/Rental Increase** – GM, Don Morris – I would like to increase the Activity Center Rental Deposit to \$250; this is consistent with what all other Associations and Halls are charging. Three times, in 2016, we have had renters who have cost the Association more than the deposit of the \$150 to clean up after they left a mess. We would still retain \$50 for the inspection fee and the other \$200 would be refundable provided the Center is left clean and undamaged. A discussion ensued including the note that last year they raised the fees for rental. **Richard Solie (District 7) moved to approve the Activity Center Rental increase as recommended by the GM, Don Morris to increase the deposit fee to \$250 with \$200 refundable, if the place is left in good order. Randi Larzalere seconded the motion.** Discussion: HPPOA is the least expensive rental of all the associations and we are fully booked right now It will be decided by how many man hours required to clean it up. **Vote: Yes-7, Unanimous. Motion carried.**
3. **Review of Audited Financial Statements Report** – Richard Solie – The audit did not disclose any problems with our financial reporting, although they did comment that we chose not to provide information on future repairs and replacement costs. Their opinion was not affected by the missing information.

We ended the fiscal year with \$4,849,000 in cash assets, another \$1,167,000 in receivables and prepaid expenses, and about \$9,000,000 in long term assets, such as roads, buildings, and land.

More good news is that our Net Assets (Equity) increased by almost \$350,000, due to good financial management. We increased revenue and lowered expenses for the fiscal year. I think this is a good part due to the efforts of Don Morris, our operations manager. Also, our collections department increased collections over the previous year by almost \$70,000.

*There were no negative, or cautionary notes. The audit shows no problems with our accounting methods, and an increase in financial strength. A very positive report. The audit is on the website in full for community access.*

- 4. **Food Bank** – The fourth Tuesday of January will be the last Bodacious Ladies Food bank. If anyone knows someone in need because of this, please refer them to the Hilo food bank where they will give out emergency food bags. There was a notice in their bag yesterday and they will receive a notice in their final bag, in January. It is expected that people will probably still show up in need.
- 5. **Recall Letter** – District 5 – see above under Old Business Recall Procedure Form
- 6. **Sale of Property on 4<sup>th</sup>** – missed due to a Board member question about Executive session that waylaid them getting to this topic.

**VIII. Policies to Review: None**

**VIV. Announcements:**

- 1. New Board of Directors Meeting is January 18, 2016 at 6:00 p.m.
- 2. Next General Membership Meeting is Sunday, February 26, 2017 at 3:00 p.m. – Transcriber reported she will not be in attendance, so the meeting will need to be recorded for Transcription.

**XV. Adjournment to Executive Session:**

**Richard Solie (District 7) moved to adjourn to Executive Session. Randi Larzalere (District 6) seconded the motion. Vote: Yes-7. Unanimous. Motion carried.** Meeting adjourned at 8:53 p.m.

Respectfully Submitted and Approved:

\_\_\_\_\_  
Susan Bambara, Recording Secretary

\_\_\_\_\_  
Randi Larzalere, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**BOD Meeting Motions Log 12-21-16**

**Richard Solie (District 7) moved to approve the Agenda of 12-21-16 as amended. Randi Larzalere (District 6) seconded the motion. Vote: Yes-7. Unanimous. Motion carried.**

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**Chris Anderson (District 8) moved to create a committee to investigate the Bond’s origin, ten years ago, to find out who was responsible for it, and if any criminal activity was done by, not only the Board, but possibly bond enforcement agencies. Dr. Jo Maynard (District 5) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**

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Randi Larzalere (District 6) moved to approve the HPPOA Board of Directors Removal/Recall Policy. Chris Anderson (District 8) seconded the motion. Yes-6, No-0, Abstain-1 (Richard Solie/District 7)

Randi Larzalere (District 6) moved that Ruth Mizuba (District 2) write a letter in response to the petition for recall of District 5 position for Jo Maynard, which falsely came in bearing the name Hawaiian Paradise Park Owners Association. Larry Kawaauhau (District 1) seconded the motion.

Dr. Jo Maynard (District 5) moved to have the Board send a letter to Carl and Susan McMinimy stating its decision that they are obligated to pay two road fees for their two HPPOA lots, based on reiterating the case law and bylaws regarding his two lots. Patrick Murdoch (District 9) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.

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