



Newsletter

August, 2023

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1 President's Message



The past few weeks have been relatively quiet at the Waikiki Banyan. Back during my working career, I eventually learned to appreciate those rare peaceful days. There was always something on the horizon and I never needed to worry about being bored.

That's true here, too. As of this writing, we're within days of signing that big elevator replacement contract with Otis. We expect to see work starting after equipment delivery early in the coming year.

We're clear to sign off on the renewal contract for TV and Internet with Hawaiian Telcom and it's a deal. Starting in 2024 we're getting an internet speed upgrade from 300/300 to 500/500, and each unit will get 50 hours of cloud DVR storage. All-new equipment will be phased in, and the pricing terms remain the same as in our previous contract, with only very small annual increases.

We're moving forward on settling contract terms for the rooftop solar project--- the one that involves no capital costs on our part--- and hope to sign off in the next month or two.

Those long-awaited hallway cameras will be installed starting this month. The laundry room tile replacement project is in progress and on schedule.

You'll read some good news below about the projected 2024 budget. We've had a tough few years as owners, as we've paid the price to catch up on major maintenance. I'm sure you'll agree we deserve a bit of a break.

Finally, I'll harp on something I've harped on before and will always harp on. There was a general fire alarm on the evening of July 30 due to smoke on the 17th floor of Tower Two. As a full-time resident I evacuated along with everyone else. I was pleased to see that so many people took this seriously. Fire alarms may be an inconvenience but they just might save your life one day. When the alarm goes off, you know what to do. Don't hesitate!

Summer is winding down and schools on O`ahu have already opened. Looks like those calm days are at an end, after all. Have a great month, wherever you might be.

---*Bob Newell, President*

2 Treasurer's Report



Treasurer (Snapshot) Report:

June 2023 & 2023 YTD Snapshot of Financials:

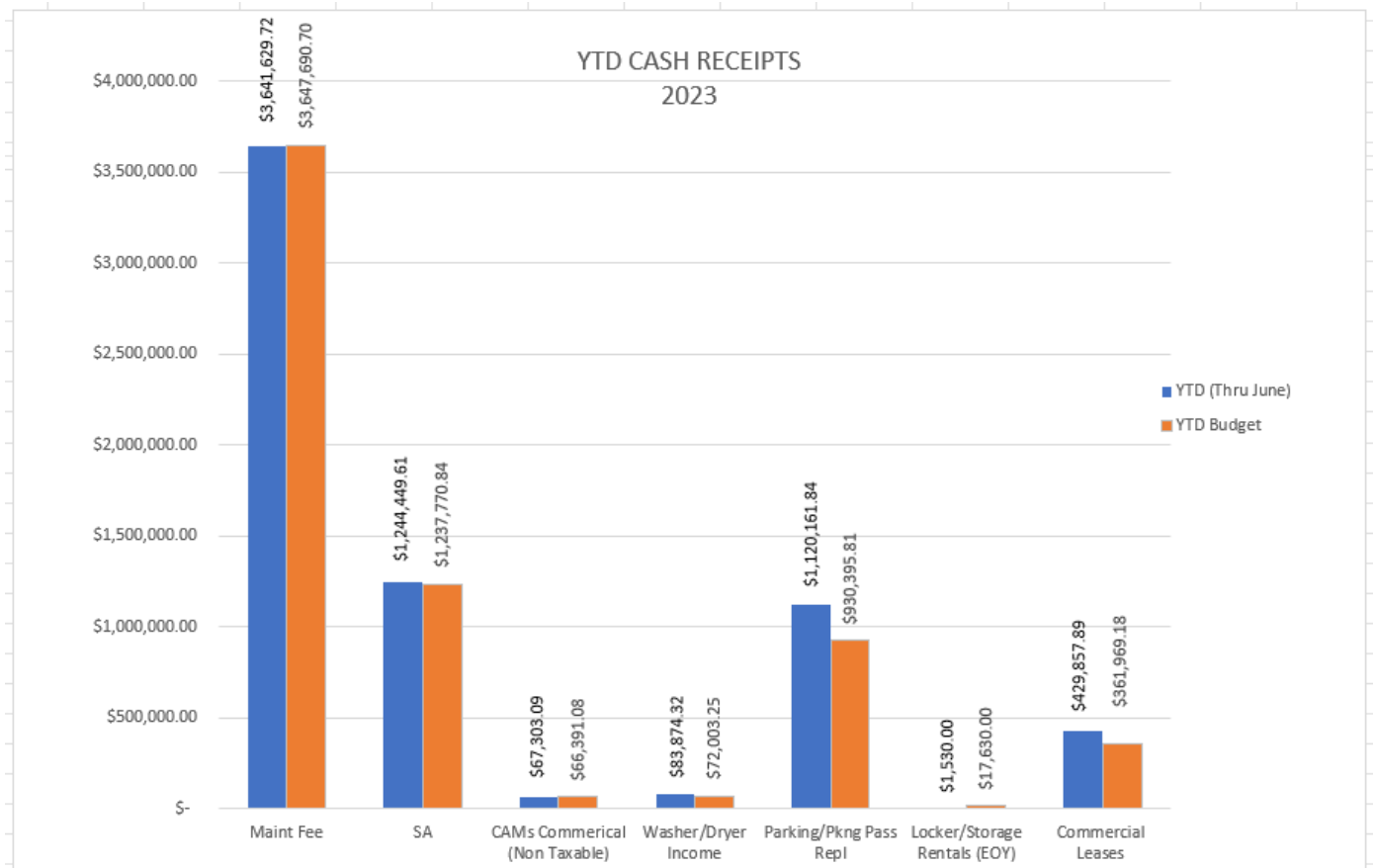
Cash Receipts:

June Cash Receipts:

Actual = \$ 1,196,558.32 Budgeted = \$ 1,072,350.29 (102.3 % to Budget)

YTD Total Cash Receipts:

Actual = \$ 6,789,336.08 Budgeted = \$ 6,434,102.00 (105.5 % to Budget)



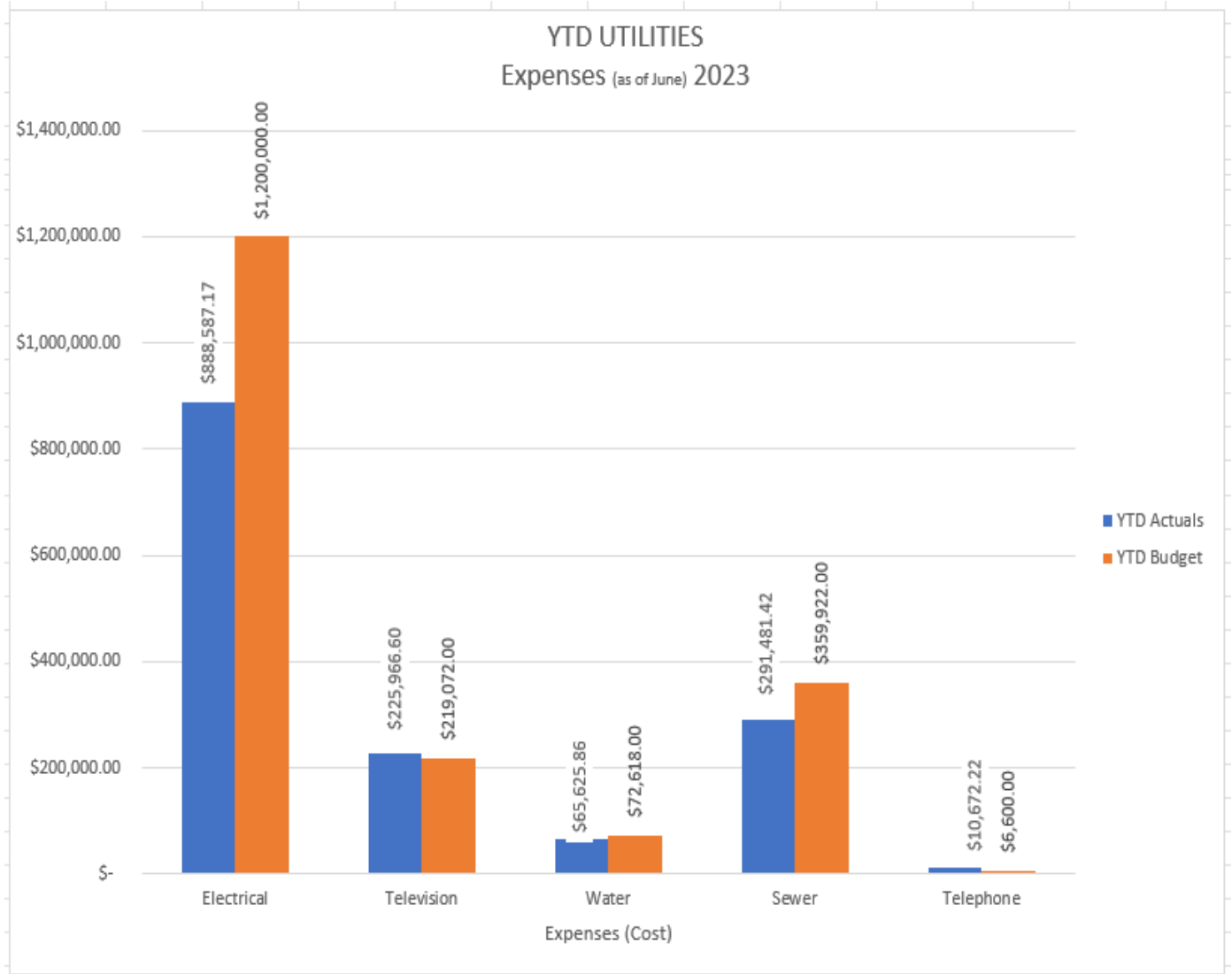
Cash Disbursements (Expenses):

June Cash Expenses:

Actual = \$722,666.89 Budgeted = \$ 762,950.31 (94.7 % to Budget) (5.3% under budget)

YTD Total Cash Expenses:

Actual = \$4,149,130.53 Budgeted = \$ 4,631,624.00 (89.6 % to Budget) (10.4% under budget)



Operating Surplus/Deficit: (Cash Receipts – Cash Disbursements)

YTD Total Operating \$'s:

Actual = \$ 2,640,205.55 Budgeted = \$ 1,802,478.00 (146.5 % to Budget)

Total AOA (WB) Cash + Reserves:

YTD Totals:

Actual = \$ 12,734,457.88



TREASURER'S REPORT
 WAIKIKI BANYAN

CURRENT MONTH SUMMARY

JUNE 2023

INCOME	Actual	Budget	Variance
Non-Taxable Receipts for the month:	\$813,639	\$834,975	✗ -\$21,336
Taxable Receipts for the month:	\$282,920	\$237,376	✓ \$45,544
TOTAL RECEIPTS for the month:	\$1,096,558	\$1,072,350	✓ \$24,208
EXPENSES			
TOTAL OPERATING EXPENSES for the month:	\$722,667	\$762,950	✓ -\$40,283

There is a net operating **SURPLUS** of: ✓ **\$373,891**

Utilities:	\$273,559	\$309,702	✓	-\$36,143
Contracts:	\$182,201	\$249,037	✓	-\$66,836
Building Maintenance:	\$37,517	\$24,305	✗	\$13,212
Administration:	\$403	\$4,098	✓	-\$3,695
Professional Services:	\$30,869	\$22,087	✗	\$8,782
Payroll and Benefits:	\$79,634	\$108,781	✓	-\$29,147
Other Expenses:	\$118,483	\$44,940	✗	\$73,543

*significant variances are listed on the attached report

BANK BALANCES

Operations Accounts balance is:	\$895,593
Reserve Accounts balance is:	\$11,838,865
Restricted Cash balance is:	-\$150,297
TOTAL Cash and Reserves balance is:	\$12,584,161

YEAR-TO-DATE SUMMARY

JUNE 2023

INCOME	Actual	Budget	Variance
Non-Taxable Receipts for the year	\$5,080,786	\$5,009,849	✓ \$70,937
Taxable Receipts for the year	\$1,708,550	\$1,424,253	✓ \$284,297
TOTAL RECEIPTS YTD:	\$6,789,336	\$6,434,102	✓ \$355,234
EXPENSES			
TOTAL OPERATING EXPENSES YTD:	\$4,149,131	\$4,631,624	✓ -\$482,493

YTD, we are ✓ **\$2,640,206** under budget on regularly budgeted items.

Utilities:	\$1,482,333	\$1,858,212	✓	-\$375,879
Contracts:	\$1,001,949	\$1,504,057	✓	-\$502,108
Building Maintenance:	\$375,294	\$145,830	✗	\$229,464
Administration:	\$10,746	\$36,586	✓	-\$25,841
Professional Services:	\$178,078	\$138,488	✗	\$39,590
Payroll and Benefits:	\$514,547	\$501,089	✗	\$13,458
Other Expenses:	\$586,183	\$447,361	✗	\$138,822

Capital Expenditures YTD: \$896,335 \$7,726,298 ✓ -\$6,829,963

--Mo Schreiber, Treasurer

3 Board Action Team Reports

Budget Team



The Budget Team had our third meeting of the season on Thursday, July 6th 2023, attendees were Jon Mckenna, Chris, Bob & myself.

Prior to our meeting, Jon compiled, sent out all the necessary changes and updated documents since our last meeting in June for our review.

Collectively, as discussions occurred, we have been revising the overall 2024 Operations & Project Reserve budget on a line item basis and are very close to providing the Board with a preliminary overview/review of the proposed 2024 budget.

Overall, the entire team feels good with how things are shaping up for the 2024 budget, a couple of notable items that continue to influence our future budgeting is building Insurance and electricity costs. We are anticipating an approximate increase of 25% for both of these line items and have factored those estimated figures into the budget. Both of these line items (and increases) can have a profound impact on the overall budget results.

To sum things up, the tentative 2024 Budget is looking very favorable for owners with a modest yearly maintenance fee increase (less than 5%) and, based on current information and projections, there should be no need for an additional special assessment for 2024.

I personally want to thank each of the team members for their continued due diligence and hard work on this endeavor.

Next Committee meeting is set up for Wednesday, August 30th, 2023

–Mo Schrieber, Treasurer and Team Lead

Elevator Team



The Otis elevator contract has cleared all legal and insurance reviews and is ready to sign once we get the final copy back from Otis. It should be signed within days of the publication of this newsletter.

The first order of business will be for Otis to fabricate and deliver the new equipment, a process that takes several months. Then, early in the coming year, the actual work will begin and will take about a year. As we've previously noted, this will be disruptive and we'll all need to be patient. The results will be well worth it.

As the elevator project moves into its operational phase, the elevator team will step aside and the project will be run by Chris, our GM, who will provide regular progress reports.

---Bob Newell, President and Team Lead

Energy Conservation Team



Electrical Transformer Update:

During the June 2023 Board Meeting, the Board approved the purchase of (14) new electrical transformers as the current transformers throughout both towers are beyond their useful life, starting to fail, and energy inefficient. The new transformers are on order and information regarding the upcoming installations will be sent by the AOA office when available so that everyone will be able to plan accordingly.

Rooftop Solar Generation Project Update:

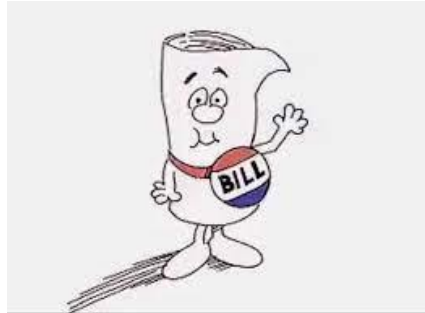
During the June and July Board Meetings, the Board approved to proceed with a Solar Power Purchase Agreement (PPA) for the rooftop solar generation project for both towers.

The Solar PPA is structured similar to a lease. It involves a small risk for the Waikiki Banyan as there is no capital investment, and offers a moderate reward consisting of immediate and future energy savings. In addition, it shows that the Waikiki Banyan is being proactive and in support of the City of Honolulu's sustainability and clean energy goals. The rooftop solar project is estimated to save the Banyan in the range of \$ 6,000,000 over 30 years.

The Solar PPA is now in legal review. Once the contract is finalized, signed and executed, the estimated project time is approximately 18 months for the solar provider to design, permit, finance, deliver, construct/install, interconnect to the utility grid, and place the project into service. The solar provider is also responsible for ongoing maintenance and monitoring system performance.

--Brett Hulme, Vice President and Energy Team Lead

Legislative Team



You may recall that last October, in response to a motion from the attorney representing HILSTRA (Hawaii Legal Short Term Rental Alliance), a US District court judge granted a preliminary injunction ordering the City not to enforce the provisions in Ord. 22-7 that pertain to increasing the minimum allowable stay for Oahu rentals outside of resort districts (with the exception of our carve out) from 30 days to 90 days.

On July 31, HILSTRA's attorney filed a Motion for Summary Judgement which seeks to make the judge's ruling on that preliminary injunction final without the need to go through a full trial and requests that Ord 22-7 be struck down in its entirety. Failing that, it seeks to make the return to a 30 night minimum rental period permanent as long as the property is not rented to more than one party in any 30 night period, and to also allow for advertising of nightly rates.

While it is very likely that the City will challenge this, if the motion to strike down Ord. 22-7 is granted, it will take our carve-out with it. If that happens, or even if only the nightly-rate advertising and >30 day rental portion is granted, we do still have our Stay of Enforcement to fall back on. We will be watching this closely and we will reassess our position once there is a ruling.

In other news, as mentioned in the last newsletter, things have been suspiciously quiet at Honolulu Hale. The unfortunately named PIG (Permitted Action Group) released their report under Council Communication 155 and it is not good news for STRs. The PIG is reviewing the approximately 30 real property tax bills currently under consideration and their focus is on providing tax relief to those who need it the most (hint: it is not STR owners) and addressing housing shortages for local residents and families through the availability of long-term rentals.

Council member Esther Kia'āina is the driving force behind a lot of this. She seems bent on eliminating STRs by forcing owners to either live in their units or rent them long-term to local residents. If an owner does neither, they will face onerous tax burdens and/or other penalties.

The PIG is pushing the City Council to look closely at how the real property tax structure handles owner-occupant and non-owner-occupant properties, with particular focus on Bill 9, 27, 60 and 61. They are encouraging Council to take immediate steps towards passing these bills as well as creating a new proposed tax classification, Long Term Rental, that will incentivize owners to actively provide long term rentals to locals. In other words, when it comes to property taxes, they will actively burden STR providers and will "offer meaningful incentives for property owners to live in or rent out their units" long term to locals. They also suggest various ways to verify and enforce this.

To recap:

Bill 9(22) is the Vacant Home tax, which would establish a super high tax rate for any property not occupied for at least half the year by a Hawaii resident. It has been postponed for now but it will be back and probably stronger than ever.

Bill 27(23) has passed first reading and talks about designating the highest and best use for a property. It does provide for a designation for owner-occupied residential usage. The timeshare section continues to be problematic as it says that timeshare units must be classified under hotel/resort for property taxes unless it meets three conditions. There is some question as to whether our 24 hour front desk means our TS units do not meet the three qualifications but that is something we will have to look into if this bill passes.

Bills 60 and 61 in this context mean to draw a clearer line between owner occupied and non-owner occupied units.

In addition, Bill 42(23) recently introduced by Tommy Waters seeks to cap tax increases for residential property only with no such caps for any other classifications such as STR.

With the latest HILSTRA filing which the city will not be pleased about, and the PIG report, STRs are clearly in the crosshairs. We do not want to give Council or the DPP any reason to focus their attention on us here at the Banyan (and our carve-out) which leads us to repeat the following reminder:

* **Reminder:** While Ord. 22-07 (formerly Bill 41) granted owners at the Waikiki Banyan the right to rent their units as TVUs for less than 30 days, owners are still required to register their unit(s) as a Short Term Rental Unit with DPP and may not rent their units for periods of less than 30 days until they receive conditional approval and a STR Permit Number. DPP is actively sending out Notices of Violation to non-registered STR owners and we urge you to register your unit to be in compliance with the law and our own Waikiki Banyan Bylaws, House Rules, and Declaration. We have provided much of the information you will need to register on our Waikiki Banyan website under the Short Term Rental tab for your convenience.

--Cathy Panizzi, Secretary and Team Lead

Newsletter Team



Bob and I are continually thinking of how we can make this newsletter more relevant and interesting for all. We always welcome suggestions and comments. Please send them to info@waikikibanyan.com, and reference the Newsletter team.

--Angie Lum, Director and Coordinating Editor

Parking Team



Ramp Access Control, Traffic Study

On Friday, June 21st we received a tentative project proposal back from our consultant for this important initiative. The core committee members will be meeting soon to conduct a preliminary review of the information & proposal. Our consultant has requested a meeting for Thursday, July 27th to discuss the overall “scope of work” with core team members. After Thursday’s meeting, we will have a better idea of our next steps and plan to meet with the entire Parking Committee to start focusing on each of the distinct areas of this project. We will provide updates in future newsletters as things progress.

Kuhio New Bus Lane Update:

No changes or additional information at this time

--Mo Schreiber, Treasurer and Team Lead

Process Improvement Team



The scope of the Process Improvement Team is being rethought as we prepare to move forward with this long-delayed effort. We'll report further in the coming months.

--Bob Newell, President and Team Lead

Agent Relations Team



The long delayed work of the Agent Relations Team should be back on the map in the next month or so, as we clear up some time after our AOAO office hiring efforts and our work on major contracts. We hope to have more to report in September.

--Bob Newell, President and Team Lead

Recreation Deck Committee



The Rec Deck project is in a holding pattern waiting for the DPP to approve. We are waiting on getting bids for the 6th floor restrooms and locker room area. There is nothing new to report as of this newsletter.

--Linda Sahara, Director and Chair; Mo Schreiber, Treasurer and Subcommittee Chair; Brett Hulme, VP and Subcommittee

Security Team



Security Camera Update:

In the April 2023 Board Meeting, the Board approved the installation on CCTV cameras on every floor of both towers with two cameras per floor in the residential hallway areas. The cameras will be a strong crime deterrent, provide 24/7/365 coverage, and a means to help identify the responsible party in the event of an actual crime, or in cases of damage to the carpet, walls, doors, etc. This is a big step forward in making the Waikiki Banyan a safe and more secure building for those who live, work, and visit here. Installation is estimated to begin sometime in August and additional details will be sent by the AOAO office when available so that everyone can plan accordingly.

Security Vendor Update:

In June 2023, the Waikiki Banyan switched security vendors. Prior Vision is our new security vendor and they are off to a great start providing the Waikiki Banyan with consistent staffing levels to help secure our building on behalf of our owners, AOAO, tenants, and visitors. Security with Aloha is their motto. Feedback is welcomed for continuous improvement purposes.

Building Security / Access Control Update:

We recently received a tentative project proposal back from our consultant for these important initiatives. The core committee members will be meeting in early August to conduct a preliminary review of the information proposal. We will then schedule a meeting with the entire Security Committee to review and start focusing on each of the distinct areas of this project. Updates will be provided in future newsletters as things progress.

--Brett Hulme, Vice President and Security Team Lead

Votes/Proxy Team

Quorum Questions Answered

- Is the reduction of quorum only used for annual meeting purposes?

The reduction in quorum would be used for any membership meeting of the Association. While the Annual meeting is traditionally the only membership meeting held for many associations, other membership meetings may be called for purposes other than the annual meeting; one such example we see is for recall/removal of a Board.

- What can be voted on at the Annual Board Meeting?

The primary purpose of the Annual meeting is to elect the Directors, and only a quorum present in person or by proxy is required for this purpose. Other items that can be voted on are typically amendments to the governing documents.

- Will the “67% of all owners needed to vote for bylaw changes” stay in effect if we lower the quorum?

Yes, as the 67% requirement is per State Law. However, there may be exceptions specifically stated in your governing documents. One such exception is it requires at least 75% of the owners to approve for the Association to be self-managed (not contract with a managing agent).

- Also, will you please explain why we were not able to vote on the Hawaiiana Management Contract, and where it falls in the above scenarios. In this case, as in the case of not meeting quorum, does a non-vote constitute an automatic renewal?

The percentage of those who chose the “For Quorum Only” box on the proxy form (excerpt below) are deducted from the quorum percentage received for the meeting. While 51.94% was achieved in person or by proxy, 10.96% selected for quorum only, so there was only a 40.98% voting percentage (and the managing agent vote requirement is “by a majority of the apartment owners” per the Bylaws). A non-vote essentially means the contract is on month-to-month. It is a tricky clause (seen in other governing docs, but not extensively prevalent) because a majority of members would have to approve a new managing agent as well.

Why are we giving these stats and questions? This is our last bid to request your return of your consent to lower the quorum so that we could have some representation of whom the owners might want to represent them in matters that affect the going ons of the Waikiki Banyan. Please do the right thing and send in a “yay” or “nay”. By doing so, you will show us that you do care about the Banyan and will send in your proxy when the time comes, if all our owners at least vote, even if it is to say “no” to a “lowered” quorum, then we would be assured that quorum would be reached for the next Annual Meeting!

–Valaree Albertson, Director and Team Lead

4 GM's Report



PROJECT SUPPORT: (Projects with no changes)

Recreation Deck: The following projects are under review with the Department of Planning and Permitting (DPP).

Recreation Deck Pool Design Build: The preliminary pool design drawings have been received.

Recreation Deck Replacement of Tennis Court Fence: - Pending permitting process. Submitted quotes to obtain permits for this “barricade” fencing for meeting DPP emergency repair permit requirements. Replacement of Tennis Court Fence will be included in the rec-deck renovation.

NOTE: With NO fencing on the Rec Dec – we are unable to allow any type of playing that includes a ball (Soccer/Tossing, kicking, playing with balls or any flying object in this area for Safety reasons). Thank you in advance for complying with security when stopped for these types of activities.

Recreation Deck Playground Equipment: Vendor selected for the design and construction of the new play equipment, Contract has been signed and executed. The Rec-Dec Committee has selected the color and model. Project Under review with Department planning and Permitting (DPP).

Storm Drain Replacement / Perma-line repair: Board of Directors approved the proposal to proceed to design and permitting. The design phase is complete. We will be doing a bid walkthrough on 03 Aug 2023

Elevator Modernization: Otis was chosen as our vendor for the modernization project.

Lanai Spalling Repair: This round of lanai spalling is complete. We did have some units we could not get into and some that we could not do due to having tiling on the curb. We will be starting to try and set up the remaining units that need to be inspected in early August. Please know we need cooperation to complete this project.

Fire Pump Replacement: A vendor has been selected for the design and permitting, once design and permitting is complete the project will go out for BID.

Transformer Replacement Tower (1) one Floors 33 and 35. This project is waiting on the transformers which will be shipping in July. We will be installing towards the middle to end of August. As we get confirmations, we will inform the owners as necessary.

ON GOING MAINTENANCE PROJECTS:

Bike Rack storage areas Notice of Violation (NOV).

The last remaining items left to correct for the Notice of Violation

- Move Surfboard Racks from A-1 parking area to new Bike storage area (Permitting in Process). (No Change).

Lanai Spalling Inspections – 355 lanais have been inspected / 40% complete / 114 with spalling 241 without spalling issues / 44% of units have spalling issues.

Applied for Yearly Elevator Inspections – Inspection request accepted just waiting on being assigned an inspector / Emailed about this inquiry on 13 Dec 2022 / Emailed 24 Jan / 21 Mar / 19 Jun / 2023

2nd Porte Cochere Column Repair – Received the proposal from vendor to remanufacture new pillar planks that have termite damage. Board of Directors approved, deposit Check sent to vendor. Once pillar planks are manufactured the AOA will schedule install.

Painting and Cleaning the Parking Garage - Clean and paint the yellow traffic lines in the garage. In progress

Started Replacing Chicago Cartridges for Quarterly Maintenance – 22 replaced / installation continues. No Update

Laundry Rooms tile Replacement – I am happy to say that this project has kicked off and is going smoothly. If you have time to go take a look the lower floors of Tower 1 have been completed as of the time of writing this report (floors 7 thru 20).



Painting and Cleaning Perimeter of Building – Complete

Lobby Bench Refurbishing – Complete

Stairwell 4 Spall Repair - Complete

ADMINISTRATION/FINANCE/PERSONNEL

Admin Duties:

LANAI INSPECTIONS: We still have many units to inspect. Please continue to contact info@waikikibanyan.org to schedule your LANAI INSPECTIONS. We are only just over halfway through.

GENERAL MANAGER'S CORNER

Stairwell Spall Repair – We continue with our building maintenance program and part of that is identifying possible safety and structure issues. Spalling is not always a major structural issue but can always be a safety issue. When we find it, we fix it immediately!



Painting of the Waikiki Banyan Entry Sign – In the spirit of updating the look of the lobby and entry way we have taken down and painted the Waikiki Banyan entry sign.



I would like to take this chance to thank everyone who has shown support for me taking on the General Manager's position. The support means a lot to me and the office as we start to restaff. I will do my best going forward to make sure I lead the Banyan in the right direction and face all challenges head on! I would also like to say that I do not have as many pictures this time as we have been busy and short staffed. With that being said, next month we will have plenty of completed projects with pictures to show off the Waikiki Banyan's prized maintenance team!

Very Gratefully,

Chris Saxton

5 It's in the Stars - Hawaiian Style



Hokulea refers to Arcturus, one of the guiding stars for Hawaiian navigators, which passes directly over Hawaii's latitude, helping guide sailors to the island chain.

Hoku-ho'okele-wa'a, the star Sirius, literally the canoe-guiding star that guided Polynesians to Tahiti.

Hawaii is one of the best locations in the world to view stars and constellations. Following are some Hawaiian terms and names for stars, planets and constellations:

Hoku - star

Hoku-ao - morning star, Venus, seen in the morning.

Lupika - Jupiter

Holoholo-pina'au - Mars

Ukali-ali'i - Mercury

Makulu - Saturn

Heleekela - Uranus

Hoku-ao - Venus

Na-hiku - constellation of the Big Dipper, literally, the seven.

Na-hoku-pa - constellation of five stars forming a circle; they are said to be near Na-hiku, the Big Dipper, literally, enclosure stars.

Hoku-pa - name of a constellation, perhaps Leo or the head of Cetus, literally, fence star.

Hanai-a-ka-malama - the Southern Cross, literally, foster child of the moon.

Hoku-ke'a - Southern Cross, literally, cross star.

--Randy Warner, Owner

6 Meet our New GM



Not having a chance to meet our General Manager to ask him a few questions or “interview” him in person, I did send him a few questions to answer which he graciously did.

Chris was our Chief Engineer and was the man behind the scenes taking care of building along with his engineering and operations team. So now, a few tidbits, if you want to know more, see if you can catch him when he has a spare moment.

Q: Where were you born? Raised?

A: I was born in Blackfoot Idaho and moved around a bit but spent most of my time in Idaho.

Q: Family?

A: I have a daughter who is 11. I just got married back in October to my wife. We have been together for 6 years.

Q: Hobbies?

A: I like to go fishing, hiking, camping and make mead.

Q: What are your proudest accomplishments?

A: Getting the GM position here at the Banyan is one of them. Another is that I won 1st place in my category in the Mazer Cup (like the Olympics for mead makers).

Q: Anything in particular you would like people to know about you?

A: I am really looking forward to doing everything I can for the Banyan and its residents and guests. I would like to thank everyone for the opportunity to do so.

Would I have been there talking to him, I would have some follow up questions...what would you ask? Stay tuned for the next installment of “Meet your GM”.

--Angie Lum, Director

7 Editor Notes



Doesn't it seem like the months just speed on by? These few months have gone by like a whirlwind, I think I seem to say that every single month. What is up with that? But in reality, it has been a whirlwind few months, during that time, we forged ahead with quite a few milestones. Major things like moving ahead with our elevator modernization; approval from DPP for the 6th floor saunas and restrooms; solar panel systems; upgrades to our security systems; upgrades to our laundry rooms; our buildings and infrastructures are getting pretty and prepped.

It is really exciting to see that the Banyan is continuing to grow into its best version of itself.

I've been away for a couple of months, as with quite a few of you who also come during specific seasons of the year or for a week or also for many who rent out their units as rentals. It is good to know that the hard work that Jack started with Bob N., and the current Board will continue to be in the good hands of our new GM, Christopher Saxton, and his team.

When you see Chris walking through the hallways or around the building grounds, please stop to say hello and let him know how well the AOO team is doing; or if you know of anything that needs their attention, please let them know!

--Angie Lum, Director, Coordinating Editor

**Please note all opinions are the opinion of the Editor, and not necessarily the opinion of the Board.*