

Bylaws Committee minutes

September 11, 2024, 2024

1. Open Meeting
4:03 pm
2. Roll Call
Ray Holybee
Alissa Hanshew
Patti Szot
Jason Schillewaert
Jeff Finley (arrived at 4:05pm)
3. Approve agenda for September 11, 2024
Patti moved to approved agenda, Jason seconded. Unanimous vote.
4. Review and Approve meeting Minutes for August 28, 2024
Alissa moved to approve the minutes. Patti seconded. Unanimous vote.
5. Old Business
 - a. Review Homework: **ARTICLE XI – ASSESSMENTS**

ARTICLE XI

Section1. Responsibility for Maintenance and Operations of Roadways. Each lot shall be liable for proportionate share of the expenses of the Association. ~~for road maintenance activities~~

(a) The task of collecting road maintenance assessments shall be undertaken by the Association's ~~general manager and its employees~~; similarly, delinquent assessments shall be pursued by the Association.'s ~~general manager and its employees on behalf of the Association~~

(b) Interest collected from delinquent assessments and any interest earned on road maintenance funds deposited into interest bearing accounts shall be considered a part of road maintenance funds.

Section 2. Road Maintenance Assessments.

(a) Road maintenance assessments shall be paid to the Association by owners unless specifically ~~not otherwise~~ exempted.

(b) Annual mandatory road maintenance assessments shall be established by a majority vote of the board at a meeting of the board to be held not more than 90 days nor fewer than 30 days prior to the close of the calendar year. Increases to the annual mandatory road maintenance assessment may not exceed 10% of the prior year's assessment.

(c) In the event that the board approves an increase in the road maintenance assessment **in excess of 10%** pursuant to Article VIII, Section ~~7~~ **8(n m)**, the board shall pass a resolution as to same and provide ~~written~~ notification to the entire membership ~~of the need for such an increase~~ **by email and/or posting on the HPPOA website** the increase **in assessment fees**.

(d) The board is authorized to establish policies and formulas for the imposition of additional road maintenance assessments on lot owners who generate increased burdens on traffic within the subdivision. These additional road maintenance assessments shall be considered normal and shall not be considered as *Special Assessments* as per Section 8, below.

Section 3 was modified and approved by the General Membership committee in Feb 2024.

Section 4. Lot Consolidation. Consolidation of lots shall not result in a consolidation (reduction) of road maintenance fees or voting rights. (NO CHANGE)

Section 5. Defaults in the Payment of Assessments. Each assessment of expenses by the Association shall be a separate, distinct and personal debt of the lot owner of record (or in the case of multiple owners of a lot, each owner **(s)** **is(are)** jointly and severally liable) against whom the same is assessed. If the lot owner **(s)** shall fail to pay the assessment when due, then said lot owner shall be in arrears. The Association may seek all costs and expenses including reasonable attorneys' fees incurred by or on behalf of the Association in collecting any delinquent assessments against such lot owner(s). Similarly, the delinquent lot owners shall be responsible for any and all costs associated with the recordation and release of liens on their respective properties. Delinquent assessments shall bear interest at a rate determined by the board, but not greater than the highest rate provided by Hawaii law. In the event of default or defaults of any lot owner(s), the **Association** ~~board~~ may enforce such obligation by filing a lien against the lot. The **Association** ~~board~~ may also pursue any other remedies provided by law, including, but not limited to attachment, execution on lien, foreclosure, and writ of possession.

Section 6. Notice. The address of each lot owner as it appears on the records of the Association, and as may be changed from time to time by written notice to the Association by any lot owner, shall constitute the lot owner's official address. Said address may be conclusively relied upon by the board in notifying lot owners of assessments, defaults and other matters and for the service of process. In the event that mail is returned to the Association as undeliverable, the Association administration may take reasonable measures to locate the lot owner, including using tax records, credit bureaus, locating services, etc. Addresses of the lot owners shall be maintained as property of the Association and shall be kept confidential. **It is the owner(s) responsibility to keep the Association current with their mailing address.**

Section 7. Statements and Transfer Fees. The Association board shall, when requested, and in exchange for a fee to be determined by the board, issue written statements to purchasers, escrow companies, or mortgagees of lots stating whether or not the assessments against said lots have been paid to the date of the statement, and if not, the amount owed, together with any additional information that may be reasonably requested concerning the account of said lot.

Section 8. Special Assessments. In addition to the annual mandatory road maintenance assessment, per Section 2, above, the Association may make special assessments for any road maintenance costs only upon the affirmative majority of mail-in vote of not less than 600 members in good standing. Any ballot for special assessments shall include the terms of payment and specify an effective date. (NO CHANGE)

Jeff made the motion to accept the changes made to Article XI as described above, Patti seconded. Unanimous vote.

6. Next Meeting – September 25, 2024

7. Adjourn Meeting

Jeff made the motion to adjourn, Jason seconded. Unanimous vote.

5:44pm

Patricia Szot
Secretary