



# Orchidland Estates Newsletter

Orchidland Community Association, Incorporated  
Voice Mail – 808•934•7738

Post Office Box 280, Kea'au, Hawaii 96749  
www.orchidland.org

**OFFICERS****PRESIDENT**

JERRY GARDNER

**VICE PRESIDENT**

DEREK SHIMIZU

**SECRETARY**

RALPH BOYEY

**TREASURER**

FRED McCONNELL

**ROAD CHAIR**

DENNIS McCARTIN

**DIRECTORS**

MARTI MORISHIGE

WILLIAM LUPTON

**RMC COMMITTEE**

DENNIS McCARTIN

DEREK SHIMIZU

RALPH BOYEY

JERRY GARDNER

**COMMITTEES****BYLAWS**

ROGER HAWNEY

WAYNE CAREY

LUKE BAILEY

FRED McCONNELL

**PLANNING**

SHARON LANDRY

WES OWENS

SHIRLEY MENDOZA

-JOSEPHSON

**EMERGENCY PHONE TREE**

PATRICIA JAWORSKI

**WEBMASTER**

WES OWENS

**MEETING DAYS & TIMES!****BOD—3rd TUESDAY @ 5:30PM****RMC—2nd TUESDAY @ 6:00PM**

MEETINGS HELD EACH MONTH  
AT BLANE'S RESTAURANT, OR  
AS POSTED AT COMMUNITY  
LOT! – ORCHIDLAND DRIVE,  
KEA'AU/MAUKA SIDE,

**EVERYONE IS  
WELCOME!**

**PRESIDENT'S MESSAGE:****Jerry Gardner**

Orchidland keeps improving. Our roads are in pretty good shape and our financial recordkeeping is much more organized and transparent than it used to be. However, our back dept of unpaid road fees is extremely high. I hope that with continued improvements to the roads, residents will see the value in paying their fees. The more we collect the more we can do.

State road tax money: Everyone in the state pays taxes on gasoline. This money is used to maintain roads. However, none of this money is used to improve roads in private subdivisions despite the fact that many of the subdivision roads are de facto public roadways (for example Pohaku Drive here in Orchidland.)

Resolution 321-10, which calls for distributing some of these monies via a Grant-In-Aid program to assist private road corporations in road maintenance, passed Hawaii County Council on a 7 to 2 margin. Derek Shimizu, Roger Haney, Sherry Carden and myself all testified in favor of the resolution. There were many representatives from other Puna subdivisions as well.

Next up will be the formation, by council, of an Ad Hoc Committee to develop the proposed changes of language for the applicable HRS statutes. Additionally, the ways and means of such a Grant-In-Aid program will need to be determined.

Secondly, as this issue needs to go before the State, Friends of Puna's Future will be collecting donations for an advertising campaign. Their goal is \$3,000 and I urge everyone to consider helping out. For additional information, go to the Orchidland website, <http://www.orchidland.org> or the FoPF website at <http://www.fopf.org>.

Community lot: Progress is being made on building a community center on the Orchidland lot. We have a workable plan and contractors have been contacted who are willing to donate time and labor so that our costs will only be for material. The final big hurdle will be fund-raising. We estimate that we will need almost \$100,000 for the first phase of this project. This first phase will be similar to what is in Paradise Park—a pavilion for meetings, farmers market, etc; office; storage and restrooms.

We were going to try to get a grant through Pepsi Refresh but this has proven to be much too difficult. We will be trying to raise money through grants as well as considering fundraising events and a special fund appeal. Ideas and help are wanted, so please contact us if you have ideas or want to help out.

A storage container was purchased and there are plans to clear part of the lot for the use of the road committee.

Bylaws: There are several issues with our Association by-laws that we are still working on. They will be discussed at the next general meeting. We need to make certain our collections policy and procedures document is in sync with the bylaws. The bylaws committee is also working on a method to make it possible for association members to meet their financial commitments in ways other than direct cash payments.

We hope many Orchidland residents attend the general membership meeting. We can accomplish a lot more if we work together and share ideas on how to move Orchidland forward.

## VICE PRESIDENT'S REPORT

Derek Shimizu

~ Road Charmain's Report Continued ~

I would like to thank all the volunteers who sacrifice their own time, equipment and money to maintain our roads all over our community. Working with neighbors to make our community a better place is a rewarding experience and if any of you are thinking of helping, it is my hope that you make it known.

As a sitting board member, I get to see the big picture when it comes to roads. I pretty much use the same roads coming in and out of my lot but sometimes I fail to see how big Orchidland really is. Being on the board opened my eyes to the issues that a subdivision faces with the challenge of keeping our fees as low as possible. We hear the frustration of residents from all over the community so to balance these issues while trying to address each and everyone's concerns is a challenge, especially for an all volunteer board.

The Association holds regular road meetings at Blane's every 2nd Tuesday at 5:30. Board meetings are every 3rd Tuesday, same time. Get involved, get informed, be a part of the process that will make Orchidland a better place. ~ Aloha

## ROAD CHAIRMAN'S REPORT

by Dennis McCartin

In the past six months, the road repairs and paving were completed at the 39th and Pohaku Drive washout, and at 37th and Pohaku. These two intersections are a lot safer with better drainage now thanks to our contracted road crew, Big Isle Road Works, operated by the Dalton family. We hope to see more work done soon at the washout area on 35th between Laniuma and Pohaku Place. This will include paving the "T" intersection at 35th and Pohaku Place.

The side roads have gotten more attention through use of the "sled" developed by the road crew (now in its 3rd upgrade). The sled is pulling more material from the sides of the road and crowning the road at the same time. We are also putting more gravel down. We should have had nearly all the side roads sledged by the time this newsletter is delivered. During the next sledding and gravel spreading, we plan on adding a binding agent such as coral carbonate with either fly ash or cement to help keep the gravel from washing away.

The main roads and side roads continue to be maintained by several neighborhood volunteers on a fairly regular basis. Your efforts do make a difference and are greatly appreciated. Gravel and cold patch are maintained and available for use from the road crew. Of particular interest are the volunteer efforts by Jeff Fernando and

his neighbor Laslo who have spread several loads of 6" minus and 2" minus cinder on 40th between Orchidland Drive and Laniuma. About 2/3 of this stretch has been completed!!! What an amazing volunteer undertaking, and they are willing to do more on this stretch. 40th is one of our worse roads in Orchidland and considered by the County as a main thoroughfare.

When sufficient paving funds have been received after this current billing, we should be able to pave Ilima, and hopefully Pohaku above 39th to the paved road on 40th. Next would be Laniuma from 39th to 40th. I hope we can accomplish the current approved paving schedule in the next 2 years so we can either eliminate the paving fund or continue it to replace all of the chip sealed road sections that are quickly deteriorating. We have some time to figure out the most appropriate and cost effective method for these road sections.

We will also be replacing missing STOP signs and other road signs that have disappeared, and are considering the use of "speed humps" on the main roads where traffic has been speeding by at over 60 MPH!! Our posted speed limits are 25 MPH on the paved roads, and 15 MPH on the unpaved roads. Please, let's keep everyone safe out there. ~ Aloha

## COLLECTION POLICY ISSUES

For several months the Board of Directors and the Bylaws/Policies and Procedures Committee have worked on a Collections Policy. A draft copy was presented to the Membership at the April Membership Meeting and posted on the website ([www.orchidland.org](http://www.orchidland.org), File Downloads page).

After input was taken, the policy was approved by the Board in June. Now, there are questions about Section 5a in regards to "labor/services that can be accepted in lieu of monetary payment," and Section 7, "Relief". We need to be sure that these sections are in compliance with our Bylaws, and if so, will they be beneficial or problematic? You can study the Draft Resolution of the Collection Policy on Page 2.

Will the benefits outweigh the effort necessary to implement and maintain these policies? Since definition and implementation will require effort, we would like to have more input from the membership as to whether this direction is desirable or not. We will be discussing these two sections of the policy in detail at the Membership Meeting on Saturday, November 27, 2010 at the HPP Community Center on 16th & Makuu in Hawaiian Paradise Park. Check-in is at 8:30am, meeting starts at 9am. Please come join us and share your thoughts about this new direction.

**DRAFT RESOLUTION OF THE ORCHIDLAND  
COMMUNITY ASSOCIATION, INC.  
ADOPTION OF COLLECTION POLICIES  
AND PROCEDURES**

SUBJECT: Adoption of a policy and procedure regarding the collections of assessments.

PURPOSE: To adopt a policy and procedure to be followed for the collections of all assessments of the association.

AUTHORITY: The Articles of Incorporation, Bylaws of the Association and Hawaii law.

EFFECTIVE DATE: May 25, 2010

RESOLUTION: The Association hereby adopts the following policy and procedure regarding the collection of all assessments: Orchidland Community Association (“Association”) hereby adopts the following policy and procedure for the collection of unpaid assessments pursuant to Hawaii statutes.

1. Due Date. The assessments as determined by the Board of Directors (the “Board”), the general membership and as allowed for in the Bylaws and Hawaii statutes shall be due and payable as billed. The Mandatory Road Maintenance Assessment (“MRMA”) assessments shall be billed by the Association’s agent in May of each year and shall be due and payable on the first day of each fiscal year (i.e. 7/1). The Board may establish due dates and the related delinquency dates, as necessary, for the payment of special assessments and other billings.

2. Late Charge. A membership will be suspended whenever the assessment is thirty days (30) overdue, and therefore delinquent, if payment has not been received in the Association agent’s office by the due date of each assessment billing. The Board may assess an interest rate as determined by the BOD and/or the membership, not to exceed the amount established by law.

3. Return Check Charges. In addition to any and all charges imposed under the Articles, Bylaws, Hawaii statutes, or this policy, a twenty-five dollar (\$25.00) fee or other amount deemed appropriate by the Board shall be assessed against an owner in the event any check or other instrument attributable to or payable for the benefit of such owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return check charge shall be due and payable immediately, upon demand.

Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the owner(s) of the property for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Articles, Bylaws, Hawaii statutes, Rules and Regulations, or this policy.

4. Attorney Fees on Delinquent Accounts. As an

additional expense permitted under the Articles, Bylaws and Hawaii statutes, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand, and shall be charged as an assessment against the owner’s account and property.

5. Collection Letters. a. The agent of the Association shall prepare a special notice to any owner that becomes delinquent on any amounts due to the Association. This notice shall request that payment be forwarded immediately and received in the Association’s agent’s offices no later than fifteen (15) calendar days from the date of the notice and shall outline the late payment policy of the Association. The notice shall also offer the option of a payment plan, or labor/services that can be accepted in lieu of monetary payment. b. If payment in full for any amounts due is not received in the Association’s agent’s offices within one (1) year of the due date, the Board may, but shall not be required to, send the account to the Association’s attorney for collection and the filing of a Notice of Assessment Lien against the property.

6. Referral of Delinquent Accounts to Attorneys. The Board may, but shall not be required to refer delinquent accounts to its attorney for collection. Upon referral to the attorney, the attorney shall take all appropriate action to collect the accounts referred, including recording of a Notice of Assessment Lien against the property. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. All payment plans involving accounts referred to an attorney for collection shall be set up and monitored through the attorney. Foreclosure is not an appropriate action.

7. Relief. The Board may grant relief of any provision herein upon petition in writing by an owner showing a personal hardship. Such relief granted an owner should be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief.

8. Ongoing Evaluation. Nothing in this policy shall require the Board to take specific actions at a specific time but the Board shall not take any action in less than the time stated herein for a particular action. The Board has the option and right to continue to evaluate each delinquency on a case-by-case basis. **PRESIDENT’S CERTIFICATION:** The undersigned, being the President of Orchidland Community Association, Inc., a Hawaii non-profit corporation, certifies that the foregoing Policy and Procedure was adopted by the Board of the Association at a duly called and held meeting, and in witness thereof the undersigned has subscribed his/her name.

Orchidland Community Association, Inc.  
P. O. Box 280  
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[www.Orchidland.org/help\\_desk/](http://www.Orchidland.org/help_desk/)



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## **Volunteers Needed!**

### **ORCHIDLAND COMMUNITY ASSOCIATION MEMBERSHIP MEETING**

9:00 A.M. on Saturday, November 27, 2010  
~ **8:30 A.M. Sign-in** ~

Hawaiian Paradise Park Activity Center  
15-1570 Makuu Drive  
Kea`au, HI 96749  
On 16th and Makuu