

***Hawaiian Paradise Park Owners' Association
Approved HPPOA General Membership Meeting Minutes
Sunday December 14, 2025***

1. Call To Order

Call to order by Jon Loehndorf District 9 at 3:11pm

2. Determine if Quorum has been met

Quorum verified by Karin Hoffman District 5

3. Introduction of Board of Directors

Jon Loehndorf District 9, Karin Hoffman District 5 and Teresa Bayne District 2.

4. Approve December 14th, 2025, Membership Agenda

Patti Szot with motion to move line item #13 a), to #16 d). Richard Covell with second.

Yes - 40, No - 17, Ab - 0

Motion carries

Patti Szot to remove #16 a), to be discussed under the Bylaws Committee report
Lanell Lua made a motion to add Pule at the top of the agenda. Was seconded by Patti Szot. No vote

Alvin Yax with motion to approve the agenda as amended. Richard Covell with second.

Yes - 59, No - 0, Ab - 5

Motion carries

5. Vote to Appoint/Approve Membership Meeting Chair(s)

Sandee Maeda with the nomination of Lanell Lua as chair. Patti Szot with second.

Yes - 59, No - 0, Ab - 0

Motion carries

6. Pule

Emma with pule

**7. Invite participants to Record and Live Stream Meeting
(transparency is key)**

8. Approval of June 29th 2025, Membership Meeting Minutes

Lanell Lua with motion to reconsider the June 29th 2025 membership meeting minutes. Richard Covell with second.

Yes - 54, No - 6, Ab - 0

Motion carries

9. President's Report by Jon Loehndorf

Read and submitted by Jon Loehndorf District 9

BOD seats up for reelection in 2026 are Districts 3, 5, 7, 8, 6

Questions and answers with members

10. Treasurer's Report by Kari Hoffman

Read and submitted by Karin Hoffman

Final audit report posted on website

Final bond payment next week

Questions and answers with members

11. GM Report by Teresa Bayne

Read and submitted by Teresa Bayne

Questions and answers with members

12. Mail Park Update by Kari Hoffman

Read and submitted by Karin Hoffman

Lanell Lua to check quorum

We have quorum

Questions and discussion on removal and location of the 16th mail park site

13. Committee Reports

a). Cultural Preservation Committee

Resolution submitted and read by Lanell Lua

Questions and discussion with members

Resolution

Yes - 43, No - 10, Ab - 4

Motion carries

Lanell Lua with a suggestion to create a Kupuna council to advise on topics.

Check quorum

We have quorum

b). Special Order of Business- Vote in the nominating Committee

Jon Loehndorf District 9 with motion to move up #15 d) Special Order of Business

- Vote in the nominating Committee to the next item. Karin Hoffman with second.

Yes - 34, No - 12, Ab - 6

Motion carries

Vote in the nominating Committee

Keith Redman, Jennifer Meyers, Debbie Skaggs, Shawna Cordero, Trudie Andrews

Yes - 34, No - 5, Ab - 0

Motion carries

c). Mail Park Beautification Committee

Read by Jeanette Baysa, no submission

d). Bylaws Committee

Presentation of the 3 bylaws changes made by the bylaws committee with reasons read and submitted by Patti Szot

Quorum check

Quorum lost

Meeting ends 6:15pm

**Approved HPPOA General Membership Meeting Motions Log
Sunday December 14, 2025**

Patti Szot with motion to move line item #13 a), to #16 d). Richard Covell with second.

Yes - 40, No - 17, Ab - 0

Motion carries

Alvin Yax with motion to approve the agenda as amended. Richard Covell with second.

Yes - 59, No - 0, Ab - 5

Motion carries

Sandee Maeda with nomination of Lanell Lua as chair. Patti Szot with second.

Yes - 59, No - 0, Ab - 0

Motion carries

Lanell Lua with motion to reconsider the June 29th 2025 membership meeting minutes. Richard Covell with second.

Yes - 54, No - 6, Ab - 0

Motion carries

Resolution presented and read by Lanell Lua

Resolution

Yes - 43, No - 10, Ab - 4

Motion carries

Special Order of Business- Vote in the nominating Committee

Jon Loehndorf District 9 with motion to move up #15 d) Special Order of Business - Vote in the nominating Committee to the next item. Karin Hoffman with second.

Yes - 34, No - 12, Ab - 6

Motion carries

Vote in the nominating Committee

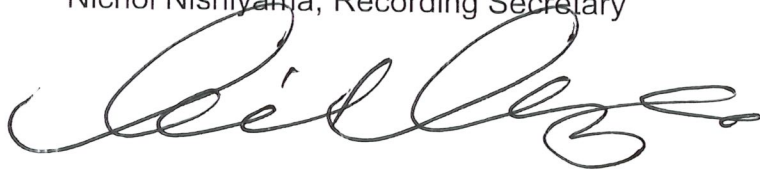
Keith Redman, Jennifer Meyers, Debbie Skaggs, Shawna Cordero, Trudie Andrews

Yes - 34, No - 5, Ab - 0

Motion carries

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

Nichol Nishiyama, Recording Secretary



Date:

3/11/20

Upon acceptance,

HPPOA Board Secretary



Date:

03/11/2020

Presidents Report for General Membership Meeting

December 14, 2025

Hello All,

I am Jon Loehndorf the Current HPPOA BOD President.

UPDATES:

Personnel:

The Board of Directors (BOD) have taken responsibility for operations. Teresa Bayne is the Acting GM and Robert (Paul) Derbyshire will be supervising the Road Crew. They are also being assisted by other members of the BOD as needed. We currently have a job advertised on Indeed.com and will have the position filled soon. We are also advertising for a Road Superintendent.

Web:

1. The HPPOA Web Page has been updated and re-arranged for easier use.
2. We now have an Official HPPOA Facebook Page. We are posting items constantly to keep everyone informed. Please check it out.

Litigation:

1. We have 2 active cases at this time.
 - a. Patricial Ruppert Lawsuit
 - b. Nichol Craig Lawsuit
2. We had a Small Claims case that the Individual submitted the paperwork to dismiss with prejudice.

Facilities:

1. Bathroom sink hardware has been replaced and is working well.
2. Roof of the Activity center has been cleaned and we are working on clearing out the down spouts.
3. New electrical outlets have been added to the office which eliminated possible over heating.
4. We have purchased a container to be used as storage and it is in the maintenance yard. This will save us approximately \$1000.00 per month in storage fees.

Easement Encroachment:

We have begun sending out letters to property owners who are in violation of the HPPOA Corporate Policies, Land Use Policy 2. Easements along the roads belong to the Association. They need to be kept clear of personal property, plantings, trees, and permanent structures (i.e. Rock Walls).

Driveways Along Main Roads:

We have been sending letters to properties that have lots along the main roads of Shower, Kaloli, Paradise, and Makuu that have driveways/gates that come directly on to road. This is not allowed per the Bylaws Article XIII, Section 2 and Section 3. This section of the Bylaws was adopted July 30, 2009.

Illegal dumping:

We are still finding more Green Waste and trash dumping on HPP property. This is illegal and if you see it, please take a picture, call the police, or give the information to the office. Dumping of any type should not be tolerated. This dumping is also taking some of the road crew away from their jobs to pick it up and dispose of it. We have spent over \$4500.00 in fees this year to get rid of this TRASH!!

One of our top priorities is Communications. Please check the Web Page periodically and join our Facebook Page that is up and running. Please bring your district representative your ideas, concerns, etc. and your Dist. Rep and/or Board will discuss it and get back to you as timely as we can.

Remember that if you see speeding, fireworks, or other illegal activities contact the police. Also, for loose animals, barking dogs, etc. contact Animal Control.

Mahalo,
Jon Loehndorf
HPPOA President

***State Law:**

Under HRS § 205-4.5(a)(4), a "farm dwelling" is only allowed where agricultural activity provides income to the family occupying the dwelling.

***County Law:**

Hawai'i County Code Chapter 25, Zoning, Section 25-5-72. Permitted uses.

11) Dwelling, single-family, as permitted under chapter 205, Hawai'i Revised Statutes and as permitted under section 25-5-77(b).

(12) Farm dwellings, as permitted under section 25-5-77(b) and (c).

Section 25-5-77. Other regulations.

(b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the A district. A farm dwelling is a single-family dwelling that is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.

(2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.

Bill 123: Allows for up to 3 Accessory Dwelling Units on properties zoned Residential and Agricultural; however, this bill does not apply to HPP due to the date it was subdivided.

***Case Law:**

In *Rosehill v. Hawaii State Planning Dept.* (2024), the Hawaii State Supreme Court stated clearly: Residential use of a farm dwelling without any connection to an agricultural use has never been allowed in the Agricultural District. The law has always required that a farm dwelling be used in connection with a farm or accessory to an agricultural use."

In 1994, the Land Use Commission issued a ruling DR94-17 stating:

- o State law supersedes county zoning in Ag Districts
- o All farm dwellings must be accessory to bona fide agricultural activity and provide income from farming ** note: bona fide ag activity is considered real farming with infrastructure and equipment. It cannot be just a few trees (or potted plants to use the former Director's example). It must be real farm land producing real (not trivial) income
- o County issued permits CANNOT override requirements of Chapter 205 of the revised statutes
- o Multiple dwellings per lot (e.g., ohana units) are not automatically allowed unless each qualifies as a farm dwelling

The future

The County General Plan for 2045, "Planning for a Sustainable Future," has much of HPP designated as "Rural" not agricultural (as does the 2005 General Plan). An area near 25th Avenue and Shower Drive is shown as "Medium Density Urban." Such changes in designation allows for the possible further subdivision of one-acre lots with more than one dwelling on each subdivided parcel. Given our substandard roads, local traffic issues, understaffed police force, understaffed fire and paramedics, limited access to quality medical care, lack of water and sewer resources, allowing these changes would be unsustainable for our community.

ARTICLE XIII – ROADS POLICIES

Section 1. Governmental Adoption. If a policy under this article, or a substantially equivalent language, is adopted into ordinance by Hawaii County or into law by any other legislative body, the HPPOA Board of Directors shall make recommendations, subject to all applicable restrictions in law, to the appropriate governmental administrative body regarding any request for variance, special permit, re-zoning or other deviation.

Section 2. Restricted Driveways Policy – adopted July 30, 2009. Due to safety and traffic flow concerns, driveways or vehicular access routes to or from lots onto Maku'u Drive, Paradise Drive, Kalohi Drive, and Shower Drive are prohibited with exceptions only allowed in the following cases:

- (a) any existing permitted driveway at the time of adoption;
- (b) any previously and duly submitted Application currently pending approval by the Hawaii County Planning Department or any other regulatory agency at the time of adoption;
- (c) any parcel deemed landlocked.

Section 3. Enforcement. Lot owners that are in violation of the Restricted Driveways Policy in Section 2. are subject to fees and reimbursement of costs and expenses associated with HPPOA enforcement of said policy including reasonable attorneys fees incurred by or on behalf of the Association, recordation and release of liens on their prospective properties, and reasonable interest rates on said fees, costs and expenses. The Board may also pursue any other remedies provided by law, including, but not limited to attachment, execution on lien, foreclosure and writ of possession.

HPPOA Treasurer's Report
December 17, 2025

Bank Balances as of the end of November 2025:

TOTAL Checking, Savings, Investments and Bond Reserve: \$7,583,609.49

TOTAL Accounts Receivables: \$3,368,829.53

This account balance represents unpaid road maintenance fees, lien fees, finance charges, legal fees, collection expenses and bounced check charges as well as a few transfer fees that have been billed but not paid. The Accounts Receivable balance at 11/2024 was \$3,118,281.01. The annual billing for this year was \$3,787,327.50. As of November 2025, we had a total of 7221 owners paid in full or 81.5%. We took in \$170,923.22 in fees in January, \$843,822.21 in February, \$1,244,752.00 in March, \$713,941.22 in April, \$132,976.07 in May, \$166,459.29 in June, \$207,511.11 in July, \$84,554.61 in August, \$67,801.66 in September, \$65,058.73 in October and \$70,691.47 in November for a total of \$3,768,491.59.

Allowance for Doubtful Accounts balance is: \$422,000.00. (This is a contra-asset account required by Generally Accepted Accounting Principles (GAAP) that records the estimated dollar amount of receivables which may not be collectible.)

There were approximately 31 property transfers during the month of ~~October~~ ^{November}.

Statement Regarding Unaudited Financial Information

The unaudited financial information set forth above is preliminary and subject to adjustments and modifications. The audited financial statements and related notes are to be included in our annual report for the year ending June 30th, 2025. Adjustments and modifications to the financial statements may be identified during the course of the audit work, which could result in significant differences from this preliminary unaudited financial information.

General Manager's Report
December 17, 2025
For the Month of November 2025

ROADS

Graded and widen 12 miles

Graveled 2 miles

Compacted 14 miles

Watered 7 miles

Mowing and easement trimming 408 miles of easement (both sidearms and both zero turns).

Filled corners/apron areas along Makuu and Paradise.

Removed 6 dead animals. Hauled 1.8 tons of rubbish.

Yellow Road reflectors were applied on Makuu and Paradise. Ongoing project, will continue as the schedule and availability of materials allow.

Working on signage on speed bump streets. Should complete in December (waiting on pol delivery).

Various pieces of equipment required repairs, and were out of service for several days. Cat motor was installed and core was returned. Reached out to Hawthorne for refund of core charge.

ADMIN

Correct Backboards have been received, and Paul has started working on getting them installed.

Still trying to source additional tables for activity center, ordered twice from Amazon, both times they canceled order due to shipping issues.

Continuing to organize old files, this will be an ongoing project, as it is very time-consuming and can not interfere with normal office activities.

Waiting on estimates to repair playground fence and to replace purlins on Activity center roof. Little to no interest for quoting the job. We may need to see if we can do this in-house or get volunteers to do the job.

Received quote for replacing roof on office, waiting on quote for Activity Center purlin work.

Obtained quotes for termite fumigation of the activity center.

Over the last 3 months Paul has stepped up and done a ton of facility maintenance and repairs that have been neglected or ignored. Everything looks better, works better, and we have a better idea of things that will need to be repaired or replaced in the next couple years. This has and will continue to save the association money.

Mail Park Update

December 14, 2025

I had a meeting in late November with the Postmaster of Keaau. Unfortunately, the Postmaster was reassigned to Hilo last week but was going to still oversee our project.

4th & Kaloli Mail Park: The master locks for 4th & Kaloli Mail Park arrived and have been installed into the remaining 12 parcel lockers. We reviewed all lots assigned a box at 4th & Kaloli and found 15 additional lots that were missed, mostly vacant lots. This is being remedied by adding 2 additional CBU's that will have 8 boxes each to accommodate those missed. The 2 additional CBUs have been installed.

6th & Makuu Mail Park: With so many missing mailboxes at 4th & Kaloli, it was decided we better check 6th & Maku'u. Sadly, we found 39 lots were missing boxes. The list of missing addresses was given to USPS and they are getting them added to the system. There were also 102 lots that had been vacant when USPS pulled the lists from the county that now have addresses, so those are also being updated in their system. Because no keys have been issued yet for 6th, USPS will be resequencing the entire mail park prior to its opening. It is vital for the addresses to be in order to give the carrier the ability to deliver efficiently. There will also need to be 5 additional CBUs with 8 boxes each installed in addition to the 20 parcel lockers once the master locks arrive. That being said, it will most likely February 2026 before the 6th & Maku'u mail park will open.

The Postmaster was checking on the service contract for 6th & Maku'u to see if it was submitted yet or not. If not, she will prepare it and submit it to the contract department to go out for bid.

Once the master locks are received for 14th & Kaloli mail park, she will schedule the installation of those CBU's. This mail park is the largest of the 4 and will most likely take at least a few months to complete installation. *2400 boxes*

Be on the lookout for banners on the roads letting you know when keys will be available for these locations. Key distribution hours and locations will be posted on the website and Facebook Page to get the word out as well.

The mail park at 16th & Maku'u will be done last. We have learned that opening one mail park at a time is best for everyone. We will keep you posted as each mail park gets closer to opening.

After all 4 mail parks are open, the post office will complete the project by removing the CBU's from the main roads and assign boxes to those on Pohaku Circle at the boxes located on the other side of the highway.

Thanks to everyone for all your patience and understanding as we work through the largest project USPS Hawaii has ever done.

Cultural Preservation Committee

- Summary of meeting held on

Oct. 11, 2025

The CPC voted to approve a Resolution to require the HPPOA Board of Directors cease and desist the Stewardship Agreement with Keoni Alvarez for the following reasons:

- 1.) The resolution is necessary to protect iwi kūpuna on HPPOA property, ensuring legal compliance, cultural respect, and community protection.

*****HAR(HAWAII ADMINISTRATIVE RULES)*****

*****HRS(HAWAII REVISED STATUTES)*****

- 2.) Hawai'i Law (HRS Ch.6E, HAR Ch. 13-300) requires a Burial Treatment Plan(BTP) to be developed with descendants, reviewed by SHPD, and approved by the Hawai'i Island Burial Council **BEFORE ANY WORK PROCEEDS! DISTURBING BURIALS WITHOUT APPROVAL CARRIES FINES OF UP TO \$10,000 PER DAY AND CRIMINAL CHARGES.**
- 3.) The current Stewardship Agreement between HPPOA and Keoni Alvarez is invalid because it lacks SHPD and Burial Council approval and excludes descendant consultation. Moving forward with it exposes HPPOA (BOD & owners) to fines, lawsuits, and personal liability for directors while risking desecration of lwi kūpuna.
- 4.) The resolution requires HPPOA to cease and desist from the agreement, follow legal procedures, consult with descendants, suspend work until Burial Council approval, and relocate the mailbox park and proposed water well to prevent desecration and future legal challenges.

Adopting this resolution honors lwi kūpuna, protects HPPOA from legal and financial harm, and ensures the Association operates lawfully and respectfully.

B.) Sandee Maeda was voted in as CPC Secretary.

Lanell H. Lua
Cultural Preservation Cmte. Chairperson

Sandee Maeda
Cultural Preservation Cmte. Secretary

Resolution of the Cultural Preservation Committee

Cease and Desist of Stewardship Agreement Between HPPOA Board of Directors and Keoni Alvarez

WHEREAS,

The protection and respectful treatment of iwi kūpuna (ancestral remains) is governed under Hawai'i Revised Statutes (HRS) Chapter 6E and Hawai'i Administrative Rules (HAR) Title 13, Chapter 300; and

WHEREAS,

HRS §6E-11 prohibits any person from knowingly excavating, removing, injuring, or otherwise altering any burial site or historic property without prior approval of the State Historic Preservation Division (SHPD), and violations are subject to civil fines of up to \$10,000 per violation per day and misdemeanor criminal charges; and

WHEREAS,

HRS §6E-43 requires that Burial Treatment Plans (BTPs) for burial sites be reviewed and approved by the appropriate Island Burial Council—in this case, the Hawai'i Island Burial Council (HIBC); and

WHEREAS,

HAR §13-300-34 requires that Burial Treatment Plans be developed in consultation with recognized descendants and submitted for approval to the Burial Council, with preservation in place as the preferred treatment under HAR §13-300-36; and

WHEREAS,

The Stewardship Agreement between the HPPOA Board of Directors and Keoni Alvarez does not constitute a valid Burial Treatment Plan under law and fails to meet the requirements of HRS Chapter 6E and HAR Title 13, Chapter 300; and

WHEREAS,

Proceeding with work on iwi kūpuna without a Burial Treatment Plan approved by the Hawai'i Island Burial Council exposes the HPPOA Board of Directors and the Association to civil fines, criminal penalties, and potential personal liability under HRS §6E-11;

NOW, THEREFORE, BE IT RESOLVED,

That the Cultural Preservation Committee hereby declares that the Hawaiian Paradise Park Owners Association (HPPOA) Board of Directors or their assigns shall:

1. **Cease and desist** from any continued work related to the Stewardship Agreement with Keoni Alvarez until full compliance with HRS Chapter 6E and HAR Chapter 13-300 is achieved.
2. **Submit a Burial Treatment Plan (BTP)**, prepared in consultation with recognized lineal and/or cultural descendants, to the Hawai'i Island Burial Council for review and approval in accordance with HAR §13-300-34.
3. **Suspend any physical, administrative, or contractual activity** related to the site until the Burial Treatment Plan has been formally approved by the Hawai'i Island Burial Council, as required under HRS §6E-43.6(a)-(d).
4. **Modify any existing plan** to incorporate the input and recommendations of recognized lineal and/or cultural descendants, pursuant to HAR §13-300-33 and §13-300-37.
5. **Acknowledge liability:** Any further disturbance of iwi kūpuna without lawful Burial Council approval may result in civil fines of up to \$10,000 per day per violation and misdemeanor charges under HRS §6E-11, for which HPPOA and its directors may be held individually accountable.
6. **Move the mailbox park with all mailboxes situated at 15-1570 Maku'u, Kea'au, as well as the proposed water well, to a neutral site** for the protection of the iwi kūpuna from desecration and/or destruction, as well as to eliminate future legal issues.

BE IT FURTHER RESOLVED,

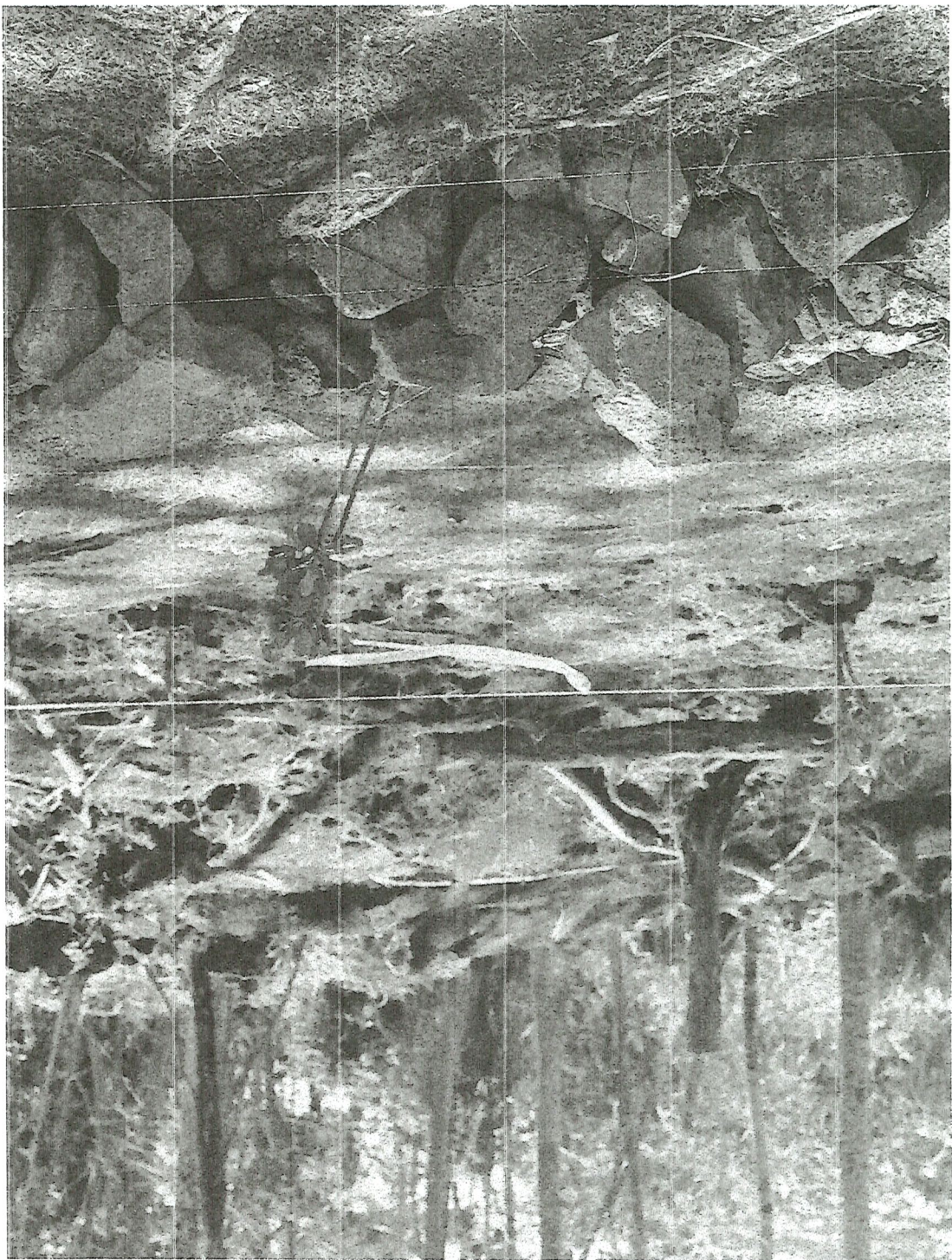
That a certified copy of this Resolution shall be transmitted to the State Historic Preservation Division (SHPD) and to the Hawai'i Island Burial Council (HiBC) for entry into the state record and for enforcement of compliance with HRS Chapter 6E and HAR Chapter 13-300.











Resolution of the Cultural Preservation Committee

Cease and Desist of Stewardship Agreement Between HPPOA Board of Directors and Keoni Alvarez

WHEREAS,

The protection and respectful treatment of iwi kūpuna (ancestral remains) is governed under Hawai'i Revised Statutes (HRS) Chapter 6E and Hawai'i Administrative Rules (HAR) Title 13, Chapter 300; and

WHEREAS,

HRS §6E-11 prohibits any person from knowingly excavating, removing, injuring, or otherwise altering any burial site or historic property without prior approval of the State Historic Preservation Division (SHPD), and violations are subject to civil fines of up to \$10,000 per violation per day and misdemeanor criminal charges; and

WHEREAS,

HRS §6E-43 requires that Burial Treatment Plans (BTPs) for burial sites be reviewed and approved by the appropriate Island Burial Council—in this case, the Hawai'i Island Burial Council (HIBC); and

WHEREAS,

HAR §13-300-34 requires that Burial Treatment Plans be developed in consultation with recognized descendants and submitted for approval to the Burial Council, with preservation in place as the preferred treatment under HAR §13-300-36; and

WHEREAS,

The Stewardship Agreement between the HPPOA Board of Directors and Keoni Alvarez does not constitute a valid Burial Treatment Plan under law and fails to meet the requirements of HRS Chapter 6E and HAR Title 13, Chapter 300; and

WHEREAS,

Proceeding with work on iwi kūpuna without a Burial Treatment Plan approved by the Hawai'i Island Burial Council exposes the HPPOA Board of Directors and the Association to civil fines, criminal penalties, and potential personal liability under HRS §6E-11;

NOW, THEREFORE, BE IT RESOLVED,

That the Cultural Preservation Committee hereby declares that the Hawaiian Paradise Park Owners Association (HPPOA) Board of Directors or their assigns shall:

1. **Cease and desist** from any continued work related to the Stewardship Agreement with Keoni Alvarez until full compliance with HRS Chapter 6E and HAR Chapter 13-300 is achieved.
2. **Submit a Burial Treatment Plan (BTP)**, prepared in consultation with recognized lineal and/or cultural descendants, to the Hawai'i Island Burial Council for review and approval in accordance with HAR §13-300-34.
3. **Suspend any physical, administrative, or contractual activity** related to the site until the Burial Treatment Plan has been formally approved by the Hawai'i Island Burial Council, as required under HRS §6E-43.6(a)–(d).
4. **Modify any existing plan** to incorporate the input and recommendations of recognized lineal and/or cultural descendants, pursuant to HAR §13-300-33 and §13-300-37.
5. **Acknowledge liability:** Any further disturbance of iwi kūpuna without lawful Burial Council approval may result in civil fines of up to \$10,000 per day per violation and misdemeanor charges under HRS §6E-11, for which HPPOA and its directors may be held individually accountable.
6. **Move the mailbox park with all mailboxes situated at 15-1570 Maku'u, Kea'au, as well as the proposed water well, to a neutral site** for the protection of the iwi kūpuna from desecration and/or destruction, as well as to eliminate future legal issues.

BE IT FURTHER RESOLVED,

That a certified copy of this Resolution shall be transmitted to the State Historic Preservation Division (SHPD) and to the Hawai'i Island Burial Council (HIBC) for entry into the state record and for enforcement of compliance with HRS Chapter 6E and HAR Chapter 13-300.

Adopted by the Cultural Preservation Committee on this ____ day of _____,
2025.

Chairperson, Cultural Preservation Committee

Secretary, Cultural Preservation Committee

October 2025 General Membership Meeting that was rescheduled to December 14, 2025

PRESENTATION OF THE 3 BYLAWS CHANGES MADE BY THE BYLAWS COMMITTEE WITH REASONS

The 3 issues tasked to the Bylaws Committee at the June General Membership meeting are being presented to the General Membership as stated in Article X- Committees, Section 1b1 of the bylaws. The modifications indicated below were given to the Board for the Oct 15, 2025 Board of Directors meeting as is, only the reason portion has been changed for this presentation. The Board voted NO on all issues. Minutes of the meeting give no explanation as to why they were rejected, except for issue 4, a definition of electronic transmission (please look at Oct board minutes). No explanation was given when the Chair of the Bylaws committee requested information from the President as to reason for rejection. The membership, as indicated in the Bylaws, has every right to see and **express** their views on the changes presented by the Bylaws committee. The Bylaws committee was thinking solely what is best for our members as a community.

Changes to the bylaws are shown in 2 ways: 1) addition of any wording is in **bold** and **underlined**. Removal of wording is ~~stricken~~ through. Reason why the changes were made are in parenthesis() and in **red**.

Issue 1) Article XII, Section 3 (d) Delinquent Accounts (page 22):

The Association shall mail ~~notices of any delinquency to the~~ **first delinquent notice by Certified mail** to the delinquent lot owner, **return receipt request to the delinquent lot owners address shown in HPPOAs current record of members. It is the lot owner(s) responsibility to keep the Association current with their mailing address. This notice shall show the delinquent** amount, due date, and interest to be paid. The Association shall use every reasonable and customary effort to collect delinquent accounts as per Article XI. **Subject to the member's preference, the Association shall send follow up notices by email or other written correspondence. Any consent shall be revocable by the member by written notice or notice by electronic transmission to HPPOA.** (Reason: There are basically three changes to this bylaw: a) HPPOA will send out a delinquent notice to first time owner who did not pay their Road Maintenance fee by April 1st by certified mail. Previously HPPOA sent out a "reminder" letter as stated by the acting Manager in an email to me. A reminder letter is NOT a legal process like a delinquency letter. Also, the "reminder" letter sent by HPPOA was not technically a reminder since late fees were already applied by the time this "reminder" letter was sent. Reminder letters are to "remind" the person that they need to pay said bill before a "LATE" fee is attached. Sending out a certified letter indicates to the lot owner the gravity of this bill and measures should be taken to make the payment; b) subsequent delinquent accounts (more than 1) for the year can receive their delinquent letter according to the members preference, mail or email, and c) a statement has been added to clarify to members that your preference of mail or email can be changed. Since we are giving members the option of how they want to receive information, this is the first area where members will be made aware that their preference can be altered and how to do it. The language used to indicate that a preference can be changed is straight from the Hawaii Statute 414D-15 Notice i.)

Issue 2) Article XII, Section 3 (l) Communications to Members (page 23)

The Association shall provide members with required notices, news of Association business and matters of community interest. Members shall be provide an option to receive communications electronically, **including Annual billing Payment notice which shall be mailed may or may not include provisions for an imbedded secure electronic payment to HPPOA, they will however include specific information for other methods of payment. "Electronic transmission (ie., emails, payment, notice, etc)" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such recipient through an automated process.** (Reason: This is to allow for regular notices that the HPPOA sends out to the members to be sent out via mail or email (such as Mailchimp), based on members preference. The Annual Road Maintenance fee which is due on April 1st has been sent over the years via mail. This modified version of this section of Bylaws is written

so that an Annual Road Maintenance fee notice for this important bill can be sent to members via electronic transmission based on their preference (i.e., may or may not include provisions). HPPOA cannot just take the bill and send it out via email, this is the process that scammers use to swindle money from individuals and the state warns people to ignore these types of emails. The method all organizations and the government use to allow payments electronically, is to use a secure link that is inserted into the notice so that the money is safely transferred from the individual's account (member) to HPPOA's account. A secure link prevents identity theft which is a huge issue with the use of email and billing, this is the process every agency and organization use. The Bylaws committee was looking forward to the time when HPPOA will use this form of technology, and by addressing it Now the Bylaws will not need to be modified again to allow this method to be used. Also, the bill shall indicate all the ways that this bill can be paid.

Issue 3) Article XII, Section 3 (I) subsection 2. Fiscal Statement (page 23)

Within 60 days of the fiscal year end, the Association shall prepare and mail **or email (based upon members preference)** annually to each member a statement containing:

- a. Decisions impacting the Association legally or financially
- b. The President's Statement on the state of the Association.
- c. The Treasurer's Annual Report, which shall include the Association's fiscal year-end financial statement (unaudited) and 3 -year capital improvement plan.
- d. Board and member meeting dates and other items as may be required by these bylaws.

Any consent shall be revocable by the member by written notice or notice by electronic transmission to HPPOA. (Reason: The changes allow email to be used for notices and payment of the bill as long as a secure link is provided to ensure safety of members information from theft. The information concerning the members ability to alter their preference is stated again because analysis of human behavior has shown that people will go back to the same area in a legal document where they read something important, hence the repetition of this information concerning the ability to change preference.)

Members input is very important to this process since it is members that vote on these issues. At the next Bylaws meeting on 1/14/26 we will finalize the wording for all three issues to give to the Board of Directors for approval and then for the Board to give to the lawyers for legal approval. There are ways for you to get in touch with me with any comments/suggestions (Patti Szot, Chair of Bylaws committee):

- 1) My personal email: hi.paszot@gmail.com,
- 2) Talk to me after this meeting,
- 3) Talk to me before or after the December Board of Directors meeting on 12/17/25, or
- 3) Attend the next Bylaws committee on 1/14/2026 at 4pm.

At this time I also want to **extend an invitation to the whole Board of Directors to attend the next Bylaws committee** on 1/14/26 where we will finalize the wording of these three issues. Their input is also important because they are members of this community as well. All board members do not need to approve of the wording but a majority of approval is required by the bylaws. With the Boards approval, I would like to have this Bylaws meeting in the Activity Center due to limited space of the library, if both the Bylaws committee (5 members) and Board of Directors (9 members), plus guests that may attend the library will be very crowded.

Hawaiian Paradise Park Property Owners for Sustainable Development

Mission Statement

To preserve and protect the unique character of Hawaiian Paradise Park while supporting thoughtful, sustainable growth that aligns with the area's A-1a agricultural zoning and the long-term well-being of our community.

Objectives

- **Engage the Community:** Conduct surveys to gather input from HPP property owners about current and future development priorities.
- **Educate and Empower:** Host town halls and community meetings to share information, address concerns, and work collaboratively on zoning challenges.
- **Protect Agricultural Integrity:** Monitor, document, and report A-1a zoning and permitting violations, including unpermitted multiple dwellings.
- **Advocate for Responsible Development:** Participate in Puna Community Development Plan (PCDP) and Hawai'i County Council meetings to represent HPP's interests.
- **Plan for the Future:** Participate in a comprehensive **HPP Master Plan** to guide sustainable development consistent with agricultural zoning and community values.