**Association of Apartment Owners of Maui Sunset**

**Board of Directors’ Regular 3rd Quarter Meeting**

**October 29, 2021, 9:00 a.m. HST**

**Meeting held via Zoom**

**DIRECTORS PRESENT**: Debra Flynn, *President*; Steve Meyer, *Vice President/Secretary*; Walt Smith, *Treasurer*; Perry Brassington, Ryan Bazant, Blain Nelson, Leslie Richardson, *Directors*.

**OTHERS PRESENT**: Kari Davis, *General Manager*

1. **CALL TO ORDER**

The President called the Board of Directors’ Regular 4th Quarter Meeting of the Association of Apartment Owners (AOAO) of Maui Sunset to order on Friday, October 29, 2021, at 9:01 a.m., HST. The meeting will be conducted according to Robert’s Rules of Order. Leslie Richardson will be taking the Minutes for the meeting.

1. **ROLL CALL AND DECLARATION OF A QUORUM**

The Chair did roll call and a quorum was declared with all members in attendance.

1. **NOTICE OF MEETING**

Mr. Steve Meyer certified that a Notice of Meeting and Meeting Agenda were sent to all owners and directors and posted on property earlier than required by Hawaii state law.

1. **APPROVAL OF MINUTES**

The minutes of the August 20, 2021, 3rd quarter Board meeting were circulated to the board.

**Motion**: *To* w*aive the reading of minutes of the August 20, 2021, 3rd quarter Board meeting.*

Walt Smith/Perry Brassington; **No** **Discussion. CARRIED** unanimously**.**

The President asked if there is any discussion or correction to the minutes.

**Motion**: *To rescind the resolution to impose a monthly charge on cars stored on Maui Sunset property effective November 1st based on legal counsel review and consideration.*

Leslie Richardson/Perry Brassington; **No** **Discussion. CARRIED** unanimously**.**

**Motion**: *To* *adopt the minutes of the August 20, 2021, 3rd quarter Board meeting and approve as amended.*

Perry Brassington/Debra Flynn; **No** **Discussion. CARRIED** unanimously**.**

1. **CONDUCT OF MEETING**

The meeting is being recorded using Zoom technology in order to comply with Maui County law limiting public non-family gatherings. The President reminded Owners of the Rules of Conduct that were adopted at the Q3 meeting related to owner participation. It was noted that owners wishing to speak will need to raise their hand in the Zoom application pending recognition by the President. Also, noted was that comments entered in the Zoom Chat room are not sufficient for floor recognition.

In the interest of time, the President requested board members limit their reports to highlight matters of importance or reporting any update since the report was drafted. We refer owners to the full reports available online at [www.mauisunset.me](http://www.mauisunset.me).

1. **OFFICER’S REPORT**
   1. **President’s Report:**

Debra Flynn presented highlights of the President’s report.

**Motion**: *To nominate Leslie Richardson to serve as Vice President for the remainder of 2021.*

Steve Meyer/Blain Nelson; **No Discussion. CARRIED** unanimously**.**

* 1. **General Manager’s Report:**

Kari Davis presented highlights of the General Manager’s report.

* 1. **Treasurer’s Report:**

Walt Smith presented a condensed Treasurer’s report.

**Motion**: *To adopt the proposed 2022 AOAO budget.*

Steve Meyer/Ryan Bazant; **Discussion ensued. CARRIED** unanimously.

* 1. **Secretary’s Report:**

Steve Meyer presented a condensed Secretary’s report, followed by the Communication committee report.

1. **COMMITTEE REPORTS** 
   1. **Amenities & Timeshare**

Blain Nelson presented highlights of the Amenities report.

* 1. **Building and Long-Range Planning**

Perry Brassington presented highlights of the Buildings and Security report.

Ryan Byzant presented highlights of the Long-Range Planning report.

* 1. **Grounds & Beach**

Leslie Richardson indicated the Grounds and Beach report stand as submitted.

* 1. **Rules & Regulations**

Debra Flynn presented the Rules & Regulation report.

**Motion**: *To adopt the following amendments to the House Rules establishing a Fines and Appeals process to support the 2008 Fine Schedule which will be incorporated into the House rules.*

*The Board of Directors may impose fines for violation of the Bylaws and/or House Rules. The Apartment Owners are responsible for payment of any fines imposed with respect to their Unit(s), or as a result of the actions of the Owners and Occupants. The schedule of fines will be found in the House Rules. The Board reserves the right to establish a new schedule of fines at any time.*

*The Architectural Review Committee (ARC) will deliver verbal or written warning to the offender advising of the alleged violation with a period to correct the issue. If issue is not corrected, the offender is sent violation letter #1 advising of a fine per month and each month thereafter that the non-compliance continues and given fifteen (15) days after receipt of this letter to remedy. If there is no remedy, violation letter #2 is sent advising of the commencement of the fine.*

*Appeal Process*

1. *On receipt of violation letter #1 or violation letter #2, an owner may appeal the violation by written correspondence to the ARC and the Secretary of the Board. The correspondence must state the reasons for the noncompliance with the Bylaws or House Rules in sufficient detail so that the ARC can make a reasonable determination. If the Owner agrees there is a violation has extenuating circumstances to justify the noncompliance, this needs to be addressed in the written correspondence. If the Owner determines that the violation will be corrected, the time for compliance should be stated.*
2. *The ARC may reduce, suspend, or cancel fine(s) after consideration of the appeal as described below. The ARC will email a written decision to the person making the appeal within 120 days of receipt of the notice of appeal.*
3. *Pending an appeal to the ARC, an Owner need not pay a fine and no lien shall be imposed on an Owner’s Apartment(s). Unless the ARC votes to reduce, suspend or cancel a fine, filing a notice of appeal shall not halt the accrual of any ongoing late fees or fines imposed for the offense which is subject of the appeal. An Owner may halt the accrual of additional fees or fines by paying the assessed amount when filing an appeal. If the Owner prevails in the appeal, the fines will be reimbursed after the written decision. If the Owner does not prevail, no further fines or fees will be assessed beyond those already remitted.*

Debra Flynn/Leslie Richardson; **Discussion ensued.**

**Motion to Table**: *Move to table the motion to a later date to allow further review.*

Perry Brassington/Walt Smith; **Discussion ensued.**

**Ayes:** Ryan Bazant, Steve, Meyer, Perry Brassington, Walt Smith, Blain Nelson, Leslie Richardson

**Abstain:** Debra Flynn

**Motion Carries**

**Motion**: *Amend House Rules to incorporate the establishment of an Architectural Review Committee with the following criteria:*

*Framework of Architectural Review Committee (ARC):*

*The ARC will consist of five (5) members, three (3) Apartment Owners and two (2) Board members, the Directors of Grounds and of Communications. The Owners appointed to the Committee will serve for a one (1) year term subject to two (2) extensions for a maximum three (3) year term. The President of the AOAO Board will annually appoint or extend Owner members to the Committee.*

*The ARC will report all design or architectural changes to the Board of Directors. While the Board will consider recommendations made by the ARC, the Board is responsible for making all design decisions on architectural changes and/or compliance with House Rules and Bylaws.*

*Duties and Responsibilities:*

*The ARC will be responsible for reviewing design applications and making recommendations to the Board relative to the requested changes. In the course of performing these duties, the ARC may consult professionals (i.e., engineers, architects, etc.), subject to Board approval of any fees associated with the consultation. The ARC is also authorized to interact with Owners as is necessary in the course of executing its duties and responsibilities. The ARC will present its recommendations to the Board in writing, including any supporting documentation from outside sources.*

*The Board reserves the right to eliminate the ARC at any time. The Board also reserves the right to change the framework and/or duties and responsibilities of three ARC at any time.*

Debra Flynn / Steve Meyer; **Discussion ensued. CARRIED** unanimously.

**Motion**: *Move to amend the House Rules to include the following additions to Section 12 and further that all Maui Sunset communications be made to read consistent with House Rules, Bylaws, and all other governing documents of the AOAO, including but not limited to guest flyers, postings throughout the property, and the Maui Sunset web page and FaceBook page.*

* + - * Beverages are not allowed in the pool or spa
      * Children must be accompanied by an adult inside the pool area
      * No running, diving, climbing over fence or excessive splashing that disturbs others is allowed in the pool area, hot tub or pool.
      * Snorkel & masks are allowed in pool ONLY. Fins are not permitted
      * Guests must remove all belongings when leaving pool area
      * Lap Swim 8-9: Lap swimmers have priority during this time
      * Pool stairs are to enter and exit pool, not for lounging

Debra Flynn/Walt Smith; **Discussion ensued.**

**Motion to Table**: *Move to table the motion to a later date to allow further review and consideration.*

Steve Meyer/Ryan Bazant; **Discussion ensued.**

**Ayes:** Ryan Bazant, Steve Meyer, Blain Nelson, Perry Brassington, Leslie Richardson

**Abstain:** Walt Smith, Debra Flynn

**Motion Carries.**

1. **UNFINISHED BUSINESS**

There was no unfinished business.

1. **NEW BUSINESS**

There was no new executable business.

**ADJOURNMENT:**

**Motion:** *To adjourn the meeting at 11:23 a.m. HST*

Leslie Richardson/Blain Nelson ; **CARRIED** unanimously**.**

The Board will convene in Executive Session at 11:30 a.m. (HST) to discuss personnel, contract, and legal issue.

Approved (date): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Initials: \_\_\_\_\_\_\_\_\_\_\_