

**MINUTES of the 2013 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING**  
**November 21, 2013**

**DIRECTORS PRESENT:** Luba Reeves (Pres), Dan Judson (Treas), Tom Atkins (Sec), George-ann Kealoha (Director), Nancy Firestine (Director)

**DIRECTORS ABSENT:** None

**OWNERS PRESENT:** Lots 7,8,19,21,29,53,54,55,57,61,63,64,65,67,74,90

**DETERMINATION OF QUORUM & CALL TO ORDER**

After announcing that the requirement for a quorum had been met with 66.3% of the Lots represented, 16 in person and 45 by proxy, President Reeves called the 17th Annual Membership Meeting of the Kuau Bayview HOA to order on Thursday, Nov 21, 2013 at 6:40 pm at the Paia Community Center. The President introduced the Directors and welcomed new owners, then explained the difference between Board of Directors meetings and Annual Meetings... at membership meetings members are allowed to make motions and vote unlike Board meetings where only Directors can vote.

**PROOF OF NOTICE OF MEETING**

Secretary Tom Atkins confirmed that notice of this meeting was emailed to all owners of record on Oct 13, 2013 with accompanying proxy. Any owners who did not reply with a waiver of the need for a paper notice were sent a printed notice of the meeting by USPS on Oct 29, 2013. A copy of this notice is appended hereto.

**APPROVAL OF MINUTES OF 2012 ANNUAL MEETING**

**MOTION:** To approve the [minutes of the Annual Meeting dated June 7, 2012](#), as circulated. Seconded and carried unanimously (Laudet/Mack).

**PRESIDENT'S REPORT 2013**

Luba Reeve's President's Report was emailed to owners prior to the meeting. A copy of this report is appended below.

**FINANCIAL REPORT**

Treasurer Dan Judson reminded owners that all the financial reports are available 24/7 on the website. Our present efforts are directed toward revising policies which resulted in overspending in the past. Even with the annual fees reduced to \$240 for 2013, we still achieved a \$13,000 surplus through cost cutting and increased efficiency, which is how we are able to further reduce the fees to only \$100 for 2014. By enacting policies to make sure that we are getting what we pay for, we will try to keep the fees at this reduced level for as long as possible. Our Association is in good shape with about \$66,000 in savings and \$14,000 in the checking account for a total of \$80,000 in assets.

The effort to reduce Accounts Receivable has been very successful using a strict but kind policy of working with owners who are under financial hardship. This new approach has reduced the balance from thousands to only 3 members owing a combined \$735. A large percentage of the receivables on the books in the past was due to bad bookkeeping and unfair late fees. Darlene Brothers deserves thanks for cleaning that up as well as making the Treasurer's job easy through excellent management of the website, and the clear portrayal of the income and expense accounts. Owners can go online and see exactly how money is being spent now and how it was spent in the past. The money that the Association is presently spending is money well spent.

**DESIGN COMMITTEE REPORT**

Four applications have been reviewed and approved in the past year, including house painting, a fence, a deck, and a second story addition. We have noticed several projects around the neighborhood that were not

submitted for approval. The Committee would like to remind all owners that the CC&Rs require that all exterior alterations to your lot or house must be approved by the Design Committee prior to commencing any work. The neighborhood is looking good and we can be proud of our neighborhood.

### **GRIEVANCE COMMITTEE REPORT**

The role of this Committee is to handle covenant violations, but it has turned into more of a problem-solving resource whereby neighbors have helped each other with broken fences, broken tree branches, and fallen leaves. Earlier in the year there were some issues with tenants spray-painting vehicles in the garage & storing unsightly items in plain view, but those days seem to be over. There was one instance of an owner's dog attacking a small dog in the park, which appears to be an ongoing problem. We would remind owners that Makana Park is a public park and does not belong to Kuau Bayview, so *please show consideration for others by obeying the County leash law. Mahalo.*

### **RETENTION BASIN REPORT**

Tom Atkins has done an immense amount of work clearing haole koa and guinea grass in the basin over the past year, and has opened up paths to both intake culverts. In the process, he has unearthed a plethora of balls & toys - even a pair of eyeglasses - that had been washed into the storm drains and found their way with the storm water into the basin. We plan to build a wire container behind the first section of rock wall just to the right of the retention basin gate to serve as a Lost & Found so that owners can retrieve such lost items if they so desire.

### **LANDSCAPE REPORT**

President Luba Reeves described how the efforts of Darlene Brothers in creating and maintaining the front entrance gardens and the Lae Street hillside have resulted in a beautiful entranceway to our neighborhood. At the same time Darlene's landscaping work has saved the Association many thousands of dollars compared to the huge amounts that were paid to landscape contractors in the past for work that did not achieve very good results. For a year and a half, working as a volunteer, Darlene demonstrated her devotion to the task of beautifying the overgrown and poorly maintained entranceway, and through her skills as a gardener and talents as a designer, turned this area into a work of art. Through her persistence and courage, she tackled the work that landscape contractors shy away from and perform only at extra expense, and that was the taming of the dangerously thorny and unwieldy Bougainvillea bushes. The resultant scratches and puncture wounds inflicted by these well-armed plants could not discourage her from achieving success with the project.

Darlene is a perfectionist and this is reflected in any task she devotes her time and energy to, whether it be in her work as a professional systems analyst and web developer, or in the task of improving a neighborhood. In the last 18 months, Darlene's work on the landscaping and accounting records has saved the Association at least \$25,000, and this is the main reason why we were able to lower our Association dues. We thank her for the excellent service that she has provided us to date for free, but it is only fair that we start paying her. I propose that we reward her with a weekly stipend to encourage her to keep doing what she does so well in the hope that she will continue her voluntary service to our community. This proposal will be discussed and voted on under New Business.

Darlene pointed out the contribution of Tom Atkins (who refuses to accept any pay). Tom is of immense help to her with the bins, dump runs, tree cutting, gate-fixing, tool-sharpening, heavy-lifting, engineering, irrigation, and moral support. Mahalo plenty to Tom for his generosity of spirit and willingness to help with all the back-breaking projects Darlene dreams up. Tom Atkins is truly a neighborhood treasure!

### **ELECTION OF DIRECTORS**

As we received no additional nominations by the deadline, the election was by acclamation. The new Directors -- Dan Judson, George-ann Kealoha, and Shelley Mack -- were congratulated and reminded to attend a brief organizational meeting for all Board members immediately following this meeting.

### **PRESENTATION OF AWARDS**

The President thanked retiring Board member Tom Atkins for his exceptional contribution to the Board, noting that Tom will remain in charge of the Retention Basin and the irrigation system, so he will still be an important part of the team. He was presented with an Outstanding Service Award plaque in appreciation for his voluntary work on the Retention Basin, excellent research capabilities, and dedication to the neighborhood.

President Luba Reeves then thanked Darlene Brothers with an Outstanding Service Award plaque in recognition of her tireless work on the landscaping project and her devotion to the neighborhood. Both Tom and Darlene were applauded by the members.

## **OLD BUSINESS**

**Green Discount:** Everyone in Kuau Bayview opted for the Green Discount except 6 people. Those six people were urged to join the Green List as, once the statements are snail-mailed, they will have to pay the standard rate of \$135 due by Jan 15th after which there will be a late fee of \$15 per month for any amount outstanding. There will be no waiving of late fees this time.

**Cluster Box Units:** Owners were polled as to whether they wished to give up their mailbox in favor of CBUs, as urged by our Paia Post Master. 75 people answered with a resounding NO; 3 said YES; 3 didn't care as they use a PO Box address; 11 have not yet responded. As it is all or none, and we DO have a choice, there will be no change to our postal delivery. No CBUs!

## **NEW BUSINESS**

- 1. MOTION:** To approve the proposed budget for 2014. (Mack/Leah Reeves) All in favor.
- 2. MOTION:** To ratify the actions & decisions of the Board of Directors since the last Annual Meeting. (Judson/Luba Reeves) All in favor.
- 3. MOTION:** To pay a weekly stipend of \$150 to Darlene Brothers for landscaping services. Mack/Laudet) In favor: 53; Opposed: Nancy Firestine, Nancy Snow; Abstained: Dan Judson, Marcy Martin, Kim Weaver. Motion carried by majority vote.
- 4. MOTION:** To adopt a [Kuau Bayview Code of Conduct](#) as a guide for the Board of Directors, Committee members, and Homeowners in order to protect our community now and in the future by serving as a deterrent to individuals who may seek a Board position for motives other than the best interests of the community as a whole. This code will be a living document to be added to, amended, and improved as future needs dictate. (Luba Reeves/Darlene Brothers)

Two election inspectors (Laudet/Kealoha) were selected from the membership to oversee the counting of the secret ballots. The results were announced. In favor: 47, Opposed: 1, Abstained: 2. Motion carried by majority vote.

- 5. MOTION:** To establish email as the official mode of communication for all Association business and to enable our Association to increasingly take advantage of digital technology, such as online proxy submission, online secure voting, Voice Over Internet Protocol (VOIP), and other new technologies as they become available, in order to facilitate communications between the Kuau Bayview Association and its members. (Shelley Mack/Alexandre Laudet) All in favor.
- 6. MOTION:** To officially decline the USPS offer to install CBUs and wait until such time as there is a law in place mandating conversion to Cluster Box Unit mail delivery. (George-ann Kealoha/Darlene Brothers) All in favor.

## **OWNERS' FORUM**

The only other issues that were brought up were by Nancy Snow & Nancy Firestine who wanted the landscaping put up for bid. When asked why she was so unhappy, Nancy Firestine stated that she "did not like to see a woman working down at the front entrance with a pick axe." [ It is against federal law (Title VII of the Civil Rights Act of 1964) to discriminate against someone on the basis of gender.] During the last part of the meeting, owners began socializing.

**ADJOURNMENT:** The meeting was adjourned by unanimous consent at 8:45 pm. (Judson/Atkins)

### **2013 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING MINUTES OF BOARD OF DIRECTORS ORGANIZATIONAL MEETING Nov 21, 2013**

**DIRECTORS PRESENT:** Luba Reeves, Dan Judson, Shelley Mack, George-ann Kealoha,  
Nancy Firestine

The Board of Directors met following the 2013 Annual Meeting at 8:45 pm and organized as follows:

President: Luba Reeves  
Treasurer/VP: Dan Judson  
Secretary: Shelley Mack  
Directors: George-ann Kealoha  
Nancy Firestine

The DCCA Annual Corporate filing in April 2014 will reflect these changes to the Board.

President Luba Reeves and Director George-ann Kealoha were appointed as the new signers for the Kuau Bayview checking account.

With the departure of Tom Atkins, it was decided that the new location of the Kuau Bayview drop box and official mailing address of the Association will be:

Kuau Bayview  
37 Kaiea Place  
Paia, HI 96779-8108

**MOTION:** To adjourn the meeting at 8:50 pm. Seconded and carried unanimously. (Judson/Mack)

In the capacity stated above and on behalf of the named entity, I certify that the statements and representations made herein as indicated above are true and correct.

*/s/ Shelley Mack*  
Shelley Mack  
Board Secretary  
Kuau Bayview at Paia HOA

## LUBA REEVES' PRESIDENTS REPORT Nov 21, 2013

I'd like to thank all of you for coming to the Kuau Bayview Annual Meeting of 2013. It is a pleasure to see you all here. I trust that everyone got my email in which I outlined the accomplishments for the last year at Kuau Bayview, so I will not repeat that now. There is a copy below if you missed it. What is most amazing is that we accomplished so much this year yet, at the same time, we were able to lower our fees by a full two-thirds! I hope that you will be happy to hear that your dues for 2014 will be reduced from \$300 to only \$100. This type of reduction of fees is unheard of in Associations, where the dues always go up. Of the six HOAs to which I belong, there is not even one where the dues have ever gone down, except this one.

One of the reasons we were able to save money is that we are now a **self-managing** Association. Instead of paying \$629 per month to some outside management company, we are paying only \$200 per month for bookkeeping/administrative services, which is the main reason to have a management company. Right there we are saving over \$5,000 a year, plus recouping other funds they were diverting to themselves. Valley Isle pocketed over \$3600 in transfer & document fees from new owners on top of their monthly fee. Now when a house sells, the HOA receives the transfer fee.

The other reason we were able to save money is that we have volunteers who took it upon themselves to take care of the landscaping and the retention basin, and other issues in our neighborhood. For this, we thank both Tom Atkins and Darlene Brothers, who have greatly reduced our expenses and gifted each one of us with \$200 per year that would formerly have gone to pay maintenance fees.

The savings also paid in full for the beautiful rock wall that was erected along Lae St for all to enjoy. Even this very meeting would have cost us over a thousand dollars in additional billings by a management company, but this year we save. Additional savings come from using email for communications with homeowners. Thanks to the efforts and skills of one of our own homeowners, everything is now on our beautiful website, designed and maintained by Darlene Brothers, so you just go to the website and there you find everything that used to be printed out and distributed in paper form, and likely discarded or lost. Now, all of this pertinent information is right there and can be viewed anytime you want with a few clicks of a mouse.

Using email and the website is what makes possible the "Green Discount." 94% of owners opted for this simple and efficient means of correspondence. There are only six people who opted for "snail mail." Their fees will still be reduced from \$300 to \$135, but not quite as much as for the Green List, in order to cover the added time and costs associated with printing, envelopes, stamps, trips to Post Office, etc. We are happy to reward all the people who did choose to go "green" and help the environment while saving the Association time and money.

The road to our goal of "self-management" was a bumpy road, and at first there were members in doubt of this being a feasible course for us to take, but through the hard work of a few dedicated people, in the end we were able to accomplish the task. We thank all who assisted as well as those who allowed us to proceed in this direction. I feel that we can manage our Association much better than any management company, because we care more... we care about the owners who live here. We care about the owners who could not pay their dues because of financial difficulties, and we care enough to work with those owners without resorting to using lawyers, threatening letters, and fines. We work with everyone in a more considerate way and the results have been rewarding. If we need a lawyer, we will hire one, but keeping a lawyer on retainer is not part of our policy. We think of all of you as our Ohana and we don't want lawyers threatening our Ohana. We choose to solve problems in more personal and caring ways.

These are just a few examples of how we run this Association like an efficient business, and can have more fun doing it. I hope all of you are happy with the results so far, and are here as joint partners in the future of this Association. Thank you.

Luba Reeves  
President, Kuau Bayview at Paia HOA

Aloha Kuau Bayview homeowners,

Oct 17, 2013

As you have no doubt noticed, we have had a very productive year in Kuau Bayview. Over the past year the Board has gotten to know each other and evolved into a very cohesive team with the common goal of making Kuau Bayview a wonderful place to live. This is one of the hardest working Boards I have ever been on, and the integrity and commitment to the betterment of this community is truly outstanding.

We want to thank the owners for the tremendous amount of positive feedback and encouragement you have shown. We are all volunteers working on your behalf and we do not derive any benefits for ourselves. Our only reward is your gratitude. We are happy to notice a lot more smiling faces around the neighborhood these days. Considering some of the battles this neighborhood has weathered over the years, I think we can all be proud of where we are now. We are finally starting to show signs of coming together as a community looking out for each other.

Together we have accomplished a lot in the past year...

- Our landscaping has never looked better. You have all seen Darlene Brothers & Tom Atkins working tirelessly down at the entrance many, many hours for no pay just to have our neighborhood look this good. We have to thank them for this supreme effort.
- Our bookkeeping is finally in order and the financial records are available 24/7 for owners to see on their own computers. This is true transparency.
- The Association records are being scanned and uploaded to the cloud so we will not have to worry about losing records in the future as happened in the past 8 years. This is a big job and will take some time, but major progress has been made.
- Last year we did not spend any money at all on lawyers and more owners are up to date on their fee obligations than ever before.
- For the first time, our retention basin is being properly managed thanks to the efforts of Tom Atkins and all his research & volunteer work in that area.
- The new rock wall along Lae Street has been a real success solving both the overgrowth problem & erosion of the hillside. It is a wonderful addition to our neighborhood and has raised everyone's property values.
- As I promised when you elected me, we have reduced our annual fees by a full two thirds by running this association like an efficient business.
- We saved many thousands of dollars -- and gave it back to you -- by having skilled and competent business people helping us self govern and not wasting money on management companies who created more problems than they solved and were a very expensive drain on our resources.
- We have plenty of reserve money in the bank and we are good stewards of this money that belongs to all the owners.

These are just a few things we were able to accomplish thanks to your trusting us to try something new. We count on your support and your confidence that what we are doing is positive and good for this neighborhood.

Even though there is still more than a month to go before the meeting on Nov 21, 2013, I urge all of you to return the proxies as soon as possible so we can be ensure there will be a quorum. Last year they didn't achieve a quorum so the HOA had to pay for another meeting a month later. Please fill out a proxy even if you plan to attend the meeting. If you attend, your proxy will be voided and you will be able to vote. Proxies can be emailed, mailed, placed in the drop box, or given to one of the Board members who will be knocking on doors. Mahalo!

And, if you haven't yet, please reply to this email to let us know if you accept these emails as sufficient notice of the Annual Meeting so we don't have to expend time and resources on snail mailing. Our goal eventually is to give owners more of a voice in the governance decisions affecting this community by using online polls and voting to give us instant feedback on issues as they come up. We encourage your participation and value your opinions. If we can take care of business more quickly using technology, we

can devote time to organizing fun events for the community where neighbors can get to know each other, for example, playing baseball, or croquet, or having a picnic. The stronger our Ohana, the safer, healthier, and more secure will be the environment within which we and our children live our lives.

This is our home. Let's create the aloha we want to see around us.

Sincerely,

Luba Reeves  
Your President  
Kua Bayview Ohana

PS. If you would like more information about various issues in our neighborhood please go to our website at <http://www.kaubayviewmaui.com>. This website has everything you want to know about the postal boxes, the rock wall, the agenda for the meeting, our budget with all expenses spelled out in plain view, lots of photos, and more. It's all there for you on the website.

**Notice of 2013 Annual Meeting**  
**Kuau Bayview at Paia Homeowners' Association**

In accordance with Article III, Section 3(c) of the Association Bylaws, NOTICE IS HEREBY GIVEN that the 2013 Annual Meeting of the Ku'au Bayview at Paia Homeowners' Association will be held **Thursday, November 21, 2013 at 6:30 pm** in the smaller Conference Room of the **Paia Community Center** located on Hana Highway in Paia, Maui, Hawaii. **Registration will begin at 6:00 pm.**

The purpose of this meeting is as follows:

1. To receive the annual reports of Officers, Directors, and Committees of the Association;
2. To elect 3 Directors to fill the expired terms of Dan Judson, George-ann Kealoha, and Tom Atkins. Currently Treasurer Dan Judson & Director George-ann Kealoha are seeking re-election, and Lot 57 owner, Shelley Mack is running to replace Tom Atkins who will stay on as the Retention Basin Chairman & member of the Landscaping Committee.
3. To transact such other business as may properly come before the meeting or any adjournment thereof.

In order to conduct the business of the Association, there must be a quorum. Owners representing more than fifty percent (50%) of the total authorized votes (92) must be present either in person or by proxy. In other words, at least 47 Lots must be represented. PLEASE RETURN YOUR PROXY EVEN IF YOU PLAN TO ATTEND to ensure the meeting can take place. If you attend, your proxy will be negated.

If you would like to run for the Board, please submit a nomination form. If you are interested in serving on the Design Committee or the Grievance Committee, please contact the Board prior to the meeting, or at the meeting. Light refreshments will be provided by the Association.

There will be a short organizational meeting of the Board of Directors immediately following the meeting for the purpose of electing officers for the coming year.

Dated: Oct 7, 2013

By call of: Tom Atkins, Secretary

***Agenda for Nov 21, 2013 Annual Homeowners' Meeting***

1. Introductions of Directors & New Owners
2. Determination of Quorum & Call to Order
3. Proof of Notice of Meeting
4. Approval of Minutes of 2012 Annual Meeting
5. President's Annual Overview
6. Financial Report
7. Design Committee Report
8. Grievance Committee Report
9. Landscape Committee Report
10. Election of 3 Directors
11. New Business
12. Owners' Forum
13. Announcements
14. Adjournment
15. Organizational Meeting of Board of Directors

The complete 2013 Annual Meeting packet is available on the Kuau Bayview website at <http://www.kuabayviewmaui.com/php/annual-meeting-2013.php>.