

FERN FOREST COMMUNITY ASSOCIATION
Agenda for Board Meet
JUNE 11, 2023

President calls meeting called to order at 2:00pm, meeting held via Zoom video conference.

ATTENDING BOARD/INTRODUCTION OF BOARD:

Melissa Fletcher, President

Leslie Leber, Secretary

Amy Campbell, Treasurer

Not Present: Mac Castillo – 2nd consecutive absence

Note that May Meeting was cancelled due to lack of quorum. Leslie Leber and Melissa Fletcher were in attendance.

APPROVAL OF JUNE BOARD MINUTES

o Melissa Motioned to approve April Board Minutes.

o Leslie 2nd. Amy, Abstained. No discussion, Motion carries

REPORTS:

- President's Report (Melissa)
 - o Our office manager of many years, Filiesha LeRand, passed away last month.**
 - o Previous Treasurer, Britney Young, resigned.**
 - o Welcome new board member and Treasurer, Amy Campbell**
 - o New office manager has been contracted, Patty Carlson started last month and is doing a great job so far.**
 - o We've been addressing a lot of misinformation regarding FFCA that has been seeded in the past and present via our social media pages. Discussing association roles, bylaws, FFCA lot on Ala Kapena, etc. Community response has been very positive. Plans to continue this campaign are ongoing.**

- Treasurer's Report (Amy)
 - o Total income for April: \$8,765.83**
 - o Total Expenses for Admin, including legal: \$13,471.17**
 - o Total Roads Material, Hauling and Contract Services: \$22,916.78**
 - o Net income: -\$14,150.95**
 - Amy pointed out that we have a negative for the month only because we get most of our income from payments at the beginning of the year. We are still working with positive and budget is on track.

- o Motion to accept April 2023 financial report was made by Melissa**
- o Motion 2nd by Leslie. No further discussion, all in favor. Motion carried**

- Roads Report (Melissa)**

- o Holes in the pavement on Ala Kapena Rd are now patched**
- o Touch ups for apron entries to roads off Ala Kapena are completed**
- o Omega and Ohialani, upper and lower, are completed**
- o Kaleponi upper is complete, lower has been reclaimed.**
- o Kaleponi, Ali'I Kane, and Makoa are completed.**
- o Currently reclaiming of aggregate on Upper and Lower Kokokahi is complete. Will be working to reclaim on lower Kokokahi, then spreading aggregate on upper and lower Kokokahi, then on to Jungle King.**
- o Once those sweeps are done we'll be starting on Middle Road**

SUBCOMMITTEE REPORTS:

- o Capital Improvements (Melissa, Mac, Leslie)**

- Second phase of Quonset Electric is still in bid process. We have one quote, that is pretty high for the scope. We are awaiting one other bid and license #/proof of insurance from the bid we have received.
- Melissa met with Mattos Electric on site, a well-known electrician in the area. He confirmed that the meter is safe enough for now, that we should not have to shut the meter down, but we should start processing the permit and get the work taken care of as soon as possible. He also informed Melissa that, because this is a non-residential meter, we need plans drawn of the Roads lot with measurements/improvements. We have to show the lot, the buildings on the lot and the distances. That has been completed by Melissa and submitted to Mattos Electric. He has an engineer that is working on a quote for stamping the plans. Will continue to follow up

- o Legal Subcommittee (Melissa – vacancies open)**

- The food vendors at the beginning of Ala Kapena have been notified that FFCA requests them to remove their signs from easements when they are not open, to cease using the easements for any parking or business use, and to bring all business into their own, private property so they can create a parking area on their property. If further non-compliance goes on, next step would be to have a board vote regarding legal counsel drafting a letter advising them of what steps they are required to take by law to avoid further action by the FFCA. Will monitor and update.
- There have been complaints of advertisement boards mounted on the utility poles high up. It is illegal to mount signage to poles as those are

the property of the utility company. On the FFCA social media page, Melissa brought it up, along with legalities, and gave options of postings signs up at the Hirano Store or Road's lot bulletin board, and asked posters to remove their signs. The board discussed polling the community for an opinion concerning the sign and for input on solutions.

- Building a community sign and bulletin board at the front of the Road's lot is brought up by Amy. We have discussed this in the past and would need a permit for a community sign. Put to Old Business for the next meet to follow up on.

o Website Subcommittee (Melissa)

o Due to ongoing lapses of posting critical info to the site, Melissa made a motion to hire current webmaster, Landa Graphics to take care of and maintain the FFCA website on a monthly maintenance plan to upload minutes, road plan, and financials for \$40/month plus tax.

Motion 2nd by Leslie.

All in favor, motion carried.

o Equipment Subcommittee (Melissa, Mac)

- On special meeting held on 4/16/2023 a vote was made to purchase equipment that was for sale in the community. Due to as yet unknown legal costs defending current 'Thunderfoot vs the USA' litigation, recommend to err on side of caution and postpone purchase of new equipment. See motion earlier in the meeting.

o Identifying Community Issues (Mac and Leslie)

- Makoa Road personal junk vehicles and trash in easement. There is one person in the community that is creating/recreating a junkyard along the road so much that the road is going in a C pattern around the junk.
 - Leslie will follow up with the police this week and make another report.

o Insurance Policies (Melissa)

- We voted to approve renewal back in April, but due to TF actions, current insurance will only renew with a disclaimer of no coverage specific to TF. Given that she has been the #1 legal defense cost for the FFCA in all it's years, subcommittee feels we cannot accept this exclusion. We have asked agent to pursue other carriers that will ensure FFCA coverage against any litigant. She has not had any luck so far. The policy ends at the end of this month and we were just informed of this exclusion.
- Advise that our #1 priority should be to find another insurance carrier who will cover all D&O and FFCA liabilities. We may have to possibly accept their coverage terms on a monthly basis until we can find an insurance company that will cover bases.

OLD BUSINESS:

• New Road Signs

- o We have a quote for materials for these signs from MMM for \$1,440.25
 - o Leslie made Motion to approve the quote from MMM for materials for new road signs (with a surplus for future use) and approve up to \$250 in misc. parts (poles, extra poles and fasteners). We already have the road signs.
 - o Motion 2nd by Amy
 - o All in favor, Motion carried.

• **Audit & Non-Profit** – Still postponed still trying to get situated from the death of office manager and new financial company. (JBS) We will keep this on as old business until completed.

• Equipment Quotes

It was voted previously to approve the purchase of an excavator.

- o Due to the the start of another lawsuit by Thunderfoot, Melissa makes a motion to cancel that vote and revisit equipment deciding on new equipment after July 1st Motion 2nd by Leslie, All in favor, motion carried.

• **Weedwhackers are repaired and collected now.**

• **Mower attachment for tractor was approved pending successful test.** There has been no test information from Mac we will move this to old business.

- o Melissa made a motion to add a vote to upcoming ballot – To clear up ongoing confusion about role of FFCA, vote to change the name of FFCA (Fern Forest Community Association) To FFRA (Fern Forest Roads Association) or FFCRA (Fern Forest Community Roads Association)
- o Leslie questioned on how the name change will be presented. Melissa said we could put both FFRA and FFCRA on the ballot and let the community vote on the change.
- o Motion to add to the ballot for a name change to either FFRA or FFCRA was made by Melissa. Amy 2nd the motion, All in favor, motion passed.

EVOTES SINCE LAST MEET RECAP:

- o 5/1/2023: Melissa motioned to push back monthly meeting one week due to its falling on Mother's Day. Britney 2nd, Leslie voted Aye, Mack no response. Motion carried.

- o 5/15/2023: Upon word of Office Manager, Filiesha LeRand's passing, Melissa motioned to hire Patty Carlson (resume emailed 4/24/2023 to all board members for consideration for training under Filiesha) as an Independent Contractor for the role of FFCA Office Manager for rate of \$25/hr. Leslie Leber 2nd, Britney Young voted yes. Mack abstained. Motion carried.
- o Melissa made a motion during special meeting on 4/17/23 to move forward with used KB040-4 excavator pending successful inspection by Peter Watson. Leslie 2nd .
- Britney Aye. Mac, No. The motion carried. (Motion and vote since canceled, topic postponed, see above)
- o Mac motioned on 4/17/23 to purchase attachment for tractor pending successful test. Britney 2nd, All in favor, the motion carried. (Successful test not completed, vote canceled/postponed, see above)
- o Motion May 31st to accept Amy Campbell's application to the board. Melissa made the motion, Leslie 2nd it, Mac abstained, motion carried.
- o Motion May 31st to accept Brittany Young's resignation. Melissa made the motion, Leslie 2nd it. All in favor, motion carried.
- o Motion to elect Amy Campbell as FFCA Treasurer. Melissa made the motion, Leslie 2nd it. Amy, Aye. Mac, Abstain. Motion carried.
- o Melissa made the motion to replace the rusting out office screen door with a security screen door. Leslie 2nd, all in favor, Motion carried.

OPEN DISCUSSION PERIOD

Melissa made note that this was Mac's 2nd consecutive missed meeting. Amy Campbell had reached out to Mac with specific instructions on how to attend by phone as well as Melissa by phone, text and email as well.

EXECUTIVE SESSION

- o Melissa made motion to go into executive session. Amy 2nd the motion. All in favor, motion carried.

RESULTS OF EXECUTIVE SESSION:

Motion Made:

- o "Due to chronic, inappropriate discussions with various members of the public relating to the board business and chronic misrepresentation of facts and board business

during those outside discussion, motion to remove Mac Castillo of all responsibilities and titles including that of VP, Road's Liaison, and all Subcommittees other than ICD (Identify Community Issues i.e. Abandoned Vehicles and Dumps Sites)" Motion was seconded, all attending board voted in favor. The motion carries, effective immediately.

The Motion carries, effective immediately.