

**SPECIAL ASSOCIATION MEETING  
VILLAGES OF KAPOLEI ASSOCIATION**

Wednesday, February 1, 1995  
Makakilo Elementary School  
Makakilo, Hawaii

**ROLL CALL**

President John Atchison stated that Section 1.09 of the By-Laws of the Villages of Kapolei Association specify that a quorum exists when there is present at any meeting, in person or by proxy, at least 25% of each class of membership. He announced that a quorum was present and called the meeting to order at 7:05 p.m.

(Class "A" membership present in person or by proxy: 522 of 1227)

(Class "B" membership present in person or by proxy: 309 of 865)

**PROOF OF NOTICE OF MEETING**

A notice of the Special Association Meeting was sent to all owners of record on January 17, 1995. A copy of that notice and the certification of mailing will be made a part of the special meeting file.

**INTRODUCTIONS**

President Atchison introduced the Board members: Vice President Delta Westcot, Vice President Peggy Kerby, Secretary John Connell, Treasurer Steve Yonemura and Directors Cookie Kim, Tom Otake, Pat Souza and Ken Kamimura; Guests Terri Tomimoto, Office Manager, and Anne Anderson, Attorney for the Association.

**PARLIAMENTARY AUTHORITY**

President Atchison noted that if there were no objections, the most recent edition of *Robert's Rules of Order, Newly Revised*, would be the governing authority for this meeting and in any instance not covered by any State law, or the Association's Declaration of Covenants, Conditions & Restrictions, Articles of Incorporation, or By-Laws. Since there was no objection, the meeting was governed accordingly.

In order to accomplish our business fairly, President Atchison asked for assistance in following several customary rules:

1. No smoking will be allowed in this room. If you must smoke, please do so outside.

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2. This meeting is a private meeting and is restricted to attendance by owners, proxy holders, employees of the Association, representatives of the managing agent, and other individuals who have been invited by the Board.
3. If you desire the floor, please raise your hand and be recognized by the Chair, then state your name and lot number for the record.

Hearing no objections, President Atchison stated that these rules would be adopted.

**APPOINTMENT OF TELLERS**

President Atchison asked for volunteers to act as Tellers for the purpose of certifying any ballot count at this meeting. The following volunteers were appointed: Ms. Marieta Ferrer, Lot #5508, and Mr. Ron Diaz, Lot #4142.

**ORDER OF BUSINESS**

**Amendment of the Association Documents**

A motion was made by Jack Houtz, lot #1192, and seconded that the following provisions of the DCC&R's, Article of Incorporation and the By-Laws of the Villages of Kapolei Association be amended as shown in the text of amendments included with the notice of meeting.

**Amendment 1** -- Article V, Section 5.02(h) of the DCC&R

**Amendment 2** -- Article V, Section 5.04(d)(3) of the DCC&R

**Amendment 3** -- Article VI, Section 6.03 of the DCC&R

**Amendment 4** -- Article VII, Section 7.05(f) of the DCC&R

**Amendment 5** -- Article VIII, Section 8.06(a), (b), (c), (d), (e) and (f) of the DCC&R

**Amendment 6** -- Article VIII, Section 8.03 of the DCC&R--New Subsection

**Amendment 7** -- Article I, Section 1.09 of the By-Laws; Article IX, Section 9.01(b) of the DCC&R; Article XV of the Articles of Incorporation; and Article X, Section 10.01 of the By-Laws

**Amendment 8** -- Article II, Section 2.02 and New Section of the By-Laws

**Amendment 9** -- Article II, Section 2.05 of the By-Laws

**Amendment 10** -- Article VI, Section 6.01, Article VI, Section 6.06, Article VII, Section 7.04(e), Article V, Section 5.07(h), Article VI, Section 6.02, and Article X of the

DCC&R; Article IV, Section 4.01(d) of the By-Laws; and Article XVI, Subsections (v), (w), (x), (y), and (z) of the Articles of Incorporation)

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**Amendment 11** -- Article III, Section 3.01, Article V, Section 5.09, Article VII, Section 7.02, Article VIII, Section 8.03(d), and Article VIII, Section 8.05 of the DCC&R; Article I, Section 1.01(b)(1) of the By-Laws; and Article VIII of the Articles of Incorporation -- And Global Amendment of DCC&R, By-Laws, and Articles of Incorporation Related to References and Provisions Dealing with Commercial Lots and Commercial Areas

**Amendment 12** -- Two New Provisions -- To be numbered by the Board upon Adoption.

After the motion was made, the Association's attorney, Anne Anderson, answered questions from the homeowners with regard to the proposed amendments. At the conclusion of the question and answer period, the body voted on the issues.

**EXPLANATION OF THE BALLOT**

President Atchison explained the ballot and the voting procedures. He explained that once the voting had taken place, the ballots were to be returned to the Tellers.

**CLOSING OF THE POLLS**

President Atchison asked if all who wished to voted had voted. Hearing no opposition, he announced the polls closed.

**RECESS**

The meeting was recessed at for the tallying of the ballots.

**RESUMPTION OF MEETING AND ANNOUNCEMENT OF RESULTS**

The meeting was called back to order at and the following results were read by the Teller:

<b><u>Amendments</u></b>	<b><u>Class A</u></b>			<b><u>Class B</u></b>		
	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Blank/ No Vote</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Blank/ No Vote</u></b>

1.00	473 (90.6%)	41 (7.9%)	8 (1.5%)	309 (100%)		
2.00	501 (96.0%)	12 (2.3%)	9 (1.7%)	309 (100%)		
3.00	488 (93.5%)	25 (4.8%)	9 (1.7%)	309 (100%)		

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4.00	467 (89.5%)	47 (9.0%)	8 (1.5%)	309 (100%)		
5.00	466 (89.3%)	47 (9.0%)	9 (1.7%)	309 (100%)		
6.00	485 (92.9%)	25 (4.8%)	12 (2.3%)	309 (100%)		
7.00	490 (93.9%)	22 (4.2%)	10 (1.9%)	309 (100%)		
8.00	502 (96.2%)	10 (1.9%)	10 (1.9%)	309 (100%)		
9.00	502 (96.2%)	11 (2.1%)	9 (1.7%)	309 (100%)		
10.00	502 (96.2%)	9 (1.7%)	11 (2.1%)	309 (100%)		
11.00	501 (96.0%)	11 (2.1%)	10 (1.9%)	309 (100%)		
12.00	499 (95.6%)	13 (2.5%)	10 (1.9%)	309 (100%)		

President Atchison announced that all amendments passed.

**ADJOURNMENT**

A motion was made and seconded to adjourn the meeting. The motion was adopted. The meeting adjourned at 9:15 p.m.

Submitted,

John Connell  
Secretary

Approved as to form: 4/12/95

Approved:

Date: \_\_\_\_\_