

Kalapana Seaview Estates Community Association
RR 2 Box 4537 Pahoia, HI 96778
January 13, 2014 BOD Meeting Minutes Accepted Feb11, 2014

1. Call to order: 3:45 pm, Seaview Community Park

Board Members Present: Kevin Sulgit, Kelly Finn, Camilla Du Lac, Patti Lightcap, Greg Ward, Jim McRae, River Rogers

Members present: Athena Peanut, Rose Jeranium, Jacklyn Symonds, Nicholas Palmer, Melody Palmer, John Dubois, Sheri Smith, Randall Shipp, Helen Noble

A. President's report on Lawsuit:

As reported in December, Kevin Sulgit was served by a processor on December 8, 2013 on a small claims court suit brought by Pat Rocco in conjunction with the suit against the KSE Community Association brought in September by Pat Rocco. Kevin met with Steven Strauss, who accepted the case with further retainer to be paid after the BOD makes a vote on the matter. Strauss represented Mr. Sulgit in court on December 23, 2013, where the judge continued the suit until Mr. Rocco completes his allegations, and then Judge Frietas will decide if this is the proper jurisdiction for the suit and if this case is actually a reserve case based on the outcome of the association suit. Mr. Strauss will request the suit be dismissed because the case was filed in the wrong court. Judge's initial reaction was in agreement with Mr. Strauss. Next filing deadline is February 21, 2014.

In the matter of the association suit, the board received a letter from the mediator stating we followed the judge's instructions regarding mediation, but Pat Rocco has not responded. Next court date is with Judge Frietas at 9:30 on January 27, 2014. BOD requested treasurer asks for itemized billing update from Mr. Strauss. We decided it was in our best interest to keep these two cases separate, which is also been advised by Mr. Strauss. March 14 is filing deadline for this case.

Patti Lightfoot motioned that we authorize the payment of \$5000 retainer, if needed, for Steven Strauss to represent Kevin Sulgit in the civil lawsuit brought by Pat Rocco. Greg Ward 2nd. Vote: Unanimous

B. Announcements: Larida Buckley, Seaview and Red Road's long-time mail carrier, is retiring on January 31, 2014. Kevin has been making initial plans for a retirement party which we should host. Suggested date, February 8, 2014 possibly at the Leilani Community Center, (she is also their carrier). Sherri Smith suggested soliciting donations from the different vendors on her route, and offered to coordinate the food, and beverage donations. Contact Kevin Sulgit through email if you are interested and wish to get involved in the planning. Further information will be posted on the bulletin board.

C. Amendments to the agenda: None

2. Treasurer's report: Patti Lightcap; Treasurer

A. Account balance: \$57, 324.09 as of December 31, 2013.

B. Checks: 5 checks were used to pay the costs of upkeep totaling \$2830.00. Balance Sheet and check detail attached.

C. Treasurer's report accepted, Motion Kelly Finn, 2nd River Rogers. Vote: Unanimous

3. Minutes: River Rogers, Scribe

A. December's BOD meeting minutes were read, corrected and amended.

B. Kelly Finn motioned to accept December 9, 2013 KSECA BOD minutes as amended. 2nd Patti Lightfoot VOTE: unanimous

4. Clerk's report: Kelly Finn, Clerk

A. Mailboxes: Nothing to report. Kelly Finn will write the letters to Congressional delegation to solicit support this week.

B. KSECA Website: Coordination from old website manager to new webmaster is in progress. Kelly Finn will complete asap. Timeline for steps to be taken is needed.

5. Committee reports:

Parks: Nothing to report

Bylaws: Meeting with BOD resulted in changes to the bylaws which have been completed and are ready for publishing in the newsletter for members to consider prior to the AGM vote to ratify the new amendments. Still in doubt are the fine details on how we will word the section which limits the accumulation of proxy authorizations to one per member.

Bylaw committee member, Athena presented a legal term which she believes should be used to specify that the "board" as a whole cannot hold numerous proxy votes. This term, "natural person" would limit the authorization to represent a member to actual persons instead of the board. She believes that adding this term to our Article II, Section 2: Voting Rights amendment will create the effect we were asked to cause in the 2011 and 2012 AGM.

Point C of the above referenced section has as a rationale to modify how the proxy power allocations are initiated and what makes the authorization to represent valid. The discussion on this point revolves around whether the KSECA bylaws can legally limit the membership from designating the same person with multiple MGS authorizations to vote at the AGM. Eliminating the check boxes entirely would end BOD as a whole and individual board members, as well as individual MGS, from using more than their own one vote per TMK owned. This in effect denies non-resident MGS a vote on issues which are brought to the floor at the AGM.

The BOD requested that the bylaw committee chair or board member get legal advice so our bylaws conform with state laws, prior to deciding on the proper wording for point C, Article II, Section 2. Due to the extended length of time this same concern has been an obstacle, John DuBois, bylaw committee member, requested that the task be assigned and completed immediately.

Kelly Finn suggested that we create a ballot for the AGM which specifies 1, 3, 5 or 10 as limit to the number of proxies utilized by one person at the AGM. No 2nd. No vote.

Jim McRae made a motion to have Kelly Finn contact Steven Strauss for legal advice on the voting issue in the proposed 2014 bylaws amendment. 2nd Kelly Finn. VOTE: Unanimous

Athena Peanut proposed we do not plan nor send out any form to be completed by the members to authorize representation, and that we assign the responsibility to the member to create the notarized document to be sent to the BOD.

Newsletter: Any submissions for the annual KSECA newsletter need to be sent via email to the newsletter editor, Greg Ward at seaviewgreg@att.net.

Self-nominated candidates for the KSECA Board of Director who would like to submit a short biography are invited to send 100 words or less to the above address by January 23, 2014, to be published in the newsletter.

Greg is using Publisher software for the lay-out and will submit the layout draft to the board for approval in a Pdf format in January. Billing is complete, newsletter and billing combine in one mailing which requires envelope stuffing. This BOD work session will be planned in February.

A poster should be made for posting at the community bulletin board to solicit candidates to serve on the board of directors in order to build interest prior to the AGM.

6. Old Business:

A. Community Park Safety and Security Options Committee: Randall Shipp and Sherri Smith had joined together to investigate the various options for securing the lower park from further vandalism and disruption of quiet. Barriers, surveillance and presence were the primary focus of their investigation. The cost for creating a boulder barrier around the park was from \$8000 to \$10000. Creating a barrier with “junk” trees and other compostable, natural debris will be much cheaper but the invasive species which could be included are not worth the risks. Surveillance cameras are still being investigated. Security firms in the area will not provide security in our area, so the only option is to have off-duty police be hired for night time duty. No cost estimate for this option provided. Proposals will be forth-coming. It was determined that signs could be posted informing park users of the biting fire ant infestation. This will limit our liability if someone is bitten.

The general consensus is that any major changes to the lower park such as barriers or presence of police or large expenditures for cameras needs to be voted on at the AGM. The committee is charged with preparing a proposal with various options to be presented at the AGM.

Kevin Sulgit outlined the proper procedures for eliminating the various “troublesome” people who frequent our park without respect to our private property rights. First step is to take a photo to document the trespassing, vandalism or nuisance behavior. Record the license number, then forward this information and evidence to Kevin. He will represent the community in filing a trespass order with the police. It is like a restraining order; once served with the court papers further trespassing is considered contempt of court thus the perpetrators are arrested, made to serve 30 days in jail. It is imperative that we follow the legal procedures to deal with the recalcitrant trespassers who damage our lawn, bulletin boards but more impactful on the residents of the front section of the subdivision is the late hours of noise.

River Rogers made a motion for the Park Security Committee provide a report of full video surveillance options with the various specifications for optimal use to the board before March as well as send a letter regarding the need for park security to the newsletter before the mailing so that the community can discuss. 2nd Patti Lightcap, VOTE: 6 Yea, Camilla DuLac abstained.

7. New Business:

- A.** Work party date changed from January 19, 2014 to February 16th, 2014, plans are in development for improvement to the mailbox kiosk and the upper park borders and play area.
- B.** Drive-in style movies at the pavilion planned for spring weekends; Discussion at the 2/12/14 BOD meeting.
- 8. Adjournment:** Kevin Sulgit moved to adjourn. 2nd. Patti Lightcap. VOTE: Unanimous.
BOD meeting adjourned at 5:55pm.
Next meeting scheduled for: *Wednesday, February 12, 2014 at 3:30 pm.*
March will also be on a *Wednesday, March 12, 2014*