

MINUTES OF BOARD OF DIRECTORS MEETING
June 12, 2001

DIRECTORS PRESENT: Don Varni (Pres), Tania Goosby (VP), Karen Chun (Secretary), Mike Gibbons (Treasurer), Directors: Lisa Daly, Ann Pitcaithley, Lisa Paulson.
OTHERS PRESENT: Cindy Mendes, Account Manager, Oihana Property Management.
OWNERS PRESENT: Darlene Brothers, Andy Widholm, George-ann Kealoha.

CALL TO ORDER:

Don Varni Called the Board of Directors Meeting to order on Tuesday, June 12, 2001 at 6:30 pm. A quorum was established with all Directors present.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the Organizational Meeting dated May 8, 2001.

Mr Gibbons requested that the minutes be corrected to reflect his motion that the minutes be distributed to the Board within 2 weeks of the meeting and that he asked Oihana whether they could provide the minutes in electronic format. Oihana indicated that they would look into providing the minutes in electronic format. President Varni requested Ms Mendes to have the Recording Secretary email the draft of the minutes when completed. Ms Mendes will follow up to have this accomplished.

VOTE: Seconded & carried unanimously.

TREASURER'S REPORT:

Mr Gibbons deferred review of the Treasurer's Report and requested Oihana to provide him with a full set of Financial Statements from January 1, 2001 to present for his review.

SIDING:

Ann Pitcaithley stated per the direction of the Board at the Organizational Meeting, she contacted attorney James Krueger regarding the siding issue; however, (Krueger) declined to take the case. The Board authorized Ms Pitcaithley to contact her brother who is also an attorney regarding this issue, and update the Board at the next meeting. Further, that Ms Pitcaithley does not obligate the Board to any action or payment and that she submit any plan with its costs in writing to the Board for consideration.

PARKING:

President Varni presented draft verbiage on Proposed Parking House Rules (attached below) which would limit the number of automobiles parking on the street. The Board discussed enforcement of the Association documents. President Varni requested the Board to review the verbiage and submit their comments for further review.

WEBSITE:

Mr Gibbons updated the Board on the progress Darlene Brothers has made in developing her kuaubayview.org website which includes information related to the Association. Darlene Brothers entered the meeting at that time and discussion regarding ownership of the site, domain name, site content, and who should have access to the site followed. Ms Brothers stated that Gary Blumenstein and not the Association owns the domain name and that she would not accept Board oversight on the contents of her website or email list. Ms Brothers assured the Board that the information posted on the site would be accurate. The Board requested that Ms Brothers make it clear in her posts that she is acting as an individual homeowner and that her views may not represent those of the Board or the Association as a

whole. The Board thanked Ms Brothers for her work but noted that since Ms Brothers stated that she would not allow Board oversight, the Board could not endorse the website and email list as representing the Association, nor could the Board ask her to place restrictions on who could access the information on the site. A motion to support Ms Brothers site by providing her with appropriate Board material such as meeting minutes, dates, and so on, was carried.

STREET LIGHTS:

The Board ascertained that Ms Brothers had received a copy of the previous Board meeting minutes in which the Board voted to ask the County to shield or flatten the street lights to reduce glare, and approved her request to follow up with the County.

FINANCIAL INFORMATION:

The Board requested that Oihana provide Mike Gibbons, the Treasurer, with the accounts year-to-date and to provide them monthly thereafter. Oihana was asked to name a time that they could commit to having the accounts and they indicated that they could supply them on the 20th of each following month.

PROPOSED CC&R AMENDMENTS:

Ms Chun stated she will continue to contact owners who have not yet voted on the CC&R amendments, in an effort to obtain the required percentage approval.

NEXT MEETING DATE:

The next Board meeting will be held on Thursday, September 13, 2001 at 6:30 pm.

ADJOURNMENT:

President Varni adjourned the meeting at 7:30 pm.

Respectfully submitted,
/s/ Laurie Ledbetter
Laurie "Lola" Ledbetter
Recording Secretary

**Minutes were transcribed by cassette tapes. Recording Secretary was not present at the meeting.

Ku'au Bayview House Rules: Street Parking Violation Standards

November 27, 2000 (revised, June 11, 2001)

A. The Kuau Bayview documents prohibit vehicles from being "regularly parked" on the streets. The purpose of these standards are to create clear guidelines for determining what "regularly parked" means and what steps will be taken to bring a vehicle into compliance, and to limit the number of cars parked on the street.

If the vehicle meets one of the following definitions it is considered to be "regularly parked".

1a. The vehicle has been noted as parked on any Kuau Bayview road for four consecutive days of at least one hour per day. The vehicle does not have to have been there continuously or parked on the same Kuau Bayview road - only to have been observed parked on a Kuau Bayview road at least once in each period extending from midnight to midnight in each of four consecutive days.

OR

1b. The vehicle has been noted as parked on any Kuau Bayview road for at least one hour on eight or more days in one thirty day period. Each of the eight observations must be made in a different day as defined from midnight to midnight.

OR

1c. The vehicle is observed parked on the street and the proximate neighbors deny that the vehicle belongs to them or their guests. Neighbors must be either contacted directly or by a note left on their door with the callback number of our Managing Agent or Security PATrol. The neighbors who must be contacted include the one where the vehicle is located and the neighbors on each side plus the one across the street and those on each side of it, providing , these houses exist. If neighbors are contacted by note, they have 24 hours in which to respond. Lack of response or refusal to respond shall be interpreted as the homeowners agreement that the vehicle is in violation of the "regularly parked" prohibition. If the vehicle is observed parked on any Kuau Bayview street after 24 hours with either no response, refusal to respond or denial of permission by neighbors (as defined above), it is then in violation. If the vehicle is moved so that the proximate neighbors (defined above) are different, it is not necessary to ask the new proximate neighbors. The intent of this last provision is to prevent unscrupulous residents from simply moving their vehicles around the neighborhood in order to circumvent the parking rules.

2. Exceptions to the above rules are service vehicles obviously being used by nonresident yard, construction, cleaning or pest control workers who can be observed or contacted to verify that they are obviously working nearby. This provision is not intended to allow resident service vehicles to be parked on the street.

3. These House Rules do not prohibit a resident from occasionally parking a vehicle on the street or from having visiting guests park on the street from time to time. In order to determine the difference between "occasionally" or "from time to time" from "regularly", the above definitions 1a, b, or c should be used.

4. The house rules will provide for one parking pass to be issued for each home/lot in the subdivision. This pass displayed on the dashboard will indicate to the security patrol that that vehicle is operated by a visitor or guest of an owner and will be exempted from the "regularly parked" definitions set forth in 1a through 1c above. The intent of the parking pass is to allow owners and residents to let visitor and guests of a Ku'au owner park one vehicle on the street legally.

(Alternate to #4.) The house rules will provide for one (1) parking pass to be issued to each home/lot in the subdivision. This pass displayed on the dashboard will indicate to the security patrol that that vehicle is operated by a visitor or guest of an owner and will be exempted from the "regularly parked" definitions set forth in 1a through 1c above. An owner may use this parking pass in one of two ways. a) The owner may

opt to have this pass assigned to one specific vehicle which will then be allowed to park on the street, or b) For use by a visitor or guest of the owner which will then let that visitor or guest legally park one vehicle on the street for a PREDETERMINED AMOUNT OF TIME. (We propose that a single vehicle can park for a week with no call in to security and up to 30 days by calling the security company)

B. In order for the vehicle to be found in violation, there must be a written log indicating all of the below information:

1. Vehicle approximate type, color and license
2. Dates and times observed parked
3. Address in front of which vehicle was parked.
4. Name(s) of those making the observations
5. Address, name and response of any neighbor contacted.

C. Steps to be taken before fining or towing a vehicle

1. Contact the proximate neighbors and attempt to find a resident who takes responsibility for the vehicle. Use the procedure outlined in part 1c.
2. Place a note or sticker on the vehicle indicating that it is in violation and subject to towing or fines.
3. Allow 72 hours for the responsible person to respond to the written note or sticker on the vehicle. (This grace time is not given for any subsequent violations of the same vehicle in the same year period).

D. Consequences of Regularly Parking a Vehicle on a Kuau Bayview Road

1. If the responsible person is a resident of a Kuau Bayview home, then the owner may be fined not more than \$15 per week for the first notice, \$25 per week for the second notice and \$50 per week for subsequent notices in any one year period. First, second and subsequent notices do not have to be on identical vehicles provided it can be established to a reasonable degree that the same house is responsible for each vehicle.

AND

2. After three violations the car may be towed at the request of the Managing Agent or the Security Patrol.

Proposal submitted by:

Karen Chun
Don Varni