

## REQUEST FOR ACTION

<b>To</b>	The Collection Board of Directors						
<b>Subject</b>	Abolish the RFA Process for Owner(s)						
<b>Preparer</b>	Debra Ishihara-Wong						
<b>Date</b>	June 4, 2018	<b>For Board</b>	<input checked="" type="checkbox"/>	<b>Action</b>	<input type="checkbox"/>	<b>Info</b>	<input type="checkbox"/>

### EXECUTIVE SUMMARY

See attached.

### RECOMMENDATION

Abolish the RFA Process and implement a owner friendly and user process, such as, relaying request to The Collection Management Office.

### RATIONALE

See attached.

<b>Exhibits (If applicable)</b>	<b>Index</b>	<b>Title</b>

**FOR BOARD USE ONLY**

**CERTIFICATE OF BOARD ACTION**

X	Approved		Declined		Noted		Returned		Deferred		Withdrawn
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**Stipulations**

During 11/29/18 Board Meeting, the Board agreed to amend the RFA process to include a less cumbersome method for requests and issues not requiring the Board's attention. This method allows owners to email The Collection Management Office instead of completing the RFA Form. The Management Staff would review, approve or decline the request based on the merits and validity of the issue.

**Coordinating Instructions**

**Distribution Instructions**

Recording Secretary		Action Date	11/29/18	RFA No.	22-2018
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Emailed to BOD and GM Management (Al Guzman, Desmond Oliviera, & Jon Mckenna) on June 4, 2018 at 3:41 pm

Dear Owners of the Collection and Board of Directors,

I wish to share with you a letter I received yesterday from the Board of Directors (BOD) for Association of Unit Owners (AOUO) at The Collection.

The attached letter is the only correspondence I received in response to the official complaints that I verbally submitted to the BOD at the monthly board meeting, held on May 24, 2018. The BOD failed to address the concerns with the only reply being to submit it in writing via the Request for Proposal (RFA).

Below are the areas of concern, which I raised on behalf of fellow owners and myself

- Why are the spas not working properly after they were supposedly fixed?
  - Shortly after the opening of the building, it was noted that there were multiple issues with the ability of the hot tub spas to maintain the correct temperature. Over a year later, I personally tested the spas in April of 2018, and noted that the temperature of the right spa is lukewarm and left one is cold. At earlier board meetings, we were informed that the spas were fixed and the issue resolved. However, this does not seem to be the case; whether intentional concealment, fraud, or inability to repair the problem, on the part of the Management Agency, BOD, or Developer, the sheer amount of time to remedy this issue is inexcusable.
- The amenities ("material changes") sold to us at the time of our sales contract (April 5, 2015) were changed by A&B without notification or consent by the purchasing unit owners. The existence of some of these amenities was established not only in verbal conversations with realtors and artist renderings, but also in text format provided in brochures. For example, the following amenities were not provided:
  - "Secured entry with controlled access to the garage and tower." The tower second-floor garage door was not locked and controlled by a FOB entry. In addition, the second-floor entry was, unlike the other parking entries, a manual door without handicap accessibility. In response to numerous owner complaints, it took nearly a year for the issue to be rectified.
  - Outdoor theater. "Watch a movie -- outside"
  - Dedicated kiddy pool.
  - Four cabanas

A&B was required to notify the purchasers of "material changes". This allowed the purchaser the right to withdraw from the sale contract. This was not done.

I requested the board represent the owners into investigating this matter. Currently, no notification has been if the BOD has done so.

- The March and April 2018 AUOU financials indicate that we are paying Hawaiiana Management Company (HMC) over \$11,000/month (administration fee \$3000/month, management service expense of \$5000/month, Association Admin Fee of \$3000/month). This does not even include all HMC cost, such as, payroll processing fee, etc.

I requested that the owners be informed of how much Hawaiiana is charging the Association per month. However, the BOD and Hawaiiana have continually refused to provide such information within a 30-day period, as is required by the Department of Commerce and Consumer Affairs of the State of Hawaii.

- Every owner was required to pay a "Project Start-Up Fee" for 3 months besides the "Prepaid Maintenance Fees" for 2 months. The total amount for the project start-up fee would roughly equate to \$1,350,000.00. The BOD approved unilaterally, without owner consent, to pay A&B \$318,944.04 for "Start-Up Fee". Why did we have to pay A&B for amenities that were promised to us? This includes, Tower Recreation Deck 7 BBQ (\$32,130.57), Lofts refrigerator (\$2,267.01), Lofts laundry machines (\$5300.52), Lofts Club Room icemaker (\$1507.50), Tower various appliances (\$7,735.50), Tower icemaker (\$1,507.50), Tower refrigerator (\$2,346.68), Waiting room desk (\$10,663.66), Waiting room task chairs (\$855.91), Waiting room lounge chairs (\$5,758.40). For about \$100,000.00, no receipts were available to provide an official accounting for the repaid expense.

Some of these amenities are not functioning. Of note is the Lofts Club Room icemaker that is currently not working. This also includes the grill which has not been used since the opening of the building as discussed at the 2018 AUOU Annual Meeting.

The definition of start up fee or expenses, are cost associate with setting up a business, such as employee training, staff salaries and wages to set up the condominium, not paying for amenities and appliances sold to us.

I requested the board create an ad hoc committee to investigate this matter further.

#### RFA Requirement

This RFA requirement was created by Mr. Howard Kam on February 5, 2017 and approved by the BOD. It was not until February 10, 2018, a whole year later, that a "Request for Action Policy" explaining how to fill out the RFA was submitted to the BOD and approved.

The RFA states that its purpose was to standardize a request for action in matters presented to the BOD. The benefits of the RFA process would "Provide for better accountability and transparency, including the intent of the Board's action". The RFA also states the drawback of adopting a standard RFA is that the requesters may be reluctant to use it. The policy states that "The purpose of this policy is to provide the Association of Unit Owners of The Collection ("Association") with guidance in preparing and submitting Request for Action ("RFA"), processing of the RFAs by management, and review and resolution of the RFA by committees and the Board."

In reality, the RFA system fails its intended purpose. The RFA system, created unilaterally by the BOD without consent from AOOU unit owners, by failing its stated purpose only serves to prevent and delay owners from raising concerns. By delaying the information on its initialization for over a year, the BOD has effectively utilized the RFA system to silence and ignore the will of the unit owners that they are supposed to represent.

There were 44 RFAs submitted to the BOD in 2017 and 17 to date for 2018. However, many (47 out of 61 = 77%) of these RFAs were submitted by The Collection Management, HMC, and the BOD. Fourteen RFAs were submitted by seven owners only. Of the 53 RFAs that were approved and/or denied by the BOD, 11 (21%) of them were either not implemented as agreed, or only partially implemented. These RFAs are listed below.

- RFA #004-2017 04/27/17 Revision to Association Rules
- RFA #013-2017 07/03/17 Short Term Rental Enforcement
- RFA #015-2017 07/26/17 Guest Sign In
- RFA #0018-2017 06/13/17 Association Rules Pets and Spa
- RFA #021-2017 09/06/17 Air BNB/VRBO Association Legal
- RFA #022-2017 09/29/17 Mortgage Payment Action Plan
- RFA #033-2017 11/29/17 Unit Door Chime
- RFA #037-2017 11/30/17 Dog Weight Limit Survey
- RFA #041-2017 10/09/17 Allowance of Doorbells
- RFA #01-2018 01/07/18 Workshop Usage Update
- RFA #03-2018 08/23/17 Finance Committee

These RFA can be found on The Collection Intranet site.

Many of the RFAs were not discussed during a BOD meeting, yet were approved. A submitted RFA, entitled "Security Staffing", in which the author wished to create an official security presence on The Collection property, separate from the residential specialist. This RFA is marked completed, but was never discussed during a board meeting in open session. The outcome of this unit owner's time and energy was marked only as "noted" with no further explanation. This exemplifies the continued issue with the RFA system. By requiring lengthy RFAs, the BOD reduced the number

of complaints and issues that they must address. Even worse, of those RFAs that are submitted, some are cast aside and ignored.

RFA Policy (See attachment of Policy)

Being able to read and understand the RFA policy is an important element of being able to submit an RFA. However, most people would not comprehend the policy.

A major portion of the population has difficulty in reading comprehension. According to the National Adult Literacy Survey, nearly half of the US population is either functionally or marginally illiterate. About 1 in five (21%) of adults read at or below the 5th grade level yet 25% graduated from high school. Experts concur that materials intended for the general public be no higher than 9th grade level, but health and safety information no greater than a 5th grade level. The common recommendation is material should be no higher than the 6-8th grade level. Because if people pick up something that they cannot understand, they put it down, such as, results in a complete failure of communication and a waste of everyone's time.

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In running a readability analysis on the current RFA policy, it equaled to a Flesch-Kincaid Grade Level of 12.8. This means the policy document is written for someone who went to college, thus rendering some owners incapable of requesting change. Specifically, this prevents owners where English is their second language from exercising their owner's rights.

This is more troubling as, per the AUOU Governance Policy, "the Secretary is charged with making sure that the directors have the proper resources for discharging their fiduciary duties to the Association; and has overall responsibility to create and maintain Association's minutes, records and other important documents. Such duties may be delegated to the Managing Agent.<sup>12</sup>" Thus, through the establishment of the RFA system, the BOD has effectively delegated the above responsibility of the AUOU secretary to individual owners.

Based upon the data, the RFA process fails to serve the best interests of The Collection Owners and should be repealed immediately.

Therefore, on behalf of other owners and myself, I officially request the BOD eliminate this process immediately. I am sharing this in hopes of encouraging the BOD to act in accordance with their duties to the unit owners.

I encourage my fellow owners to share this email with other interested parties.

With Regards,  
Debra Ishihara-Wong

May 31, 2018

Debbie Wong  
600 Ala Moana Blvd #3910  
Honolulu, HI 96813

Re: Procedure for Submission of Requests for Board Action

Dear Mrs. Wong:

This letter is provided in response to the numerous verbal requests made by you during the Board meeting on May 24, 2018.

First, the Board wishes to remind you that such requests should be submitted in writing utilizing the Association's Request for Action Form adopted by the Board in February 2017 and further clarified in Association Policy 110 – Request for Action adopted earlier this year in February 2018 (copy enclosed).

The benefits of submitting owners' requests to the Board in accordance with the above-referenced policy are:

1. Assist the Board to clearly and concisely understand owners' requests and/or recommendations, if any, and rationale for each;
2. Assist the Board to better act upon owners' requests, and improve the efficiency and effectiveness of Board meetings;
3. Better enable the Board and owners to participate in discussion in connection with consideration of owners requests at Board meetings as contemplated by pursuant to HRS §514B-125;
4. Enable the Association to enter and track owners' requests in the Request for Action Master Log to enhance accountability, transparency and reduce the risk that owners' requests will not be timely considered by the Board; and
5. Assist the Board in preparation and posting of its meeting agenda in accordance HRS §514B-125(e) and drafting meeting minutes pursuant to HRS §514B-126.

In light of the above, the Board kindly requests that you prepare and submit a Request for Action Form for each of the numerous verbal requests made by you during the Board meeting on May 24, 2018, that is currently not listed in the Association's Request for Action Master Log to ensure that your requests are logged and timely considered by the Board.

The Request for Action Form is available at [thecollectionhonolulu.net](http://thecollectionhonolulu.net) under "OWNERS ONLY" or a request through [exec@thecollectionhonolulu.com](mailto:exec@thecollectionhonolulu.com). It is preferred that Request for Action be submitted 30 days prior to any regularly scheduled Board Meeting. The completed Request for Action Form should be sent

# Amenities at The Collection

A Great New Concept with Features that Adapt to Accommodate Your Lifestyle

## THOUGHTFULLY FASHIONED INDOOR SPACES

- Contemporary lobby gallery and e-lounge where you'll meet friends and family
- Entertainment "flex" rooms where you can sing karaoke or work out with "fitness on demand"
- The club and party room provides a full kitchen for your enjoyment
- Work out in a state-of-the-art fitness center
- Yoga, Pilates or dance room, it's your choice
- Tune up your bike or work on your board in the one-of-a-kind community workshop
- Lock up your toys in the surfboard and bike storage areas
- Secured entry with controlled access to the garage and tower

## YOUR CONNECTION TO THE OUTDOOR ENVIRONMENT

- Perfectly sized pool is great for relaxing or swimming laps with outdoor lounges around the spa
- Barbeque dining pavilions and lounge seating are ideal for Hawai'i's beautiful nights
- Watch a movie – outside
- Let the kids play in their own dedicated space
- Dogs will enjoy the unique "Laundry Mutt" dog washing and play area

## The Tower – Level 7

### LEGEND

- S STAIRS
- E ELEVATOR





AT 600 ALA MOANA

WELCOME

## REQUEST FOR ACTION

ASSOCIATION RULE CLARIFICATIONS »

BUILDING »

CLASSIFIEDS »

DOCUMENTS »

MAINTENANCE CHECKLIST »

NEWSLETTERS »

OWNERS ONLY »

↳ 401 Purchase - GM Unit

↳ Budget (2018)

↳ Financial Statements

↳ HMC Notices

↳ Meeting Minutes

↳ Reserve Study

↳ FROM THE GENERAL MANAGER

↳ **REQUEST FOR ACTION**

↳ Organization Chart

↳ Community Charter

↳ Renovation Application

RESERVATION REQUESTS »

FAQ »

CONTACT US »

« RETURN TO HOME

REQUEST FOR ACTION (RFA): RFA is a standardized memorandum for all action or information matters presented to the Board for consideration at its meetings (as defined in Section 3.8 of the Bylaws of the Association of Unit Owners of the Collection).

Please see below for a list of all RFA's that have been submitted to the Board of Directors.

If you wish to submit a suggestion for The Board's consideration, please [complete an RFA Form](#) and email completed form to [exec@thecollectionhonolulu.com](mailto:exec@thecollectionhonolulu.com). If you'd like a Word version, [CLICK HERE](#).

Only Owners at The Collection may submit RFAs for The Board's consideration. Submittals should include as much detail as possible such as: cost, existing laws that may support the suggestion, The Collection's Declaration, Bylaw and or Association Rules that may support the suggestion, exhibits, etc., so that The Board has as much information as possible to consider the RFA.

Board Meetings are held on the 4th Thursday of each month (subject to change). RFA's should be submitted no later than ten (10) days prior to the Board Meeting for The Board to assign it to the appropriate committee for consideration during the Board Meeting.

RFA #	DATE	NAME	STATUS
<a href="#">RFA#001-2017</a>	02/05/17	REQUEST FOR ACTION STANDARDIZATION	COMPLETED
<a href="#">RFA#002-2017</a>	02/16/17	AMENDMENTS TO ASSOCIATION RULES	COMPLETED
<a href="#">RFA#003-2017</a>	03/16/17	2018 ANNUAL MEETING	COMPLETED
<a href="#">RFA#004-2017</a>	04/27/17	REVISION TO THE ASSOCIATION RULES	COMPLETED
<a href="#">RFA#005-2017</a>	05/08/17	LANDSCAPE MAINTENANCE SERVICE	COMPLETED
<a href="#">RFA#006-2017</a>	03/16/17	GM UNIT PURCHASE	COMPLETED
<a href="#">RFA#007-2017</a>	05/25/17	EXECUTIVE COMMITTEE	COMPLETED
<a href="#">RFA#008-2017</a>	06/21/17	PRESIDENTS MID-YEAR REPORT	COMPLETED
<a href="#">RFA#009-2017</a>	06/13/17	STATEMENT MAILING DATE LATE FEE	COMPLETED
<a href="#">RFA#010-2017</a>	06/29/17	GM SPENDING LIMIT	COMPLETED
<a href="#">RFA#011-2017</a>	06/29/17	STAFF DEBIT CARD ISSUANCE	COMPLETED
<a href="#">RFA#012-2017</a>	07/06/17	PARTIAL REIMBURSEMENT OF START UP FEES TO A&B	COMPLETED
<a href="#">RFA#012a-2017</a>	8/10/17	A&B PROPERTIES REMAINING REIMBURSEMENT	COMPLETED
<a href="#">RFA#013-2017</a>	07/03/17	SHORT TERM RENTAL ENFORCEMENT	COMPLETED
<a href="#">RFA#014-2017</a>	06/9/17	OWNER PARTICIPATION AT BOARD MEETINGS	COMPLETED
<a href="#">RFA#015-2017</a>	07/26/17	GUEST SIGN IN	COMPLETED
<a href="#">RFA#016-2017</a>	07/24/17	GARAGE SAFETY IMPLEMENTATION	COMPLETED
<a href="#">RFA#017-2017</a>	07/14/17	LOFTS ELEVATOR MAINTENANCE CONTRACT	COMPLETED
<a href="#">RFA#018-2017</a>	06/13/17	ASSOCIATION RULES PETS AND SPA	COMPLETED
<a href="#">RFA#019-2017</a>	08/16/17	SPRINT-ANTENNA SYSTEM INSTALLATION	COMPLETED
<a href="#">RFA#020-2017</a>	08/24/17	WORKSHOP-STORAGE	COMPLETED
<a href="#">RFA#021-2017</a>	09/06/17	AIR BNB/VRBO ASSOC. LEGAL CORRESPONDENCE	COMPLETED
<a href="#">RFA#022-2017</a>	09/29/17	MORTGAGE PAYMENT ACTION PLAN	COMPLETED
<a href="#">RFA#023-2017</a>	08/29/17	CONASYS ONLINE PORTAL	COMPLETED

RFA #	DATE	NAME	STATUS
<u>RFA#024-2017</u>	06/24/17	AMENITIES CANCELLATION/NO SHOW FEE	COMPLETED
<u>RFA#025-2017</u>	06/22/17	TRANSPORT ATTIC STOCK GLASS	COMPLETED
<u>RFA#026-2017</u>	11/14/17	AFFIDAVIT FOR ASSOC. DOCUMENT REQUESTS	COMPLETED
<u>RFA#028-2017</u>	10/05/17	SUGGESTED REVISION TO ASSOC. RULE 14.3	COMPLETED
<u>RFA#029-2017</u>	11/14/17	LIMITED POWER OF ATTORNEY	COMPLETED
<u>RFA#030-2017</u>	11/14/17	HOLIDAY DÉCOR POLICY	COMPLETED
<u>RFA#031-2017</u>	11/21/17	CELLULAR ANTENNA SITE	COMPLETED
<u>RFA#032-2017</u>	11/29/17	HVAC CONTRACTOR SELECTION	COMPLETED
<u>RFA#033-2017</u>	11/29/17	UNIT DOOR CHIME	COMPLETED
<u>RFA#036-2017</u>	10/26/17	ASPHALT SEALING	COMPLETED
<u>RFA#037-2017</u>	11/30/17	DOG WEIGHT LIMIT SURVEY	COMPLETED
<u>RFA#041-2017</u>	10/09/17	ALLOWANCE OF DOORBELLS	COMPLETED
<u>RFA#042-2017</u>	11/30/17	2nd FLOOR GARAGE AND MEZZANINE DOOR	COMPLETED
<u>RFA#044-2017</u>	08/23/17	SECURITY STAFFING	COMPLETED
<u>RFA#01-2018</u>	01/07/18	WORKSHOP USAGE UPDATE	COMPLETED
<u>RFA#03-2018</u>	01/07/18	FINANCE COMMITTEE	COMPLETED
<u>RFA#04-2018</u>	02/10/18	REQUEST FOR ACTION POLICY	COMPLETED
<u>RFA#05-2018</u>	02/15/18	ANNUAL MEETING LOCATION	COMPLETED
<u>RFA#06-2018</u>	02/15/18	FIRE ALARM & SPRINKLER SYSTEM	COMPLETED
<u>RFA#08-2018</u>	02/10/18	REVISED CODE OF CONDUCT FOR BOARD	COMPLETED
<u>RFA#09-2018</u>	02/10/18	AD HOC LITIGATION COMMITTEE	COMPLETED
<u>RFA#10-2018</u>	03/20/19	MASTER ASSOCIATION DUES	COMPLETED
<u>RFA#11-2018</u>	03/02/18	GOVERNANCE POLICY	COMPLETED
<u>RFA#12-2018</u>	03/01/18	RULES FOR OWNER PARTICIPATION AT BOARD MEETINGS	COMPLETED
<u>RFA#13-2018</u>	03/22/18	TRASH COMPACTOR ROOM CAMERA INSTALLATION	COMPLETED
<u>RFA#14-2018</u>	03/22/18	POOL EQUIPMENT ROOM POWER SUPPLY REPLACEMENT	COMPLETED
<u>RFA#15-2018</u>	05/07/18	CIVIL PROCESS SERVERS ACCESS POLICY	COMPLETED
<u>RFA#16-2018</u>	05/07/18	SOCIAL COMMITTEE APPOINTMENTS	COMPLETED
<u>RFA#17-2018</u>	05/24/18	FLUORESCENT LAMPS RETROFIT	COMPLETED



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