

ORCHIDLAND COMMUNITY ASSOCIATION, Inc.
UNAPPROVED - General Membership Meeting Minutes
November 22, 2014

Call to Order: Bob Arthurs, President, called the meeting to order at 5:08.m. Quorum was established. The meeting took place at Eagle's Club.

Members Present: Bob Arthurs, Director/President; Bob Dexter, Director/Vice President; Richard Greever, Director/Road Chair; Janet Somalinog, Director/Treasurer; Vijay Karai, Director/Secretary; Tegen Greene, Director; Rick Turner, Director; Peter Houle, Director; Don Stoner, Director, Wayne Carey, Director; Dennis McCartin, Director

Guests:

[NOTE: Sign in sheets only have signatures without legible printed text next to their names and are illegible so spelling is approximated and/or may be incorrect or incomplete.

Leslie Dicke, Elisabeth Erle, ___Au? Bravo, C. C__le__, James Kirkpatrick, Ashley Deloach, Darrell Howard, Karen Doom, Maxine Beyer, Alika Beyer, Barbara Gantt, Barbara Arthurs, Gary Boyd, Donna B___, Jay Karai, Janis Carman, Martha Brown, Oscar & Margarite Barbo, Rose Greenway, Donna Brilheart, Mike Lemmen, Maxine Quinlan, Jason & Lori Coad, Myron Akana, John Erickson, Steve Graves, Anne Kamau, Gary Byrd, Gerald Akana, Richard Ellis, William Berg, Stephen Kling, Dale Dinsmore, Richard Kelley, Roger Hawney, Yen Chin, David Aasve, Greg Kundray, Ingrid Dea___, Mary Valerie Chiong, Jakob Caldwell, Ralph Boyea, Sheri Carden, James Guntep, Robert Dick, Sharon McCartin, Ariel Murphy, Nolan Remmers, Earl Yoshimura, Mike Percival, Donald Stoner, Norma Stoner, Dennis McCartin, Sharon McCartin, Elizabeth Wewers, Skyler Platt, Efin Thompson, Noble Beck, A.M. Warren, Theresa Latoski, Jose L. Archuleta, Frederic Wirick, Bryan Lum, Steve Anderson, Mark Schiedermayer, Arthur W. Smith, Arthur E. Molter, Sheldon J. Raiter, Martha Morishige, Mark Willman, Craig Lamb, Therese Zeller, David Milnikov, Anne Kaman, Bill Berg, Satu Paulsen, J__? ?M__z, ILLEGIBLE, Jackie Hernandez, Saun? R? [IILLEGIBLE], Sherri Carden (Owner/Parliamentarian)

Non-Community Member Guest: Dorothy Sanger (from Hawaiian Acres to observe what a great large turnout Orchidland meetings get)

Pledge of Allegiance, moment of reflection, and Meeting rules were done at open of Special General Membership Meeting, which flowed directly into this General Membership Meeting.

The Agenda for the Special Membership meeting including reports from various BOD members was to include the agenda issues to follow, but due to the BOD having voted at the BOD Meeting of 11-18-14 to allow Ric Wirick to Present his petition at the start of the meeting rather than the end, coupled with the extra time it took to deal with unplanned allowance of Proxies for the Special Membership Meeting Petitions, a lot of time was taken up, so by the time the regular General Membership meeting issues

could be addressed, the meeting end had arrived and ***NONE*** of these issues were covered except removal of the two directors with or without cause, which then resulted in the subsequent resignation of three more:

- Elect and remove Directors with or without cause.
- Approve the Budget Presented by the BOD
- Approve the MRMA presented by the BOD
- Vote on amendments to the bylaws.
- Any Motions to recommend issues for the BOD to consider from the Membership.

Power of the Board – Slide shown. (See Attachment)

ANNOUNCEMENTS:

- 2nd Tuesday of each month, the Road Committee meets at Blaine’s, 5:30 p.m.
- Next General Membership meeting is April 25th.
- 3rd Tuesday of each month, the BOD meets at the Eagles club, 5:30 p.m.

Tegen Greene moved that membership set the Saturday, April 25th, 2015 General Membership meeting at the Eagles club with time to be decided.

Vote: Yes- 26, No-0, Abstain-4 - Motion carried.

Bob Dexter motioned to vote to have the next General meeting at 9am. Armon Collman 2nd. Discussion: Rick Turner wants suggested that a meeting set for 2 p.m. would be better for families with kids, so that they can also come to the meetings after doing their family things like Saturday morning sports and activities with their children. Several thought this would get a larger segment of community participation. **Vote: Yes-34, No-25, Abstain-7. Motion carried.**

Results of the two paper ballot done in the Special General Membership meeting were read to the group. Both Dennis McCartin and Wayne Carey were voted to be removed from the BOD.

Dennis McCartin: Remove: 67 - 63%, Keep: 36 - 34%, Abstain: 3 - 3%
Wayne Carey: Remove 64 - 63%, Keep 34 - 34%, Abstain 3 - 3%

Ric Wirick moved to cancel the Orchidland Drive project . Discussion: (see discussion statement attached). Removal of Daltons and replacement by Johanson background re the \$219k for repaving the chip seal section of Orchidland drive between 34th and 37th. Johanson accusations. Wants to cancel the project once and for all.

Orchidland Dr. Petition Originally

Motion to recommend a call for a legal review and opinion on the methods and process that were used to collect the chip seal repair funds.”

As stated: **On behalf of OLCA, Ric Wirick moved that OLCA cancel the contract for the repaving of Orchidland drive from 34th to 37th avenue and return the over 219k back into the chip seal fund.**

Richard Greever: Met an engineer on Orchidland drive regarding fill material and chip seal road on Orchidland drive. Read that report. (Attached) Large report, but stated among much that it's okay to put asphalt over chip-seal. FROM ENGINEERING PARTNERS INC

Wayne Carey - spoke Re: the 35th project and about Mr. Derek Shimizu having never brought attention to problems until he sold his house on that street, the work was done and he was moved off island.

- He went on to speak about the Murakami case and that the Dalton's very good contractors and did good work for OLCA, but after that case, OLCA was required to only use licensed contractors and they weren't, that's the only reason why they were removed and it was not as Ric says, "to achieve a goal," other than the BOD was legally required to find new contractors due to a legal requirement to have a legal contractor.
- I wasn't against the product, but I was against spending that much money for huge pile of six inch minus material purchased that we weren't using immediately on the roads..
- It was said that the contractor overcharged us for their work. What's missing in there is that the contractor gave us a price sheet for each piece of equipment with operator, by the hour. How much they charged us per day depended on how many pieces of equipment, the operators and the number of hours they worked. So, it's easy to compare that up against a contractor who brings out three pieces of equipment instead of eight and say oh we did it for this much in this time - it's apples and eggs.
- The alleged fraudulent P.O. supposedly given by Dennis, I've already spoken to, but it was not fraudulent because the Board gave both Dennis McCartin and Ric Wirick equal authority.
[*His time was up before he could finish his defense, but respectfully asked if he may add that he doesn't care which road OLCA resurfaces.

Ralph Boyea: There goes Ric accusing the board from a lack of understanding and knowledge, misstating that the BOD got rid of the Dalton's because they didn't want to pave Orchidland drive and that is not the truth at all [they had to get licensed contractor's because of that Mericomi lawsuit]. Mr. Boyea went on to state that he offered to give some history to Ric, but he refused to meet, listen and learn about what we had been trying to accomplish in the past years, not requiring anything of him, but to learn the info I had to offer in order to help him make better choices in the allegations he makes because he doesn't not have the facts from which he draws these incorrect conclusions. The Dalton's told us in 2011 that we had chip seal roads that were falling apart and if we just continued to fill pot holes, those roads would fall apart. Pot holes do not fix roads. When we did chip seal, we did knowing it would last only about five years under the conditions of Orchidland. That length of time depends also on the amount of usage. Orchidland drive has one of the highest usages in the subdivision, mailboxes, traffic, et cetera. I wrote an article for the Newsletter and proposed we start resurfacing our roads because everyone goes from the highway up, so we wanted the road to help the most people possible. The professionals, AT

THAT TIME, said Orchidland was too far gone, but once we collected the money, we found out from Yamada and Johanson's that Orchidland *could* be saved if we resurfaced soon. The chip seal roads were supposed to be resurfaced after five years. If we don't start on at least one, they're all going to fall apart. There was no evil intention. We just wanted to save our investment. We wanted to save our roads. We had to chose one. That was the best. If you cancel this project, you're cancelling a project that was voted on by the General Membership at a meeting in 2011. It was approved by all lot owners in the same year we sent out a ballot and they approved by ballot to save those roads that can be saved.

Bob Dexter: Stated that he and Wes Owens put together a five year plan. "I wasn't on the board at that time. After the wheels came off at the meeting that Wes Owens stomped out, all the things he told me weren't true anymore after he lost his motion. Everything skewed to some other new reality. People can seem to allow the truth get in the way of the lynching. You need to look at this. There are a lot of things being said. I spent a lot of time with the board long before I joined it, putting together the facts of a five year plan and that info was based on best estimates from everyone on the Board and that board reviewed everything. Stated that earlier this year he suggested pushing the paving before chip seal and I lost that motion. So some people can't accept the fact that the membership spoke and we have to get in line with that. I had my opinion. I would have liked to see Pohaku and 40th resurfaced before Orchidland drive, but it's been voted on before and we've been told to go forth, so sometimes we have to your personal stuff aside and go with what the membership voted for already. Thank you."

Tegen Greene: Pro argument for removal. Re: What Bob Dexter just talked about: part of the past was his two five year motions were voted down with quite a majority and we all have been working on Orchidland for a long time, not just Bob Dexter. We all have put in a lot of volunteer hours, I bet, because these are a lot of interested people who are here, so don't forget that, Bob. Thanks to you for all that you have volunteered and we're hoping to streamline that, so that more people can get money to do their roads.

Arthur Moore: Responding to what the Road Manager said. If anyone has been on 130 you've watched what was done to build that sub bed. If you throw asphalt without a good subbed, it's wasted, so if you throw asphalt on top of Orchidland drive, without any subbed, you're throwing good money after bad money. This has to be done correctly. It's going to be more expensive to do a little chunk of road than to spread the money out over more of the district where it'll be most used and appreciated by a greater group of the members. Thank you.

Theresa Latoski: Lives at 39th off Pohaku, but has been using Orchidland drive a lot lately to visit friends over there, so she noted that some of the potholes got fixed thanks to Ric and others, a couple months ago, so Orchidland drive is not too bad, but Pohaku drive is pretty bad especially at some places like 35th and 36th – so many bumpy things from filled potholes creating this dangerous thing because people want to avoid them, so they swing around them into oncoming traffic. Drainages are needed at the lakes. People drive through at night on Pohaku and get stuck, come knocking at the door of one guy who lives at a lake. At 39/Pohaku drive there's water problems. People have gotten washed off 39th

into the trees and fire trucks couldn't get to them. It's very dangerous. There needs to be signage to express the danger on that road is not extensive enough because the sign there is not extensive enough. There are ordinances that the signage needs stickers for police to police the area.

Janet Somalinog: When she came on the board, new to the subdivision, read the ballot of June 2011, her impression from a cold reading was that that ballot said the chip seal did not include Orchidland drive, so that is another contention upon that vote, so people may have read and interpreted the wording differently. In future they need to be more clear before going out to members for a vote.

Ariel Murphy: Asked, "Who drafted the ballot?" Noted it was Ralph Boyea and asked him to speak on that.

Ralph Boyea gave the actual wording of the ballot as given on both the April 2011 ballot and in the Newsletter: motion and ballot was "to increase current MRMA from 85 for a period of at least two years to go toward our roads. Everyone who contributed money for chip seal repair, and if that is changed then the association can be sued for misuse of funds.

Wayne Carey asked who's running the meeting? President

Ric Wirick: the origin of the 2011 chip seal was shaky at best...according to our bylaws any increase shall be approved by the board before it's taken to the membership. in 2011, it failed to pass board approval, but then a board member as a general member made a motion at the general membership meeting to push it through. it was illegally done because it didn't pass board approval. we want to disperse it to all our chips seal roads.

to cancel the contract. **VOTE: Yes - 50 , No-13, Abstain-5 Motion carried to cancel Orchidland drive project.**

On behalf of some members Ric Wirick moved that they vote to spend the total amount of chip seal fund, over \$254k, to instead address all of our chip sealed roads including Orchidland drive, which that are in need of repair and maintenance.

Discussion: Ric Wirick read his statement. (see attached)

Sharon McCartin stated that the new contractor was never approved by road committee or Board, so they need to follow the bylaws and go to the road committee and then to the board to get a new contractor.

Richard Greever: if the money's available we can more frequently fix and improve these roads. We're doing it with volunteer time and we could keep these roads in good shape using this money and Fujiyama construction. He had a scope of work, met with 3 contractors and asked for bids and scope of work. Johanson didn't submit their bid. He explained what he did under the guidance of the president at that time.

Armon Collman: If we're on a side road, we just don't count. Orchidland drive needs to be our Rodeo drive because it's so heavily travelled. Putting coal patch on asphalt is like putting a band-aid on cancer. It's half way done and a waste of money. I, like Bob Dexter was falsely accused by Mr. Wirick of being a board of director for five years, when, in fact, I was an interim director for 4 months while still on mainland. Mr. Wirick makes wild

accusations and I'm tired of all this back biting crap going on.

Tegen Greene – Noted that Orchidland drive from 34th is not in the plan.

Ralph Boyea: if you use this money for anything but resurfacing as was collected to do, you legally have to go back to the membership and let them vote on your new plan. they voted on this and it was collected for that so if not used for that purpose, then it'll amount to fraud. Every lot owner has the right to change it if you want to change it, but it has to be done legally by the same vote process that it was collected.

Wayne Carey: Agreed with Ralph regarding our legal exposure and that it has probable outcomes if we highjack that money. He wants to do maintenance repair and there's a fund for it.

Wayne Carey motioned to table the discussion to next General Membership meeting and close this membership meeting. Vote: Yes-22 , No-48, Abstain - Motion failed.

Rick Wirick restated his motion to spend the total amount of chip seal fund, over \$254k, to instead address all of OLCA chip sealed roads including Orchidland drive, which that are in need of repair and maintenance. Vote: Yes-53 No-21 Abstain- Motion carried.

Upon hearing the vote to remove the two BOD members Dennis McCartin and Wayne Carey, Mr. Bob Dexter and Mr. Peter Houle resigned their positions on the OLCA Board.

Adjournment: Meeting adjourned at 6:05 p.m.

Submitted by:

Submitted by:

Vijay Karai,
Secretary

Susan Bambara
Recording Secretary

General Membership Meeting
MOTIONS LOG – 11-22-14

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