

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

March 2019 Newsletter

Board of Directors

President

Steve (Mongo) Lyon

Vice President

Doug Anderson*

Treasurer

Tegen Greene

Secretary

Frederic (Ric) Wirick*

Directors:

Sky Platt*

Jeremai Cann

Steven Baca

Don Stoner

Paul imaizumi

John Erickson

James E. Higgins III

Aloha Orchidland Community Association Members,

Mahalo for your continued Community support since July 2015. Payment of your annual Mandatory Road Maintenance Assessment fees has allowed us, your elected (volunteer) Board of Directors (BOD) and Road Maintenance Committee (RMC), to effectively manage the maintenance and improvements of the 40 miles of private roads within Orchidland Estates.

As a Community Association, a 414D and 501c4 nonprofit, Orchidland Community Association, Inc. (OLCA) remains a democratically controlled association with the membership approving elections, annual budgets, road fees and more via annual ballot voting. These OLCA Ballots are sent out in the March Newsletter. Mahalo for your participation in this democratic process. For more details please visit www.Orchidland.org : Ballots, Minutes, Monthly Financials and more.

Semi-Annual Membership Meeting

April 27, 2018

Orchidland Community
lot/ Hui Hoaloha

2pm to 4pm

Potluck/ social event

12 noon to 2pm

Ongoing and regular maintenance of OLCA roads is our primary emphasis as elected BOD volunteers. In addition, separate donations from OLCA members go to the Community lot or gathering place – the Hui Hoaloha. Located near the intersection of Orchidland Drive and 36th Ave, this is the location for OLCA monthly social events, markets and more. Plus, in November and April, the Hui Hoaloha is the location of the OLCA Semi-Annual Membership Meetings and Potluck/ Social events.

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.

Announcement:

-- The next, first-Saturday, OLCA Farmers Market and Swap Meet is scheduled for April 6th from 8am – 1pm.

-- The next Semi- Annual OLCA Membership meeting is scheduled for April 27th, 2pm to 4pm, with an OLCA Membership potluck/ social event scheduled from 12noon to 2pm.

For more information visit www.Orchidland.org or call 808-464-5598

PRESIDENT'S MESSAGE

"ENJOY LIFE" When the sun and trades are right, I enjoy walking around our place in the sun feeling all is good.

THIS BOARD has accomplished the most consistent roadwork in the history of OLCA, while at the same time quietly enduring the travesty foisted upon them and the membership from an unnecessarily long and frivolous lawsuit.

BOARD RESPONSIBILITY: Our primary directive is to maintain and improve the Members owned private roadways. Additionally, we facilitate neighbor and community needs through promotion of the Hui Hoaloha Community Property and our Monthly First Saturday Farmers Market. Let's build the Community 'Orchid' building/pavilion as community. I repeat our promise that Board tasking is done only on regularly scheduled dates, for your interests, and reserve off-schedule 'Special Meetings' (in past used by others for manipulations) for true emergencies.

COUNTY AGENDA, TAXES: OLCA needs to respond to "Da Man"(State, County) a diverse barrage of 'influential personalities': bureau layers, institutions, committees, departments, meetings, window 'line-ups', publications and rules for us to keep track of *'wuz happn'!* in Orchidland and Puna. Look forward to a radical push for Special Improvement District's (big "fees atop property taxes") as the County picks off specific private roads. A healthy Orchidland identity is important in the face of so much complexity. We are an agriculturally zoned, "grow our own" community! Save our Peace.

Taxes: Hawaii county Tax dept. began redefining Ag to residential use on small lots (more \$). Looking at Oahu, is that the 'Progress' we want? Our Puna 'fruit' is getting ripe and Da Man and his 'friends' have big eyes! The Community Development Plan opens encouragingly, saving the Aina, the forest, the birds, then continues to outline an agenda for promoting progress--what is most important?

Interconnectivity: People who live in the 22,000 or so vacation lots in mid-Puna said "No" to cut-through boulevards (*'ripping the crate open'*) and I think quite a few would welcome community gating (tougher on the rippers and dumpers). Communities of character, not a super suburbia! Traffic studies include having cars cutting-thru privately funded roads without compensation to the Associations!!

Hwy 130 (our blood line): Orchidland Estates offers the only highway 130 commercial location (see below), on Orchidland Drive, between Kea'au and Pahoia, which results in traffic congestion for a stop-signed intersection. The decades-long needed traffic control at Orchidland Drive has become a DOT 'competition' among other intersections for lights or a roundabout whenever money becomes available (\$2.5-5 mil each) and the proposed roundabouts are 40 feet smaller than the Pahoia one! We perceive the same steady stream of cars during rush hours.

COMMERCIAL VILLAGE: Community Development Plans beginning in the 1980's promoted local 'milk and gas' convenience via local "Village" context, yet since has been re-designated as "Medium Density Urban" meaning further expansion!! HPP and Ainaloa have not established a "Village", thus we have been additionally burdened to provide a Puna-wide service. (A commercial application begun in 1994 at 34th has yet to open and just requested another five-year extension). Prior Boards did not contest area expansion nor procure agreements/conditions requiring additional road maintenance (>1,000 cars/day) other than a later membership policy vote for increased commercial road fees that resulted in a large accounts receivable, as the commercial lot owners have not paid their due. Upon imminent resolution of the Arthurs suit, this Board will take up this critical matter seeking a new and fair agreement with all parties.

Continued on the bottom of page 3.

ORCHIDLAND COMMUNITY ASSOCIATION'S LEGAL UPDATE

It has been nearly four years since the inception of the Barbara Arthurs lawsuit, however now we can finally report some incredibly good news.

As we had reported earlier, on April 11, 2018, the Court ordered OLCA's frozen accounts to be unfrozen. However, Barbara Arthurs then sent a letter to certain financial institutions claiming she was OLCA's President (even though she had not paid her MRMA and therefore was ineligible to be on the Board). This caused at least one of our financial institutions to continue to keep the funds frozen. On March 7, 2019, the Court reaffirmed that your funds are to be released to the current authorized signers on the account, i.e., the "Lyon Board".

On January 14, 2019, OLCA filed a motion to terminate Nancy Cabral as the Special Master because she was actively helping Barbara Arthurs, inserting herself into Corporate business without specific direction from the Court, and preventing OLCA from accessing its own funds. On March 7, 2019, the Court suspended Nancy Cabral as the Special Master!

At the hearings held on March 7 & 8, 2019, the Court stated that "as a matter of law, all

claims against the individual defendants have been dismissed", as Barbara Arthurs clearly could not produce sufficient evidence to sustain her claims against the Board members. The trial, which was scheduled for March 25, 2019, has been taken off the Court's calendar, pending the hearing described below.

OLCA is now left with adjudicating the only two remaining important issues, Dissolution and Receivership. A hearing to settle these last issues is scheduled for 9:30 am on May 2, 2019, in Judge Nakamura's courtroom. The last two hearings were quite entertaining and we expect the next one to be equally so. We encourage our members to attend the May 2nd hearing in a show of support for your Association.

Finally, it has been a long hard row to hoe for your Board members in fighting for YOUR rights to self-governance, protecting YOUR monies, and OLCA's future. Special kudos need to be acknowledged to OLCA Secretary, Ric Wirick. Without his hundreds of hours of hard work, stellar record keeping, and personal sacrifice our Community Association would have been unable to not only survive, but prevail, in this frivolous lawsuit.

Continued from page 2: RIGHT-OF-WAY (Roadway) See Road Report:

The signed road speeds are 25mph for paved and 15mph for gravel as they are easily damaged and worn by speed and weight and exacerbated by so much rain. Our variously aged roads are thinner than County spec and the substrate base is not as substantial, thus you will see more 'Puna potholes' and regular servicing demands. The real cost of over \$20 million to properly prepare/pave the private roads of Orchidland would greatly encumber members financially (whom also pay County road fees). We continue servicing with the occasional paving. *So get off the links, that surfboard or hammock and **volunteer**. We need volunteers to tend to the Imu!* **Aloha, Steve "Mongo" Lyon, OLCA President**

OLCA ROAD MAINTENANCE COMMITTEE REPORT

For some us on the OLCA Road Maintenance Committee (RMC) this marks our 4th consecutive year of volunteer community service. We are all Board of Directors (BOD) elected by the OLCA membership. The members of the RMC have construction and small business backgrounds. We know how to get the job done right for an affordable price and how to serve an entire Community with a limited annual budget. There are about 40 miles of private roads within Orchidland Estates: about 30 miles are unpaved, about 6.5 miles are asphalt pavement and 3.5 miles are chip-sealed roads. Unpaved roads are now serviced at least twice a year and paved and chip-sealed roads are serviced as needed. Road-sides and intersections are mowed on a regular basis and signage installed.

We would like to thank Horkori Construction and Ashley Tractor and Hauling for helping us save key intersections and opening our roads during the massive storm system of August 25, 2018 (associated with Hurricane Lane). They went above and beyond the turmoil with no hesitation in their early response.

This storm hit our community hard, washing areas away to lava bedrock creating conditions that will take years to reestablish with unexpected expenses to endure.

Emergency road repairs and extra costs to replace fill materials lost in the flooding was close to \$50,000.

We intend to continue the improvements on our road system for the betterment of our community. We would like to thank all Orchidland residents for long challenged patience and understanding. **With Aloha, RMC Chair Sky Platt and Vice Chair, John Erickson.**

Summary of the 2018-19 Road Maintenance schedule:

1) Completed in 2018, a full rotation of unpaved road maintenance about 30 miles: including all through streets, plus cross streets and dead-end road where maintenance is needed. Service to include: mowing of road sides, grading, adding materials where needed, compaction and opening of natural drainages.

2) To be completed in 2019, preparation and the asphalt paving of the unpaved section of upper Pohaku Drive. Plus, the installation of some 25 mph "speed humps" to help reduce speeding and cut through traffic. Plus lessen risks and liability to the Association, since we have pedestrians, bicyclists, handicapped individuals using these roadways on a daily basis.

In addition, asphalt repairs of two sections of damaged pavement, Laniuma near 38th Ave and Auli'i near 38th. Plus, preventative crack sealing of asphalt pavement on Main Access Roads (MARs) where needed.

3) Road-edge maintenance on paved roads, removing over grown vegetation, creating roadside drainage plus the opening natural drainages where needed.

4) In addition, regular and ongoing maintenance including road side mowing, pothole filling and sign installation and maintenance as scheduled.

5) Plus, a second full-service rotation on about 30 miles of unpaved roadways. See details above.

OLCA 2018-19 ROAD MAINTENANCE AND INTEGRATED FINANCIAL REPORT

Total collected from July 1, 2018 to February 28, 2019 = Approximately \$386,644

Approximate total expenditures and percentages:

Road Expenses = \$124,801 / 32%

Insurance (road related insurance, general liability) = \$8,336 / 2%

Administrative Expenses (includes D&O administrative insurance) \$41,891 / 11%

Legal = \$4,768 / 1%

Community Lot = 2,296 / .6%

Reserve (through June 30,2019) = 204,552 / 53%

It should be noted that we expect 70% of all monies collected will be spent on Orchidland roads by the end of the 2018-19 fiscal year.

OLCA PROPOSED BUDGET FOR 2019-20

Income	Proposed
Mandatory Road Maintenance Assessment \$200 x 2,405 lots @ 60% (Includes \$72,150 for paving projects.)	\$288,600
Administrative Income	20,000
Community Lot Donations	500
Income totals	\$309,100
Expenses	
Road Expenses	\$160,450
Paving Main Access Roadway Expenses	72,150
Administration Expenses (includes \$25,000 for all insurances)	75,000
Community Lot Expenses	1,500
Total Expenses	\$309,100

Recommended motion by the OLCA Board (BOD) to approve the Mandatory Road Maintenance Assessment (MRMA) fee for the fiscal year 2019-20 of \$200, of which at least \$50 will go towards the asphalt paving of Main Access Roadways (MARs).

Discussion: This is the same \$200 MRMA that the BOD recommended and the OLCA Membership approved last year. This MRMA allows OLCA to provide ongoing road maintenance: 30 miles of unpaved roads, including road side mowing, opening of natural drainages, grading and adding materials where needed.

In addition, road maintenance as needed on the approximately 10 miles of asphalt paved and chip-sealed roads -- plus paving funds were raised to complete a section of the Paving Plan. And finally, road signage and other safety measures addressed to improve road safety and lessen the liability risks to OLCA on its private roads.

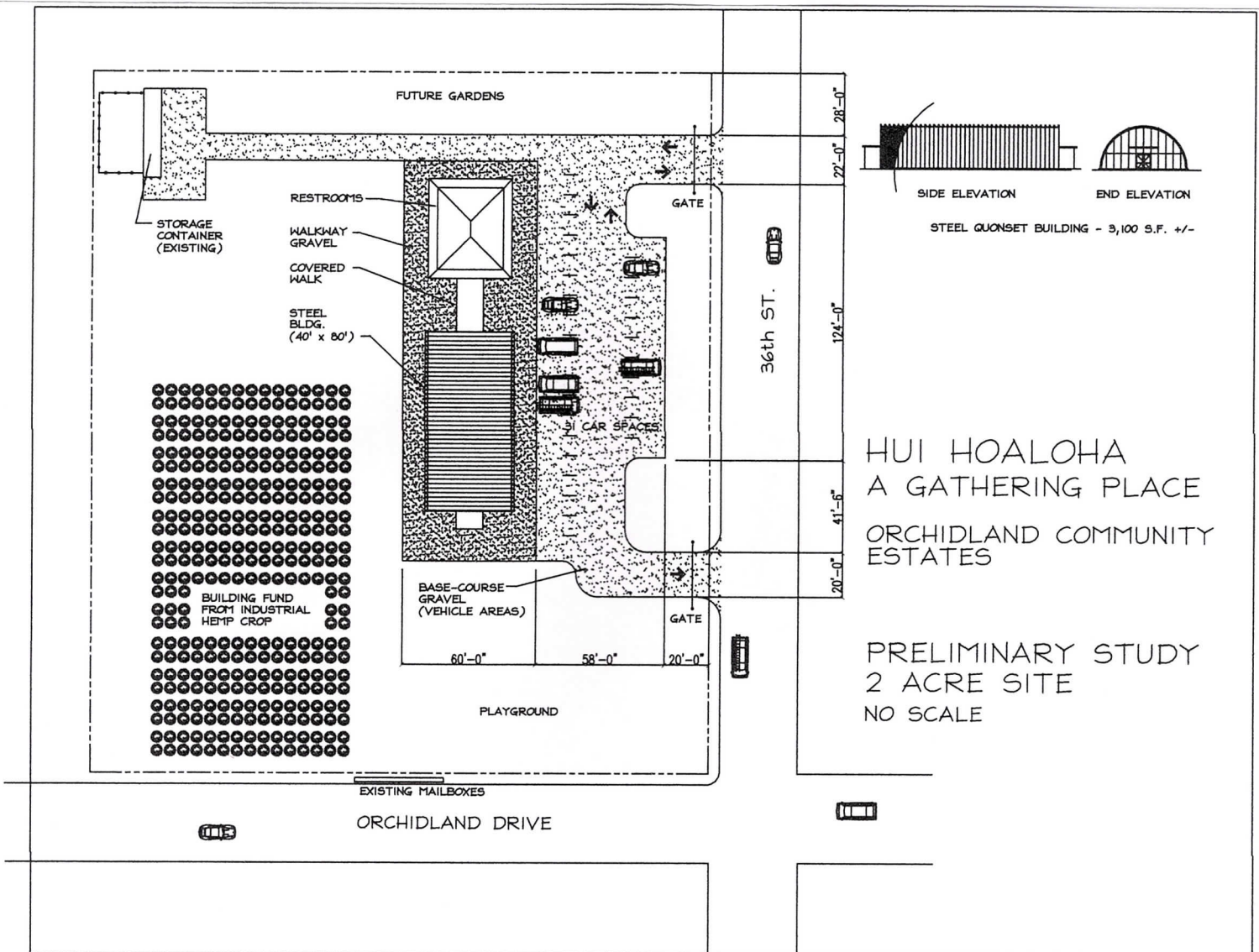
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SOCIAL AND COMMUNITY LOT DEVELOPMENT COMMITTEE UPDATES

Your OLCA Farmers Market is growing! Dec. 1, we officially became Orchidland Community 'First Saturday' with an early time of 8 until 1, occurring at Hui HoAloha Community Lot, at the corner of Orchidland Dr. and 36th Ave. Local farmers and artisans selling fruit and vegetables, plants, farm fresh eggs, arts and crafts, household items and coffee and baked goodies! Occasional live music! If you are interested on becoming a vendor of our once a month market, contact Edie(Ee-dee) at 808-756-4941 or Susan at 808-339-8600 for details and vendor packet. Support your community; meet your neighbors, have breakfast with us!

For more information please visit www.Orchidland.org. On the website there is a direct link to the OLCA group Facebook page, also a link to the OLCA e-mail address, or call 800-464-5598.

Also, we welcome voluntary contributions to the Community Lot Fund to support maintenance and various functions through the year. We are setting up a committee to look into raising funds for the building project through a viable crop grown on our lot! See www.Hihempco.org for more information and contact us for more info on the committee. Mahalo.



OLCA Membership Ballot for Fiscal Year 2019-20

For more information regarding this OLCA ballot vote, please reference this March 2019 Newsletter.

Please mark either YES or NO, on the ballot below:

1) Motion to approve the OLCA Mandatory Road Maintenance Assessment (MRMA) fee for the Fiscal Year 2019-20 of \$200, at least \$50 of which will go towards the asphalt paving of Main Access Roads (MARs). YES_____ or NO_____

2) Motion to approve the 2019-20 OLCA Budget as distributed in this March 2019 Newsletter. YES_____ or NO_____

After completing this Ballot
please mail to:
**Neighborhood Place of Puna
16-105 Opukahaia Street
Keaau, Hawaii 96749**

Please return all ballots for official counting as soon as possible, ballots must be post marked by April 27, 2019 or delivered in-person to the Neighborhood Place of Puna, or deposited in the ballot box at the April 27th OLCA Semi-Annual Membership Meeting. The results will be posted online at **www.Orchidland.org** in May 2019 under the category titled **Ballots**.

Name: _____

Email address: _____

Tax Map Key(s)/ TMK
(s): _____

(s): _____

(s): _____

**ORCHIDLAND COMMUNITY ASSOCIATION
MARCH 2019 NEWSLETTER
&
OFFICIAL BALLOT ENCLOSED**

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