



Kalapana Seaview Estates Community Association

KALAPANA SEAVIEW NEWS



Uncle Robert Keli'ih'o'omalua sings at the dedication of Kalapana Seaview Estates' new park pavilion.

Pavilion, Garden Mark a Year of Accomplishment

BY GARRY HOFFELD, KSECA PRESIDENT

Kalapana Seaview Estates, locally known simply as "Seaview," has survived many controversies in recent years. However, the Board Members have always been concerned with developing and maintaining our jointly owned parks. The yearly dues have been low and the budget balanced appropriately. Most of the day-to-day operations have been done by volunteers (usually Board Members). We have contracted the part-time help of a bookkeeper/office manager, Monica Devlin. She has been with us for seven years and knows more about Seaview's current activity and its history than anyone. This year, by moving from employees to independent

contractors for maintenance/groundskeeping and office services, we expect to save over \$3,100 dollars.

From the outside, it may be easy to underestimate the work performed by our volunteer Board and the effort each of us contributes. As your President for the last year, let me assure you that we put in a lot of time in your service.

The current Board represents owners and residents very well. As a new resident of Seaview and an absentee owner since 1991, I have a good understanding of the concerns of residents as well as of non-resident owners. However, the only way we can truly *(Continued on p. 3)*

General Meeting is a Great Time to Visit

The 1999 Association General Meeting is scheduled for **noon on Sunday, March 21, 1999**, at Seaview's newly finished park pavilion. Come visit with neighbors and hear the latest update on association business. It will be a great opportunity to see the improvements in your community, meet your Board and neighbors and have your voice heard. The full Board and most residents will be in attendance.

The weather is great in Hawai'i during March. Low season discount vacation rates are widely available then. The Board would like to encourage off-island members to visit Hawai'i during this year's AGM.

This year an *official proxy form* is printed on the back of the 1999 billing statement. If you cannot attend in person, please consider returning your proxy form assignment to someone who will attend and vote your preferences. Be sure to fill the proxy form out completely and mail it to the office by the deadline of 4:30 p.m., March 18, 1999. This year's election of officers will be for 2nd Vice President and Secretary.

The following by-law provisions will also be voted upon:

1. *Delete* last paragraph of Article II, Section 2 ("Voting Rights"). *Replace with:*

A member may vote in person or by proxy. Any person or the board may exercise a proxy.

A proxy, to be valid, must be for a specified meeting or any adjournments of that meeting; be delivered to the secretary no later than 4:30 p.m. on the second business day prior to the meeting for which it pertains; and

A. Contain at least the name of the Association, the date of the meeting of the association, the printed name and signature of the person or persons giving the proxy, the unit or units for which the proxy is given, and the date that the proxy is given; and

B. Contain boxes wherein the owner has indicated that the proxy is given:

- (1) For quorum purposes only;
- (2) To the individual whose name is printed on a line next to this box;
- (3) To the board of directors as a whole and that the vote be made on the basis of the preference of the majority of the board;
- (4) To those directors present at the meeting and the vote to be shared with each board member receiving an equal percentage.

2. Add a new section entitled "Annual Newsletter":

The association shall send each member an annual report, containing the treasurer's report; the date, time and place of the Annual General Meeting; a report of activities, development, committees and news in general concerning all major events in the Seaview subdivision

that had occurred in the previous year; the annual assessment dues with an enclosed return envelope; and complete voting information.

3. Replace the phrase "financial review and/or audit" in Article 1, Section 4, paragraph "H" with "financial overview and/or audit."

4. Replace Article V., Section 2, "Contracting," with the following: "The Board shall have the power to contract with contractors and/or persons as it determines qualified to provide materials, services, etc., to the association, but any such contract shall be an independent contractor agreement and not a contract of employment."

The proposed by-law changes can be explained as follows:

1. This is needed to conform KSECA's By-Laws to state law requiring that any person may exercise a proxy, and imposes technical requirements on proxies.
2. This would specify the minimum contents of the annual newsletter
3. This would allow a less expensive form of financial checking.
4. This would forbid KSECA from hiring employees. It could still hire independent contractors.

"A Reflection of the Community"

by DUANE CARIAGA
KSECA SECRETARY

Hauoli Makahiki Hou! It has been a pleasure serving as your Secretary this past year. It has been a most enjoyable, though sometimes challenging, experience for me. The changes are most promising, and we are well on our way to a more harmonious New Year. As you may know, our Board Members are working hard and hanging in there. We are most definitely a team that never gives up, and will continue on with doing just that. With all the help from property owners, as well as residents, we can all work hard in showing growth throughout the upcoming year.

We also are glad to announce the opening of our new pavilion. I ask all of you to keep in mind that our pavilion will act as a reflection of what kind of community Seaview really is. Please take care of it as if it were your own home. Beautification throughout the year should be in everyones mind, and I encourage residents to get involved in the planning process for our community. Mahalo from the Board and wishing you and yours a safe and healthy New Year.

Year of Accomplishment,

Continued from page 1

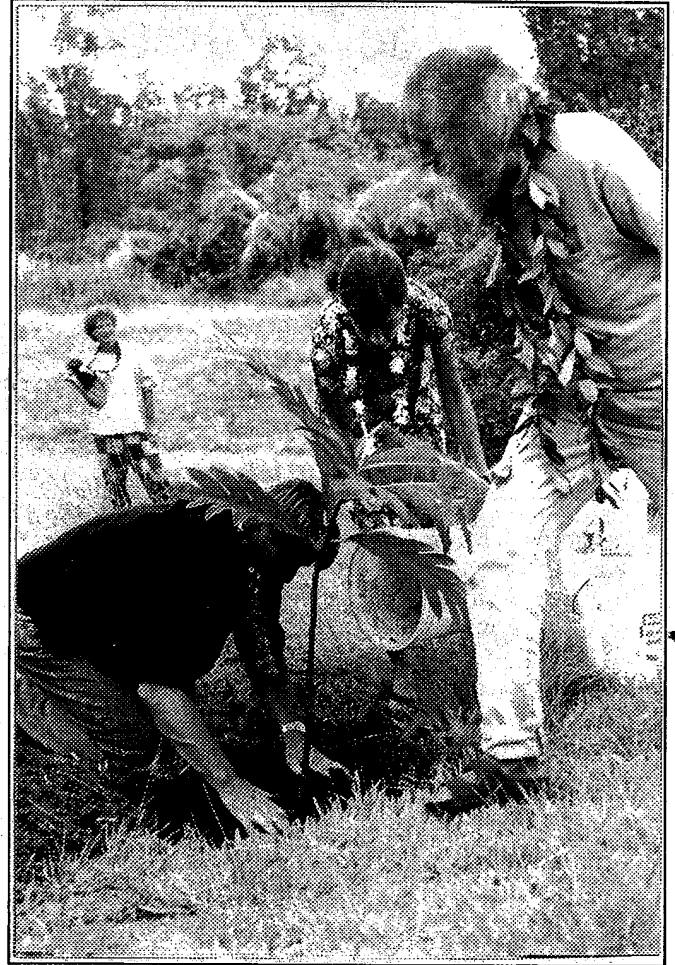
represent the needs of all owners is through your comments.

This year, thanks to the hard work and efficient money management of past boards, we were able to construct our long-awaited 32'x50' park pavilion, including two handicapped-accessible bathrooms and a 10,000 gallon water catchment system. The water will help the community in draught times and allow us to develop the island's first permaculture-based community garden. Our treasurer, Lisa Bartoletti, was personally responsible for the complex series of events leading to obtaining our County Building Permit.

Construction is now substantially complete. On December 31, 1998, the pavilion was officially dedicated to Seaview's owners and residents. Uncle Robert Keli'ihō'omalū, Sr., *kupuna* and beloved community leader, presided over the ceremony, which included a *pule kakou* (blessing) and placing of the maile garland. A time capsule with a list of owners and past boards as well as local memorabilia was sealed in the stone perimeter wall. We also planted an *ulu* (breadfruit) tree. This pavilion and the community garden increase the value of our investment in Seaview.

Kalapana Seaview Estates Community Association (KSECA) has been charged with maintaining and improving our parks since 1991, following the bankruptcy of Kalapana Seaview, Inc. (KSV, Inc.) In compliance with the mandated sunset clause of the deeded covenants, KSECA will cease to be a mandatory obligation to property owners on December 31, 1999. As owners, we need to be concerned with the future maintenance and liability of our parks, and how this decision will affect the value of our investment in Seaview. Two possible options are (1) Donate our parks to the County, or (2), establish KSECA as a voluntary membership association to continue managing our parks. I favor voluntary membership and feel it will insure better control of this valuable asset to our community. The Board is interested in your comments.

Current volcano activity is just 10 miles away. The day-to-day changes in the flow are easily observable and feel invigorating yet safe. The sun rising from the deep blue ocean each morning and an abundance of rainbows are regular reminders of the wonder of nature. Playful dolphin pods and migrating whales further enhance the magic of our black sand beach. Though we now have grid electricity available, sunny days provide plenty of free, clean solar electricity to many residents. We also have sufficient rainfall to keep our catchments full. The unique beauty of the *'aina* (land) is obvious everyday. We hope you find this newsletter interesting and informative. *Mahalo Nui Loa.*



Garry Hoffeld, Lisa Bartoletti and Greybeard plant an *ulu* (breadfruit) tree at the dedication of Seaview's new Pavilion

Garden is Resource for Whole Community.

BY MARK PISTOLESE
2ND VICE-PRESIDENT

Now that our pavilion is up and being used, we are sowing the seeds, literally, of our community garden. With the water tank and gutters installed, we are now collecting water. We are also clearing several large areas for the planting of long-term perennial vegetables and trees. In addition to the staple foods like breadfruit, bananas and avocado, we will be planting cassava, pumpkin, citrus, abiu, figs, spinach tree, and other plants that people want to grow that will fit into some of our excess parkland. The goal is to create a large, fruitful area of sustaining foods, to be shared among the community. This project will utilize volunteer labor, seedlings and top mulch. Everyone is encouraged to contribute as they see fit.

Mr. Rocco Pursues Another Lawsuit Against KSECA

Mr. Pat Rocco has sued the Kalapana Seaview Estates Community Association again.

You may remember that Mr. Rocco, a member, had filed an earlier lawsuit against KSECA in July, 1997. The gist of the suit was his displeasure at not having been able to make the local membership accept the results of his **unofficial** mailing, which polled primarily non-resident members on five proposed changes in the Association's By-Laws. (According to the By Laws, members must be notified 30 days in advance of the Association's General Meeting (AGM) regarding anything to be voted on at the meeting.) Mr. Rocco did not share his mailing with the Board nor with most of the resident members. Mr. Rocco eventually withdrew this lawsuit.

Two days before our April 1998 AGM, Norma Ream, President at that time, was presented with a second lawsuit. This time it was filed in the correct court and prepared by Mr. Rocco's attorney. The same five points are the main theme of this lawsuit.

It is important to note that Mr. Rocco was offered an opportunity in November of 1997 to re-write his by-law changes to be checked by our attorney for proper wording. Under the offer, Mr. Rocco would have been given the opportunity to make any necessary changes himself. The proposed changes would then have been published in last year's newsletter. Mr. Rocco refused the offer. Publishing the proposed by-law changes would have ensured proper procedure and brought them to a vote before the entire membership at the April meeting.

The current status is that Mr. Rocco's new lawsuit has been tallying more legal fees than the last suit. None of these costs will be covered by insurance. Our current President, Garry Hoffeld, went to mediation with Mr. Rocco in early November, 1998. No resolution could be reached, as Mr. Rocco's demands on the Board were technically illegal.

Mr. Rocco stated that he would consider dropping the lawsuit if the Board immediately agreed to the following: (1) Amending the By-Laws to include suggested changes without putting them to the membership for a vote. (2) Dismissing Stanley Lathers as First Vice President and appointing himself to this position. (Mr. Rocco has never won an election to any office of KSECA) (3) Paying his legal fees (approximately \$4,000 at that time. (4) Publishing thanks

and an apology in the local newspaper and in our newsletter.

On January 26, the court dismissed a major part of the case for lack of merit. There is a good chance the remainder will also be dismissed. However, Mr. Rocco continues to add new allegations, prolonging this costly process.

Mr. Rocco is not requesting monetary damages in the lawsuit, except to demand that the Association assume his legal expenses and the cost of his personal mass mailing. Feel free to contact Mr. Rocco and urge him to drop this lawsuit. There is nowhere for it to go, and our attorney gets *your* money.

-Norma Jean Ream, Garry Hoffeld

Community Spirit Needed for New Millennium

BY STANLEY LATHERS
1ST VICE PRESIDENT

Hi. Stan here. Life is good here. Seaview has been growing fast for these last few years. We have had new volunteers in our park development. Things are coming along great! The community spirit is strong, and we will need it, since our mandatory fee charter expires on December 31, 1999, and a new, all volunteer organization may be taking over our parks in the new millennium.

The pavilion is up! We have a well-planned community garden project in progress. The State Intake Service Center is sending us help for our park maintenance, which will be a valuable resource for upcoming times.

Survey Tallies Seaviewer Lifestyle

A recent drive around Seaview revealed an unofficial survey of the subdivision. There are 85 houses in more or less complete condition—that is, they are livable with no obvious sign of current construction. About half of these are traditional in design and material. The other half are more creatively constructed. There are an additional 16 alternative-style living structures (i.e., structures with found and natural materials). Six more homes are under construction, for a total of 107 living spaces. An estimated 185 men, women and children lay claim to 148 vehicles, six buses and 60 dogs.

-Cyd Makamui Souza

Transition Committee Report

Millennium Marks End of Current Organization

"Happy New Year" is more than a seasonal greeting for the Transition Committee; it is its mission. As many of you know, the covenant that created Kalapana Seaview Estates Community Association, recorded in your KSE deeds, contains a sunset clause that disbands mandatory dues and membership of KSECA at midnight, December 31, 1999. The Transition Committee was created to research the options we have as a community to continue maintenance of our three commonly owned parks.

The County of Hawai'i (Big Island) Department of Parks and Recreation was queried earlier this year as to the process, if any, involved in turning our parks over to the county government of the Big Island to maintain and manage. The then-Department Deputy, who is now Director, was not very encouraging because of budget and personnel limitations. She also pointed out that the laws and regulations governing county parks were not created for subdivision parks. Residents have no control whatsoever as to scheduled events and appropriate improvements, which is a very sore point with residents of two much larger subdivisions whose parks are dedicated to the County. Any person or organization can reserve county park facilities for parties, events, etc., and residents would be put out of the loop entirely. For our remote, rural, oceanside community, this would definitely prove to be undesirable. Since all Seaview lot owners hold a deeded interest in common in the parks, every single lot owner would have to willingly deed that interest over to the County. This is probably impossible, given that there are 900+ lots.

There appears to be only one real workable option, which is to continue the operation of KSECA, funded by yearly voluntary donations from property owners and residents. Being a volunteer as opposed to a mandatory organization gives us some latitude to broaden input into this organization. For instance, we are considering membership to residents with more than three years' residence in Seaview who are not property owners (i.e., renters and caretakers) upon payment of yearly maintenance donations. The amount of the yearly donation would be reduced to \$25 per year per lot. A voluntary-membership structure will minimize record keeping and complicated bookkeeping procedures. The voluntary organization would follow the basic guidelines

of its predecessor in overseeing park maintenance, payment of property taxes, liability insurance, audits and/or financial reviews. "Keep it simple" is our motto.

This appears to be our most viable option at this time. Your comments are appreciated.

—Athena Peanut,
Transition Committee Chair

Hoffeld, Lathers, Bartoletti Elected at 1998 General Meeting

The 1998 Annual General Meeting was held on Sunday, April 26, 1998 at Seaview's Keiki Park. President Norma Ream welcomed the approximately 40 residents in attendance and presented a brief synopsis of board activities of the past year. She then introduced Jon Olson, who acted as facilitator for the rest of the meeting. Norma expressed her appreciation for each board member individually and presented the board members and Olson with leis.

Secretary Duane Cariaga reported on the minutes of last year's general meeting, and Treasurer Lisa Bartoletti reviewed the 1997 Year End Financial Report (which was also printed in last year's newsletter). With almost \$27,000 in the building fund, Lisa went on to give an update on the building plans for the park pavilion which was expected to be finished this summer with the help of professionals and volunteers.

Neighborhood Watch Committee member Joyce Folena expressed the importance of being alert and observant of any unusual vehicles or persons in the community.

There was no new business.

Elections were held. **Lisa Bartoletti** was named **Treasurer** by acclamation, **Stanley Lathers** was elected **First Vice President**, and **Garry Hoffeld** was elected **President**.

—Monica Devlin, Staff Secretary

Treasurer's Report

Volunteer Effort Saves \$\$ on Pavilion



Volunteers work on the roof of Seaview's new park pavilion.

—Garry Hoffeld

Our new community park pavilion, including handicapped-accessible restrooms, is shaping up beautifully. Thanks to all the volunteers who have worked tirelessly each Saturday (and sometimes Sundays), we have saved approximately \$15,000 in construction labor costs. The timely collection of subdivision dues and the Board's excellent management of these funds have made it possible. Your Board is truly motivated to improve the quality of life and property values in Seaview.

Here is an approximate breakdown of the pavilion/restroom costs to date: **Lumber and Materials:** (Manufactured trusses, roofing, concrete, siding, paint, bolts, etc.): \$17,500. **Permits, Contracts, Services:** (Cesspool installation, plumbing, gutters, 10,000-gallon catchment tank, contractor's fee, building permit): \$6,500. **Refreshments** (for all volunteers; this includes a lunch, such as sandwiches, chips, soda, iced tea, and cookies): \$700.

The commendable pavilion effort has taken place nearly every Saturday since July, 1998. Additional volunteers are always needed.

—Lisa Bartoletti

Puna Fire Department Responds Quickly

Residents noticed a brush fire in Seaview's entrance park at 10 p.m. on New Year's Day, 1999, and called the County's 911 operator. Within 15 minutes, the first of three fire/rescue vehicles arrived. The fire was quickly extinguished. Its cause has not been determined. Due to community awareness and action and the Fire Department's efficiency, no major damage occurred. *Mahalo* to all involved.

Kalapana Seaview Estates Community Association

1998 KSECA FINANCIAL REPORT

INCOME & ASSETS

Checking and Savings	5,482.09
Maintenance Fees	38,323.00 *
Building Fund (Savings)	6,680.45
TOTAL	50,485.54

EXPENSES

Bank fees	12.25
CPA-Attorney	2,774.07
Fees Maintenance Refunds	494.00
Gas & Oil	289.90
Insurance - Liability	1,114.11
Land Taxes	75.00
Maintenance	1,208.46
Misc.	5.00
Office Expenses	1,060.61
Social Committee	200.00
Subdivision Improvements	24,661.06
Utilities	735.44
Wages-Maintenance	6,096.35
Wages-Office	5,317.00
Workers' Comp	544.00
Wages-IRS Withholding	2,367.60
Wages-State Withholding	576.00
Wages-Unemployment	211.20
TOTAL EXPENSES	47,742.05

OVERALL TOTAL 2,743.49

*(includes \$10,000 transferred from building fund)