

Orchidland Community Association, Inc.
c/o Data Processing Services, Inc.
99 Aupuni Street, Suite 206
Hilo, HI 96720-4277

Official Website: www.Orchidland.org
Orchidlandcommunityassociation@gmail.com
Phone: 808-464-5598

Board of Directors

President

Steve (Mongo) Lyon

Vice President

Doug Anderson*

Treasurer

Tegen Greene

Secretary

Frederic (Ric) Wirick*

Directors:

Sky Platt*

John Erickson*

Jeremai Cann

Steven Baca

Don Stoner

Paul imaizumi

Road Committee* and Board Meetings are open to membership and guests:

2nd and 3rd Tuesday of
the month at the
Neighborhood Place of
Puna, Keaau from 6:30
to 8:00 pm.

The next OLCA First
Saturday Farmers
Market, Harvest Share
and Swap Meet is
November 2nd from 8am
to 1pm, at the Hui
Hoaloha.

OLCA Semi-Annual
Membership meeting
November 30th, 2pm to
4pm, at the Hui Hoaloha,
Orchidland Dr & 36th Ave

OCTOBER 2019 NEWSLETTER

Aloha Orchidland Community Association Members,

OLCA's new fiscal year began July 2019. Mahalo for your continued Community support since July 2015. And *welcome* to our new Orchidland residents following last year's lava flow.

The Big News for OLCA in 2019 – the Arthurs lawsuit has finally ended. Since July 2015 your membership elected OLCA Board of Directors have stood strong to protect Orchidland Community Association (an agriculturally zoned community) from a hostile takeover. An OLCA legal update will follow on page 3. In summary – after 4-years OLCA received summary judgements from the Court, the Plaintiff (Arthurs) was ordered to pay costs and all OLCA accounts were ordered *unfrozen* by the Court. Fiscal year 2019-20 is the time for OLCA to move forward – the time for more road maintenance, road improvements and community lot improvements. And now is the time for more OLCA community membership participation. Mahalo

Announcements:

-- The next OLCA First-Saturday, Farmers Market, Harvest Share and Swap Meet is scheduled for November 2nd from 8am – 1pm at the Hui Hoaloha located at Orchidland Drive and 36th Ave. A talk-story is scheduled from 12 noon to 1pm to discuss proposed improvements at the Hui Hoaloha, including the proposed installation of post office boxes for Orchidland Estates residents. OLCA members and guests are encouraged to attend.

-- OLCA Road Maintenance Committee meetings are held the second Tuesday of each month at the Neighborhood Place of Puna located in Keaau, just off of Hwy 130, across the street from the Keaau Humane Society. Time: 6:30pm to 8pm. In addition to our monthly road maintenance report, a discussion is scheduled regarding the proposed addition of more and covered mail boxes along the road right-of-way adjacent to the OLCA Hui Hoaloha. OLCA members are encouraged to attend.

-- OLCA Board of Directors meetings are held the third Tuesday of each month at the Neighborhood Place of Puna in Keaau from 6:30pm to 8pm.

-- The OLCA November 2019 Semi-Annual Membership meeting and potluck are scheduled for November 30th. Membership potluck from 12 noon to 2pm, and Membership meeting from 2pm to 4pm at the OLCA Hui Hoaloha community gathering place, located at Orchidland Drive and 36th Ave. Come and meet your neighbors, share in good food and conversation – talk story with the OLCA Board and Committee members. All Orchidland Estates residents are welcome and encouraged to attend this OLCA Semi-Annual event.

For more information please visit the OLCA webpage www.Orchidland.org
You can contact the OLCA Board/ Committees by phone or voicemail at 808-464-5598 or by email at OrchidlandCommunityAssociation@gmail.com or by mail at PO Box 280, Keaau, HI 96749

OLCA OCTOBER 2019 NEWSLETTER, PAGE 2
STEVE (MONGO) LYON, PRESIDENT'S MESSAGE

Mongo wishes you a Scary Halloween (but no lawsuits!) wherever you are.

THIS OLCA BOARD:

- All THE ROADWORK CONTRACTS, twice a year full rotation, signage, potholes, paving, sealing -ALL OF IT We are on it, please be patient.
- Board volunteers have endured so much with no reward, save to be a part of a larger local Ohana sharing paradise in selfless spirit. Board members will soon meet with state and local politicians about very influential legislation that could radically affect how Orchidland is governed.
- Collects the Road Maintenance Fees current and behind (*We do not seek foreclosure, as it is against the law, but will work with those struggling. It is only fair that all members pay what is due.*)
- Hold regular consistent scheduled Road committee and Board meetings, got rid of Special Meetings that were used by prior Boards, not for emergencies, but to manipulate the director's votes and control members attendance. Many members remember those difficult times years past.
- Set-up and support farmers market for locals, our Hui Hoaloha, as we are agriculturally zoned and have a number of growers and marketers.
- Orchidland seems to be a shortstop for garbage dumping, vehicle dumping & burned, rippers and squatters. Members recently cleaned up a section of Ilima, sending over 8 truckloads of debris away. We are developing a survey program of accountability for empty lots. Please verify and secure your property. It took County years to raid and arrest a chop-shop, drug and ripper ring in Orchidland that grew to eventually owe over \$24,000 in taxes and over 100 parts cars on one property. I guess it takes prep time to organize, out and chase these all too common bandits, but at what cost to neighbors? I was in the Mayor's office and in courtroom all too often....
- Operate the original website: www.Orchidland.org (*On-line Full disclosure*)
- Pay all bills, roadwork, rentals, phone bills, insurance, accountant, et al.
- Attend Community Development Plan workshops to update the detailed and complex 'all inclusive' planning tool that influences our Orchidland homes! Infrastructure requirements could cost a bundle in bonds and taxes.
- DOT proposes a round-about on Hwy 130 at Orchidland Dr. that will be 40 feet smaller than the Pahoia round-about. Viable? We had been promised traffic lights for decades! We provide the only 'Village' for "milk and gas" in all the estates, burdened with over 1,000 Puna wide vehicles per day on our private member supported roadways. Prior Boards had not found an agreeable method to compensate for this extra burden. Hopefully cooperation will win out. We do not foresee any additional 'special use' permits in Orchidland as we already have a decades old stalled and partially built retail project that has not found a market, yet a large commercial multi storefront center is nearly complete in Pahoia.
- Since last newsletter we have around 15 new addresses in Orchidland.

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LEGAL UPDATE

As our members know **OLCA prevailed on all counts of the lawsuit filed by Barbara Arthurs**. However, many of our members are still confused as to why, if she lost the lawsuit, she is still presenting herself as OLCA President. To be clear, the lawsuit **did not** contain the issue of “who’s the real Board”. Ms. Arthurs did make a last-minute attempt to add this to the lawsuit, but the Court denied her effort stating that she already acknowledged the Defendants as OLCA Board members by suing them in their official capacity, she cannot now take the opposite stance.

Throughout the hearings the Court, not being able to decide the OLCA Board issue because it was never presented to the Court, did however make rulings that gave your current OLCA Board full control of the Association’s finances, the authority to run the Corporation, and awarded OLCA costs from defending the lawsuit. For most litigants that would be sufficient enough to realize this should all be paid, but apparently it is not enough for Ms. Arthurs.

All the individuals currently claiming to be the Board along with Ms. Arthurs are not even members of Orchidland Community Association, and therefore are ineligible to be on the OLCA Board. So, we are currently left with no choice but to defend OLCA and have sent the following Cease & Desist letter to the deceivers.

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ORCHIDLAND
COMMUNITY
ASSOCIATION



ORCHIDLAND
ESTATES

KEA'AU,
BIG ISLAND,
HAWAI'I

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September 30, 2019

To: Barbara Arthurs
Marti Morishige
Virginia Aste
Mark Willman
Ariel Murphy
Armon Collman

The Orchidland Community Association (OLCA) Board of Directors (BOD) is demanding that you CEASE AND DESIST from actions including, but not limited to, the following:

- Representing yourselves, verbally or in writing, as the OLCA BOD;
- Holding Board meetings as the OLCA BOD;
- Publishing Newsletters as the OLCA BOD;
- Publishing in Newspapers as the OLCA BOD;
- Publishing Social Media and websites as the OLCA BOD;
- Publishing on Social Media and websites sites as the OLCA BOD;
- Holding elections as the OLCA BOD;
- Creating OLCA Budgets as the OLCA BOD;
- Attempting, or publishing your intent, to collect OLCA Mandatory Road Maintenance Assessments as the OLCA BOD;

If you continue in your course of conduct of false and misleading actions, we will be forced to take any and all legal remedies available to us.

Steve Lyon
President,
Orchidland Community Association

OCTOBER 2019 NEWSLETTER – PAGE 4
ROAD MAINTENANCE COMMITTEE (RMC) REPORT

Unpaved road maintenance updates:

Hokori Construction completed maintenance of about 30 miles of unpaved roads a few months ago. Maintenance included: grading, rolling, compaction and adding materials where needed. Materials used on roadways = 1910 tons (about 95, 20-ton truck loads).

In addition, extra materials were used on 37th Ave from Ainaloa to Pohaku drive. This was done to build up materials base on one through-road, so that next maintenance rotation no additional materials should be required. Total materials used on 37th Ave. = 1,447 tons (about 72, 20-ton truck loads).

Asphalt paving updates:

Asphalt paving is scheduled to begin soon. With the 2015 Orchidland Voice/ Arthurs lawsuit ended and all OLCA funds unfrozen -- the RMC will now go back to its original plan to pave upper Laniuma Drive, then upper Illima Drive and finally, upper Pohaku Drive. Once these 3-sections of roads are completed, the 1999 Paving Plan will be complete.

2020 Paving Plan updates:

Anticipating the completion of the 1999 Paving Plan on or about fiscal year 2020-21. The RMC will begin to draw up the 2020 Paving Plan for the next decade. Drafts will begin and be discussed at the November 2019 RMC meeting and will be on the ballot for Membership approval March/ April 2020.

Additional road and road-side maintenance scheduled for fiscal year 2019-20:

- Unpaved road maintenance, as noted above, at least one more complete rotation, about 30 miles, during the fiscal year.
- Pothole filling at least once a month or as needed on Main Access Roads.
- Tractor mowing of Main Access Road-sides and opening up line of sight, mowing and weed trimming at intersections, 3 to 4 times per fiscal year.
- Tractor mowing unpaved road-sides, 2 to 3 times per fiscal year.
- Clearing overgrown vegetation from road edge, opening natural drainages and crack sealing.

2019-20 Road Maintenance and Integrated Financial Report

Total collected funds from July 1, 2019 to September 30, 2019 =

Approximately \$261,335

Total expenditures from July 1, 2019 to September 30, 2019 =

Approximately \$70,952

Roads = \$47,070

Insurance = \$14,470

Administration = \$8,690

OLCA Monthly Financials can be viewed online at www.Orchidland.org

Orchidland Community Association, Inc.
2019-20 Proxy

If you cannot attend an OLCA Semi-Annual Membership Meeting, you may assign another person of your choice to cast your vote by proxy. Fill out the information below if you wish to assign a proxy.

I appoint and authorize the person below [check one] to be my Proxy:

- | | |
|-----------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Steve (Mongo) Lyon, President | <input type="checkbox"/> John Erickson, RMC Vice Chair |
| <input type="checkbox"/> Doug Anderson, Vice President | <input type="checkbox"/> Paul Imaizumi, Director |
| <input type="checkbox"/> Tegen Greene, Treasurer | <input type="checkbox"/> Don Stoner, Director |
| <input type="checkbox"/> Frederic (Ric) Wirick, Secretary | <input type="checkbox"/> Jeremai Cann, Director |
| <input type="checkbox"/> Sky Platt, RMC Chair/ Foreman | <input type="checkbox"/> Steve Baca, Director |
| | <input type="checkbox"/> Other _____ |

Print your name: _____

Mailing address: _____

Phone: _____

Email: _____

TMK Number (s) of lots in Orchidland Estates that you own:

Signature and date: _____

By signing this proxy I attest I am a member in good standing of the Orchidland Community Association. In accordance with the OLCA Bylaws, members who are in good standing are entitled to one vote per TMK. Multiple lot owners have one vote per lot owned which is in good standing. Your TMK (Tax Map Key) can be found on your property tax billing.

Hawaii Nonprofit Corporations Act Section 414D-113 states "Unless the articles or bylaws prohibit or limit proxy voting, a member may appoint a proxy vote or otherwise act for the member by signing an appointment form either personally or by an attorney-in-fact..."

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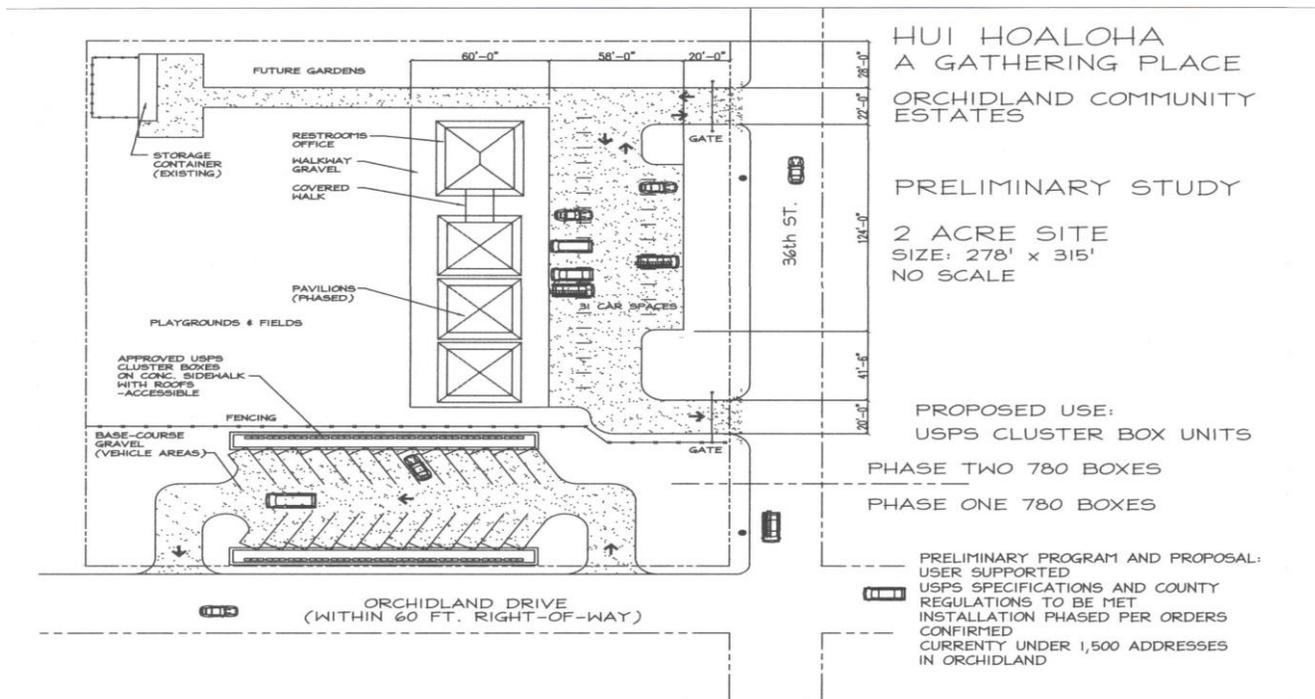
OLCA OCTOBER 2019 NEWSLETTER, PAGE 5
SOCIAL AND COMMUNITY LOT COMMITTEE UPDATE

Over the past 4-years, the Hui Hoaloha has become Orchidland Community Association's central gathering place hosting the monthly OLCA First Saturday Farmers market, harvest share and swap meet with regular agricultural and educational presentations. Centrally located at Orchidland Drive and 36th Ave. This is the location for OLCA's Semi-Annual Membership meetings and membership potlucks in April and November. In addition, this is the central site for USPS mailboxes in Orchidland Estates.

With the Arthurs lawsuit behind us, the Plaintiff (Arthurs) ordered to pay costs and all OLCA funds unfrozen by the Court – **NOW is the time for OLCA to move forward** with permanent improvements at OLCA's Hui Hoaloha – our community gathering place. OLCA has an approved special use permit with the County of Hawaii to build on this location and has proposed plans for a permanent structure, pavilion or the like, restrooms, covered post office mail boxes, possibly a commercial imu and more.

In order to move forward -- **OLCA needs your help** – both in participation and fundraising. Beginning Saturday, November 2nd (at the monthly market/harvest share) from 12 noon to 1pm, we will meet to talk-story regarding site improvements, fundraising and growing participation.

Below is a preliminary site plan for OLCA's Hui Hoaloha, the plan is to get your input and suggestions before moving forward. This is your opportunity to step forward and become an active member in the growing Community of Orchidland Community Association.



(Disclaimer, OLCA is not associated with a group called Orchidland Neighbors (ON). ON has been fundraising since at least March 2015, receiving Contingency Relief Funds from Hawaii County Council before they even owned property in Orchidland Estates. As of this time ON does not have, or has even applied for, a Special Use Permit for their proposed building. Additionally, OLCA has been informed by Hawaii County officials that ON will not get a Special Use Permit as we have an existing one on our property for our Hui Hoaloha. If you have donated any monies to Orchidland Neighbors thinking you were donating to Orchidland Community Association's Community Center – please contact OLCA immediately.)

**ORCHIDLAND COMMUNITY ASSOCIATION
OCTOBER 2019 NEWSLETTER**

**OLCA Semi-Annual Membership Meeting
Saturday, November 30th
Hui Hoaloha (community gathering place)
Orchidland Drive and 36th Ave
2pm to 4pm**

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