

Orchidland Community Association, Inc.
Approved Minutes of the Board of Directors Meeting
January 17, 2012

Call to Order: The meeting was called to order at 5:40 p.m. by Jerry Gardner.

Members Present: Jerry Gardner, President; Wayne Carey, Vice President; Ralph Boyea, Secretary; Derek Shimizu, Treasurer; Dennis McCartin, Road Chair; Marti Morishige and David Aasve. Adrian Dalton, Road Manager, and Gary Dalton, Jr., assistant Road Manager, were also present.

Guests: Roger Hawney.

Approval of Minutes: **Ralph Boyea moved to remove the duplicate entries on page 4 and to approve the minutes of December 20, 2011, as corrected. The motion passed by a vote of 5 for, 0 opposed, 1 abstained.**

Email/Hotline: The voicemail received 4 calls on billing/fees and 2 on roads, both concerning a lake on 35th Ave. between Pohaku Place and Pohaku Dr. Dennis said there are several smaller lakes on 35th, also.

Officers Reports

President: Jerry said the website needs to be easier to use. He recommended asking Wes Owens to become our webmaster again. Marti reported that Wes will charge \$35 per month, plus an initial set-up fee of \$50.

Marti Morishige moved to hire Wesley Owens as webmaster and to pay him a \$50 set-up fee and \$35 per month to maintain the site and assist the Board coordinator. The motion passed unanimously.

Jerry is working on an updated OLCA calendar for the Board and to put on the website.

Secretary: Ralph presented a timeline for the March newsletter. The annual meeting will be on either April 21 or 28, depending on availability of a meeting location. For the earlier date, the newsletter deadline will be February 13 and the Lick 'N Stick on March 17.

The newsletter must include a year-to-date financial report. The motion from the November membership meeting and a new Directors' ballot will be in either this or the June newsletter.

Wayne Carey moved to add a billing for "past-due mandatory road maintenance fees only" to the March newsletter. The motion passed by a vote of 4 for, 0 opposed. David Aasve and Ralph Boyea abstained.

Road Report: Dennis thanked Art Smith for painting yellow center stripes on Puanani. All the chipsealed roads need patched. The road crew can do this tomorrow, if funds are available.

Dennis McCartin moved to approve \$300 for labor and equipment rental to repair potholes on all chipsealed roads. The motion passed unanimously.

The unpaved sections of Pohaku Dr. and 40th Ave. are in severe disrepair. Adrian said the section needs at least 20 loads of gravel. Drainage must be addressed, also, and possibly a drain pipe installed.

The Board discussed whether paving funds could be used for paving prep on this section, since there is not enough remaining in the paving fund to pave Ilima St. At the April meeting, the membership passed a motion to “postpone Pohaku Dr. and 40th Ave. in the paving rotation until the issues of additional financial burden and liability are satisfied.”

Marti Morishige moved to allocate up to \$5000 [from RMC funds] to repair from the end of the pavement on Pohaku Drive to the beginning of the pavement on 40th Avenue. The motion passed by a vote of 4 for, 0 opposed. Derek Shimizu abstained; Wayne Carey recused himself.

GW Construction will have materials available at half the usual cost for approximately another month.

David Aasve moved to transfer \$15,000 from the Capital Fund to the Road Maintenance Fund, to be repaid if necessary, to purchase materials from GW Construction. The motion passed unanimously.

Dennis said that the RMC section of the Community Lot is too narrow for trucks to turn around. The partial fence needs to be moved and the section widened to 100 feet. Also, two 20-foot gates are needed to safeguard the materials being stored there.

Treasurer: Derek reported that the fund balances as of January 15 were:

General Fund	\$ 2,382.42
RMC Fund	\$ 44,178.66
RMC Emergency Fund	\$ 15,108.99
Paving Fund	\$136,461.20
Administrative Fund	\$ 44,465.02
Lot Development Fund	\$ 6,254.48
Capital Fund	\$ 19,140.20
Legal Defense Fund	\$ 90,460.18

Labor costs are no longer being separated from equipment usage costs, except for the Kubota. Derek asked to change the line item breakdown to “machine with operator”. The Board concurred.

Old Business

Signs: Ralph presented the wording of the County code pertaining to littering, to be included in the entry signs.

Ralph Boyea moved to approve the following wording for entry signs:

**No Dumping/or Littering/Violators will be prosecuted
Hawaii County Code/Chapter 30—Littering
Sect. 20-8. Penalty—includes fines up to \$1000
and community service up to 200 hours
for each day of the littering violation
Other penalties may also apply**

The motion passed unanimously.

New Business

1992 Lawsuit: Ralph moved that *OLCA Road Maintenance Lawsuits, revised 11/18/11*, cover letter and document, be placed in the Directors' manuals. After considerable discussion, the motion was tabled until the next Board meeting due to time constraints.

Wayne said that item 8) of the first paragraph of the cover should include "forecloses" as well as "assesses mandatory fees and threatens liens," and disputed the statement that the membership was well-informed of the lawsuit, on the grounds that:

- 1) newsletters at that time were sent only to those who paid dues
- 2) the *Tribune-Herald* was not distributed in much of Orchidland
- 3) the paper only serves the east side of the island, and the majority of lot owners at that time were either on other islands or on the mainland
- 4) only 206 ballots were received from the owners of over 2400 lots

OLCA's president sent letters notifying the defendants of the suit, asking them to call him if they had any questions. Two of the defendants were dismissed from the suit, and twelve days later the attorney filed for summary judgment "because nobody in the defendant class responded."

Wayne reminded the Board that the handbook once erroneously contained the rules and regulations for a 421J planned community association, "which gives the Board an immense amount of power that we do not have.... The things we put in the Directors manual is what you base your decisions on, because it's supposed to be true."

Adjournment: The meeting was adjourned at 8:15 p.m.

Submitted by:

Kirstie Goin, Recording Secretary

Ralph Boyea, Corporate Secretary

Motions Log 1-17-12

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