

**ASSOCIATION OF HOMEOWNERS
KU'AU BAYVIEW
FIRST ANNUAL HOMEOWNERS MEETING
April 30, 1997**

PRESENT: **A&B Representatives:** Christine Camp, Project Manager; Joanne Yee, Project Coordinator; Jeff Faulkner, Manager of Construction.

OTHERS PRESENT: **Dick Weaver, Cindy Mendes, Oihana Property Management; Patty Angula, Project Manager, ERA; Pam Aleman, ERA; Lola Ledbetter, Recording Secretary.**

CALL TO ORDER:

Dick Weaver, Oihana Property Management, called the First Annual Homeowners Meeting of Ku'au Bayview to order at 6:21 P.M., in the Paia Community Center Meeting Hall, Paia, Hawaii.

Mr. Weaver stated that Oihana Property Management is the Managing Agent for A&B Properties and Ku'au Bayview. This meeting denotes the official formation of the Homeowners Association of Ku'au Bayview by electing its first Board of Directors.

PROOF OF NOTICE:

Cindy Mendes, Oihana Property Management, certified that Proof of Notice of the First Annual Homeowners Meeting of Ku'au Bayview was mailed to all owners of record, with accompanying proxy, and filed in the office of the Managing Agent on 4/1/97.

QUORUM:

Ms. Mendes announced that a quorum was established with 47 of the lots represented by A&B Properties and 26 lots by homeowners in person for a total of 63 lots.

TREASURER'S REPORT:

Mr. Weaver gave a brief overview of the Association's financial statement. He stated that when the project is completed and all lots are sold, an annual budget will be implemented with the Maintenance Fee's each owner currently pays going toward the payment of all lots, at that time. Once elected, the Board of Directors will be charged with the duty of approving the Annual Budget and Maintenance Fees, prepared by Oihana Property Management.

Mr. Weaver stated that the Maintenance Fees homeowners have paid over the past year were used to pay all expenses associated with the project. Expenses over and above the total amount of Maintenance Fees paid by owners, have been paid by A&B Properties.

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Mr. Weaver reviewed the following expenses on the financial statement:

- 1) Grounds Maintenance - \$572 (per month).
- 2) Water - \$579 (every 2 months). Mr. Weaver advised that a problem has occurred in the past few months wherein some homeowners have hooked up their individual irrigation water to the common area of the project. As this is a violation of the project, Oihana will be contacting those individuals and requesting that they disconnect from the main water system.
- 3) Management Fee - \$129 per month and is based on the number of lots sold.
- 4) Insurance - Mr. Weaver stated that insurance costs were slightly higher than projected. Currently, the annual premium is \$2,295. The reason for the increase, over the original project, was primarily due to the liability of the sump pump on the property.

ELECTION OF DIRECTORS:

Mr. Weaver stated that several homeowners have placed their names as candidates for the election to the Board of Directors and in compliance with the By-laws which require owners to place their names for the election, 5 business days before the Annual Meeting.

The By-laws also state there are to be 3 (minimum) or 7 directors. Mr. Weaver stated, that in an effort to have better representation from the homeowners, A&B Properties is recommending that 7 directors be elected.

Mr. Weaver advised that the Board of Directors will work as the guiding tool for Oihana (Managing Agent) and the project itself, to make sure that the day-to-day operation of the project runs smoothly and efficiently.

MOTION: That the number of Directors for the coming year be set at 7 for Ku'au Bayview. Seconded and carried unanimously. (Camp/Borden)

Mr. Weaver advised the By-laws state the Board members will serve for 2-year terms and at the first election, 1 director will be elected for a 1-year term. This was based upon the election of 3 directors (versus 7) and with the intention of the remaining 2 directors both serving for 2-year terms, thus making the terms "staggered" for continuity purposes.

Mr. Weaver recommended that for just this election and based on the above motion of having 7 directors (versus 3) on the Board, that 3 of the positions be for 1-year terms and 4 positions for 2-year terms.

MOTION: For this year only, the 3 Directors with the least number of votes will serve for 1-year terms and the 4 Directors with the most votes will serve

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for 2-year terms. Seconded and carried unanimously.
(Varni/McElvane)

Mr. Weaver announced the homeowners who have placed their names as candidates for the election. They are:

- 1) Sharon Morris, #32
- 2) Kevin Ozee, #33
- 3) Jeffrey Chong, #52
- 4) Enrico Eastmond, #55
- 5) Brian Ross, #63
- 6) Talbot Shibley, #68
- 7) Leroy Borden, #78
- 8) Jeff Faulkner, A&B
- 9) Christine Camp, A&B

(Lori Williams, #48, withdrew her name from the ballot due to a possible change in her work schedule that would not allow her to serve at this time.)

Mr. Weaver explained the voting procedures to the ownership. Each candidate gave a brief introduction of themselves.

APPOINTMENT OF VOTING INSPECTORS:

Mr. Weaver appointed Lon Smythe, #58 and Dean Cleaves, #50 as Voting Inspectors to assist Ms. Mendes in the counting of the ballots.

The meeting recessed at 6:45 for voting and reconvened at 6:50 P.M.

NEW BUSINESS:

PETITION FOR PARK DEDICATION:

Christine Camp stated that several homeowners have expressed to her, their interest in having the park dedicated as soon as possible. As this process is the responsibility of the County of Maui, she suggested that homeowners sign a petition (which was made available at this meeting) for the dedication of the park. Oihana will forward it to the County for follow up.

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NEIGHBORHOOD WATCH PROGRAM:

Ms. Camp also stated that a sign-up sheet is available for those homeowners interested in starting a Neighborhood Watch Program. The new Board of Directors will work with those owners and the Maui Police Department in implementing the program.

OWNERS FORUM:

Homeowners brought forth the following issues for follow up by the new Board of Directors and Management:

- 1) Speed Bumps - having speed bumps installed on the streets. The new Board of Directors will address this issue and research the process for having speed bumps installed, with the County of Maui, Department of Public Works.
- 2) Signage - It was requested that "Slow" and "Children at Play" signs be installed throughout the project.
- 3) Enforcement of the Association documents (CC&R's/By-laws) and protecting the integrity of the project. Mr. Weaver stated that Oihana is currently trying to enforce violations to the Association's documents when complaints *are received*. Oihana will continue to do so, working with the new Board of Directors. Mr. Weaver asked that homeowners contact Ms. Mendes or members of the Board, with violations that occur.
- 4) Drainage hole - An owner expressed concern that before the Association take over responsibility for the drainage hole, that it is in working order. Mr. Faulkner stated that the drainage is functioning properly and operating as designed. The water does not drain but naturally percolates and evaporates. Mr. Weaver advised that money is designated annually in the budget to pump the water in the hole if the level goes higher than normal.
- 5) Irrigation problems - Owners were requested to contact Oihana immediately with any sprinkler or irrigation problems that occur.

ARCHITECTURAL:

Mr. Weaver advised that owners should present all requests for architectural modifications to the Design Review Committee (appointed by the Board), in writing, prior to any work being done. Once received, the Design Review Committee will evaluate the merit of the request based upon the aesthetic value, impact on neighbors, etc.

Owners should be aware that just because the County Building Department approves a permit, does not mean the Association's documents allow that particular modification. The Board can, at its discretion, institute fines for violations and, if the problem is not resolved, the Board can change the unapproved modification and charge the owner for the cost incurred in doing so.

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DOOR PRIZES:

A&B Properties presented the following door prizes to owners:

Three months free Maintenance Fees were presented to Jeffrey Parham, #33 and Charles Woodward, #45.

Ten dollar (\$10) Gift Certificates to Maui Mall were presented to Dean Cleaves, #50; Phyllis Morris, #32 and Joanne Ide, #39.

ELECTION RESULTS:

The following Directors were elected to the Board:

2-Year Terms:

Brian Ross, #63
Christine Camp, A&B
Jeff Faulkner, A&B
Talbot Shibley, #68

1-Year Terms:

Jeffrey Chong, #52
Enrico Eastmond, #55
Sharon Morris, #32

Mr. Weaver advised that Oihana will mail all homeowners (including new owners) a list of Directors names and phone numbers, a copy of these minutes and a list of numbers for Oihana and A&B representatives.

ADJOURNMENT:

**MOTION: To adjourn the Annual Meeting. Seconded and carried unanimously.
(McElvaney/Parham)**

The meeting adjourned at 7:08 P.M.

Respectfully submitted,
Laurie "Lola" Ledbetter
Recording Secretary

**ASSOCIATION OF HOMEOWNERS
KU'AU BAYVIEW
ORGANIZATIONAL MEETING
OF THE BOARD OF DIRECTORS
April 30, 1997**

DIRECTORS PRESENT: **Christine Camp, Jeff Faulkner, Brian Ross, Talbot Shibley, Jeffrey Chong, Enrico Eastmond, Sharon Morris.**

OTHERS PRESENT: **Lola Ledbetter, Recording Secretary.**

CALL TO ORDER:

Mr. Camp called the Organizational Meeting of the Board to order at 7:16 P.M. A quorum was established with all of the Directors present.

ELECTION OF OFFICERS:

The following Officers were elected by unanimous consent:

President:	Jeffrey Chong
Vice President:	Sharon Morris
Treasurer:	Enrico Eastmond
Secretary:	Christine Camp
Directors:	Jeff Faulkner
	Brian Ross
	Talbot Shibley

COMMITTEE'S:

Ms. Camp stated there are no standing committees at this time, however, she suggested the Board consider forming a few basic committees. After discussion, the Board agreed that the following committees should be appointed at the next Board meeting: Design Review, Neighborhood Watch and Social/Newsletter. Owners from the community are welcome to participate in the Committees.

The Board discussed the importance of establishing the Design Review Committee at this meeting to address immediate issues that require action. Discussion also included the importance for owners to express their individualism while maintaining the integrity and aesthetics of the entire project and homeowner values.

The Board agreed that President Chong Talbot Shibley should be the Co-Chairmen of the Design Review Committee until other members are assigned. They will present their recommendations for other Committee members at the next Board meeting (date to be determined).