

**Orchidland Community Association
Board of Directors Meeting
Approved Minutes
February 16, 2021**

Call to Order: Vice President Doug Anderson presiding this is the OLCA Board of Directors meeting of February 16, 2021 via Zoom online conferencing the time is 6:37pm.

Board roll call via Zoom: Doug Anderson, Ric Wirick, Hershel Hood, John Erickson, Sky Platt, Tegen Greene, Steve (Mongo) Lyon, Jeremai Cann, Brennan Low, Brian Murphy and Tara Brandon

1) Motion to approve the Agenda for the OLCA Board of Directors meeting of February 16, 2021 as distributed (via pdf).

Seconded

Call Motion to vote, all in favor 11, motion approved.

2) Motion to approve the Minutes for the OLCA Board of Directors meeting of January 19, 2021 as distributed (via pdf).

Seconded

Call Motion to vote, all in favor 11, motion approved.

Vice President's announcement to board members and special guests:

Aloha and welcome to the February 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 report by Ric Wirick:

At last month's OLCA Board meeting, the Board approved staying the course with Zoom online conferencing for OLCA monthly meetings through the end of fiscal-year 2020-21, ending June 30th. At that time, the OLCA Board will decide whether to continue with the Zoom online conferencing for the fiscal year 2021-22.

Motion to approve up to \$120 for an up to a 5 TB stand-alone hard-drive for the storage of Zoom video recordings of the monthly OLCA Board meetings.

Seconded

Discussion: the OLCA Board approved the hiring of OLCA's former video recorder, Patrick Donegan, as the Zoom conference moderator and video record keeper. In order to store the Zoom recordings of the monthly OLCA Board meetings, Patrick Donegan requires a stand-alone hard-drive.

More discussion, call Motion to vote, all in favor 11, motion approved.

Announcement: the 2021 March Newsletter and Ballot are coming up next month. As Secretary, I will need Semi-Annual reports from all officers: Vice President Doug Anderson, Treasurer Hershel Hood, RMC Chair John Anderson. In addition, I will also need candidate statements from John Erickson (who will be going into his second – 3-year term of office. And also, candidate statements from interim Board members, Brian Murphy and Tara Brandon – who will begin their first – up to 3-year terms beginning July 1, 2021.

OLCA March Ballot proposals include: approval of recommended annual budget, fee schedule(s) MRMA(s), Board member candidate elections and more.

For reference to previous March Newsletter reports and candidate statements, please visit www.Orchidland.org , click on Newsletters and March 2019, March 2018...

Treasurer’s report by Hershel Hood, including monthly financials for February 2021 as distributed via pdf.

As reported in the January Treasurer report, I have been pursuing a possible alternative B&O, liability insurance policy for OLCA. This process is still ongoing. The completed forms have been submitted to our bookkeeper for review prior to submitting to the insurance agent. Updated information will continue to be provided to the Board.

The following is a summary of road maintenance costs for the recently completed Northern round of road work done to date:

All the road work was done by our contractor AT&H.
Road maintenance began in November of 2020.
Labor is for the filling of potholes with rock on side roads.
The costs are for labor, delivery and materials utilized.

Labor = \$15,102.94
Delivery = \$1,282.75
Materials = \$2772.71
Total cost= \$19,158.40

Approximately \$154,000.00 has been spent on roads maintenance for this fiscal year of 2020 to 2021.

The porta John that has been utilized at the community lot has been canceled. No further payments will be made.

The monthly financial summary provided by our bookkeeper, DPSI, can be reviewed for further details.

RMC report by RMC Chair John Erickson:

Updates on pothole filling:

AT&H ongoing monthly pothole filling on paved roads (asphalt and chip sealed).

With the rainy season over the past months and flooding/ ponding on lower Orchidland Drive -- potholes have developed quickly. During the worst conditions, 2 ½" gravel was used to fill the large potholes until the road dried out and potholes could be filled with cold patch. With the rain, flooding and ponding -- water has seeped through the cracks in the road and has soaked the road base. The OLCA road contractor has confirmed that "hot patching" would not hold up with this wet, unstable base -- and OLCA has postponed the scheduled "hot patching" of sections of lower Orchidland Drive.

Update, planning ahead for fiscal year 2021-22, pothole repair and maintenance costs for lower Orchidland Drive and in preparation for the March 2021 Newsletter and Ballot.

Last year, December 2020, the OLCA Board approved the RMC's proposal to revise the OLCA commercial MRMA (Mandatory Road Maintenance Assessment) fee schedule, the following Motion will be added to the March 2021 Newsletter and Ballot for OLCA membership review and approval.

Motion to approve the Commercial MRMA fee schedule for businesses and the church on lower Orchidland Drive for fiscal-year 2021-22 as \$2000.

Discussion: the commercial business and church traffic on lower Orchidland Drive, plus flooding issues and a deteriorating roadway have led to annual repair and maintenance costs of over \$10,000 per year. Since there are currently five separate commercial property owners (including the church) on lower Orchidland Drive from Hwy 130 to 34th. If we simply divide \$10,000 in repair costs by 5 = \$2000.

Every year, the RMC would look at the previous year's repair and maintenance costs for this section of lower Orchidland Drive, divide it by 5, and recommend a commercial MRMA. Once the OLCA commercial MRMA fee schedule is approved by the RMC, it will be taken to the OLCA Board for approval -- and finally taken to the OLCA membership for approval in March Newsletter and Ballot.

Unpaved/ unimproved road maintenance updates: due to the heavy rain storms over the past months, pothole filling has begun. AT&H is addressing these pothole repairs on unpaved roads. The estimated cost was about \$1000 per mile, which includes materials (1 ½" to 2 ½" base course) equipment and labor. Objective, fill potholes and/ or wash outs in the center lane to maintain the posted 15-mph speed limit.

Unpaved roads serviced to date: from 40th to 35th Ave. between Pohaku and Orchidland Drive. Plus 41st to 34th between Orchidland and Auli'i Drive. Cross-streets and dead-end roads are also being addressed in these areas.

RMC Chair, John Erickson, is in the process of locating a road maintenance contractor that will work with him to address the opening of natural drainages along unpaved roads to help prevent ponding and water flow down the roads. Opening these natural drainages will help reduce road damage and maintenance costs.

The last two concrete barriers on 37th Ave between Ilima Ave and Ainaloa Blvd that were in the right-of-way were removed and placed at the entrance from 35th near Ainaloa Blvd. The concrete barriers on 34th, 35th and 36th Ave are to remain in place to help prevent cut-through traffic, reduce road maintenance from cut-through traffic and trash dumping in the area.

Since 37th Ave has been reopened -- traffic flow has been monitored and has not been an issue. Worth noting, in 1992 -- 37th Ave was designated by the County as an emergency bypass route. This re-opening of 37th Ave might be an opportunity for OLCA to readdress this proposed emergency bypass route with County and State. If and when Hwy 130 becomes blocked due to an accident and/or construction – the County and State will need alternative emergency bypass routes.

New business:

In preparation of the upcoming March 2021 Newsletter and Ballot.

The RMC has approved the following Motions and recommends Board approval.

Motion to approve the OLCA MRMA (Mandatory Road Maintenance Assessment) fee of \$200 for fiscal year 2021-22, of which at least \$50 will go towards asphalt paving.

Seconded

Discussion: The OLCA RMC and BOD has suggested to keep the annual MRMA at \$200 to encourage more participation by Orchidland residents. More participation, more payments of the MRMA by more Orchidland property owners will allow for more road maintenance and road improvements to be completed in fiscal-year 2021-22.

More discussion, call to vote, all in favor 11, motion approved.

Motion to approve the drafting of the 2021 Paving Plan and submission in the OLCA March 2021 Newsletter and Ballot for membership review and vote.

Seconded

Discussion: It will be drafted over the next month and submitted to the RMC and BOD for approval at the monthly meeting next month, prior to the printing of the 2021 March Newsletter/ Ballot.

The 2021 Paving Plan, will also focus on OLCA working with the County, State and Federal governments to improve, pave and install 25-mph speed humps on designated “emergency by-pass” roads. These roads to include: Pohaku Drive to 40th Ave to County road Ola’a Drive. This “emergency by-pass” connects State Hwy 130 to Hwy 11.

In addition, Ilima Drive to 37th Ave to County road Ainaloa Blvd. This “emergency by-pass connects State Hwy 130 to County road Ainaloa Blvd.

Additional proposed routes, in 1992, the County designated 37th Ave from Pohaku Drive to County road, Ainaloa Blvd as an “emergency by-pass”.

And finally, the reconstruction and paving of lower Orchidland Drive, the County and State approved “commercial district,” from State Hwy 130 to 34th Ave.

The 2021 Paving Plan would replace the outdated 1998 Paving Plan. It would allow for paving to proceed on the failing intersections of 35th and 36th Ave on Pohaku Drive. As well as the paving of the failing intersections on 34th and 35th Ave on Auli’i Drive. In addition, the new plan would allow for paved aprons at all roads intersecting the Main Access Roads (Pohaku, Laniuma, Orchidland, Auli’i and Illima Drives) as well as side streets 40th Ave. This intersection and apron paving will improve road safety and reduce road maintenance.

For historical reference, a copy of the 1998 Paving Plan has been included as a pdf attachment. As stated in the 1998 Paving Plan and recommended for the 2021 Paving Plan, it is considered a “living document”, referencing page 2, third paragraph:

“...This Plan should be considered a living document. By that it is meant that it should not be considered as a rigid document to be followed regardless of the circumstances. Identified improvements in execution, changing circumstances, establishment of a Financial Improvement District and other political developments may lead to the desirability of making well thought out changes to the Plan...”

More discussion, call Motion to vote, all in favor 10 and 1 opposed – motion approved

Additional RMC updates:

Abandoned Vehicles (AVs) on OLCA roads and/ or in the right-of-way:

Location: 39th Ave just uphill of Pohaku Drive. RMC Chair John Erickson called in the report of these multiple vehicles in the OLCA right-of-way, called the HPD non-emergency number. The HPD has contacted the property owner and tagged some of the vehicles for removal. The property owner has also agreed to move the other vehicles off of the right-of-way.

Abandoned vehicles and the arson of abandoned vehicles in Orchidland Estates has been on rise over the past years. One major reason is that vehicle recycle centers stopped paying for metal recycling and now charge a fee. Technically, dumping vehicles is a criminal littering offense, up to \$1000 fine and 200 hours of community service.

If an abandoned vehicle (AV) is dumped on an Orchidland road or in the right of way, and it is reported to the HPD and they follow-up with an incident report. The AV should be towed or removed by the County within a week or two. If not, follow-up with the HPD on a weekly basis until the vehicle is removed.

The process is to call the HPD non-emergency number at 808-935-3311

Report an abandoned vehicle: provide the HPD with the date of incident, location, type vehicle and be sure to get an incident number and HPD officer contact name.

RMC and Special guest input: More discussion regarding road side mowing and opening natural drainages to prevent road ponding and water flow down the roads. Also discussed, the possibility of hiring a contractor with equipment, specifically a mower/ grinder on an articulating arm, like the County and State uses, to help reduce the amount of over grown/ over-hanging, encroaching shrubs, trees and vegetation on the road sides.

More discussion regarding unpaved road maintenance, plus the possibility of paving aprons at intersections to help improve road safety and reduce road maintenance costs.

Farmers Market Committee Report: no communication from the FMC and no announcements on the OLCA Facebook group page. December 2020 and January and February 2021 first Saturday OLCA Markets were cancelled.

Community Lot Development Committee Report by Secretary Wirick:

CLDC reports and updates by Secretary Wirick:

OLCA is the acronym for Orchidland Community Association. So yes, we are the same group of individuals but wearing two hats with common goals. The CLDC represents our community nonprofit (501c4) and ACC representing a 501c3 non-profit able to receive tax deductible donations for the Community Center (Agri-Cultural Center).

Last month the following Motion was approved and the civil engineer is moving forward. The first phase is completing the necessary requirements for the County's site plan application, and the second phase will be civil engineering for building permits.

The following Motion was approved by the OLCA Board on January 19, 2021

Motion to approve an additional \$5,450 in order for the civil engineer to complete all items required for the County's application for plan approval of the OLCA Community Center.

Discussion: some months back, the CLDC and OLCA Board approved \$500 for the "site drainage plan" to be prepared by a civil engineer. It is now apparent that more civil engineering services are required in order to properly submit the application for plan approval for the OLCA Community Center/ Agri-Cultural Center:

Topographic Survey: \$600.00

Civil Construction Drawings (Site Plan, Grading Plan and Utility Plan): \$3,750.00

Drainage Plan: \$500

Septic design: \$1,100

Since \$500 for the drainage plan was previously approved, an additional \$5,450 is required, the total combined cost for civil engineering services = \$5,950. These funds would come from the Community Lot (Development) fund of \$7,928. Note, we have checked into some other bids for these civil engineering services – all were substantially higher priced, about double the cost.

The CLDC oversees the management of the OLCA Community lot, similar to the way the RMC oversees the management of the OLCA roads. Since August 2020 the CLDC has encouraged the OLCA Farmers Market Committee (FMC) to get the proper County and State permits in place and to follow the protocol for a sanctioned Farmers Market in order to operate as an essential business during the Covid-19 pandemic. To date, this has not occurred.

In December 2020, the CLDC and BOD approved the following Motion but we have heard nothing from the Farmers Market Committee (FMC).

Motion to direct the OLCA Farmers Market Committee to follow the lead of the Hakaula Farmers Market and Food Share including: farmers market manager, the proper permits and to get set up to accept EBT payments for produce and prepared foods.

Discussion: In order to move forward with the OLCA Farmers Market in the future -- the CLDC would recommend that the FMC follow the lead of the Hakaula Farmers Market and Food Share.

Last week, OLCA received a letter from County Planning regarding the OLCA Farmers Market. OLCA Board and CLDC member, Brian Murphy, over the past months has been following up on the necessary requirements for a County and State approved community Farmers Market. He will be contacting the OLCA Farmers Market Committee chair, Norman Kauahi with the recent letter from the County and to discuss the additional State requirements and general protocol in order to move forward with the OLCA community Farmers Market.

That concludes the CLDC report and updates.

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

Doug Anderson serves as Vice President and chair of the ACC Board, Ric Wirick Secretary and Directors: Sky Platt, Brian Murphy and Tara Brandon

The OLCA ACC is now moving forward with applications for grant proposals and fundraising for the OLCA Board approved 40' x 120' pavilion, to be constructed at the OLCA community lot.

That completes the OLCA reports and motions.

Additional Board status reports:

Steve Lyon was going to turn-over the OLCA cell phone to RMC Chair John Erickson.

Brennan Low was going to assist Secretary Wirick with OLCA communications, website, etc.

VP Doug Anderson, moves the Board of Directors into Executive session, call for video recording to be stopped, the time is 7:26pm.

Return to OLCA Board meeting, call for video recording begin, the time is 8:02pm.

Report from Executive session.

The following Motions were approved in Executive session:

1) **Motion** to discharge Lockey White as OLCA's corporate attorney and request full-refund of the retainer: \$500 as approved and paid by the OLCA Board and \$2000 paid by an anonymous donor = \$2500 total.

Seconded

Discussion: the OLCA Board has made the decision to locate another corporate attorney with more community association legal experience.

Call Motion to vote, all in favor 10, motion approved.

2) Last year, OLCA's former corporate attorney, Peter Steinberg, assisted OLCA with the legal review and suggestions regarding the "long-term lease agreement" between the OLCA Agri-Cultural Center and OLCA. Following the payment for that service, Mr. Steinberg indicated that he had not received payment for legal services back in July 2016. He indicated that he had chosen to wait until the legal lawsuit with Orchidland Voice and Ms. Arthurs was finalized, to address this previous billing issue.

OLCA Treasurer, Hershel Hood, has double-checked with Data Processing Services (DPSI) regarding the previous billings and payments made to attorney Peter Steinberg in 2016. And confirmed that the July 2016 payment had not been paid by OLCA.

Motion to pay OLCA's former corporate attorney, Peter Steinberg, \$945 for the legal services provided and documented in his July 2016 billing.

Seconded

Discussion: this is payment for an unpaid bill for previous OLCA legal services.

More discussion, call to vote, all in favor 10, motion approved.

Treasurer, Hershel Hood, introduced a "threatening letter" that was directed at the OLCA Board and mailed to OLCA's book and record keeper, DPSI. And he also provided a suggested response from DPSI. The Board will review the "threatening letter" and proposed response and then provide directive on how to proceed via email.

That concludes the OLCA BOD meeting for February 16, 2021, motion to adjourn, call to vote, all in favor 10, the time is 8:12pm.

Submitted by:

Frederic Wirick, Secretary

Date