

**Hawaiian Paradise Park Owners Association  
DRAFT-UNAPPROVED – General Membership Meeting Minutes  
June 24, 2017**

**I. Call to Order:** President, Craig Crely (District 3) called the Board of Directors meeting to order on June 24, 2017 at 3:21 p.m. Quorum was established. The meeting took place in the HPPPOA Hui Activity Center.

**II. Roll Call: (30 people required for Quorum, which was established)**

**Members** (as received via list): Gyongi Sziron, Alexa Von Alemann, Donna Chalmers, Mike Smith, Lois Margaret Drake, Patty Eagan, Brian Eagan, Marcy Greenwell, Dion Maeda, Shawn Merril, Terry Stratton, Don Besse, Leilani B Crely, Mike Cordova, Judy Cordova, Bruce R Derrick, Nerissa Collins, Robin Benedict, Shirley Endo, Michael Brown, Kathryn Crawford, Steve Crawford, Gail E Clarke, Rosemary Brown, Byron Gabriel, Leslie Blyth, Francis Pouliot, David Cronister, Valerie Maeda, Kathleen Shaw, Leonard Warden, David Roe, Patrick Murdoch, Hope Henry, James Sheldrake, Kathy Tilton, Bill Tilton, Beth Evesong, Kerry Burrell, Connie Bouchard – Burr, Mary A Couch, Wilhelm J. Von Mirbach, Zacharopoulos Mikkelsen, Nancy Thompson, Al Thompson, Judi Houle, Susan Escobar, Jeanne LaFrantza, Mayelin Stillwell, Ruth Mizuba, Mike Mentech, Tanya Seaver, Katharine Eger, Bill Eager, Jeffery Krum, Wendy Dresser, Paul Bates, Fran Calvert, Ben Lesley, Adriano Teixeira, Louise Teixeira

**Guests:** Pastor from Connect Point Church

**Board of Directors:** David Roe, (District 9), Leslie Blyth (District 7), Ruth Mizuba (District 2), Patrick Murdoch (District 6), Larry Kawauhau (District 1).  
*Absent:* Craig Crely (District 3), Chris Anderson, (District 8)

**III. Approve Agenda**

**Leslie Blyth (District 7) moved to amend the agenda. Alexa von Alemann seconded the motion.** Discussion: added Pt. Xii. and two committee reports. **Vote: Yes-51, No-4, Abstain-0. Motion carried.**

**Ground Rules were shared by Margaret Drake** who ran the meeting for the Membership: She distributed a cheat sheet for Robert's Rules of Conduct during the meeting and went over the ground rules looking for dignity and respect.

**Approval of Past**

**Leslie Blyth (District 7) moved to approve the 2-25-18. Kerry Burrell seconded the motion.** Discussion: There is no report or attachments as noted in the minutes, so it was felt there was nothing to discuss without them. The minutes shouldn't be approved without the attachment information. **Leslie Blyth moved to approve the 2-25-18 Meeting Minutes. Leslie Blyth rescinded her motion.** More discussion occurred.

**Steve Crawford moved to remove the words [See Attached] in the brackets the minutes. Rosemary Brown seconded the motion.**

Discussion: There's no report referring to the bylaws. If it says "see attached" it should be attached. If the words are removed, how can that be right, when the document can just be furnished? There's probably some important information in that attachment. The committee's report wanting to change bylaws should be in the minutes for all to see the information. A discussion occurred, and it was decided that it would continue and become lengthy, so when determined that the approval was not a time-sensitive indeed; the assembly decided to move forward with the Agenda. **No Vote was taken.**

**Motion died on the floor.**

**Mary Couch moved to table the approval of the General Membership Meeting minutes of 2-25-18, for next meeting. Mayelin Stillwell seconded the motion. Vote: Yes-53, No-0, Abstain-12. Motion carried.**

**Ruth Mizuba (District 2) moved that all who signed up to receive a copy of the bylaws report and presentation to be sent by email are sent them. Shawn Merril seconded.** Discussion: It can also be put on the website, but every lot owner must also receive a true hard copy of the Bylaw Committee's report. Steve Crawford was against having it sent to everyone because he felt everyone at the General Membership Meeting having heard it was enough of a report synopsis and that should be enough of a showing to the membership or else his presentation was worthless.

Leilani Bronson-Crely spoke to note. Stating that if it is to be voted on, then it must go out to the entire membership for them to actually see it and vote on whatever the recommended changes might be. As a recent past member on the bylaws committee, she stated that the standard bylaw changes need be presented "pro forma" showing both the original bylaw, and the changes to the bylaw, side by side, as a before and after comparison, for all to actually see and read; but which was never provided to the audience at that General Membership meeting of 2-25-18. "Proposed Objectives" are not in our bylaws. We have Articles, Sections and Subsections. That is how changes are to be submitted to best inform a voting body.

It was stated that the changes were recommended using a poor power point presentation, which was unreadable by anyone. The person stated that they were in the front row and couldn't see it, going on to ask for a standard document to be produced, at least as courtesy, if not requirement, that shows what is in existence, the bylaw as they are now, and what is it being proposed to be changed to. This is what was not provided for in that February meeting presentation and report and this was cause for upset. It was felt that it needed to be passed out in a written form for all at the meeting to see, beyond a substandard, unreadable tiny wall projection; therefore, you don't have an informed group of people to make this decision, and a ballot should not be sent out at such a big expense to the membership until something is properly created, pro forma (in a standard written form), and submitted to the membership for their review. It was further noted that the report referred to "Articles," rather than "current language" and "proposed language." She went on to state that the bylaws committee has been in its current incarnation for four years and all they presented was proposed objections. We have bylaws sections and subsections, that's what should be provided to the membership to show proposed changes in total, for one

mailing/ mailing expense to the membership because its costly every time the Association has to do mailings, and that money needs to be for the creation of roads. Thank you.

A Bylaw Committee/Board member agreed that the visual presented was not good at the General Membership meeting, and apologized for that, noting that they will need to get it on the website as soon as possible with thanks for that. She stated it has been pending since February and should be uploaded to website so all can see the proposed bylaws changes. All board members were then told by a Finance Committee member that each board member has now been sent a copy of the report, too. **Vote: Yes-35, No-10, Abstain-5. Motion carried.**

**President's Report** – The Vice President, Ruth Mizuba, reported that she would share the President's report because he was called in to work and unable to be present. The Vice President reported that Mr. Creilly has served as President for four months, even though he has extensive experience being President and being on the Board of Directors, in the past, so there were three points that he wanted to make:

- 1) The agreement with the Department of Health regarding fugitive dust has been signed. That agreement requires the Community Association to do 5 miles per year to stay compliant with the agreement.
- 2) The Right of Entry with the county, regarding emergency access was also signed. Basically, either we agreed to do their plan about providing emergency access or else would do it to us, so we signed that if a Declaration of Emergency occurs then the Railroad extension will be open to access for lower Puna to evacuate through Paradise Park. It was hoped by signing there'd at least be a possibility of compensation, but there was nothing mentioned in this Agreement for the use of the Park's roads, compensation for additional damage, more traffic, trucks and whatever else might be coming through at such time.
- 3) In July, the staff will be trained for applying the aggregate for our roads as created for use in Afghanistan to create runways for military aircraft. It should be superior to anything we've ever used. It can be used on the cinder, chip seal and asphalt roads. This is a major accomplishment. We are very optimistic about how the product will perform for our community. This will be a major improvement for our roads. The men from the company will come to train and then the road crew will get going.

**Treasurer's Report - Chris Anderson, District 8) – Absent.**

**Community Resource Report - Judi Houle – Almost three decade resident and community volunteer.**

**Food Pantry** sponsored by Neighborhood Watch just received \$800 grant from County Councilmember Eileen O'Hara. This will allow the food pantry to continue for a whole year. They need volunteers at 11:30 to unload two pick-up trucks, fill bags, and help our recipients who come. If you have EBT, then you are automatically qualified for the services. They meet the community center and give out food 1:30 to 3:30.

**Tropic Care** is a coming. It's a free service to anyone. It's open to the public. Starts June 18 until the June 28th. At Keaau High school from 8am to 5pm. This is run by the Department of Health, Public [INAUDIBLE], and the [INAUDIBLE] Army Medical Unit. Thank you to all in our community who are volunteers.

**HPP CERT Team** – She gave a thank you to them noting that the volunteers are out there helping the community if disaster hits. They are either helping HPP's community or out in Pahoehoe. Many of us are out there every day helping people who have lost their home or all their personal belongings in the Lava event. She was hoping more in the community would volunteer. The Red Cross is out there everyday. The Salvation Army has provided three meals a day to the shelters, so they would greatly appreciate anyone willing to come out and help. They're getting exhausted with the 24 hour offering they're providing, so please come to the shelters, register with Red Cross. Next CERT Training is October 6. Some volunteers were in the meeting, so she extended thanks to them.

**Albizia workshop** is every month on the third Saturday. Some may have noticed that the trees are being cut now along Maku'u from Railroad to the Highway. This is because of a State grant for \$200,000 that provided us assistance with cutting the trees. This is being handled through BIISC (Big Island Invasive Species Committee). On July 21<sup>st</sup> they will be treating the stumps because that was not provided for in the grant and if they're not treated the albizia will grow back. She was hoping many would volunteer to help with that and learn.

**Evacuee Fundraiser** - There's a big event coming up July 1 from noon to 9pm with live bands and a Texas BBQ. Donations sought for the evacuees and victims who have suffered from lava event. Anything you can bring like canned good, tarps, tents, clothing, blankets, pillows, things of that sort, these are the types of things that people really need right now, so please bring what you can. More volunteers are needed at the Shelters and the Central Kitchen. You can register with Red Cross.org.

**Installation of the Finance Committee by Membership:** The members who volunteered were Ken McGilvrey, Shawn Merrill, Leo Parker Nicolson, Bruce Derrick, Steve Crawford, Patrick Murdoch.  
More

**Alexa von Alemann moved to accept the Finance Committee Report. Mayelin Stillwell seconded the motion.** Discussion. Does the board have to have a member on the Finance Committee. Answer: Yes. It is the treasurer. **Vote: Yes-67, no-10 abstain-0 motion carried.**

**Ruth Mizuba moved that term limits be instilled on the Finance Committee by a policy change, to prevent career representatives. Shawn Merrill seconded the motion.** A policy provision was thought needed to prevent career members on the Finance Committee in order to allow fresh thoughts and ideas on to the committee with new volunteer members. It was noted that term limits for Board members are being recommended in the bylaw changes, so restricting how long Finance Committee Members can serve seems needed, too. It can't hurt the community. It was noted that not a lot of people volunteer at all. Hopefully we'll have a good enough community that the present committee passes on that information to the new one. The

Let's bring fresh ideas into our Finance Committee to make the Park a better place for everyone. A discussion occurred with voices pro and con. The member initially proposing the motion term limits for the Finance Committee members stated that the bylaws committee has been meeting for four years and nothing has been submitted, so confidence is uncertain that anything will be changed. Mayelin Stillwell reported that they are working through them methodically and holistically. We have presented some things in February. We have requested the attorney response. The other member stated that what the bylaws committee has been meeting for four years, in February was four changes that none of us could read so this falls short of what we would wish addressed holistically as they stated they were doing. The mail-out of just these four item changes would cost the Association \$6,000 and it would still be an incomplete process which has been stated was required to present the original two changes they were originally tasked to do four years ago. After a long discussion. Steve Crawford declared it was illegal to make a motion for a policy change because term limits would require a bylaw change and that would have to be done with a ballot mail-in vote of the entire Association. Mayelin Stillwell stated that the bylaw changes have to be done holistically although they did present a few changes in February, but they weren't acted on. A Board member replied to that stating that the Nominating committee was tasked to change two bylaws four years ago. They reported year after year that they were working holistically to change the entire bylaws to be in parity. In February, they proposed four changes in a poorly presented way and we, as a board didn't think it was fair to waste the Community's \$6,000 to mail out only four proposed changes. The proposal change for term limits was deemed an illegal motion and **No vote occurred. Motion died on the floor.**

#### **New Board Introduced:**

**Mary Couch – District 2**

**Kathleen Shaw – District 3**

**Tanya Seaver - District 4**

**Mayelin Stillwell - District 5**

**Craig Crelly – District 6 (absent for work)**

**@4:10- a break called – 4:15 break ended, meeting resumed.**

#### **Committee Reports – 3 minutes**

**Bylaws Committee – M. Pavao – Chair -** The BLC continues to recruit members. They currently have one opening with another opening possibly soon. A sign up sheet was in the back of the room along with member input forms for suggested changes to the bylaws, such as changing term limits as just mentioned earlier. You can make whatever policy you want as long as it doesn't violate the bylaws. The bylaws are the absolute rule. Policies are policies, but they cannot, they will not, and they should not change any bylaws. The only way bylaws can be changed is by the membership.

The Bylaws Committee meets every 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month. We meet from 4 to 6pm in the library and we are looking for members who can commit for a time.

At the 2-25-18 General Membership meeting we proposed bylaw changes in accordance to the bylaws. The bylaws state any proposed amendments to the bylaws shall be sent to the lot owners for vote shall first be passed by 2/3rds vote of the membership of the members present and voting at or subsequent general membership meeting. This is what we did. The proposed amendments were overwhelmingly approved by the members at that meeting and give to the board for further processing, in accordance with the bylaws, but the board, in their discretion, stopped the process. We have repeatedly requested a rendered decision with no response. While we are certain no State law was violated, the process for the action is a legal review of the proposed bylaw amendments prior to printing the ballots. That's also in the bylaws.

The Charter of Incorporation states that the board shall have powers and duties as prescribed by the bylaws. Nowhere does it say in bylaws or charter that they can disregard the bylaw amendment process. They violated the bylaws. In our opinion, the board willfully and without regard for the members violated their fiduciary duties to the members and the bylaws. The board members who have done this should resign and never hold office again because we don't need any director who disregards our wishes. In the meantime the BLC continues to review the current bylaws and promote the [INAUDIBLE] for your further review. We want to make a better place for people to live with clear and decisive rules and people who care. The bylaws committee requests that new board with, hopefully, new president, can expedite the mailing of the bylaws amendment ballots as approved and discussed at 2-25-18 General Membership Meeting. We hope this goes through.

To counter concerns about the minutes, that the point is moot because obviously, at the 2-25-18 meeting, it must have been clear and decisive enough for you to have seen it well enough, if you voted overwhelmingly to approve it. The next step would be to have to print it up, which never got done because the board stopped it. If it was done, you would have a copy of what we said, so don't blame the bylaw, blame the board.

**Professional Management Committee –** Leslie Blyth read [SOUND IS FUZZY DUE TO HPPOA MICROPHONE/MOUTH TOO CLOSE TO MIC] – The majority of HPP Board Directors [INAUDIBLE] nor to add the Committee [INAUDIBLE] therefore no reporting has been done for the board [INAUDIBLE] because this is a membership committee we report to the membership. The HPPOA Professional Management Committee has been meeting once a month since member voted into existence at the February General Membership meeting. This committee have discussed various professional management companies during their meetings including having a small group interview with at least one company. We have a good start on getting more information on the costs and feasibility of moving forward with the wishes of the membership who voted for this and we hope more information will be shared as we proceed.

**Parks Committee –** Ruth Mizuba – the park on 26<sup>th</sup> and Kaloli is in the hands of the county. Now that this county is now \$3 million in debt and counting with this lava flow, it does not look favorable that the county will have money for our park any time soon. There's just no money to implement the park so that's it.

**Mailbox Committee –** Ruth Mizuba - Our membership committee was created and for the last two and a half year, I have worked on getting mail boxes to our development. The post office has agreed to provide 8,800 mailboxes at no cost to us. That's \$600,000 worth of mailboxes! So, the park will need

for prepare, there was already \$100,000 set aside and when the post office notifies us that they're ready to go, then the General Manager will contract to have the lot cleared and have the foundations put down before installation. I've been the contact person with USPS for 2.5 years and will be contacting Roberta K[INAUDIBLE] to let her know that I will no longer be on the board; however, I am still a resident of the park, so I'm not anticipating any conflict with staying the contact person, but that would be up to the Post Mistress in Hilo.

Location was questioned. The post office asked it be centrally located to be sympathetic to the mail carriers. The two sights chosen were 20 acre parcels, one at 15<sup>th</sup> and Kaloli, and the other is at 16<sup>th</sup> and Maku'u. The driveway entrances would be on 16<sup>th</sup> and 14<sup>th</sup> because they're residence free. There had been some concerns that the deed restrictions would somehow limit the use of the two parcels, so we did a consultation with Thomas Yeh, a land Master Attorney and he said that from the description in the deed, the only real restriction he saw was not the not for use residential, so we feel confident to proceed with our plan and I've asked the General Manager that when the Post Office say they're ready to go that they contact the agencies to determine they're wouldn't be any conflict and there wouldn't be any future liability or suit because that's been threatened against the board already.

Questions ensued. Why are we waiting for the Post office to say, yes, they're moving forward before doing the due diligence about the property. Answer: Because the post office has referred this to their engineers and they will determine the layout of the boxes, how many in a row, how many rows, how much space to take, etcetera.

Q: Covered. Answer: Post office has asked they be covered to help them last another 30 years.

Because we only have \$100,000 set aside for this, we are anticipating this being done in increments.

Q: Has board or membership agreed to the locations you've discussed?

A: It's up to the Post office, too. It's been brought up to the board every month, and they haven't voiced any objections.

The Meeting chair moved the meeting forward, with two members noting that there is also a membership mailbox committee and they will also have a presentation later in the meeting.

Mary Couch added that contrary to the previous announcement, about the Park, she wanted to share what she received from Councilperson Eileen O'Hara stating that Phase 1 of the Park has been funded and Phase 2 will be funded next year.

**Nominating committee** – Bruce Derrick – Wanted to report that this was the worst committee he ever has worked on because he felt that there was constant obstruction and that the committee was prevented from doing their duties. This is a hands on committee from start to finish. When the ballots are turned over to the GM or the Secretary to deliver to the mailbox to be sent out to the membership, that's when the committee stops, but that last part was taken away completely and he wanted to know who chose white ballots [INAUDIBLE/MOVED AWAY FROM MICROPHONE] the election is over all the problems will be looked at and straightened out [INTERRUPTED]

The meeting Chair asked if his report was finished and he yielded the floor.

#### **Equity Road Fee Committee - Chair absent**

**Pastor from Connect Point Church** – Gave a presentation regarding the Micro Housing. He grew up here in HPP and has been Pastor for three years. The county officials and faith healers appointed him to help all the evacuees, so this has been happening since the first week. It's not just Christian Churches. There are 35 faith groups. We are working with Rabbi's, Priests, Mormons, Buddhists, many faiths, everyone all working together. First they tackled the need for storage. Then trucks to help people evacuate. Another need was laundry. Laundry vouchers were handed out working with local business. Childcare became needed with 40 to 50 children so their parents could get help at the React Center. Depression was setting in the evacuees, so the Rabbi's organized entertainment for the shelters. We raised close to \$10,000 for our Police department and Parks & Rec employees to get gas masks. The Salvation Army has served over 35,000 meals already with over 5,000 vegan meals provided separately.

Housing: we asked what we could do and the country what they are doing because we know they can't live in shelters. They were in crises but three weeks in and conditions are bad for them. Guidelines given by county have been changed six times in last three weeks, so apologies that sooner notice was possible at the lot on 21<sup>st</sup>, - it's all changing so quickly. On Sunday we raised \$30,000 for this project. There's nothing in it for us, these are our neighbors and we are trying to help them.

When this ends they come down or maybe can keep one as a shed, but not multiple.

Occupants: we have to provide management and there's a system in place learned from hurricane Iselle.

The Pastor went on with more information, but noted that he encouraged questions and they are doing their due diligence in all ways, simply to help provide some temporary transitional shelter to the community in a time of great need.

#### **Owner Input**

1. Katherine Crawford – Proposed an HPOA Community event to encourage some camaraderie in the community with a "Howling at Paradise" party, for a couple of hours, maybe after school, on Halloween, for our neighborhood children, in the interest of good clear fun. Might be too late for this year, but definitely let's plan on that for next year. Maybe you don't want to be on a committee but good at building, tearing down, clean-up? Volunteers encouraged. Sign-up sheet in the back of the room available. **Katherine Crawford moved to create a Halloween in Paradise Committee. Mary Couch seconded the motion. Vote: Yes-49, No-4, Abstain-4, Motion carried.**
2. Gail Clark – moved to HPP in 1986, served on the board in early 90's, loves it here. We are blessed in Puna even with the current events. Feels the crowdedness of HPP with lower Puna having evacuated and many of the families having landed in this subdivision. She's concerned about the concept of build out, asking if there is supposed to be new subdivisions made if one is abutting them? Is it supposed to have all free roads, which she highly recommended against stating that she and many bought in cul-de-sacs intentionally. Railroad is a free way, it should be a free way. The rest of our little streets, maybe one or two more might need to be done some day over time, but for now that seems premature. She urged all to

stay open minded that we have changes afoot and we have to do things to be ready for more people living in Paradise Park itself, so let's do it with some aloha and some gentleness, knowing we've all chosen to be here. Thank you.

3. Louise Teixeira – Directed her question to the new board, stating her concern for of lack of striping on three main streets for the past three years she's been here. She has not seen one single thing mentioned at these meetings every happen. She has seen no action done from these meetings, but is excited about this mailbox committee thing, but incredulous whether it happens in two years down the road. She spoke to GM, and he has said that he got three bids and has turned them into the board month after month, but they've done nothing, so she entreated the new board to please read the three bids and vote, adding inquiry as to why everything has to be so miserably confrontational over something that will be good for all of us. Lets get this done, please.

**Membership Mailbox Committee** – Chair Mike Smith – Distributed handouts noting that everything is also available on the website or they will even email it upon request to people. This is the Membership Mailbox Committee, separate from the board mail committee, and we have five members. This Membership Mailbox Committee was voted in at the last General Membership Meeting on 2-25-18. They've been meeting approximately every two weeks since formation in order to see what they could do to get the mailbox issue going here. They first did a physical inspection of all the actual mailboxes in the park. In total, there are actually 2,176 boxes with 6 having broken doors, so there are 2170 in total. He went on to share a power point with information and specs regarding the present boxes and location. Thirteen of the present 16 locations have pull-offs although some are in pretty desperate states of disrepair. As they were looking for their own solutions, they came up with this detail plan to keep the boxes spread and closer to everyone's homes rather than all on one lot or two because no one will want to live near 2,000 to 8,000 boxes with that many people coming into their areas all day and night; therefore, the one lot solution was not the solution for this mailbox committee. He then continued with their plans and 6 options and spoke regarding the land purchase options and the deed restrictions option because although he noted that the Board Mailbox Committee attorney consulted, said it would be okay to use the deed restricted lots, we haven't seen it so they have created other options with cluster boxes being recommended. [SEE REPORT ATTACHED]

**XIV. Announcements**

1. **Next Board of Directors Meeting: Wednesday, July 18, 2018 at 6 pm**
2. **Next General Membership Meeting is Sunday, October 30, 2018 at 3 pm**
3. **Swearing in of new board members to take place after adjournment for those who wish to remain.**

**Adjournment to Swearing in of the new BOARD of Directors:**

**Sandra Collins moved to adjourn to swear in the board. Alexa von Alemann seconded the motion.** Discussion: Patrick Murdoch (District 6) had resigned as Secretary, and a Secretary is required to give the Oath of Office to the new board members. Also 414D states in Hawaii statutes that the new members can be sworn in. Appendix C and D of the bylaws was produced, read, and stated that the Recording Secretary can witness it. Protest was heard stating that Recording secretary is a subcontractor, so some felt that she could not do it, but due to Appendix C and D, the Recording Secretary witnessed the swearing in of the new board. (SEE ATTACHED Appendix C & D of the Bylaws) **Vote: Yes-36. No-uncounted, Abstain-uncounted. Meeting adjourned as Quorum was lost @ 5:27p.m.**

Respectfully Submitted and Approved:

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

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**General Membership Meeting Motions Log 6-24-18**

**Leslie Blyth (District 7) moved to amend the agenda. Alexa von Alemann seconded the motion. Vote: Yes-51, No-4, Abstain-0. Motion carried.**

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