

**Orchidland Community Association  
Board of Directors Meeting  
Approved Minutes  
November 17, 2020**

**Call to Order:** Vice President Doug Anderson presiding this is the OLCA Board of Directors meeting of November 17, 2020 via Zoom online conferencing the time is 6:40pm.

**Board roll call via Zoom:** Doug Anderson, Hershel Hood, Ric Wirick, John Erickson, Sky Platt, Tegen Greene, Jeremai Cann, Brian Murphy and Tara Brandon

**Board members by phone:** Steve (Mongo) Lyon – via Jeremai Cann’s Zoom connection.

**1) Motion to approve the Agenda for the OLCA Board of Directors meeting of November 17, 2020 as distributed (via pdf).**

**Seconded**

**Call Motion to vote, all in favor 7, 1 abstention, 2 opposed.** (Greene, Cann and Lyon)

**Motion Approved**

**2) Motion to approve the Minutes for the OLCA Board of Directors meeting of October 20, 2020 as distributed (via pdf).**

**Seconded**

**Call Motion to vote, all in favor 7, 1 abstention, 2 opposed** (Greene, Cann and Lyon)

**Vice President’s announcement to board members and special guests:**

Aloha and welcome to the November OLCA Board of Director’s meeting for fiscal year 2020-21. Our Committee and Board meetings are now being held via Zoom online conferencing due to concerns of the Covid-19 pandemic and the onset of the flu season.

Special guests are welcome by Zoom invitation to attend but are asked to please not interrupt the proceedings and agenda. Special guests will be given the opportunity to speak at the end of meeting.

**Summarized Monthly Reports and Motions (full reports as distributed):**

**Secretary’s report by Frederic (Ric) Wirick:**

Following September’s disrupted RMC and BOD meetings and with the increased threat of Covid-19 and the onset of the flu season -- the majority of the OLCA Board approved going to Zoom online conferencing for OLCA Committee and Board meetings in October 2020.

As the elected OLCA Secretary since July 2015 and participating in at least two OLCA meetings per month over the past 5-years. My observation is that Zoom online conferencing is the best way to go for the future meetings and has allowed for the greatest group participation, especially in these uncertain times of Covid-19. As OLCA Secretary, I would recommend that this Zoom format be utilized throughout the upcoming new year of 2021. Plus, there is the option of recording these Zoom OLCA meetings. And there is a reduced cost for printing, since all documents are shared electronically.

As announced last month, the OLCA October 2020 Newsletter was compiled and mailed by the end of October. Mahalo for the OLCA officer and committee chairs contributions. Please note, due to Covid-19 and State limitations on social gatherings -- the OLCA November 28<sup>th</sup> Semi-Annual Membership meeting has been cancelled.

On or about November 7, 2020 the following email and Motion was sent to OLCA Board members for approval:

Our OLCA Directors and Officers (D&O) insurance premium is coming due before the regularly scheduled November 17, 2020 monthly Board meeting. We -- the VP, Treasurer and Secretary recently received the quote for this D&O insurance renewal. As Secretary, I have been directed by the VP and Treasurer to put this email Motion forward for OLCA Board approval. This Motion will be recorded and added to the November 17<sup>th</sup> Board Agenda and Minutes.

**Motion** to approve the OLCA Directors and Officers insurance policy for 2020-21, the quote from RSUI for \$14,840 -- provided by Brown & Brown insurance (formerly Servco Ins.) OLCA's insurance agent since 2015.

**Seconded**

**Discussion:** this D&O insurance is necessary to protect OLCA Board members against personal liability claims while serving as elected volunteers -- OLCA Board of Directors.

**Call to vote, all in favor 8, 3 no response. Motion Approved**

**Treasurer's report by Hershel Hood, including monthly financials for October 2020 as distributed**

**via pdf:** In addition to reviewing the October 2020 monthly financials, Treasurer Hood reviewed the approved Motions from the October 20, 2020 Board meeting:

**Motion #1.** To approve payment to our bookkeeper DPS for the completion of bad debt resolution in the amount of \$1,256.54.

-- This had been put in Motion and is scheduled to be completed by the first of the new year.

**Motion #2.** To create a new checking and savings account at CU Hawaii for the Community lot fund and eliminating the account at HFS.

-- This has been accomplished.

**Motion #3.** Transfer 25% of the MRMA dues accumulated this fiscal year to the paving fund.

As required by OLCA bylaws. This amount is \$80,324.25. Paving fund is at HFS bank.

-- This has been accomplished.

**Motion #4.** To create a new Legal fund, checking and savings account at CU Hawaii. To eliminate our existing account entirely and close all relationships with CPB.

-- This has been accomplished.

**RMC report by RMC Chair John Erickson:**

**Updates on pothole filling:**

AT& H completed a full-rotation of pothole filling on paved roads (asphalt and chip sealed).

**Unpaved road maintenance updates:** last month Hokori Construction completed unpaved road maintenance -- a full-service rotation, on the 30 miles of unpaved roads. Ashley Tractor and Hauling, worked ahead of the road maintenance crew: AT& H tractor mowing the road sides, pushing back encroaching cane/ cut grass and opening blocked natural drainages with the front-end loader.

Over the next months, unpaved roads will be maintained for 15 mph travel, which means some small potholes and exposed rock may remain and serve as 15 mph speed bumps and dips. Sections of roadway requiring service (multiple potholes, deep potholes, washouts, etc.) will be filled by OLCA road maintenance crews at the direction of the RMC.

**Paved road maintenance update:** the repair to the dip in outbound lane on Auli'i Drive between 37<sup>th</sup> and 38<sup>th</sup> Ave has been completed by Hokori Construction. 6-tons of hot asphalt paving were applied and compacted on this short section of road. The contractor indicated that during compaction, this section of road would sink slightly and should continue to be monitored.

**Removal of concrete barriers update:** The concrete barriers on 37<sup>th</sup> Ave near the intersection of Illima Drive were removed as directed by the RMC and approved by the BOD. This was done to primarily provide an "emergency bypass" if and when there is accident and/or road blockage at the intersection of Hwy 130 and Ainaloa Blvd. In addition, the single-lane roundabout at the intersection of Hwy 130 and Ainaloa Blvd was completed allowing regular traffic flow.

HPD Captain Briski from the Pahoia station was updated and has contacted EMS dispatch.

The intersection at 37<sup>th</sup> Ave at Illima Drive has been monitored since the concrete barriers have been removed – to date, the traffic flow is minimal, and it appears that Orchidland residents are primarily using 37<sup>th</sup> to access Ainaloa Blvd.

Recent update, an Abandoned Vehicle (blue Volvo station wagon) was dumped on upper Illima Drive between 36<sup>th</sup> and 37<sup>th</sup> in the outbound lane then pushed to the edge of the inbound lane. The road monitor near the intersection of 37<sup>th</sup> and Illima Drive witnessed this event, noting that the vehicle was towed - dragged from an Orchidland residence on 37<sup>th</sup> Ave near Ainaloa Blvd. Apparently one wheel of the towed vehicle was locked and the dragging caused damage to the newly graveled, graded and compacted roads of 37<sup>th</sup> and upper Illima Drive.

Secretary Wirick followed up, and a full HPD incident report including the eye-witness statement has been recorded. OLCA complaints: criminal littering and damage to OLCA property (this section of 37<sup>th</sup> Ave and upper Illima Drive).

**Old Business:**

**1) A new direction for some pothole repairs in fiscal-year 2020-21:**

Anticipating a repeat of the last year's high cost of cold patch repairs on lower Orchidland Drive after every heavy rain storm. The RMC and BOD has approved asphalt "hot patching" -- the service to be provided by Horkori Construction on lower Orchidland Drive from Hwy 130 to the entrance/ exit of Blanes Drive-in.

This "hot patch" asphalt repair and maintenance service has been delayed until the first-week of December due to scheduling issues with Horkori Construction. This repair project is weather dependent and requires about one week of dry weather (no rain) prior to hot patching.

**2) Utilizing asphalt hot patching for other paved road repairs in fiscal-year 2020-21:**

The RMC has some areas on paved roads that could use asphalt "hot patching" rather than cold-patching. Plus, Horkori Construction has informed the RMC, that occasionally during State Hwy Road Construction in the area, overburden materials (more ordered than they can use) can become available, and if the hot pavement is not used it is dumped for recycle.

The RMC and BOD has approved this affordable and effective repair and maintenance service when "overburden" materials become available. RMC Chair John Erickson will contact Horkori Construction and discuss the specific details.

OLCA Roads being considered:

- A) Pohaku Drive at intersections of 35<sup>th</sup> and 36<sup>th</sup> Ave.
- B) Corner of 35<sup>th</sup> Ave and Laniuma Drive.
- C) Auli'i Drive at intersections of 34<sup>th</sup> and 35<sup>th</sup> Ave.
- D) Illima Drive where needed from 35<sup>th</sup> to 36<sup>th</sup> Ave.

**3) Regular and ongoing road maintenance** of upper unpaved Pohaku Drive and Upper Illima Drive between 36<sup>th</sup> and 37<sup>th</sup>. Note, these Main Access Roads that are next on the schedule to be asphalt paved when funding becomes available.

When needed, the RMC and BOD has approved -- and the RMC will direct the full-service maintenance (materials, grading and compaction) of these sections of roads. Meanwhile, if and when pothole filing is required, the OLCA road maintenance crew will be notified by the RMC.

**More old business:**

Still tabled for consideration at next month's RMC meeting.

**Motion tabled:** to approve the asphalt pavement repair, crack sealing on Auli'i Drive from 36<sup>th</sup> to 40<sup>th</sup> where needed. Clean, and seal cracks where needed.

**Waiting for additional bids.**

**Motion tabled:** to approve the asphalt pavement repair on Laniuma Drive between 38<sup>th</sup> and 39<sup>th</sup> Ave. Repair dozer track damage in the inbound lane, closer to 38<sup>th</sup> Ave. Clean, tack coat, asphalt fill and compact over existing roadway to match up with existing roadway or slightly higher by an inch or less.  
**Waiting for additional bids.**

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**RMC review and discussion:**

The Founder/ Director and principle of HAAS (Hawaiian Academy of Arts and Science) has contacted the RMC regarding their proposed Elementary school near the intersection of 34<sup>th</sup> Ave and Orchidland Drive. He has indicated that he is aware of the dangerous intersection at Hwy 130 and Orchidland Drive, and the need for road improvements to lower Orchidland Drive. HAAS is part of the State Dept of Education and has access to both State and Federal funding. They have begun a formal road study and are looking into State and Federal grant funding to assist with this issue. In addition, HAAS, would appreciate the cooperation of the OLCA RMC and Board in moving forward. A letter from the RMC via the Board has been requested.

In addition, Kern and Associates, building design and contractors for the proposed Elementary school have sent a second letter, request for comment indicating that they are willing and able to work cooperatively with OLCA to address these road safety and improvement issues.

A proposed letter from the OLCA RMC via the BOD has been drafted for review and comment, see attached pdf. Letter will be revised over the next week by the RMC and presented to the OLCA Board for approval.

**\*\*Motion** to approve the letter from OLCA Board of Directors as distributed, supporting the proposed Hawaii Academy of Arts and Science (HAAS) Elementary school to be constructed near the 34<sup>th</sup> Ave and Orchidland Drive.

**Seconded**

**Discussion:** reference details listed above under RMC review and discussion.

**More discussion:** Jeremai Cann, would they be charged commercial road use fees? Secretary Wirick, the RMC is currently reevaluating the commercial road fee schedule. The RMC with OLCA Board approval intends to present the OLCA membership with a new commercial fee schedule for ballot approval in the March 2021 Newsletter.

**Call to vote, all in favor 9, 1 abstention** (Steve Lyon)

**Special guest input:** Tara Brandon is initiating a “clean-up your neighborhood” program in her neighborhood on 37<sup>th</sup> Ave between Illima Drive and Anialoa Blvd. She hopes that this may become a model for other neighborhoods within Orchidland Estates and will be contacting the Community HPD officer.

Hershel Hood reported receiving a call from a resident on that section of 37<sup>th</sup> (between Illima Drive and Ainaloa Blvd) that reported a tree down earlier today. Tara said she would check into it.

That completes the RMC report and approved Motion.

**Farmers Market Committee Report**, the November 7<sup>th</sup> Market was reopened under the directive of FMC Chair Norman Kauahi and OLCA Board member Steve (Mongo) Lyon. This “reopening” was not approved or sanctioned by the OLCA Board. To date, the OLCA Board has not seen the required documents in order for the OLCA Farmers Market to operate as an “essential business” during the Covid-19 pandemic and State imposed restrictions on social gatherings.

Recent update, by mail at DPSI, OLCA received a rejection letter from the Hawaii County Planning Dept. regarding the OLCA Farmers Market.

**Community Lot Development Committee Report and Motions by Secretary Wirick:**

The complete Minutes for this month’s and last months Minutes as distributed via emailed pdf.

The CLDC monthly committee meeting was held via Zoom on November 10, 2020 immediately following the RMC meeting.

The following Motion was approved.

**Motion** to elect additional members to the Community Lot Development Committee, including Brian Murphy and Tara Brandon.

**Second**

**Discussion:** both Brian Murphy and Tara Brandon were elected to the OLCA Board of Directors in October and have also expressed interest in the Community Lot, improvements and events – including OLCA Farmers Market and more.

**Call to vote, all in favor 4, motion approved.**

Welcome new CLDC members, Brian Murphy and Tara Brandon.

**CLDC reports and updates by Secretary Wirick:**

Last month, the OLCA Agri-Cultural Center (ACC) lease agreement was approved by the CLDC, and was also approved by the OLCA Board on October 20, 2020. This is a win-win for both the OLCA and ACC -- and applications for ACC grants and a call for ACC donations can now proceed in order to move forward with fundraising, purchase and construction the approved 40’ x 120’ pavilion, phase one, of the Community Center at the OLCA Community lot located near the intersection of Orchidland Drive and 36<sup>th</sup> Ave. A note of gratitude to all that have and continue to participate in this long overdue Community project.

The CLDC is still attempting to locate a civil engineer to complete the “water drainage plan” at a cost of up to \$500, to submit the Community Center site plan to Hawaii County Planning Dept.

Now onto a note of concern: the OLCA Farmers Market, chaired by Norman Kauahi since July 2020, reopened the “OLCA” Farmers Market on November 7, 2020 without the approval of the CLDC and OLCA Board.

The Motion and Discussion cut and pasted below was approved by the CLDC and OLCA Board on September 15, 2020. To date, the OLCA Farmers Market Committee (FMC), Chairperson Norman Kauahi has failed to update and provide the necessary documents requested by the CLDC and OLCA Board.

The action of Norman Kauahi announcing the reopening the “OLCA” Farmers Market on the OLCA Facebook page occurred on or about November 3<sup>rd</sup>. This announcement apparently followed a “so-called” FMC meeting held a few days earlier, participants: FMC Chair Norman Kauahi, OLCA Board member Steve Lyon and his wife, Edie Valentine.

**For reference and review, the following OLCA Motion and Discussion was approved at the regularly scheduled Board meeting of September 15, 2020** (and is recorded on the OLCA webpage):

-- **Motion** to direct the newly established OLCA Farmers Market Committee to formally register with the State and County in order to receive a permit and an exemption to operate as a Farmers Market during the Covid-19 pandemic.

**Seconded**

**Discussion:** In July 2020 the monthly OLCA Harvest Share was formally converted into the OLCA Farmers Market, with its own Committee. The most recent Covid-19/ Hawaii State restrictions regulate “social gatherings” to no more than 10 persons – inside or outside. Whereas, State and County registered and permitted Farmers Markets are considered “essential” and are able to operate under the current restrictions.

During this Covid-19 pandemic -- OLCA has additional safety concerns and liability risks regarding the unpermitted OLCA Farmers Market -- and recently OLCA had to cancel the monthly event scheduled for Saturday September 5, 2020. The OLCA Farmers Market is to remain closed until the OLCA Farmers Market obtains the formal permit from the County and State. Registration may require a business license, tax number, financial accounting, insurance and more.

**More discussion, call Motion to vote, all in favor 5 and 1 abstention Steve Lyon**

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**New Business:**

We, the CLDC are essentially the managers of the OLCA Community Lot. Plus, as OLCA Board members it is also our responsibility to protect OLCA from potential liability risks. This recent public announcement and actions of FMC Chair Norman Kauahi and OLCA Board member Steve (Monggo) Lyon -- reopening the “OLCA” Farmers Market without providing the necessary documents and/ or updating the OLCA Board with specific details has potentially put OLCA at risk during Covid-19 and the State imposed restrictions.

In addition, days prior to FMC Chair Norman Kauahi’s OLCA Facebook announcement. Newly elected OLCA Board member, Brian Murphy, had contacted Norman Kauahi by phone with his concerns and suggestions regarding the OLCA Farmers Market. Brian Murphy suggested all necessary documentation be in place -- plus the hiring of Farmers Market Manager and the authorization by the State to accept EBT payments for locally grown produce. Norman agreed with Brian, and said that the

FMC would aim for December reopening of the OLCA Farmers Market with a manager and accepting EBT.

Brian also invited Norman to join him on Tuesday November 2<sup>nd</sup> in visiting Hakalau Farmers Market and Food Share, located on the Hamakua coast north of Hilo. Indicating that this community market could be used as model for OLCA. The weekly Hakalau Farmers Market and Food Share had been operation for 10-years. Unfortunately, Norman failed to follow-up with Brian, and instead moved forward with announcement and reopening of the “OLCA” Farmers Market.

**OLCA Agri-Cultural Center (ACC/ 501c3) Board report and updates by Secretary Wirick:**

In October 2020, both Brian Murphy and Sky Platt were elected to the ACC Board of Directors.

Doug Anderson serves as Vice President and chair of the ACC Board.

The OLCA Board approved ACC lease agreement has been processed, and the ACC is now moving forward with grant proposals and fundraising for the OLCA Board approved 40’ x 120’ pavilion, to be constructed at the OLCA community lot.

Both Carrie Walters and Lloyd Swierenga were removed from the ACC Board due to their continued disruption and obstruction of ACC Board business, and bringing their personal issues and problems into the OLCA and ACC Board business.

**That completes the OLCA reports and motions.**

**Additional Board business:**

**Recess called by Vice President Doug Anderson and approved by the Board for a brief Executive Session the time is 7:14pm.**

**Recess and Executive Session ended, call to order the time is 7:44pm.**

**VP Doug Anderson directed Secretary Wirick to add the Motions approved in Executive Session to the Board Minutes as follows:**

**Motion** to eliminate the paid position of OLCA Board Assistant formerly called the OLCA Legal Secretary.

**Seconded**

**Discussion:** Due to the fact that all OLCA legal issues and related legal billing have come to an end -- the OLCA Board no longer requires a Legal Secretary and/ or a Board Assistant.

**More discussion:** former OLCA treasurer, Tegen Greene, stated that Ms. Walters still had outstanding invoices that had not been paid.

OLCA Treasurer Hershel Hood indicated that he had emailed Ms. Walters a number of times over the past months in regards to any outstanding invoices. To date, Ms. Walters has not responded, indicating that there are no outstanding invoices. Treasurer Hood also had the OLCA book and record keepers, DPSI, check the record of payments to Ms. Walters – the print out indicated that every invoice submitted had been paid in-full, totaling just under eighty thousand dollars over the past



four-years. Plus, 1099's showing the amount paid for tax purposes had been mailed to Ms. Walters every year since 2016.

**Call to vote, all in favor 7, 3 opposed** (Steve Lyon, Tegen Greene and Jeremai Cann)

**Motion Approved**

**Motion** to remove Lloyd Swierenga as the appointed OLCA parliamentarian.

**Seconded**

**Discussion:** Mr. Swierenga has been the appointed OLCA parliamentarian since about July 2015 and he helped to establish a foundation for Board meeting protocol. The OLCA Board is functioning well and his services are no longer required.

**More discussion:** general consensus of the OLCA Board,

**Call to vote, all in favor 7 -- 1 abstention and 2 opposed** (Greene, Lyon and Cann)

**Motion Approved**

**Motion** calling for FMC Chair Norman Kauahi to stop using Orchidland Community Association (OLCA) when advertising the Farmers Market until all necessary permits, insurance and requirements are in place and are reviewed and approved by the OLCA Board.

**Seconded**

**Discussion:** Due to Covid-19 and the current State imposed restrictions it is necessary to have all the bases covered in order to operate a permitted "Farmers Market". In November, the OLCA Board received a letter from County Planning indicating that the Farmers Market permit submitted was rejected as deficient and incomplete.

OLCA Board member, Brian Murphy is now taking the lead to find out what is necessary get an approved County permit and also what it takes to operate a community Farmers Market efficiently and effectively -- which includes, hiring a market manager, liability waivers, record keeping and the ability to accept EBT payments. FMC Chair Norman Kauahi will be contacted with these details.

**Call Motion to vote, all in favor 7, 2 abstentions, 1 opposed** (Greene, Cann and Lyon)

**Motion Approved**

**Motion** to retain attorney Lockey White as OLCA's corporate attorney.

**Seconded**

**Discussion:** OLCA should have a corporate attorney on retainer to address legal issues when needed. Attorney Lockey White has a good reputation and experience as a corporate attorney. Her hourly rate is \$300 per hour. Ms. White's full-retainer is \$5000, but since we do not have litigation pending, she has agreed to sign on for \$500, and if and when OLCA needs her services the remaining \$4500 would come due.

Also, regarding retainer funding, OLCA recently received a \$1900 retainer refund from a former OLCA corporate attorney.

**More discussion:** general Board consensus was that is best to have a corporate attorney on retainer to address legal issues when needed. Treasurer Hershel Hood requested necessary invoices and paperwork in order to process the initial retainer installment payment of \$500.

**Call Motion to vote, all in favor 7, 1 abstention and 2 opposed** (Greene, Cann and Lyon)

**Motion Approved**

**Final Announcement:**

The OLCA Semi-Annual Membership Meeting scheduled for Saturday November 28, 2020 has been cancelled due to Covid-19 and the State restrictions on social gatherings.

**That concludes the OLCA BOD meeting for November 17, 2020, motion to adjourn, call to vote, all in favor 10, the time is 7:48pm.**

**Submitted by:**

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**Frederic Wirick, Secretary**

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**Date**