

**ANNUAL GENERAL MEETING
MINUTES, April 29, 2007**

CALL TO ORDER – President Jim Ferguson called the meeting to order at 1:24 p.m. There were approximately forty-three people gathered at the pavilion. Jim asked Aunties Willie and Souza to open the meeting to and give the blessing. Auntie Souza asked the community to recognize those members of the community who have volunteered their time on the Board to fulfill the legal bureaucratic function of this community association as required by State of Hawaii laws. One of the definitions of aloha is “to recognize/to show appreciation for our neighbors who have devoted their personal time for the good of the community” and Auntie asked that we show appreciation to the Board. Applause followed.

Auntie Willie asked Pele to bless our community. Auntie asked for us to treat each other with aloha and thanked the community for honoring Pele who is the owner of this island and sharing her aloha with us. We are only the keepers of this land, not the owners

The members of the current board introduced themselves to the assembly: Dawn Burke – Vice President; Becca Osborne – Treasurer; Uschi Snover and Robert Stearns, Directors-At-Large, whose terms are ending this year; Mark Hinshaw – Clerk, who is serving his last year on the Board; Greybeard, who has been serving as Scribe; and, Jim Ferguson, President.

Jim then introduced Jon Olson, who explained his function as facilitator to free the President and Vice President to participate freely in the discussion and to serve as the neutral third party recognizing speakers at this meeting. A three-minute time limit shall be imposed on speakers. **MOTION, by Jim and SECONDED, “To accept Jon Olson as our facilitator for this meeting.” Call for Voice Vote: MOTION PASSED UNANIMOUSLY.**

AGENDA – Jim asked if there were any additions or deletions to the agenda.

MOTION by Auntie Gwen, Councilwoman Emily Naeole’s personal aide, “ To move Auntie Emily’s position to the top of the Agenda, due to prior commitments later this afternoon.” Call for Voice Vote: MOTION PASSED UNANIMOUSLY.

Auntie Emily told us she ran for the council position in Puna because she wants to help the community in a meaningful way. Her family history for generations until today are rooted in this area and she has a very real connection to this land. She stated that no matter what the problems encountered “Love breaks all barriers.” Auntie Emily offered a Hawaiian chant of blessing for the assembly. She thanked members of the community for supporting her.

Auntie Emily said her office is awaiting word from the Board about the details of speed control measures and our concerns about the utility road so her she can present the matters to the appropriate agencies. She also reported easement mowing was scheduled for the beginning of the May. She holds the position as Chairperson of the Human Resources of Hawaii County. For 14 years the county budget for this department has been \$900,000 a year. and the Committee, is raising the ante to \$1,500,000. Fifty-seven nonprofit groups have applied for funds. The matter is now in the hands of the County Council.

Auntie Emily who was born and has lived all of her life in lower Puna, stated that she not only thinks about the issues with her mind, but feels them with her heart. Having watched the growing violent crime committed by ice users, she observed that marijuana does no harm and if it was pono for the people she would support something more mellow. Auntie can be reached at her Hilo office during the week and on Sundays at the Makuu Farmers Market on highway 130 a mile from Pahoa town. Abandoned cars can be removed by notifying the police department, 935-3311, of the location and license number of the vehicle and the police will issue a ticket. Then call Dept. of Environmental Management, 962-8339, to have abandoned car removed.

AGM Minutes 2006 – Greybeard asked for comments on the 2006 AGM Minutes that were passed out at the beginning of the meeting. He mentioned that the free Hele On bus is now stopping at Seaview. A member said the bus driver told her they are thinking of eliminating some of the Seaview routes. The bus comes at 9:05 a.m. and returns at 7:30 p.m – which is too long a day for most residents. Greybeard encouraged residents to call Tom Brown, County Director of Transportation and advise him of your concerns and suggestions.

MOTION by Jim and Seconded, “To accept 2006 AGM Minutes as presented.” Call for Voice Vote: MOTION PASSED UNANIMOUSLY. Discussion: It was agreed by the Board that from this AGM meeting on, AGM Minutes would be read at the next regularly scheduled board meeting and those actions taken would be put on the May Agenda, as per Robert’s Rules.

Treasurer’s Report – Becca presented the Yearly Financial Report for 2006 as presented in the newsletter. A member asked if we could imposed a ceiling or a limitation on amounts that could be spent by the Board on any given project and it would require community approval and by vote to increase funding. After much discussion, a member offered a Friendly Bylaw Proposal that will address the problem.

MOTION for a BYLAW PROPOSAL by Athena Peanut and Seconded, “Bylaw Proposal, SECTION 4: Duties and Powers of the Association, last paragraph:“ No significant material changes shall be made to the commonly owned KSECA parks without prior approval by a majority vote of Members In-Good-Standing in residence at KSE at the time the proposal is put to a vote.”

MOTION for a PROPOSED ANCILLARY BYLAW and Seconded, “Bylaw Proposal for addition of H. to SECTION 3: Definitions, “H. Significant Material Change: Means any erection of permanent buildings, grading or changes in elevation, and cutting down trees except for removal of hazards; and, Does Not Mean minor additions or general repair and maintenance to existing structures, or apply to the addition of picnic tables, or planting trees, foliage and gardens.”

DISCUSSION: An ex-president supported the Proposed Bylaw Amendment that addressed the concerns of the original maker and did not interfere with the day-to-day business of the Board. Another ex-president asked that the Board’s hands not be tied and limited to only mowing of the parks. Much discussion followed, explanations were given, the Motions were read three times, and certain commentaries were dismissed or referred to another agenda item.

MOTIONS CALL for Voice Vote: MOTIONS CARRIED; AYES IN MAJORITY; THREE NAYS – Mark Pistolese, Auntie Souza and Missy; FIVE ABSTENSIONS – Uschi, Jim, Dawn, Robert and Becca.

MOTION, by GREYBEARD, Seconded, "To accept the 2006 Financial Report as presented in the Annual Newsletter this year" By voice vote: MOTION CARRIED UNANIMOUSLY.

ELECTIONS – Robert began the election by calling for nominations from the floor. The following persons were duly nominated and expressed their willingness to serve on the Board: Greybeard, Athena, Mark Wyatt and Sahara Lawrence, who is off island but expressed her willingness to run in writing.

BALLOTING COMMITTEE – Jack Hash, Aunty Souza and Lorraine West were asked to serve on the balloting committee to count the votes. Robert announced that the Board received 46 proxies to be voted as a whole and that the vote be made on the basis of the preference of the majority of the Board. The meeting recessed for lunch while the ballots were counted.

New board members are: Mark Wyatt, Sahara Lawrence and Greybeard, for his fifth term.

OLD BUSINESS – Bylaw Proposals: Mark read the two Bylaw Proposals published in the 2007 Annual Newsletter to be voted on today:

MOTION to AMEND ARTICLE VII, Fees and Donations, SECTION 2: Donations, by entirely deleting sentence number two (not bolded and underlined).

"On behalf of the Association, the Board may accept donations of land, money, materials, services or equipment. (As an IRS 501(c)(3) nonprofit organization, donations to KSECA are tax deductible.) Any parcels accepted by KSECA will become the property of the Association and legally designated in perpetuity as "green space". The Association shall provide for taxes, insurance and maintenance on such properties from the annual assessments."

Discussion: A homeowners association is not eligible for a 501(c)(3) status and 501(c)(4) status is of little value to KSECA because donations are not tax deductible. **CALL FOR THE VOTE By a Show of Hands: MOTION CARRIED UNANIMOUSLY.**

MOTION TO AMEND ARTICLE IV – Officers And Directors, SECTION 2: Officers, last paragraph, sentence number one, add the word Clerk preceded by an apostrophe (bolded and underlined) – "Any portion of the Secretary, Clerk or Treasurer's duties may be delegated to a contracted agent, subject to the approval of the Board; however all responsibility remains with the Board."

Discussion: Mark explained the numerous duties of the Clerk to the membership. **CALL FOR THE VOTE BY A SHOW OF HANDS: MOTION CARRIED UNANIMOUSLY.**

Website – Ken Young, Webmaster reported that the KSECA website is up and running and there are about thirty notices posted on the website community bulletin board. Members were encouraged to submit notices and inquiries for publication.

Ten-Year Plan and Permaculture Report – Becca reported that two beds are ready for planting. She also announced the permaculture friends who planted the garden last year will be moving to the neighborhood and they will be active again in the project. The sum of \$510 was spent on this project last year. The garden planted last year is now producing several vegetables and herbs. Calling for volunteers for this year, Becca passed out a sign up sheet. A member

informed the assembly how important it is to eat vegetables fresh out of the garden to obtain optimal health benefits that store bought products cannot duplicate. There was much discussion on various gardening techniques. The assembly showed great enthusiasm for the gardening project by supporting allocation of ample funds for it.

MOTION by BECCA and SECONDED: "The Board be allowed to use up to \$5,000 this year for the Permaculture installations in our park."

Discussion: Graham reported our next-door neighbors at Belly Acres have been nurturing a permaculture garden for the past ten years. He can provide cuttings for gardens in KSE. He also has eight greenhouse frames, we can also use if needed. Graham agreed to come to the first Permaculture meeting to share his agricultural knowledge specific to this area.

There was also a lengthy discussion regarding finances and current financial obligations, a proposed budget, a history of past maintenance dues indebtedness and a report on how many lot owners are still in arrears. Transfer fees are down due to fewer lot sales this year. Mark noted that if all the outstanding accounts receivable were collected, it would amount to \$35,500. He said the Board is going to step up collection efforts this year to collect this money.

CALL FOR THE VOTE By a Show of Hands: MOTION CARRIED. — 17 AYES; TWO NAYS — ??, TWO Abstains – Athena, Lorraine West.

Mailboxes – Greybeard explained his plan to defer relocation of the mailboxes by altering the current structure to accommodate 80 additional mailboxes. Mark reported that the Postal Service does not want to have more than one mailbox center. There are currently 12 members on the waiting list for mail boxes. Greybeard reported that many of the current box holders are not interested in moving their boxes elsewhere if we can have only one location.

MOTION by Garry Hoffeld and SECONDED, "To adopt Greybeard's plan to optimize the current mailbox structure." Discussion: Greybeard's plan will only entail the cost of hardware and a minimal amount of lumber and concrete. The bulletin board will be refurbished and possibly two-sided.

SECOND MOTION: "To defer the Main Motion until the next regular board meeting." Motion Withdrawn for Lack of a Second.

AMENDMENT TO MAIN MOTION by Becca and SECONDED, "To allow a budget not to exceed \$2,500 for improving the mailboxes in the front park."

CALL For Voice Vote: MOTION CARRIED, ONE Nay – ?; ONE Abstain — ?

MAIN MOTION AMENDMENT by Garry Hoffeld and Seconded: "To discuss Greybeard's mail box plan at the next regular board meeting." Discussion: Garry will do reconstruction and inspect the current structure, prepare recommendations and a materials list to present at the next regular board meeting. **CALL for the VOTE: MOTION CARRIED UNANIMOUSLY.**

NEW BUSINESS: Required Financial Review – A member reported that KSECA is now behind in the Bylaw requirement calling for a Financial Review every other year. Jim explained KSECA's Bylaws requirements that we hire a CPA for 2004 and 2006. The two CPA's he knows

have refused the job because they do not carry the special insurance required but offered that the usual price is \$2,000 per review. There were many questions from the Board regarding the expense and available funds. Jim explained that this is a legal requirement in our Bylaws. It is not an option. Athena to call all the C.P.A.'s on the island. It was suggested to considering adjusting our Bylaws to provide an alternative to the C.P.A. requirement.

MOTION, by Lahilahi, SECONDED, "To research costs for a Qualified Accountant's financial review as well as one done by a C.P.A. and the information to be presented to the Board at the next meeting." MOTION CARRIED UNANIMOUSLY.

Volunteer Fire Brigades — A statement by **John Williams** was read by Lorianne West: "I motion that the Board commission a study and report proposals for a privately owned and operated fire department. I motion that John Williams be head of the study and prepare the proposal." **MOTION seconded. Discussion:** John's phone number: 965-1844. Members were invited to sign up for the fire department committee. **MOTION CARRIED: One Abstain**

Uncontrolled Dogs – Dawn received several complaints about being harassed by dogs while walking on Mapuana Avenue and she, herself, has stopped riding her bicycle because of it. The Humane Society advised "each individual has to make a report and describe the event and address for each incident, and that as a Board there is nothing we can do." She suggested that a petition signed by threatened neighbors might alleviate the concern of particular women who feared retaliation by the dog owners. Dawn is willing to sign and present the group complaint to the Humane Society. A few irresponsible dog owners have always been a problem in Seaview.

Bylaw Review Committee – **MOTION by Athena, Seconded: "To create a Bylaw Review Committee for 2007-08 to study the current Bylaws and to make proposals for bylaw changes and/or additions where deemed necessary. For those proposed bylaw changes to be publicized in the 2008 Annual Newsletter. The Committee shall contain a minimum of five members."** **Discussion:** Becca was concerned that she might be unable to attend every meeting and questioned lack of review by the Board. Bylaw review committee reports would be made at regular meetings and the proposals would be published in the Annual Newsletter and voted on at the next AGM. **MOTION CARRIED: Five Abstains – Jim, Marcia, Becca, Dawn and Jack.**

Lifesaving Device for Kehena – Leo reported that a nonprofit was sought to accept a life saving flotation ring from the State for installation at Kehena Beach. He was informed that KSECA would not qualify as such, but a bleach bottle filled 25% with water makes an excellent flotation device and is much easier to throw than a ring. Only a 300-foot rope and hook would be needed. It was reported the State may also install a much needed 911 emergency phone.

Bus Stop – It was reported that the state school bus would only pick up the children at the mailboxes, and not at the upper park. Earlier in the meeting, Monica offered to donate wood stored under her house for a bus stop shelter. Athena will contact Uncle Fred Blas for building plans of bus shelters built throughout Hawaiian Beaches and Shores. For definitive answers, send queries in writing to Board of Education, Superintendent – much more effective.

Adjournment — AGM 2007 Meeting adjourned at 5:48 p.m. Next Regular Board Meeting, Tuesday, May 8, 2008, 6 p.m. at Dawn Burke's house.

Submitted by Greybeard, Scribe