

**Orchidland Community Association
Membership Meeting
April 24, 2016
Approved Minutes**

President Steve (Mongo) Lyon presiding.

Notice was given noting that all members should have received a copy of the today's agenda, a copy of the March 2016 Newsletter including the proposed 2016---17 budget and a copy of the public document showing the list of Orchidland Voice petition signatories.

President Lyon's opening remarks, call to order, role call and establishing a quorum:

May we have a brief silence to listen for madam Pele.

I now call this meeting to order.

Aloha everyone, welcome to the video recording of Orchidland Community Association Members meeting this April. This meeting is primarily for approving the next fiscal year's budget and the rate for MRMA as well as a brief but critical Board agenda. Hopefully results of voting today can be revealed soon after.

The time is 2:31 pm on April 24th, 2016 and the meeting location is the Pahoa Community Center until 4pm sharp. The Board apologizes for this location distant from our homes, but do to organized disruption of our legitimate meetings, we are no longer welcome for the time being at the normally available locations nearer Orchidland. The Board is working to restore our community's reputation, to have meetings closer to home and eventually at a suitable structure on our own soil, the Community lot at 36th and Orchidland Dr. We have added security officers to protect members and directors. This meeting will be held with decorum. Any interruptions, squeals of delight, harassment or passing of literature, petitions or proxies are not allowed at this time. Upon a second warning, the offender will be removed from the meeting and the premises. The chair chooses "to Postpone Definitely" as there will be no motions nor 'points of order' during the agenda portion of this meeting to avoid the calamitous digressive style of meetings past. There is a form up front to complete should you desire to ask questions or speak later during question and answer time, as our intent is straightforward with the approved agenda. The board, per bylaws, has voted for this agenda and the member quorum present will vote upon it. How say you all? At any time you may place your completed ballot in the box at the rear of the room. I am very pleased to note that Senator Russell Ruderman is in attendance as well as our an assistant from Danny Paleka's office. We hope there is opportunity for members to meet our esteemed guests.

At this time your newer Board is operational and solvent and effectively completing more road maintenance projects than recent years. Our all-volunteer commitment to membership is to continue gaining your trust through legitimacy and conscientious road management. This Board is updating the web site, reformatting ledgers and working on clear and simple illustrations of the existing

and projected road projects and their costs. We have a Roads Committee and a Community Lot Committee (pancakes on the 28th).

Being on a Board is as much fun as surfing on a shark!

And mahalo for your attendance, as you all are naked in my mind.

Role call: The directors will please introduce themselves:

Steve 'Mn'go' Lyon – Interim President

Don Stoner - Vice President

Tegen Greene – Treasurer

Ric Wirick – Secretary

Sky Platt – director

Gerald Arkana – director

Please note we have 6 Board members present and about 30 members in good standing, a membership meeting quorum has been established.

All these directors are in their first year of service, whereas my resume is interim. A short bit about me. I presumed the name Mn'go when I began my Kupuna league softball career 3 years ago. I thought it necessary to fit into the infamous Puna region. Though I will always be a houle to my wife's two Hawaiian sons, I have been enriched by the multi-cultural beauty we all find here, excepting maybe the dying Ohia, fire ants and sick snails. A retired Architect and duck fan, thank you Nike, with three gorgeous granddaughters, two of whom are all-star softball players. I served over 8 years on the board of Oregon's oldest HOA, 2400 suburban lots, very unlike our 2411 farm lots. Pineapple no ka oi. I twice attended annual OLCA member meetings and was appalled by the lack of integrity and direction. It appeared a group of members had been trading director chairs over decades and finally got exasperated enough to feel that a restart was their only option. They had tied themselves up with bad bylaws and a lack of paying members. They allowed increasing assessment debt to influence judgement rather than take the harder course of taking proper supportive actions.

They conceived a surreptitious plan to push OLCA into receivership for short term gain and needed a dysfunctional or insolvent board to do it thru overpriced contracts on road work and repaving already paved roads. The program was exposed by concerned directors and membership voted the hooligans off the board. You saved OLCA that day, but the day sadly continues.....Egos insulted, the outed hooligans filed a lawsuit claiming "gross mismanagement" against directors whom had just been voted in! That absurd contradiction is a case still in court with resolution hopefully May 10th. In the meantime remaining cohort directors did everything they could to disrupt meetings to the result of restraining orders being placed and getting membership kicked out of Ainaloa longhouse and raise our insurances! Members eventually removed the last of the hooligans from the board as THESE nascent directors proved too strong. The Disruptors organized a pseudo board to confuse members and task the legitimate board and pursued a nefarious path. At state agency DCCA they

illegally re-register as the OLCA board to attempt to take our bank accounts, our postal box and intimidate our bookkeeper into releasing our documents! In response we advised and protested but unresponsive DCCA cleared the records so that we do not exist and forthwith the banks froze our accounts! In this state an illegitimate group can, for \$25, stall a legitimate corporation worth hundreds of thousands and be left to fight it out in court for huge expense and time where before long dissolution is inevitable. The devious law breakers win out. You members are here to show support for your legitimate board and to demonstrate to the judge that we will not put up with system tyranny nor with a gang of frauds whom we shall denounce today!

Secretary Wirick would you please present todays agenda and motions:

----- **Motion to approve Board recommended agenda for General Membership Meeting.**

Motion was seconded and approved by majority membership vote.

New Business:

1) **Motion to reaffirm the 2015---16 Orchidland Community Association Board of Directors currently serving their 3---year terms to include: Don Stoner, Tegen Greene, Frederic (Ric) Wirick, Gerald Akana and Sky Platt. And the affirmation of interim OLCA Board member Steve (Mongo) Lyon.**

Motion was seconded

Discussion: Board members: Don Stoner, Tegen Greene, Frederic (Ric) Wirick, Gerald Akana and Sky Platt have all served OLCA for the past 10 months OLCA Officers: Vice President Don Stoner, Treasurer Tegen Greene and Secretary Ric Wirick all three Board approved bank signatories.

President Steve (Mongo) Lyon joined the Board as an interim member on January 19, 2016 by unanimous vote at a regularly scheduled monthly BOD meeting.

If needed Secretary Wirick can also provide a 2015---16 ballot count for the above Board of Directors, and/ or a copy of the BOD Minutes of January 19, 2016 noting the interim election of Steve (Mongo) Lyon. These documents are also available on the OLCA website, www.Orchidland.org

More discussion? With no more discussion, discussion has ended for Motion 1. Secretary Wirick would your read the motion.

Please vote Yes or No on your ballot.

A few members requested a hand vote and an informal count was taken. The vast majority of the membership present voted Yes.

2) **Motion to denounce a dissident group of owners calling themselves agents of the Orchidland Community Association. These individuals DO NOT represent OLCA: Ricky Turner, Sherri Carden, Barbara Arthurs, Ariel Murphy, David Marquis, Ralph Boyea, Sharon Landry and Sally Waitt.**

Motion was seconded.

Discussion:

A dissident group of owners have made themselves “agents” of Orchidland Community Association (OLCA) and in that capacity have falsely presented themselves as the legitimate Board of Directors (BOD), first to the Bureau of Business Registration (DCCA), and after that to the Post Office and financial institutions where the funds of OLCA are maintained. They have succeeded in getting the DCCA Registration records frozen as well as the OLCA Post Office Box and bank accounts.

Their actions leave little room for dispute that they are behaving like **IMPOSTERS** and **FRAUDS!**

Currently, there is one lawsuit (Civil No. 15---1---0238) already initiated by this group last July, which is still pending before Circuit Court Judge Nakamura, and has a hearing scheduled for May 10. Instead of respecting the authority of the presiding Judge over a case that they started, this group tried to split off from the genuine BOD after the November 1, 2015 Special Membership Meeting, when Board Members Barbra Arthurs and Peter Houle, who had supported the filing of the lawsuit, were removed from the Board by a majority of the voting membership.

Board President Ricky Turner tried everything that he could to obstruct the November 1, 2015 meeting and the vote on their removal. After the vote, he continually overstepped his authority as President of the Board, until at a regularly scheduled BOD meeting on November 17, 2015, a motion was made and seconded to remove him from the office of President. He was removed from office by a vote of the Board on January 19, 2016.

After Ricky Turner was removed as President of the OLCA Board, he acted without authority, pretending to still be President. He “called” a number of board meetings, which were attended by ex--Board Members, Barbra Arthurs and Peter Houle, and with their support continued the pretense by “accepting” a petition for the recall of the current Board, and holding an illegitimate “Special Membership Meeting” to vote on their petition. This petition was not properly presented to the legitimate Board, and the date of the “Special Membership Meeting” was not properly set. The vote taken at that fraudulent meeting is null and void.

However, the Barbra Arthurs/Peter Houle faction is not yet finished. They are calling their own fraudulent “General Membership Meeting” for April 23, 2016, still claiming that they are the one true board. **DON'T BE DECEIVED.**

This vote is to denounce the other “agents” as **IMPOSTERS AND FRAUDS.**

More discussion: a few members spoke in support of the “imposters and frauds.” Most speakers were signatories of the Orchidland Voice petition threatening to dissolve OLCA and placing it into receivership. They showed their support for Barbara Arthurs and questioned proxy policy.

The Board pointed out that State statute 414D allows proxy voting unless the bylaws state otherwise, OLCA By-laws are silent on the subject of proxies. One member asked how to get more information from the “imposters and frauds” website.

The Board pointed out that the group in question sent out a fraudulent newsletter in March 2016, and included contact information in that misleading publication.

Discussion has ended for Motion 2.

Secretary Wirick would you read the motion.

Please vote Yes or No on your ballot.

A few members requested a hand vote and an informal count was taken. The vast majority of the membership present voted Yes.

3) Motion to approve the BOD recommended fee schedule for 2016--17 of \$100 Mandatory Road Maintenance Assessment fee (MRMA) and a \$100 Paving Assessment (not mandatory).

Motion was seconded.

Discussion: Over the past 10 months we have utilized the 2015--16 \$100 MRMA to service over 20 miles of unpaved side roads by opening drainages and adding gravel where needed. We are scheduled to service all of these unpaved side roads once again before the end of the fiscal year ending on June 30th. Please note, this would be the first time in Orchidland history that all side roads were serviced twice in one fiscal year. Mahalo for your support.

-----Utilizing the additional 2015--16 \$100 Paving Assessment fee, we were able to asphalt pave almost a half mile of the worst Main Access Roadway in all of Orchidland, 40th and Pohaku Drive -----the elbow – it was built--up to engineering specifications and paved. This section of roadway was chosen because it was the worst section of Main Access Roadway in all of Orchidland. It presented the greatest liability risk to OLCA while at the same time serving the largest number of vehicles. This section of roadway has also been used as an “emergency by--pass” roadway.

Your continued support of the upcoming 2016--17 Paving Assessment will allow us to pave the last section of Pohaku Drive and Laniuma Drive from 39th to 40th Ave., and if enough support is received the final section of Illima Drive from 36th to 37th. And that would complete the entire Paving Plan.

Please encourage all Orchidland residents to support the annual Paving Assessment: With more support ----- we can pave more Main Access Roadways! Our current paving contractor, Fujiyama Construction has under bid some competing contractors by one half. We can asphalt pave approximately 1 mile of roadway for \$400,000. This includes 2” of base course; grading, crowning and vibra--paking; 2” of hot asphalt pavement and rolling.

----- In closing ----- we are in process of beginning the most extensive signage project in Orchidland’s history, signage that is intended help slow down and reduce traffic flow, increase the road safety and reduce our liability risks to our Association.

More discussion: There were some questions regarding billing and it was noted that the 2016--17 statement, once approved by membership ballot vote would include the wording of Motion 3.

Discussion ended for Motion 3.

Secretary Wirick would you read the motion.

Please vote Yes or No on your ballot.

A few members requested a hand vote and an informal count was taken. The vast majority of the membership present voted Yes.

4) **Motion to approve the BOD recommended budget for 2016--17 as distributed in the March 2016 newsletter.**

Motion was seconded.

Discussion: The proposed budget was sent out to the entire membership in the March 2016 Newsletter; today you have received a copy for review and comment. It is primarily based on last year's expenses.

More discussion: A question was asked regarding the estimated legal fees/ costs for 2016--17. It was noted that these fees were based on monthly consultation and not for the actual cost defending a lawsuit.

Discussion ended for Motion 3.

Secretary Wirick would you read the motion.

Please vote Yes or No on your ballot.

A few members requested a hand vote and an informal count was taken. The vast majority of the membership present voted Yes.

----- That concludes Membership business and motions. Next we will hear the annual reports by the President, Treasurer, Road Maintenance Committee and Social Committee.

Reports:

President/ Steve (Mongo) Lyon had already given his report earlier.

Treasurer/ Tegen Greene noted that the OLCA bookkeeping had been interrupted by the actions of the "imposters and frauds" listed in Motion 2. She deferred Treasurer's report and noted that the comprehensive RMC report that would include most OLCA financials..

Road Maintenance Committee (RMC) presented by Secretary Frederic (Ric) Wirick:

**Orchidland Community Association
Road Maintenance Committee Report
Membership Meeting
April 24, 2016**

Thank you, mahalo for being here today and showing your support for the most productive Road Maintenance Committee in Orchidland's history. Your Committee members are: Don Stoner, Sky Platt, Gerald Akana and myself, Ric Wirick. We have

been working closely with fully insured contractors for the past 10 months to serve our greater Community.

Our accomplishments over the past ten months include:

----- 3.6 miles of chip-seal roadways recoated

----- 20 miles of side roads serviced by opening drainages and adding gravel where needed.

----- Almost half mile of the worst Main Access Roadway in all of Orchidland, 40th and Pohaku Drive (the elbow) was built-up and paved. This section of roadway was chosen because it was the worst section of Main Access Roadway in all of Orchidland. It presented the greatest liability risk to OLCA while at the same time serves the greatest number of vehicles. This section of roadway has also been used as an “emergency by-pass” roadway.

----- And we are in process of beginning the most extensive signage project in Orchidland’s history, signage that is intended slow down and reduce traffic flow, increase the road safety and reduce our liability risks.

Road maintenance is an on-going process and must be done on a regular basis. We are scheduled to service the 20 miles of unpaved side roads once again; this will be the second time in a 12-month cycle – and a first in Orchidland history.

BUT and it’s a BIG BUT ----- unfortunately over the past month we have not been able to move forward with any road projects because a small gang of “imposters and frauds” had threatened to seize Orchidland financial funds, and in--turn the banks and credit unions have frozen our Orchidland accounts for safekeeping.

This interruption of OLCA funding is NOT allowing us ----- the Road Maintenance Committee to serve you ----- our Community.

Here is how you can help us get OLCA funds freed up and back onto our roadways.

- 1) We have provided you with a list of members that have threatened Orchidland Community Association with dissolution and receivership. Some of these same signatories are now serving on the “imposter and frauds” board – and have participated in the disruption of OLCA funding. Call them and encourage them to step down, Bob Arthurs listed his phone number on the “imposter and frauds” March newsletter.
- 2) Show your support in Third District Court on May 10th at the courthouse in Hilo. We will expose listed plaintiff Barbara Arthurs for her leadership of the “imposters and frauds,” her disruptive behavior and actions which has put the safety and welfare of Orchidland residents in jeopardy.
- 3) Contact us with your support, talk with us after the meeting, set up a time for us to speak with others in your neighborhood. Go to our website and send us an email showing your support and willingness to work together to get OLCA funding back on track and onto the roads.

Now onto the financial report from the Road Maintenance Committee for 2015---16, this is an overview of the monies collected and spent on Orchidland roadways over the past 10 months. Because the “imposters and frauds froze Orchidland funds this

unaudited report covers only a period of time from July 1, 2015 through February 29, 2016:

-----We spent a \$130,000 for chip---seal repair projects and have a balance of \$10,643 remaining in the fund.

----- We spent \$4,608 in paving projects, which left a balance of \$188,320 in the paving account. It should be noted that the 40th Ave and Pohaku Drive paving project cost \$180,470 in March 2016 leaving a remaining balance of \$7,851 in the paving account as of March 31, 2016.

----- We spent \$100,417 in road maintenance leaving a remaining balance of \$99,767 in the road maintenance account.

----- We spent \$42,605 in Administrative costs leaving a remaining balance of \$3,359 in that account. This is significantly less than what was spent during the 2014---15 fiscal year.

It is very unfortunate that we have had to spend \$39,061 on legal fees defending Orchidland against a frivolous lawsuit presented by Orchidland Voice. We have \$65,363 remaining in the legal defense fund account.

For the upcoming fiscal year 2016---17 the Board of Director's has recommended an additional \$100 paving assessment fee. It goes without saying; the more members that contribute to the paving fund, the more paving that will be completed. As additional paving funds become available the remaining unpaved sections of Main Access Roads including Pohaku Drive, Laniuma Drive between 39th and 40th Ave., and Illima Drive between 36th and 37th are projected to be paved. The cost of these asphalt---paving projects utilizing our current contractor is estimated to be approximately \$400,000 per mile. The roads can only continue to be paved with your continued support.

Mahalo

Social Committee report by Elizabeth Wewers:

Aloha friends and neighbors...

I am Beth Wewers and have taken on the role as chairperson of the "social committee " for the Orchidland Community Association.

Being a member in Orchidland for nearly 10 years , I feel it is my calling to bring a positive flair to the community. Kicking off the first event with the "Pancake Breakfast" May 28.

Please bring your family and friends to this fun loving event. Share your talents, jam on your ukulele, promote positive fellowship. Help bring this community together with a light hearted spirit. Let's party and have fun! Feel free to contact me thru our Facebook site @ Orchidland Community Association. Mahalo!

Announcements:

----- We will begin the Membership comments and suggestions portion of this meeting shortly. If you would like to make a comment and/or suggestion, please fill---out a sheet located on back table.

----- If any of you are interested and willing to join the Board of Directors (BOD), please fill out a Candidate form on the back table. Your name and candidate statement will be published in the upcoming newsletter/ ballot ----- all BOD candidates' must include a written candidate statement. And all candidates must be members in good standing.

----- Once again, please fill out your ballots and place them in the ballot boxes at the back of the room before you leave. The ballots will be counted by Data Processing Services, Inc. and the results posted online at **www.Orchidland.org**

----- Now we will begin the Membership comments and suggestions session. We have about thirty minutes to complete this session. When your name is called please come up to the microphone. In the interest of time and consideration for others, please limit your comments and suggestions to a maximum of three minutes. If we cannot get to all speakers, we will review your comments and/or suggestions sheet and get back to you as soon as possible.

----- That concludes the Membership Meeting for April 24, 2016.

OLCA contact information:

Online at **www.Orchidland.org**

Email: **OrchidlandCommunityAssociation@gmail.com**

Facebook at: **www.facebook.com/groups/OrchidlandCommunityAssociation/**

----- **Motion to Adjourn, majority voted yes, the time is 4:08pm**

Submitted by:

Frederic Wirick, Secretary

Date