

**Hawaiian Paradise Park Owners Association
APPROVED – Board of Directors Meeting Minutes
August 17, 2016**

I. Call to Order: President, Craig Crelly (District 6) called the Board of Directors meeting to order on August 17, 2016 at 6:03 p.m. Quorum was established. The meeting took place in the HPPOA Hui Activity Center Library.

II. Roll Call:

Board of Directors: Craig Crelly, President (District 3), Ruth Mizuba, Vice President (District 2), Randi Larzalere, Secretary (District 6), Larry Kawaauhau (District 1), John Rudolf (District 4), Dr. Jo Maynard, (District 5), Floyd Branchfield (District 9) **Absent:** David Pettijohn (District 8)

Guests: Bruce Derrick, Mayelin Stillwell, Shawn Merrill, June Conant, Dan Larzalere, Richard Solie, Beth Evesong, Judi Houle, Steve Crawford, Steve Scott, Andie Ramos, Richard Solie (appointed as Director, during the meeting, as the only applicant for the vacancy), Don Morris/GM

III. Approve Agenda - Ruth Mizuba (District 2) moved to approve the Agenda of August 17, 2016. Randi Larzalere (District 6) seconded the motion. Discussion: Added under 'New Business' - as section 3) District 7 Applications, and as section 4) Board Liaison. **Ruth Mizuba (District 2) moved to approve the amended agenda. John Rudolf (District 4) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**

IV. Approve Past Minutes

Randi Larzalere (District 3) moved to approve the Board of Director Meeting Minutes of July 20, 2016. Ruth Mizuba (District 2) seconded the motion. Discussion: An incorrect sentence on page 2 announcements about vacancies was corrected. **Randi Larzalere (District 3) moved to approve the Board of Director Meeting Minutes of July 20, 2016 as amended. Floyd Branchfield (District 9) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.**

V. President's Report – Craig Crelly read the following statement into the record for all to find better clarification about the running of the Board and interacting with their Committees as well as what is expected for conduct and procedure from Committees by citing text directly from Robert's Rules of Order which the Board is tasked to follow for their code of conduct:

“The purpose of a Committee is to not waste the meeting time in discussion. Committees have unlimited discussion time that which cannot be limited. A Board member should be on all committees for help with committees. Member's will/should learn proper rules.

Robert's Rule 500 was then read into the record which included citing that the committee cannot adopt it's own rules and that when the committee has to make substantial recommendations for decisions, it should hold a public meeting, called a 'hearing,' in which they allow the community to come in and give the committee their input/point of view on the tasked committee project. During actual deliberation of the committee, it has the right to have only committee members present. By being on a committee, you are considered an in training future Board members. If the Committee does what it wants without a majority approval or the Chair does what he/she wants without committee approval and Board approval, that action puts the association at risk legally. The 'association' is all of the approximately 8,800 of us.

He then went on to cite information from HPPOA's bylaws regarding the Acts of Committees, which stated that: the acts of a majority of a committee shall be considered the acts of The Committee and the acts of the Chair of each Committee shall seek prior approval by the Board for actions of the Committee.” Therefore, even if there's a Board member on a committee, the committee Chair still has to seek prior approval from the Board before taking any action.

When people start telling others that the board is wrong, and they think they they're right, but are not sure of the rules, people get upset for no reason. I would like to see this Board hire an Attorney to come to a membership meeting and discuss what rights or powers the Board and Membership have. The Board has sought legal advice before, and some people then say that the attorney's advice is wrong and only says what he was paid to say – for these people: you will never be satisfied and for that I am sorry.

This brought him to the status of the arbitration, which was filed by four members of the association, three of which were former Board members. At this time, they have signed off all accusations against the Board. This means that the Board has done no wrong doing according to attorney who oversaw the arbitration, but the arbitration is not completed because the Board is asking for the people filing the arbitration to pay costs and attorney's fees because that is the Association's money.

He then read a letter sent to the Arbitration Society dated March 15, 2016 from *Ken McGilvray*, which stated that he and the Claimant's in on the now lost Arbitration against HPPOA wanted a "reasoned award at the close of this case" to help in future bylaw disputes, so the Board is thus asking for the same thing from them, "a reasoned award" since we won everything, we are asking them to pay. It's your money.

To underscore this same thing, that we, as Board members, are volunteers doing the best we can to learn and help our community. We're not perfect and we don't understand all the rules. He stated that he wanted to demonstrate that fact by pointing out a previous Board's decision dated March 16, 2011. Our bylaws state, "*The date of the election shall be the first business day of June. To be valid the ballots must be received by the close of business on the first business day of June,*" but in the Board meeting of March 16, 2011, **Ken McGilvray made the motion to establish the date of the Board of Directors election to be established May 27, 2011. June Conant seconded the motion. Unanimous approval. Motion carried.** Is this a major issue? Did this invalidate the whole election? How many votes came in after May 27, 2011 that were not counted? Intentional or accidental?

At a future membership meeting, I'd like to go through previous minutes and show how things were done. I'd like to see this Board understand the right way to run this Board. I've heard comments about wanting to work with people. At a membership meeting 30 people is a quorum, 16 is a majority. Should these 16 people influence the Board to do things their way? Sixteen people of the approximate 8800 members are only .82% or 18/10,000 (18 ten-thousandths of the entire park). What if at the next meeting 30 people want to do it a different way? If you want to do what the people want, then you have to reverse yourself. I think try on the best way to do something, then stick to your guns and do it. The Board is nine members elected by the membership. If each Board member gets a hundred votes, nine members equals nine hundred votes, which is 10 percent of the Association. They voted for you to do the right thing - do it.

The Board should not sink to the level of the accusations made; rather, the concerns people wish to raise should be submitted in writing and signed. Repetitive and frivolous questions will not be answered.

Thank you.

VI. Treasurer's Report – tabled presentation but report can be picked up at the office by any Member desiring it.

VII. GM Report – Don Morris -

Road Maintenance Fees – Gave a report regarding the \$285 road fees as follows: "People wonder why their roads are not more maintained than they are for their \$285 per year, which is less than \$24 per month. Approximately \$14 per month goes to pay for the bond that was taken out to pay for the existing paved roads that you drive on to get to your road. That leaves approximately \$10 per month, or \$120 a year to spray, weed eat, mow, pick up rubbish, fill potholes, grade roads and put down new base course on a road. Every time we put down a new base course on a road, it costs \$4,000 to \$7,000 per mile depending on the condition of the road, not including labor or equipment costs. There are approximately 80 lots on the typical one-mile stretch, IF everyone on the road is paying their fee. That means that we are currently able to use \$8,000 to provide all the maintenance for that section of road in one year. This is not enough to cover the costs for all of the work to be done. So please be patient with our road crew, they are working with limited resources. All in all, I think members get a good value for your \$24 per month.

Equipment: We continue to limp along with our aging fleet of equipment as best that we can. The Toyota truck needs to be replaced. It has a blown engine, needs front-end work and would cost about \$6,000 or more to repair, so it's just not worth it, especially because it is not the kind of truck we need. We need a full size work truck.

We spend over \$75,000 in repairs on equipment last year. The cost will only escalate, as the equipment gets older. We should be spending this money on new equipment and not on repairs. He provided some pictures with costs of backhoes and small dozers for the Board's review.

At this point a discussion occurred about the issue that the Maintenance Department is handicapped and having difficulty meeting the needs of the community because they don't have the personnel or the equipment to do the job, which Board member reported was what Floyd Branchfield stated he researched and found to be true when he was researching about road hazards. Goals and prioritizing are needed for their department in order to serve the many needs of this community.

A discussion about Grasshopper's cutting and maintaining the main roads. Then a long large scoped discussion ensued about the equipment, needs, priorities.

Dust Abatement: We have finished the prep work for 26th between Paradise and Kaloli. The will be chip sealing as soon as the weather allows. We are still working on the prep work on 26th between Maku'u and Paradise.

Mowing: The Grasshopper's company continues to mow the main roads and cutback the corners. Our road crew has also started to cut back on the main roads with the side arm mower to help push back the jungle. Road crew mowed 35 miles of roadway easement.

Dropped and rolled:	13 miles
Gravel, graded and rolled:	17 miles
Roads watered:	25 miles
Rubbish pick/up:	2 tons (4,000 lbs)
Dead animals:	3 pigs
Trees removed:	3 areas of trees

Road Maintenance requests:

Total requests:	101
Total resolved:	33
Total unresolved:	68

In addition to these resolved requests, we resolved requests from May and June, as well as some from August. A it is impossible with our current equipment and staffing to complete all requests during any given month, there is always roll over that is not reported. May and June Road Maintenance logs are included for your review.

Safety Report: No accidents or injuries for the past 25 months. ~ Thank you for your support.

VIII. Committee & Community Resource Reports

A Community resource report was given by Judi Houle – The Hurricane came through and did knock down a few trees, but their Emergency Teams were out there reporting incidents and looking for ways to help.

The Fire ant workshop had over 50 people and the next one will be on Wednesday, August 24, 2016. There will be an in field training session on 3rd between Paradise and Kaloli at 4:30. They are doing a survey and using Tango Jail bait. Over ten residents have signed up for that street. September 10, 2016 will be the next Fire ant workshop and they will be working on 5th at Kaloli dead end.

The old Tables and chairs will be sold at next swap meet and the money will go back to the office for new tables and chair that were purchased. They have 100 new chairs, 200 chairs and 27 or 28 tables.

Toys for Tots: The food pantry will be working with Randi Larzalere and Beth Evesong, possibly setting out a tree with names and ages of children in the park and maybe doing a little secret Santa. That info will be on the website so people can donate a gift for children 12 and under. Dropping donations at office was what they were thinking of doing and something will be written up for the website to invite people to donate.

IX. Unfinished Business

1. **Street numbering signs** – When President Craig Crelly was reviewing all the past minutes for the arbitration, he found that \$750 was allotted toward a total of \$1000 allotted for numbering, but the job wasn't done. That needs to be researched as to why it was not finished. At night they are the only signs that are readable.
It was discussed with former Board members in the audience who stated that the money was spent and the signs were used to replace other signs that had been knocked down before that sign numbering project was completed. This will be discussed at another time.
2. **Lots in Escrow** – The escrow problem of those purchased properties by a past Board, several years ago, are still needing title clearing in order for HPPOA to sell. Dr. Jo Maynard (District 5) stated that she had just sent out a recent email to all as follow-up, but it's still not done although they said it would be – we have so many taxes on the property now, it won't be worth it. They have to be owned first in order to be able to sell and get rid of them. They didn't do their due diligence to clear the title back then, so that will have to carry over until that status is resolved. As soon as HPPOA owns them, then the taxes can be paid and they can be sold or done with.
3. **Status of County park** – waiting for county to form their committee regarding the planning and engineering

4. **Mail box update** – last hear Keaau postmaster was following up with his superior sending letter...those superiors have not gotten back to the postmaster. Discussion about getting mailboxes. There are enough people in HPP to have our own post office and zip code so we, the people, need to start demanding mailboxes. The steps taken were discussed. Sample letters were discussed. Randi Larzalere will put together a letter together for the Board to approach the USPS as we the residents of HPP because the board letter needs to go to the post office from the community. One letter equals 10,000 voters.
5. **Thank you letter** – Floyd Branchfield – Wanted to acknowledge a member of the community who has done tremendous things for this community. The letter was written and sent to all board members for review. The letter was sent to office as a draft to put on the HPPOA letterhead. The letter is completed as approved by the board and it's ready for signatures of the board tonight to be presented next week.

X. New Business

1. A. Tree Growth in utility lines – Mr. Stafford Lombard's Owner Input last month with concerns about trees along Paradise and Kaloli, mainly that the wires are in jeopardy in a storm has been addressed since that meeting when Director Floyd Branchfield (District 9) had a meeting with the GM. He agrees with the GM that there was an incentive to contact HELCO, Warner Cable, and TELCOM. HELCO is actively removing albizias, but Warner Cable and TELCOM don't care and don't maintain their lines. The Board appreciates Mr. Lombard's concerns, but we don't have budget or people able to do that. HELCO is doing a great job, but encroachments are on many private properties. HELCO just did the albizias on Maku'u and are planning to come out to Paradise more extensively than they did on Maku'u. They want to contact and work with GM on that project. HELCO only cuts what protrudes on their line they cut, but otherwise they don't.

One person on 23rd at Paradise and Kaloli who kept calling the telephone company was told that they don't maintain the lines because they will only cut it and charge for it, but they cited some statute stating that they don't have to do maintenance of their lines.

Individual homeowner needs to write a letter with the county and state laws cited. We have 200 miles of roads needing maintenance. The GM noted that HPPOA doesn't have enough in its entire budget to cover the scope of the problem.

B. Road Hazards – Floyd Branchfield - Mr. Stafford Lombard, also mentioned in his past owner input that the albizia and wires above is a problem, so the Board has to get a clarification due to the possible liability of private citizens removing foliage from intersections that present a danger to oncoming vehicles. It was noted that when you pull out from avenues onto main roads, the first third of car has to pull out to see on-coming traffic, so they need to move back the foliage at those intersections to prevent cars broad-siding cross traffic. A long discussion about this issue ensued.

2. After hours contact information – To be discussed in Executive Session Personnel section

3. District 7 Application – We have an open board seat, which was published and they've received one application by Richard Solie who had run for District 1 originally. He reapplied for District 7 and was the only applicant.

Dr. Jo Maynard (District 5) moved to accept Richard Solie as District 7 Representative. John Rudolf (District 5) seconded the motion. Discussion: it was published on the website since the last meeting. **Vote: Yes-7, Unanimous. Motion carried. Richard Solie is now on the Board as district 7.**

The Oath of Office was taken and signed by Mr. Solie.

4. Board Liaison – The Board wants the whole board to be involved. We had two days after the last meeting to announce Janice Ashford's Resignation. It takes seven days to have a meeting. A plan needs to be in place for emergencies.

XI. Owner's Input (3 minutes per owner) – To move the Board meeting forward in a timely manner an questions that you would like answered by the board must be submitted in writing during this time. The President will review and return with an answer at the next board meeting. Board members will not respond to your questions at this time.

Mayelin Stillwell – Regarding easement clearing, she doesn't think it's just a shortage of manpower and equipment causing back log of park needs because she feels that the chip seal has been the issue. She has noticed buffalo grass on main drags and although some people have been volunteering to help with this issue and it's nice that homeowners can help out, but she wanted to know about trees

because homeowners can't be expected to trim those as well. Felt that the Board needs to prioritize getting caught up with clearing the corners using the line of sight formula.

Beth Evesong: Thanked the Board members for doing such a good job and congratulated to the new directors. Thanked the President for the update info. In April, the Board approved the Bodacious Ladies to do the food pantry. Wanted the public record to reflect the actual names of the people who were instrumental in working on this project including June Conant, Judi Houle, Leilani Bronson-Crelly and others with her who have worked at the food pantry, which happens on the fourth Tuesday of every month. She reported that last month they ran out of food and had 60 families. If you know of families in need, within HPP, please let them know. If you want to donate food we start at 11 a.m. and that can be dropped off from then until 2 p.m.

Stated that she's been waiting six months for the dead albizias on 1st to be taken care of stating that she has hauled three times to the dump and it needs to be reminded as 'to do' list, before it falls on a car or hurts someone. Also noted that at 21st off of Kaloli, there's at least four large albizias and Kaloli has an actual forest growing right up to the edge of the road.

Steve Crawford – Felt that the President wasn't elected properly and was unhappy about his past January Owner Input comment was kept in the minutes as public record because he's losing in the arbitration against HPPOA, and wasn't happy that HPPOA's Attorney used his comments as Exhibit A. He wanted to have the recording of the meeting played next month and demanded his owner input be removed.

Steve Scott – reported a six-year squatter on his street for probably six years and they are concerned about the crime aspect of the situation and value of their property. He would like some answers on what they should do to address this problem. Reported his road of homeowners are considering seeking a way of seceding from HPPOA because they pay in and it's been three years and we get nothing. Stated one can go down any unpaved road to the ocean and it's the same way. He doesn't feel like he's getting a response from his calls to the office and a lot of people are really getting irritated. Wondered where's all the big money is and stated that HPPOA should have parks and pools, even if half the people don't pay their road fees.

It was noted by a Board members that \$1.2 million goes to the bond.

XII. Policies to Review: None

XIII. Announcements:

1. New Board of Directors Meeting is September 21, 2016
2. Next General Membership Meeting is Sunday October 30, 2016

XIV. Adjournment

Randi Larzalere (District 3) moved to adjourn. Larry Kawaauhau (District 1) seconded the motion. Vote: Yes-8. Unanimous. Motion carried. Meeting adjourned at 7:49pm

Respectfully Submitted and Approved:

Susan Bambara, Recording Secretary

Randi Larzalere, Secretary

Date

Date

BOD Meeting Motions Log 8-17-16

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