

Hawaiian Paradise Park Owners' Association

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NOTICE OF MEETING OF THE BOARD OF DIRECTORS October 20, 2002

Notice is hereby given that there will be a meeting of the Hawaiian Paradise Park Owners' Association Board of Directors on Sunday, October 20, 2002 at 3:00 PM in the Library of the Activity Center on Maku'u Street in Hawaiian Paradise Park Subdivision, Kea'au, HI.

AGENDA

- I Call to order
- II Roll Call
- III Owner Input
- IV Minutes from September 15, 2002
- V President's Report
- VI General Manager's Report
- VII Treasurer's Report
- VIII Committee Reports
 - A. Legal & Government
 - B. Road Advisory
 - C. Activity Center
 - D. Policies and Procedures
 - E. Newsletter
- IX Unfinished Business
 - A. The Conch
 - B. Transfer of Management Duties
 - C. Traffic Concerns on 28th
 - D. Water Line Installation Policies & Procedures
 - E. Malamalama School Board's HPP representative
 - F. Japanese Collections
 - G. Master Plan vs. General Plan Task Force
- X New Business
 - A. 5X Road Fees and Article VI, Section 3
 - B. New Annual Road Fee
 - C. New Mowing Contractor
 - D. Striping Quotes
- XI Next Meeting
- XII Adjournment

Hawaiian Paradise Park Owner Association
Approved Minutes of the Board of Directors Meeting
of October 20, 2002

Call to Order: The meeting was called to order at 3:00 p.m. By President Payne.

Board Members present: Dan Payne, President; John Vurich, Vice-President; Don Tinker, Secretary; Wayne Graber, Treasurer; Floyd Lundquist, Robert Daley, Alexa Von Alemann, and Gerard Silva. Jesse Crawford arrived later. Suzanne Mayhew, General Manager (GM) and Ted Hong, our attorney, were also present.

Members Absent: None.

Other Members Present (and those who arrived later): Marlene Lundquist, Walter Bell, Gyongyi Szirom, Clarence Carroll, Cindy Carroll, Darrell Crisp, Joseph Farias, Pauline Brault, Walter Valentine, Alice Larkspur, Louona Larkspur, Carole Hyde, Nathan Brenner, John Mercado and Pearl White.

Owner Input:

Clarence Carroll, Walter Valentine, and others spoke in opposition to speed bumps being placed on 28th street. Several other members were in favor of them to slow the traffic, which has increased due to the paving and easy access to Shower. They were all pleased that 28th street was paved. President Payne advised that the association has consulted with the police on how to control traffic, who oppose speed bumps too. The association will be taking a traffic count. When a decision is reached residents will be notified, it is planned to pave all roads in the park.

Pearl White advised that a moveable basketball net was on the edge of the roadway on 28th, which is in violation of putting things on the easements, and a danger to the children playing there. She asked the Board to write to the lot owner asking them to remove it.

Walter Bell advised of an *Application for a Special Permit* to legitimize a contractor's warehouse on the highway, and asked the Board to initiate dialog with the Planning Commission regarding this and other planning and zoning issues in HPP; determine what is a Special Permit, and what non-farming uses are permitted under agricultural zoning; establish a policy for such issues; and how should the Board respond to signs of more commercial development along the highway. Walt reminded the Board that the County Council approved HPP's Master Plan only after commercial and light industrial areas were moved from the highway to the 20 acre sites on Kaloli.

Minutes of September 15, 2002 - Wayne Graber moved to approve the minutes of September 15, 2002 as written, Jesse Crawford seconded. The vote carried unanimously.

President's Report: President Payne reported we may get a grant from the Wildland Urban Interface Grant to pave our fire roads, we would need to put up matching funds.

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We have been looking for a low interest loan in order to pave all the roads, but all providers who are willing to loan the funds have an interest rate of 6 ½ % which is too high, we still have one more loan to look at when it arrives.

President Payne introduced Ted Hong, our attorney. He is very knowledgeable about how Boards should function. He can advise us what is permissible as we get organized, he will also be advising us on the proper procedure on an amendment to the bylaws.

Ted Hong advised that Board members cannot act individually, the Board as a body must approve what a Director does, this will protect both the individual and the Board from lawsuits. Committee responsibilities are to arrive at proposals, solutions, identify things and bring back to the Board. Things that are done without approval, can be ratified at a later time, but it is not recommended. There are people who do not want to discuss, just sue, so protect yourself and the association and act as a group. It may be slower and inefficient, but you want to bring it to the Board FIRST.

Ted had received a question from Nancy Cabral, Temporary General Manager, about amending the bylaws to close a loophole in Article XV, section 4 c - Mortgage Protection, (1). His suggestion was to eliminate the section entirely or amend to the first mortgagee or the one who has possession of the property pays the fees. He recommended to amend the article and be specific on who is to pay. This needs to be done quickly.

He recommended the Board be careful of which accounts pay bills from the road maintenance or non-road accounts.

He does not charge the association when Board members call him for advice.

General Manager's Report: (Briefly see Addendum #1 for full report.)

Collections - We are seeing a dramatic increase in collection thanks to the work by Floyd Lundquist.

Defining the Organization's Structure - We still need to work on organizing the General Manager, Board and Committees.

Wildland Urban Interface Grant - The GM submitted a grant application, it will take a few months to find out the results.

Commercial Kitchen The permit has been renewed until March 2004, but no one can use oil or grease because of the fire hazard in not having proper exhaust vent ducts.

Transfer Fee - In checking on transfer fees with other subdivisions most charge \$25 as we do now. **Wayne Graber moved to increase the transfer fee to \$35 effective January 1, 2003, seconded by Don Tinker, the motion carried unanimously.**

New Billing Statement - We are working on the billing to be printed using the new Yardi software.

Treasurer's Report - Treasurer Graber reported we are working out the figures of the office staff's vacation with Day Lum.

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There have been no indications of any problems with the audit.

We received a request from a title company to HPP Improvement Association with different address. We are checking to see if any checks have been sent to that address and checking with other title companies.

Financial reports of actual spending including expected future spending were distributed to the Board, explained and reviewed.

Committee Reports:

Legal & Government - Director Silva advised the police will patrol 28th street. To set new speed limits he is working with Gary Safarik.

Road Advisory - Director Lundquist reported there have been 686 collection letters sent but received only 11 returned. He asked for the latest report, which was not prepared yet. Floyd Lundquist moved that the Board direct the office staff to cooperate with him in his collection activities, seconded. Floyd advised he needs information quicker than he is getting it now. He asked for more communication between Morgan, the GM, and himself. Floyd volunteered to work on collection prior to the GM being hired, but collections are her responsibility. The motion was withdrawn. President Payne suggested a collection plan be written outlining the procedures to be followed.

Director Lundquist distributed the Road Advisory Committee Recommendations. (See Addendum #2) **Floyd Lundquist moved that the Road Advisory Committee recommendations be accepted by the Board, seconded by Jesse Crawford.** Wayne suggested to first define the problems on the roads. **The vote was 10 in favor, 0 opposed, 1 abstained, the motion carried.**

Activity Center - Director Tinker reported he cleaned the water tanks, and will be painting them. The door to the kitchen was repaired again. The Health Department inspected and okay the kitchen except for the restriction due to fire hazard of the duct work. Don suggested getting an electric stove.

Policies & Procedures -

Walt Bell suggestion of a policy on Special Permits will be added when formulated.

Item 5, will pertain to other special information not addressed in the bylaws (i.e.) Holiday parties, etc.

Item 7, the President was added, for approval of correspondence from committees.

Item 11, exhibits A and B have been removed. It will be reworded.

Land Use #2, was changed to read: Entire road right-of-way must remain clear of personal property, trees, plantings, and permanent structures. Storage of vehicles, trailers, etc. in the roadways is prohibited. Fences, sheds, or doghouses in the roadways are prohibited. Encroachments onto Association property are subject to removal.

Don advised special wording is required by government granting agencies, Jesse added that by waiting until it gets to the point of needing it in the policies, it may delay our receiving any grant. Suzanne recommended adding it as worded in the past policies.

Newsletter - Director Von Alemann moved that a proposal be established to fund the newsletter (the Conch) in order to keep the members as informed as possible, seconded. Most of the costs would be covered as it will be sent with the bills being sent twice a year. The third mailing would be an added cost

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of about \$1800. Articles must be approved by the Board prior to mailing. Suzanne suggested to put something on the back of the bill, that is not returned. **The motion carried unanimously.**

Unfinished Business:

The Conch - Already addressed.

Transfer of Management Duties - While Treasurer Graber was in the office learning about Yardi, he observed that there are personality conflicts, confusion of who is responsible for what, duplication of action, or absence of action taken, and sidestepping the GM. This is what led to problems in the past, we must get it resolved. We hired a GM to handle most of what happens in and for HPP. Some Directors have taken on part of the GM's job description which started when the temporary general manager was in charge, that needs to be changed now. He recommended the committees take no action without going through the GM. Directors Crawford and Silva noted that committees should report to the Board, and the Board make decisions to direct the GM. If someone stops a Director with a problem, they should listen, but then advise them to notify the office.

Traffic Concerns on 28th - Already addressed.

Water Line Installations - The GM advised there is a possible spaghetti line problem on 29th. Dan advised her to contact Ted Hong about what should be done. The GM will write an article for the Conch.

Malamalama School Board's HPP representative - The school selected Walt Bell to be the representative. Director Crawford noted the chain across the driveway to prevent entry was down and needed to be replaced.

Japanese Collections - We received three proposals. The GM will contact Edencorp for more information, they pay the road maintenance fees, then charges the lot owner. We have a lot owner who volunteered to translate for free.

HPP Master Plan vs. County General Plan Task Force - Director Silva will look into where we are with the County. He will contact Gary Safarik. Walt Bell suggested a workshop to discussion what direction we want to go.

New Business:

5X Road Fees and Article VI, Section 3 - What constitutes a business, a commercial business, or excess traffic. Director Crawford advised we need a formula that assigns road fees in proportion to the impact of the road.

New Annual Road Fee - In order to continue paving we will need to increase to \$112 for 2003.

New Mowing Contractor - Is Hawaii Aina Mowing. He is making the sides wider, and is weed eating behind the mower.

Road Striping Quotes - We received two quotes. Bill Watkins wants to purchase our striping machine, his quote had several alternatives. Director Graber advised we would need competitive bids if we sell anything. The Board authorized the GM to review the bids, and the Treasurer will review the contract.

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Next regular Board meeting is November 17th at 3:00 p.m., in the Activity Center library. President Payne will be off island.

Adjournment - The meeting adjourned 5:50 p.m.

Submitted by:



Lori Miner, Recording Secretary



Don Tinker, Corporate Secretary

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MOTIONS LOG

Wayne Graber moved to approve the minutes of September 15, 2002 as written, Jesse Crawford seconded. The vote carried unanimously.

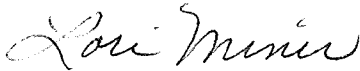
Wayne Graber moved to increase the transfer fee to \$35 effective January 1, 2003, seconded by Don Tinker, the motion carried unanimously.

Floyd Lundquist moved that the Road Advisory Committee recommendations be accepted by the Board, seconded by Jesse Crawford. The vote was 10 in favor, 0 opposed, 1 abstained, the motion carried.

Director Von Alemann moved that a proposal be established to fund the newsletter (the Conch) in order to keep the members as informed as possible, seconded. The motion carried unanimously.

Wayne Graber moved to increase the road maintenance fees from \$102 to \$112 next year. Seconded by Alexa Von Alemann. The motion carried unanimously.

Submitted by:



Lori Miner, Recording Secretary



Don Tinker, Corporate Secretary

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ADDENDUM # 1

Association General Manager's Report to the Board
Submitted by Suzanne Mayhew

October 2002

ONGOING PROJECTS

Defining the Organization's Structure

What needs to be established now, before chaos taps us on the shoulder, is a system of coordinating management with committees. Some committees more than others deal with the same things I do in the office, like roads and the activity center. Perhaps I can meet with the committee chair on a regular basis or attend the committee meetings – I am willing to do whatever it takes to get on the same page.

To aid in our coordination efforts, I suggest that we collectively and comprehensively define the structure of our organization, starting with the basic hierarchy, then developing paths of communication within and from the hierarchy, and assigning accountability. The structure we define should be general enough to be applicable to future Boards of Directors and managers, and comprehensive enough to be functional as a guide we follow as we manage our affairs.

Yes, the first two paragraphs are being repeated from last month's report. I'm repeating them because of some events that occurred last week. Our paving contractor called me at home a few nights ago to tell me that someone told him to take an action that directly conflicted with the instruction that I had given the contractor. The contractor let this individual know that he was taking instruction from me, so if there was a question or problem to contact me. Not only did this person not contact me, he held a secret meeting at the site the next morning without me. Now, how can I be held accountable for supervising our contractors, vendors, and employees if anyone of higher authority can step between us and make decisions without my knowledge?

This is a critical developmental juncture in the life of this Association, and in it we have a desperate need for structure definition. If we cannot find the time to discuss this as a group, then *PLEASE* write down how *YOU* think the structure should be defined, anonymously if you wish, and mail it to the office (or drop it by if you're so inclined). I will compile the suggestions and redistribute them to all of you for comments. Again, get them back to the office, and I will compile and redistribute the comment version or, if it's large, keep a viewing copy in the office, which you can examine at your leisure. Then, the next time we meet, perhaps we can come to a conclusion about the details of our

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organization's structure, allowing us to work like a well-oiled machine.

Wildland Urban Interface Grant

I have submitted the Wildland Urban Interface Grant and expect to hear something about the results in the next few months. If awarded, we can begin paving the remaining fire roads, or as far as our immediate funding will permit. We pay all of our expenses, and then get reimbursed for half of the approved total.

Commercial Kitchen

Our commercial kitchen permit that has been expired since March has been renewed until March 2004, with restrictions. The Board of Health has notified our commercial kitchen users who use oil or any grease that they are not permitted to use our kitchen. This includes the HPP Thanksgiving Day Dinner. We're OK as long as all the cooking with grease (turkey, gravy, etc.) is done off site. The restriction is due to the fire hazard created by the exhaust vent ducts being bound with rivets instead of a solid weld. I believe the cost to change the ductwork has already been researched. I am digging through the archives to find it.

Transfer Fee

Of the seven other subdivisions that I polled, only one charges \$35.00 per transfer – all others charge \$25.00. Some of the others did mention, however, that if we raise our fee to let them know, because they'll raise theirs too.

New Billing Statement

With any luck, we will be using the Yardi database to do our annual road fee billing. They will be 8.5"x11" with the top third perforated to tear off and return with payment. Right now we are working with Yardi to customize the statement itself, so we can get the printing done.

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ADDENDUM # 2

ROAD ADVISORY COMMITTEE

October 20, 2002

Against speed humps or bumps on 28th Street or Beach Road (newly paved) for the following reasons:

Danger for emergency vehicles.

No significant increase in traffic after paving.

There has been no speeding observed, 28th has been monitored on a daily basis by Committee members and lot owners.

We are in a deficit situation.

Money should be spent for aprons on all roads, re-striping of existing paved roads or additional paving.

Lot owner Ruth Mizuba requested the aprons be paved next as this would benefit all lot owners.

RECOMMENDS:

Slow Signs be used and possibly rumble strips at end of roads before STOP SIGNS.

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To: Date Book Editor

Hawaiian Paradise Park Owners Association Board of Directors will be meeting on October 20, 2002 at 3 PM at the Activity Center Library. Lot owners are welcome to attend.

Don Tinker, Sec.
982-7611

FAXED

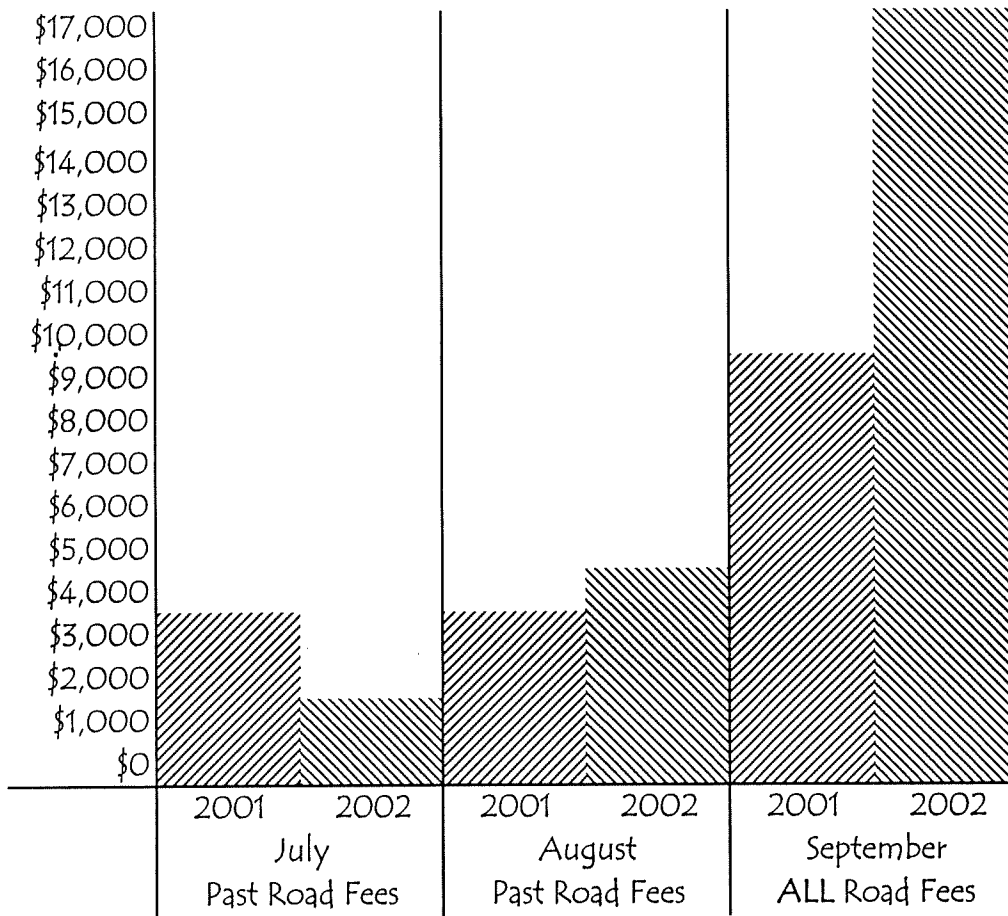
10-3-02

TRANSFER FEE RESEARCH

8/21/02

Neighborhood	Phone Number	Notes	Transfer Fee
Ainaloa	982-9404	just raised from \$25	\$30.00
Leilani	365-9555	call them if we raise ours	\$25.00
Orchidland	934-7738		\$25.00
Fern Acres	968-6006	Mon & Thur 9:00-3:00	\$25.00
Nanawale	965-8080	Liz Selfen to return 8/27	\$25.00
Hawaiian Acres	966-9892	Michelle or Lori - call them if we raise ours	\$25.00

Floyd's Influence on Collections This Fiscal Year



RAW DATA:

	2001	2002
July Road	\$9,674.86	\$7,644.80
July Past	\$2,941.97	\$1,373.78
July Interest	\$816.88	\$281.06
August Road	\$5,675.68	\$8,472.17
August Past	\$3,207.38	\$4,062.55
August Interest	\$1,627.23	\$1,220.79
September Road	\$5,182.92	\$16,740.38
September Past	\$3,654.97	
September Interest	\$1,583.12	\$1,616.56

Floyd, your efforts have not gone unnoticed. The Association and Lot Owners of Hawaiian Paradise Park have you to thank for collecting a considerable amount of unpaid road fees. In September alone the amount collected in road fees doubled from that of last year. I'm sure this is just the beginning of what we will see in the next few months as the payments catch up with the collections. Thank you, again. You are an asset to our community.

October 17, 2002

To: Hawaiian Paradise Park Board of Directors

Pam Payne, Pres.
John Verrich, Vice. Pres.
Don Tinker, Secy.
Wayne Grabber, Treas.

Robt. Daley
Floyd Lundquist
Gerard Silva
Jesse Crawford
Alexa von Alemann

From: Walter Bell

Subject: Hawaiian County Planning Committee Meeting and Hearings, Nov 15, 2002, 9:00 am

Your attention is called to item 5 of the Agenda for the November 15 meeting of the Planning Commission, dealing with an HPP property fronting Highway 130 between Makua and Paradise Drive. (An excerpted copy of the Notice of Public Meeting, published in the OCT 15, 2002 Hawaiian Tribune-Herald is attached.)

It will consider an Application for a Special Permit to legitimize an existing contractor's warehouse and baseyard.

As a minimum, I feel the following should be addressed:

1. Initiate a dialogue between HPP and the Planning Commission regarding this and other planning and zoning issues affecting HPP.
2. Determine the following:
 - a. What is a "Special Permit to legitimize..."
 - b. What non-farming uses are permitted under agricultural zoning?
3. Does the fact this property is less than one acre have any bearing?
3. Establish a policy for handling such issues.
4. The signs of commercial development along the newly improved highway are beginning. How should HPP respond?
The Board is reminded that the then Mayor approved HPP's Master Plan only after Commercial and Light Industrial uses were changed from the highway to 20 acre sites on Kalohi.

cc: Suzanne Mayhew

NOTICE OF PUBLIC MEETING AND HEARINGS
PLANNING COMMISSION AGENDA
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of matters to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 6-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Friday, November 15, 2002
TIME: 9:00 a.m.
PLACE: County Building, Councilroom-Room 201
25 Aupuni Street, Hilo, Hawaii

MINUTES

October 17 and 18, 2002

ADMINISTRATIVE MATTERS BY COMMISSIONERS AND STAFF

Status of appeals filed on Planning Commission decisions - Corporation Counsel
Other Commission matters

UNFINISHED BUSINESS

1. **APPLICANTS: KARL & RITA NOBRIGA (SLU 02-005/REZ 02-012)** - Continued hearing on the applications for a State Land Use Boundary Amendment from Agricultural to Rural District, and a Change of Zone by changing the district classification from Agricultural (A-20a) to Residential and Agricultural (RA-1a) for approximately 3.80 acres of land. The property is located in Manowai'opae Homesteads on the south side of [redacted] TMK: 6-4- [redacted] approximately 1/2 mile west (maka) of Mamalahou Highway, North Hilo, Hawaii, TMK: 3-5-4-77.
2. **APPLICANT: AMERICAN TOWNSHIP (SLU 02-035)** - Application for a Continued hearing on the [redacted] of a Family Transition Center on [redacted] high monopole flag lot located on the south side of Hoaka Road with an [redacted] approximately 750-foot driveway, and approximately 1/4 mile west of Hoaka Road-Ainaola Drive intersection, Waiakea Homesteads, Waiakea, South Hilo, Hawaii, TMK 2-4-6-24.

NEW BUSINESS - 11:00 a.m.

5. **APPLICANT: WHITNEY INVESTMENT TRUST/MANAGO TRUST (SPP 02-031)** - Application for a Special Permit to legitimize a contractor's warehouse and backyard for storing equipment and supplies on approximately 0.91 acre of land situated in the State Land Use Agricultural District. The property is located in Hawaiian Paradise Park Subdivision on the east side (makai) of Kea'au-Pahoa Road, approximately 700 feet Kea'au side of Maku'u Drive, Kea'au, Puna, Hawaii, TMK 1-5-16-170.
6. **APPLICANT: LEONARD CARDOZA (SPP 02-036)** - Application for a Special Permit to legitimize the sale of stockpiled topsoil on approximately 3.76-acre portion of a 776-acre parcel in the State Land Use Agricultural District. The project area is located southwest of the former Pepe'ekeo Sugar Mill, approximately 3/4 mile east (makai) of Mamalahou Highway and Pepe'ekeo Town, Makahanaloa, South Hilo, Hawaii, TMK: 2-8-7-Portion of 1.

NEW BUSINESS - 2:00 p.m.

7. **APPLICANT: JUSTIN HILTON (SPP 02-033)** - Application for a Special Permit to establish a campground and working model farm on approximately 2.967 acres of land in the State Land Use Agricultural District. The property is located on the east side of Kama'ili Road (also known as 'Opihikao Road), approximately 2 1/2 miles north (makai) of Pahoia-Kalapana Highway (Route 130), Kaueleau, Puna, Hawaii, TMK: 1-3-2-40.
8. **APPLICANT: RICHARD KOOB (SMA 02-005/SPP 02-032)** - Applications for a Special Management Area (SMA) Use Permit and Special Permit for the establishment of a 20-unit Kalani Kai arts, agriculture and wellness education retreat and related facilities on approximately 14.94-acre portion of a 94.69-acre parcel in the State Land Use Agricultural District. The property is located adjacent (west) to the existing Kalani Honua Facility, north (maka) of Kalapana-Kapoho Highway (Route 137), and one mile east of Kalapana Sea View Estates Subdivision, Kama'ili and Ke'eke'e, Puna, Hawaii, TMK: 1-2-9-Portion of 29.
9. **COUNTY COUNCIL INITIATED** - Proposed Bill No. 265 amending Chapter 25 (Zoning Code) of the Hawaii County Code, relating to Scenic Corridor Overlay Districts.

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above requests. According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name, residence address, and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony which is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1. Maps showing the general location and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on the above agenda item No(s) 3, 4, 5, 6, 7 and/or 8, relating to Special Permit and Special Management Area Use Permit, is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall be in conformity with Rule 4, in a form as provided in Rule 4 Appendix A "Petition for Standing in a Contested Case Hearing." The written petition/request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720, and accompanied by a filing fee of \$100 payable to the Director of Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased (\$2.50) at the above-cited location.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 five (5) working days prior to the hearing so that appropriate arrangements can be made.

PLANNING COMMISSION
Geraldine M. Giffin, Chairperson
Florence Kubota, 1st Vice Chairperson
Earl K. Fujikawa, 2nd Vice Chairperson