

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

March 15, 2001

Council Chamber

CONVENE: 1:30 p.m.

PRESENT: Councilmember Charmaine Tavares, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember Alan M. Arakawa, Member (In 1:31 p.m.)
Councilmember Robert Carroll, Member (1:32 p.m.)
Councilmember G. Riki Hokama, Member
Councilmember Jo Anne Johnson, Member (In 1:31 p.m.)
Councilmember Patrick S. Kawano, Member
Councilmember Wayne K. Nishiki, Member

EXCUSED: Councilmember Dain P. Kane, Member

STAFF: Wayne A. Boteilho, Legislative Analyst
Camille Sakamoto, Committee Secretary
Tamara Koller, Legislative Analyst (Budget and Finance Committee)
Tammy Diaz, Committee Secretary (Budget and Finance Committee)
Michelle Anderson, Executive Assistant to Councilmember
Wayne K. Nishiki

ADMIN.: Clayton I. Yoshida, Deputy Director, Department of Planning
Brian T. Moto, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: B. Martin Luna
Ralph Masuda
Additional attendees (2)

PRESS: ?

CHAIR TAVARES: . . .*(gavel)*. . . Will the Planning Committee please come to order.

. . . Sorry I didn't give people a whole lot of notice. . .that we were gonna start now. . .but--

COUNCILMEMBER KAWANO: . . .*(laughter)*. . .

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CHAIR TAVARES: --whenever you can get into the room, we have quorum at the present time with Members. . .Council Chair Pat Kawano, Councilmember Molina, Councilmember Nishiki, and Councilmember Hokama. Thank you very much for being here. Uh. . .I know we're gonna start a meeting at 1:45. I think I'm going for a new record here.

ALL: . . .(laughter) . . .

CHAIR TAVARES: The item before us today is, oh, is anyone signed up to testify?

MS. SAKAMOTO: No.

CHAIR TAVARES: No? Thank you. All right, the item before you today. . .is item Number 18.

ITEM NO. 18: PLANNING COMMISSION VOTING PROCEDURES (C.C. 99-246)

CHAIR TAVARES: And it's regarding the planning commission voting procedures. And this was brought to our attention via a letter from. . .a transmittal from Mr. Hokama. . .concerning a document that he received from. . .Ron McOmber of Lanai. And the gist of the matter is that Ron McOmber raised some questions regarding the procedures that were followed in a Lanai Planning Commission meeting. And, Members, while we. . .we don't have a whole lot of jurisdiction over the planning commission, there are a couple of things that we can do. And the couple of things would be, first of all, to write a letter to the Planning Director to. . .uh. . .express our concerns that the planning commissions need to have proper or sufficient, adequate training in how to conduct meetings--particularly on how to conduct the votes when motions are already made. If you will turn to the section that has the minutes of the meeting, which is right in there, and if you turn to page, where it says Page 35A . . .

. . . it's Item Number 18, Planning Committee. I know we have lots of binders on our desks today.

. . . Will you give me a nod when you find it? Oh, thank you. And we have Members. . .Johnson, and Carroll, and Arakawa. Thank you very much.

. . . Is everybody on 35A now?

COUNCILMEMBER HOKAMA: Uh-huh.

CHAIR TAVARES: If you'll notice down there, about the fourth entry in, where it says "M. OYAMA". . .and I quote: *I move that we pass both Items 1 and 2 as presented by the Planning Department.* Ms. Black, seconds. And Mr. Magaoay says: *it has been moved by Commissioner Ed Oyama, seconded by Sheila*

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Black. Those in favor say "aye". Are there any other discussions, questions? None? Those in favor say aye. Those opposed say nay. I think this caused a lot of confusion because--I don't know what the vote was for sure, but then it goes back into the following. You'll see that there's more questions and discussions about. . .about the item while the vote had been called for. And at one point down at the bottom of the page, someone wanted to. . .Mr. Magaoay asked for an abstention. And then Mr. Moto. . .in, you know, interrupted and said that he needed five votes to approve any motions. So I think from that and the next page. . .then it goes back to "*can we discuss a little more?*". So, to me, it seems that it's just. . .and in discussions with Mr. Hokama--since it's in his district and he brought it up--that I think with a little education of the planning commission on how to conduct meetings, that we will. . .help them to avoid these kinds of situations where it really doesn't make for effective meetings. The second thing that I would like to do is to write a letter to Corporation Counsel, to ask them to please participate with the Planning Department in. . .running a workshop or something for the different planning commissions. It's not just for Lanai, but for Molokai and Maui because we do have new planning commission members that we've just approved recently. And, Members, that would be my recommendation. And if there's any discussion on the matter, we can talk about it. If not, I'll entertain a motion.

COUNCILMEMBER ARAKAWA: So moved.

CHAIR TAVARES: Moved--

VICE-CHAIR MOLINA: Second.

CHAIR TAVARES: Moved and seconded by. . .moved by Mr. Arakawa, seconded by Mr. Molina, and that would be to actually file the item. . .well, let me tell. . .well, I'm recommending something--file the item. . .with the understanding that we are writing, first, a letter to the Planning Department; and, secondly, a letter to the Corporation. . .Department of Corporation Counsel to work on meeting procedures with both the planning commission. . .no, well, all three planning commissions. Okay? Thank you. That's understood that that's the motion?

?: Yeah.

CHAIR TAVARES: Okay. Any further discussion? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Madam Chair. First of all, I appreciate your scheduling of this item. Uh. . .my only comments to you and the Members. . .Madam Chair is that I believe your recommendations are sound and. . .advantageous not only to the communities involved but also for the commissioners. I believe that if. . .one thing we can get across. . .is that--for the commission, the applicant, as well as the public--that if the boards and the

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commissions, Mr. Yoshida, since you are the acting . . . Director here before us today, have consistency in how the commissions proceed in their, in their meetings and how they can show consistency in, in their procedures of voting and allowing discussion and whatnot, I think it will make, clear up this types of concerns brought up by, by a member of the public. As. . . for you, Mr. Moto, my only comment would be that--although I make it very clear of what I think of Corporation Counsel's opinion regarding parliamentary procedure within the Council. . . and, because I believe we should know our own rules and processes--as volunteer members of the public doing commission work, I believe it may be more prudent and responsible of the County to have. . . one of our attorneys assist the commission in knowing. . . the processes better. And so if both you and the Planning Department, or your office and the Planning Department can work coordinatedly [*sic*] in helping the commissioners do their job to preserve the integrity of the process--because right now the process is being questioned by this member. . . and that. . . to what degree, you know, is up to that individual. But I would hate to see us going to court, trying to defend a process that showed no consistency. And if you look in the minutes. . . the Chairman asked for the vote four times in, in a span of three, four pages of. . . of. . . minutes that was transcribed. And at no time was the vote. . . announced until the end of the report. So. . . to put back integrity in the process, confidence of the community, I would ask that both you and the Planning Department work together and follow the recommendations of the Chair. Thank you.

CHAIR TAVARES: Okay. Thank you very much for your comments, Mr. Hokama. Any, any other comments, Members?

. . . Okay, seeing none, all those in favor of the motion, say "aye".

COUNCIL MEMBERS: Aye.

CHAIR TAVARES: Those opposed say "nay".

NOTE: *Silence.*

CHAIR TAVARES: . . . The motion is carried unanimously.

VOTE: AYES: Councilmembers Arakawa, Carroll, Hokama, Johnson, Kawano, Nishiki, Vice-Chair Molina, and Chair Tavares.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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EXC.: Councilmember Kane.

MOTION CARRIED.

ACTION: Recommending letters to the Department of Planning and Department of the Corporation Counsel, and **FILING** of communication.

CHAIR TAVARES: Thank you. And this meeting is adjourned . . .(*gavel*). . .

ADJOURN: 1:38 p.m.

APPROVED:

CHARMAINE TAVARES, Chair
Planning Committee

pc:min:010315:cs

Transcribed by: Camille Sakamoto