

Hawaiian Paradise Park Owners' Association
APPROVED Membership Meeting Minutes
Sunday, June 25, 2023

1. Call to Order

Membership meeting called to order by Kari Hoffman President District 5 at 3:03 pm. Taken place at the HPPOA Activity Center.

Quorum established from General Manager.

Owners present: Jeff Finley, Elizabeth Amaral, Brendan Freitas, Alexa Von Alemann, Michal Delyria, Kristen Peters, Jon Loehndorf, Larry Torres Jr., Terri Farley, Alissa Hanshew, Cheryl Kiefer, Linda Schweppe, Julie Rice, Frieda Aete, Eric Johnson, Fred and Kathy Gibbs, James Lehner, Wayne Beauchar, Karin Hoffman, Patrick Kelly, K. Shaw, Lanell Lua, Brian and Patricia Egan, Mayelin Stillwell, Philip Haney, Robert Taylor, Jason Schillewaert, Anuhea Joslie, Gyongy Momi, Stephen Hirsch, Douglas Kerr, Jennifer Meyers, Dave and Lora, Carol Noblit, Richard and Valerie Diamond, Mark Etz, James H. Tanaka, Margaret Romero, William H. and Tonya Ohumukini, Alfredo Gutoman, Norma Jessen, Raymond D. Holybee, Kurt Brewer, Rosa-M. Ahrens, Bruce Carey, Anthony Booket, Lydia Pevez, Karen Rhatigan-Stenland, Patricia Ruppert, Dancee McFarr, Barbara A. Luther, Erin Rhatigan, Manuel Escobedo, Thomas A. Yost, Dave Sheldon, Samantha Gomes, John Vasko, Eric Ceva, Robin Freelong, Karen Chow, Keoni Blyth, Kim Kuffell, Darice Unick, Kathy Hollingsworth, Daniel Harris, Jeff Blum, Tanya Seaver, Anh Ngo, Thien Dao, Joy Kamana, Brad Pollack, Randy Linville, Tina Stober, Tallchief Comet, Zana Baker, Barbara Robertson, Annie Bunker, Tom Piergrossi, Kerry Doherty, Kaheau, Kalani Stocksdale, Dana Curley, Bill Glancy, Sharon Sillanpaa, Diane Campbell, Shannon Dorsey, Judi Houle, Theresa Jackson, Regina S. Mick, Julia M. Lindberg, Edgar J. Zietsman, Mellissa Haskins, Patricia Szot, Christine Harker, Elizabeth Bonnell, Bruce R. Derrick, Erin Gale, James and Leslie Miles, Kathleen Weber, Nicholas Heinrich, R. Arkin, J. Joseph, Benjamin Ricc, Kinikalela Kalama, Sandee Maeda, Slindy Williams, Kent Harker, Patricia Torres, Naomi Hirayasu, LB Crelly, Thalia Konanue, Robert and Debra Knaynes, Sam Gustafaza, Lester K. Moore, Fran and Gleen Calvert, Paul Hardt, Michael Mentner, James Poppke, Gary S. Grooms, Sarah Kay, Yvonne Silva, Jordan Sanner, Darla Hartvigsen, David Mikesell, Hope Henry, Patricia Yachaik, BJ Heck, Linda Broadgate, Travis Hutchinson, Charles Brister, David Miller, Lisa McNamara, Georgia Rawlings, Patrick and Phyllis Sakabe, Maria and John Yakagi.

2. Approval of Agenda

Enter discussion. Two agendas created; one agenda by Katherine Patton, only member on the membership committee, and another agenda put together by Patricia Ruppert (canoe agenda). Request for agenda items was placed on website, those that sent their request in placed on the membership meeting agenda. Mailbox item on both agendas. Limited number of membership committee agendas and numerous canoe agendas.

Enter discussion on agenda items and which agenda to use. 421J item and mailbox item front of agenda. Amendments voiced for mailbox item and 421J item to be moved to the top of the agenda.

Brian Egan, Jon Loehndorf, and Erin Rhatigan voter counters.

Patricia Ruppert moved to accept the agenda with the canoe with amendment to move 421J to top of agenda. Mayelin Stillwell seconded the motion. Vote: Yes – 79. Motion carried.

3. Vote to Appoint/Approve Membership Chair

Enter discussion on membership meeting chairperson.

**Mayelin Stillwell moved for Doug Kerr. Seconded.
Member moved for Kari Hoffman. Seconded.**

Discussion on whether board member can co-chair membership meeting. Kari Hoffman voiced if selected would co-chair with Doug Kerr. Concern voiced that a board member cannot chair membership meeting per bylaws.

Doug Kerr addressed the membership. New resident, background as general counsel at non-profit. Quoted Article 9 Section 2 as presidents presides over membership meeting as needed. Question and discussion on whether president is needed as chair.

Kari Hoffman addressed the membership. Board president for the last year, run concise meeting and move things forward. President of school board for years. Open to have Doug Kerr as co-chair if selected as meeting chair.

**Doug Kerr as chair. Yes – 65.
Kari Hoffman as chair Yes – 72. Motion carried.**

Doug Kerr accepted invite as meeting co-chair. Disagreement voiced for board president as membership meeting chair.

Kari Hoffman and Doug Kerr as membership meeting chairpersons.

4. Approve February Draft Membership

Jon Loehndorf moved to approve the February 2023 membership meeting minutes. Alissa Hanshew seconded the motion. Vote: Yes – 99. Motion carried.

5. Deliver Requested President's Report

Kari Hoffman Board President District 5 addressed the membership. President's report attached (1).

6. Deliver Requested Treasurer's Report

Jon Loehndorf Board Treasurer District 4 addressed the membership. Treasurer's report attached (2).

7. Deliver Requested Unaudited Financial Statements, CIP (Capital Improvement Plan) and Budget

Enter discussion. Approved budget and capital improvement plan is on website and will be mailed out to members in August.

Jon Loehndorf Board Treasurer District 4 addressed the membership. CIP budget is focused on fixing equipment and purchasing new to replacing old. Discussed plans to take care of aging repairs and only paving one mile of road.

Question and disagreement voiced on using road fees for non-road purposes.

8. Special Order of Business

A. Announce Annual HPPOA Election Winners

Larry Torres General Manager addressed the membership. Has certified and signed copy of election results. Election results are online.

New board members voted in are: District 2 Daniel Harris, District 3 Alissa Hanshew, District 5 Kari Hoffman, District 6 Brendan Freitas, District 7 Naomi Hirayasui, District 8 Patricia Egan.

B. Announce Community Service Award

Board voted on award winners.

Allan Deehr Award is an appreciation of exceptional service to HPP and is awarded to Jon Loehndorf. He joined the board in October and served as interim general manager from Nov. 30 and stayed for 5 months.

Albert and Maize O'Neil Award honors unselfish contributions over years that has benefited community and is awarded to Judi Houle. She is responsible for the Neighborhood Watch and runs a program every Saturday.

Rick Edwards Annual Award is for high volunteerism in the HPP community. This year awarded to Jeanette Baysa. She is chair of nominating committee, on the finance committee, and has helped in the office with Quickbooks.

9. Vote in New Members to Finance Committee

Enter discussion. Members listed on sign up sheet are Patricia Rupert, Mayelin Stillwell, Kristen Peters, Debbie Skaggs, Bruce Derrick, Jeannette Baysa, and Anne Bunker. Members must vote to accept members for the next year.

Patricia Ruppert moved for all signee for Finance Committee be voted in as members. Patricia Szot seconded the motion. Vote: Yes – Unanimous. Motion carried.

10. Committee Reports

A. Bylaw Committee

Alissa Hanshew addressed the membership. Committee meets last Wednesday of month from 4 – 5:30 pm in activity center library. Approved meeting minutes are on website. Committee has been working on Article 10 on various committee and will take time. Committee has discussed and no conclusion or consensus on HRS 421J. Email hppoa.blc@gmail.com. Meeting observers, questions and comments are welcome.

B. Cultural Preservation Committee

Lanell Lua addressed the membership. Committee meetings has had lots of turnout because of archaeological survey interest. Funding for the survey secured in next year's budget. Meetings are the 2nd Saturday of the month at 10 am in activity center library. Everyone invited.

C. Finance Committee

No report.

D. Human Resources Committee

Patricia Egan addressed the membership. Third member added. Next meeting is Monday, June 26 at 1 pm in activity center library.

E. Land Use Committee

No report.

F. Nominating Committee

No report.

G. Membership Meeting Committee

No report.

H. Road Safety Committee

James Tanaka addressed the membership. Committee is currently assessing all stop signs. Next meeting Tuesday invited Larry Torres General Manager to discuss road safety.

I. 50th Anniversary Committee

Lanell Lua addressed the membership. Celebration will be on Sept. 16th from 12 noon to 4 pm at the HPP Activity Center. There will be food, water slide and entertainment.

11. Community Resource Report – Judi Houle

Judi Houle addressed the membership. Looking for crafts and arts volunteer for 50th anniversary celebration. Talk to her if willing to volunteer.

Community resources are free and open to all. Neighborhood Watch meetings are 9 am on the 1st Saturday of the month. Now have 80 Block watchers. 2nd Saturday is Swap Meet, profits go to community CERT and Neighborhood Watch. 3rd Saturday is food pantry, qualify by income. 4th Saturday is a class and this next month it will be on tropical gardening. Every Tuesday in summer from 1 – 3 pm giving food to keiki in the community. Amateur radio day held by CERT team.

12. Unfinished Business

A. Clusterboxes (Mail Pavilions): Discuss current plans and whether the board should rescind their mailbox resolution

Enter discussion on who will speak during topic.

Danee McFarr addressed the membership. Expressed opposition to mailbox cluster and desire for board to expand roadside boxes. “Community rebuttal to HPPOA Board’s mailbox update from June 21, 2023 BOD meeting” joint statement attached (3).

Mayelin Stillwell addressed the membership. Expressed desire to expand roadside boxes. “Draft of Proposed Roadside Mailbox Plan” statement attached (4).

Discussion regarding possibility of roadside boxes. Post office has stated more mailboxes cannot be placed on the roadside due to safety concerns. All mailboxes will be relocated to mailbox parks and off of roads. Email from post office posted on website stating no roadside mailboxes; opposition voiced that email is not enough proof that post office will not allow roadside boxes. Suggestion to allow member to sit in on meeting with post office to understand that mailboxes cannot be placed on roadside.

Tanya Seaver addressed the membership. Expressed need to find a solution.

Discussion. Roadside plan was submitted to Post office and plan was rejected. It is a safety issue for their employees. Plan for cluster boxes has been approved by post office. More expensive for HPP to do roadside plan. Plans were submitted to Honolulu post office who have authority over Keaau post office.

Jim Lehner addressed the membership. Expressed opposition to mailbox cluster and preference for roadside boxes. Expressed desire for mailbox committee take up issue.

Disruption from audience to move on to next agenda item and opposition to mailboxes would like to continue with presentation.

Members vote to continue on topic of mailboxes: Continue – 47, Do not Continue – 56.

Leilani Crelly addressed the membership. Mailbox committee has been working on issue for over 10 years. Report was submitted and committee was disbanded. No driveway is allowed to come into main roads but 2000 mailboxes are there which is not allowed. Discussed history of mailbox committee.

B. Forensic Audit: Discuss whether the board should reinstate Dirk Von Guenther and add the addendum to his contract discussed in the January 2022 board minutes

Enter discussion on forensic analysis.

Mayelin Stillwell addressed the membership. Membership voted to hire a forensic accountant to do an analysis from Feb. 2019 – Feb. 2022. Board hired accountant in August 2022 to conduct analysis. Work was done in two phases. First phase of data collection is complete and accountant has not completed second phase of analysis. Initial contract of \$25,000 and asking for addendum to contract for additional \$25,000 to complete second phase. Board approved an addendum of \$5,000 to complete which was not accepted by accountant. Board has data collected and concern board should not conduct analysis due to lack of expertise and conflict of interest and instead rehire account to do analysis because membership voted for it.

Mayelin Stillwell moved to rehire Dirk Von Guenther to finish financial analysis. Patrick Kelly seconded the motion.

Enter discussion on why board did not extend contract to Dirk Von Guenther. Contract stated estimated total cost would be \$25,000 and that anything over would come to the back to board for vote. Contract not followed when Guenther sent in bill for \$30,000. No mention of phases in contract and no way of knowing if analysis would be complete after an additional \$25,000.

Jeff Finley addressed the membership. He expressed opposition to reinstate auditor. Previous staff would not allow board to look at books which prompted analysis since then new staff has taken over and board has looked at books.

Vote: Yes – 11, No – 40+. Motion denied.

13. New Business

A. 31 Acre Cultural Site: Discuss importance of the site, the non-profit assembled and request for the board to deed the 31 acres to the non-profit once established

Question of deeding 31 acres to non-profit.

Lanell Lua addressed the membership. Once archaeological survey is completed, a non-profit will be formed. No motion needed for now, need to establish how many acres and where any archaeological

B. 421J – Discuss this law and its illegal adoption by the board and whether the board should rescind their illegally passed resolution to adopt this law

Enter discussion on board adopting 421J.

Kari Hoffman addressed the membership. Statement on website on why HPPOA falls under HRS 421J. Board hired ES&A law firm from Oahu and after reviewing bylaws they have given legal opinion that HPPOA falls under this law and is not in compliance with law. Determined HPPOA falls under 414D and 421J because of the makeup of community. There are two additional legal opinion from Hilo attorneys that state HPPOA falls under this law. HPPOA could lose corporate status if not adhering to law. By laws need to reflect changes in law. Board instructed bylaw committee to redo bylaws to make HPPOA in compliance with law.

Doug Kerr addressed the membership. Member of bylaw committee and after having discussion with attorneys was not satisfied. Committee would like to see opinion letter that attorneys stated was client/attorney privilege and opinion on why HPP falls under 421J. Asked for more details. Expressed cannot use statute as conclusion on why HPPOA falls under law.

Tanya Seaver addressed the membership. Expressed opposition for HPPOA falling under 421J and concern that acceptance of law would make HPP into a homeowners association and board being able to dictate what owners can do on their property.

Bruce Derrick addressed the membership. Expressed Hawaii has not laws for HOAs and it's all for a planned community. Concern expressed that HPPOA will become an HOA and once documents are changed member votes will no longer matter and that board will vote on behalf of members. HPPOA is a non-profit corporation governed by its members.

Discussion. Bylaw committee will submit bylaw changes to membership and membership will vote on changes. Concern expressed that acceptance of law would be a backdoor way to make HPPOA into an HOA.

Patricia Egan addressed the membership. Expressed that falling under law does not make HPP an HOA and that board could not vote to do so but would have to go to vote of membership. Planned community and HOA falls under law. Does not want an HOA.

Further discussion if HPPOA falls under 421J.

C. Restricted Road Fee Money: Discuss the board's illegal transfer of Restricted Road Funds to the General Account and whether the board should be requested to return these illegally transferred road maintenance funds to the restricted account, along with any interest and fees.

Doug Kerr addressed the membership. Expressed opinion that bylaws allow 5 percent use of road fees for “road maintenance purposes” such as equipment and that 5 percent is not allowed for construction and maintenance of mailboxes. Expressed bylaw committee must change bylaws to allow 5 percent for mailboxes.

Quorum established.

Discussion regarding if 5 percent is allowable. Argument made mailboxes are not being paid for and that money being used if for road to mailbox. Non-roads account maintains current mailboxes on roadway. Question if 31 acre archaeological survey is allowable if cannot use non-road funds for anything other than road maintenance. Mail is an essential services.

Discussion on changing bylaws to allow for mailboxes and archaeological survey. Discussion on mailbox committee and time it takes to make progress. Further discussion on whether 5 percent should be taken out of road fees. USPS asked mailboxes be relocated due to road hazard. By law section is Article 11 Sec. 3 and attorney stated intent of 5 percent is to fund non-road assets. Bylaw committee needs to change language.

Jennifer Myers moved the Bylaw Committee expedite changes to bylaws to allow use of 5 percent of non-road funds to address other general issues of the community such as mailboxes. Jeff Finley seconded the motion. Vote: Yes – 46, No – 23. Motion carried.

D. Dedicated Account: Discuss restricted funds and the need for a road account where only road fee money is deposited and cannot be co-mingled with non-road funds

Enter discussion. All road fees go into road funds account including interest earned from bank and all bills are paid out of account. Fees for rental of Activity Center goes into non-roads account. Board has to approve every year the 5 percent to be moved from road account to non-road account.

E. Mailbox Committee: Discuss the formation of an Owners committee which will work with the USPS and actively seek out and include owner input regarding cluster mailbox plans

Enter discussion. Brian Egan is official board post office liaison. He and Kari Hoffman have been attending meetings with post office. Discussion on community member joining meeting to observe.

F. Community Assessment Committee: Discuss the formation of an Owners committee to solicit donations, the procurement of grants and seek out other funding streams

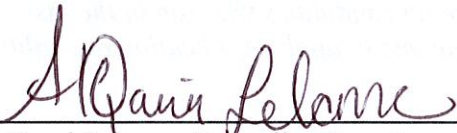
No comments.

G. Acknowledge New Employees

Shelli Loomis Administrative Assistant addressed the membership.

Larry Torres General Manager addressed the membership. Works with integrity and transparency. Welcomes members into office for questions and comments.


I, Al-Qawi Lebarre, undersigned as an independent neutral third-party, present this report as a summary of these events to the best of my ability.



Al-Qawi Lebarre, Recording Secretary

11/15/23
Date

Upon acceptance,



HPPOA Board Secretary

11/14/23
Date

14. Announcements

A. REMINDER that District 4 is vacant at the time, as there were no candidates who ran in the last election. Any member in good standing from any district are welcome to apply. Application available. Application due Friday before board meeting in July.

B. Please check the HPPOA website for the dates and times of events. Please note that Pickleball has been added and seniors will once again be offering library services in the Activity Center library.

C. Following this meeting the new BOD will install their new directors and elect their officers who will then execute an oath of office/statement of office.

D. The next monthly BOD meeting is the third Wednesday of the month, July 19, 2023 at 6 pm in the HPPOA Activity Center.

E. The next scheduled membership meeting will the last Sunday of the month, October 29, 2023 at 3 pm in the HPPOA Outdoor Activity Center.

15. Owner Input/Questions

Doug Kerr addressed the membership.

Bruce Derrick addressed the membership.

Jennifer Myers addressed the membership.

Kathy Hollingsworth addressed the membership.

Christine Harker addressed the membership.

Mike Mentner addressed the membership.

Gyongy Momi addressed the membership.

16. Adjourn Meeting

Quorum lost. Meeting adjourned at 6:23 pm.

Attached:

President's report (1) pg. 12

Treasurer's report (2) pg. 13

HPP Community Rebuttal to HPPOA Board's mailbox update from June 21, 2023 BOD meeting (3) pg. 14

Draft of proposed roadside mailbox plan June 2023 (4) pg. 15

**HPPOA Membership Meeting
Motions Log
Sunday, June 25, 2023**

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Mayelin Stillwell moved for Doug Kerr. Seconded. Doug Kerr as chair. Yes – 65.

Member moved for Kari Hoffman. Seconded. Kari Hoffman as chair Yes – 72. Motion carried.

Jon Loehndorf moved to approve the February 2023 membership meeting minutes. Alissa Hanshew seconded the motion. Vote: Yes – 99. Motion carried.

Patricia Ruppert moved for all signee for Finance Committee be voted in as members. Patricia Szot seconded the motion. Vote: Yes – Unanimous. Motion carried.

Members vote to continue on topic of mailboxes: Continue – 47, Do not Continue – 56.

Mayelin Stillwell moved to rehire Dirk Von Guenther to finish financial analysis. Patrick Kelly seconded the motion. Vote: Yes – 11, No – 40+. Motion denied.

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