

**HVLA Board Meeting Minutes
22 June 2016**

1. Call to Order: Gerard Daly (Lot 143) called the meeting to order at 7:05 PM

2. Roll Call: Gerard Daly conducted a roll call of the HVLA Board:

Board Members:

President	Gerard Daly	PRESENT	Lot 143
Vice President	Thomas O'Loughlin	PRESENT	Lot 4
Secretary	Martin Apprich	PRESENT	Lot 50
Member / SID Liaison	Gene Kloewer	PRESENT	Lot 14
Treasurer	Richard Kuper	PRESENT	Lot 30
Election Committee	Tom Strigenz	PRESENT	Lot 5

3. Approval of minutes from last meeting: Martin Apprich (Lot 50) read a summary of the minutes from the HVLA Annual Meeting conducted on 6 June 2016.

4. Reports to the Board:

a. President's Report. Gerard Daly (Lot 143) addressed the HVLA Board regarding a number of questions that had been raised at the Annual Meeting. Gerard stated that he had forwarded the questions to the HVLA attorney, Farnam & Simpson P.C., L.L.O . On 22 June 2016, the attorneys sent a written response which Gerard forwarded to the other members of the HVLA Board. Gerard reviewed each of the major points in the written response. Gene Kloewer (Lot 14) raised a question related to the Nebraska Revised Statutes which the written memorandum references. He asked why the attorney referenced the Statutes and not the HVLA Covenants. Gene stated that the HVLA did not have to follow Nebraska Law. Martin stated that was not correct, the HVLA is incorporated in the State of Nebraska as a 501.c.(3) Non-Profit Corporation and as such HAD to follow Nebraska Law. Gerard stated that the HVLA Covenants weren't the correct document to reference; rather, the HVLA Bylaws. Martin Apprich (Lot 50) stated that because HVLA is incorporated in Nebraska it is bound to follow Nebraska Laws, Gene persisted in his argument that the HVLA bylaws and covenants superseded Nebraska Law. Gerard stated that the Board is bound by Nebraska Law, the attorney's memorandum clearly stated that and that this will be posted to the HVLA website. Gene said he would also place the information on Nextdoor.com; Gerard said no, the proper location would be on the HVLA website. Gerard Daly asked for an update to the placement of the Molokai Buoy. Martin stated that it would be in place this week.

a. Treasurer's Report. Rich Kuper (Lot 30) as the newly appointed Treasurer reported that he had visited American National Bank in order to obtain access to the HVLA account.

b. SID 97 Report. Gerard reported that the SID had contacted him regarding the past due lease payments. Gerard will be contacting the SID to ensure the matter is resolved.

5. Committee Reports

a. The Social Committee. Erin Daly presented a report to the Board on upcoming

Social Committee activities. There will be a Poker Run on 3 July 16 (4 to 7 PM), Boat Parade (7-10 PM) and the fireworks display at dark. There will be a flier circulated that will summarize all upcoming 4th of July activities. The Annual Luau will be on 27 August 16 at the community beach.

b. Architectural Committee. No business to report.

c. Lake Quality Committee. No business to report.

d. Safety Committee. Gerard Daly asked Tom O'loughlin to report on the status of the safety committee. Gene Kloewer stated he volunteered to help set up the Safety Committee and that Don Schense (Lot 112) volunteered to head the Safety Committee. Gene stated that he had three names of residents volunteering to be on the committee. Gerard stated that Tom O'loughlin had already started to organize the committee. Tom asked that Gene provide him with the names of those interested. There was discussion on how Tom was designated to work on the Safety Committee. Gerard stated that he had previously asked Tom to help assemble the names of those interested in forming the committee. Discussion ensued. Tom stated that the following residents had indicated an interest in volunteering for the committee: Chris Eckler (Lot 9), Don Schense, Ruth Evangelisti (Lot 98) and Cynthia Stastny (Lot 1). Discussion ensued regarding the purpose of the committee and its functions. Gerard discussed that the HVLA Board already has a set of forms to be used for the reporting and disposition of incidents and accidents. Tom led the discussion which included actual duties and responsibilities that the committee would be responsible for. The HVLA Board agreed that a five-member committee would be an appropriate size. Discussion ensued regarding if a Board member should be on the committee. Discussion ensued regarding the frequency with which the committee reported its activities to the Board. The distribution of Bylaws, Boating Regulations, and Safety Rules was discussed. Gerard stated that there were a few new residents that had not been provided these, and that these documents are currently available on the HVLA website for all to review and download as needed. Tom Strigenz (Lot 5) also provided an update on the new resident welcome materials.

A safety discussion continued following the debate on the July 3 no wake vote. Discussion centered on what were the genuine safety concerns that are driving the desire for no wake. Tom stated that the last time Nebraska Game and Parks Commission ran an enforcement action on the lake the majority of offenses were not speed-related; having a current registration certificate on board, number of life jackets and other offenses prevailed.

e. Fish, Fowl, and Wildlife Committee. No business to report.

f. Boat Inspection/Stickers. Gerard opened a short discussion related to Hawaiian Village Lot Number stickers on boats. One side, or both sides of the watercraft was discussed. Rich discussed the language that is posted on the HVLA website contradicts what is written in the covenants. The HVLA Board voted for and approved a motion that the standard for stickers is two stickers per motorized watercraft one each on port/starboard aft end of the boat. Residents will be asked to ensure they are in compliance next year.

g. Parks and Recreation Committee. No business to report.

h. Neighborhood Watch. No business to report.

6. Open Business:

a. Open Discussion Item. An open discussion started regarding Gene’s communications on Nextdoor.com. Gene stated that the HVLA Board was not responsive to resident comments and questions on Nextdoor.com. Gerard and Tom both stated that Nextdoor.com is not the official communication medium of the HVLA Board. On numerous occasions, Gerard advised Gene that he is to only post HVLA matters to Nextdoor.com that have been approved to be posted. All documents are to be posted to the HVLA website. Gene stated that “the people” in Hawaiian Village want to be heard. Tom asked who Gene was referring to when he states “the people,” stating his understanding after reviewing email messages he had received amounted to less than 10% of the residents. Gene stated that he had over one-hundred signatures on a matter he and Rich would like to present to the board. (See New Business Item 7.a.)

b. Community Beach Conditions. No business to report

c. Invasive Species and Zebra Mussels. No business to report.

d. Lake Water Testing. Gerard provided an update on lake water testing. Water samples had been taken and sent to the lab. As of this meeting, the lab had not released the results.

e. Dues Collection. Gerard provided an update on the status of dues collection. As part of the discussion on dues collection, Gerard Daly presented an analysis of dues history since 2009. Since that time Association dues had not been raised since 2012 – reflecting 5 years of no increases. By majority vote (electronic) the Board agreed that 2017 dues should be raised. Martin further provided the following analysis:

Let's assume the HVLA Board had increased dues 10% in 2013, and continued to raise it 10% each year since then. The following WOULD HAVE BEEN the dues amount:

Year	Dues (Actual/Notional)
2012	\$165 Actual
2013	\$181 Notional
2014	\$199 Notional
2015	\$219 Notional
2016	\$241 Notional
2017	\$265 Notional

So for 2017 consider \$185, the amount a MAJORITY of the HVLA Board voted to increase, versus \$265 had we raised each year. In 2012, The Board at that time voted NOT to increase the dues for that year and several more due to increased property taxes related to the SID road improvement project. These facts were clearly entered into the Board's official records.

f. Boat Storage Lot: Gerard opened a discussion about the status and condition of the boat storage lot. He stated that there were some boat trailers (Lot 63) parked in the lot that are blocking access to other trailers. Gerard reviewed past discussions and issued related to the storage lot. He stated that it appears items are again parked there that should not be there. Gene volunteered to lead an effort to review the items stored in the lot. Inspection items that Gene will review: Lot Stickers, State Registration stickers, unauthorized items, and trash.

g. Community Beach Repair: Gerard provided an update on beach repair activity.

7. New Business.

a. No Wake – 3 July 2016. Gene Kloewer introduced a new business item related to the upcoming 4th of July weekend activities. Specifically, he stated that “a lot of people would like to see a no-wake on July 3rd ...” He stated that he had initiated a petition and had obtained 93 signatures and that he believed that he could obtain several more signatures. Gene stated that this clear majority of people wanted a no-wake boating condition, just like last year. Gerard stated that the no-wake was imposed last year due to high-water and not a deliberate action meant to curtail boating. Gerard, Martin and Tom all asked Gene why this petition was never brought to their houses. Gerard and Tom asked why this matter was not first presented to the HVLA Board as an order of business.

Side Issue Discussion: Gene stated that he didn’t believe he needed to present this item to the Board first because the Board doesn’t act legitimately anyway. An argument ensued about the scheduling of regular meetings. Gene stated that when he was on the Board last time, they had regularly scheduled meetings every month that people could come to. Tom and Gerard stated that this is not the board of 21 years ago. Times have changed and the current HVLA Board members are busy and may not have the time to meet as frequently as the board did back then. The use of technological advances in communications and collaboration technology make is possible for governing bodies (governments and this Board for example) to collaborate and make decisions; email, text messaging, cell phones all enable 24/7 collaboration. Gene stated that you only needed three members to conduct a meeting. Gerard stated that he had email records to document several months where not even three board members were available at dates and time he proposed. So yes, meetings had not been as frequent as maybe they had been in the past, but it was not for lack of trying. Gerard stated that HVLA Boar members are volunteers; decisions still get made in accordance with the By-Laws as far as obtaining a majority vote on issues that require a vote. Tom reminded Gene about the recent attorney’s memorandum that clearly stated monthly meetings were not required nor directed in the by-laws.

Gene returned the discussion to the order of business related to no wake on 3 July. Gene discussed a possible compromise which would allow for open boating until a certain time, and then impose a no-wake condition later in the day. Gerard and Tom asked for a clarification on the terms the petition was asking for. Gene responded that the petition was asking for a no wake condition all day. Martin briefly reviewed the petition and stated that for this petition to be considered valid, it needed to be checked against the requirements set forth in the By-Laws, i.e. resident status by lot number (one lot-one vote) and whether or not the lot resident was in good

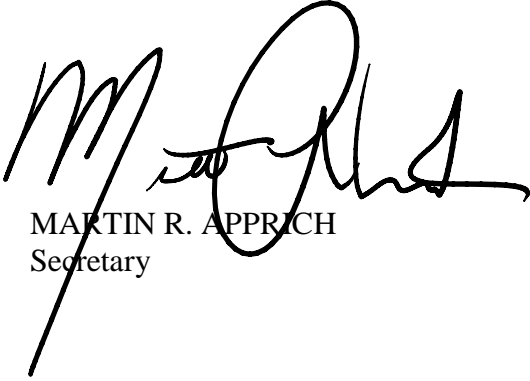
standing (dues paid, no outstanding liens, etc.) Gene again stated that he speaks for the people of Hawaiian Village and this “no wake all day” is what they want. Martin stated that since the board has been presented a petition, it must be validated. Gene responded that the petition did not need to be validated. Discussion ensued. Gene again restated that he was representing the people of Hawaiian Village and no-wake is what they want. Gerard stated that the petition will be checked, that the board wasn’t just going to act based upon the presentation of this document and Gene’s statement that “he speaks for the people” of Hawaiian Village. Martin stated that given his experience in reviewing the results of past elections, and the juvenile, derogatory comments that were handwritten on election ballots regarding HVLA Board nominees and given the unprofessional manner in which this petition was presented to the board, the HVLA Board was justified in reviewing the petition. Further discussion ensued regarding how to handle the petition and whether or not the petition represented a majority of the residents. Discussion regarding the number of signatures presented on the petition resumed. 93 signatures were obtained; 172 lots have lake access (out of 190 total). Article III, Section 12 is the relevant section that deals with reversing an action of the Board. That section requires 25% on a petition and the 2/3 of all residents to approve. Debate centered on the purpose of the petition. If the board had voted on the measure it would have been 3-2 and in order for the decision to be “referred” then the provisions of Article III, Section 12 would apply and the total number of votes to overturn would be 127 (2/3 of 190). Gene was upset that Gerard, Martin, and Tom were applying the By-Laws to this matter. Rich stated that his understanding was that the petition was not intended to be a formal petition to the HVLA Board, rather a means to get the issue before the board. He stated that in his opinion, the petition indicated “significant interest” in having no wake on July 3rd. At this point, Gene Kloewer made a motion to take a vote. The vote was 3-2 against no wake for 3 July. Gerard and Tom stated that they wanted to review the petition in detail and Martin concurred, before another vote was taken. Discussion ensued regarding a compromise. Rich asked the question: how would the board have voted if the petition had not been presented? Gerard and Tom stated that the board is constantly under criticism for not following procedure and Gene and Rich themselves are stating that procedure is not necessary. The majority’s chief concern with the petition was that members should only be recognized while in good standing. Another vote will be forthcoming after the petition is reviewed in the coming week. Gerard closed this issue by asking Gene to better communicate with the other HVLA Board members.

b. HVLA Board Elections. The status of the election was reviewed by both Gerard Daly and Tom O’Loughlin. Tom reviewed the actions and discussions that occurred at the Annual Meeting. Tom stated that there was not a quorum of residents present at the Annual Meeting, so an election at that time and place was not possible. A mail-in ballot was the only possible way to ensure that each resident had an opportunity to vote. Gene Kloewer agreed with the mail-in process. Gerard reported that the ballots should be mailed out this week. Gene stated that he will post an update on Nextdoor.com. Gerard stated that the Election Committee will be headed by Tom Strigenz (Lot 5). He also stated that he and Tom O’Loughlin will verify the results. Tom Strigenz stated that when all of the ballots are in, he will contact Pat Carl (Lot 181) and Jeannie Koziol (Lot 118) and arrange a time and place to count the ballots.

8. Other Business. No other business was raised.

9. Motion to Adjourn was made at 8:21. A notice to Board Members regarding the next scheduled HVLA Board Meeting will be announced following research stated above is completed.

OFFICIAL:

A handwritten signature in black ink, appearing to read 'M. Apprich', written over the printed name and title.

MARTIN R. APPRICH
Secretary

Enclosure

HVLA Dues history from 2009 – 2017

Year	Amount	% increased
2009	\$121	
2010	\$133	10%
2011	\$147	10%
2012	\$165	12%
2013	\$165	0%
2014	\$165	0%
2015	\$165	0%
2016	\$165	0%
2017	\$185	12%