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MAUI ISLAND
GENERAL PLAN ADVISORY COMMITTEE
JANUARY 10, 2007

REGULAR MEETING

Held at the Kaunoha Senior Citizens Center Cafeteria, 401
Alakapa Place, Paia, Maui, Hawaii, commencing at 5:00 p.m.
on January 10, 2007.

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25 REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

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ATTENDANCE

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MAUI ISLAND GENERAL PLAN ADVISORY COMMITTEE

3

REGULAR MEETING

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JANUARY 10, 2007

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6 DEPARTMENT OF PLANNING: Jeffrey Hunt

7

John F. Summers

8

Kathleen Aoki

9 DEPUTY CORPORATION COUNSEL: James Giroux

10

11 GENERAL PLAN ADVISORY COMMITTEE

12

13 Tom R. Cannon, Chairman

John Arthur Blumer-Buell

14 Lesley A. Bruce

Lisa Hamilton

15 Carl Lindquist

Joel Bertram III

16 Lawrence Stanley Franco

Susan A. Moikeha

17 L. Douglas MacCleur

Dick Mayer

18 Warren S. Shibuya

Warren Watanabe

19 Thomas M. Cook

20 Antoinette Lucienne deNaie
Mercer "Chubby" Vicens
Renee-May Kehau Filimoeatu
21 Walette Garcia Pellegrino
Jeanne Skog
22 Trevor N. Tokishi

23 Excused: Warren Suzuki
Frank Sylva
24 Stacie Thorlakson
Kaipo Kekona
25

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1 MAUI PLANNING COMMISSION
2 ORIENTATION MEETING
3 MAUI ISLAND GENERAL PLAN ADVISORY COMMITTEE
4 JANUARY 10, 2007
5 TRANSCRIPT OF PROCEEDINGS

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7 CHAIRMAN CANNON: Okay, if everybody is ready, I
8 will call the meeting to order, and the first item on our
9 agenda after that will be announcements. John?

10 MR. SUMMERS: Thank you very much. Welcome to
11 tonight's Maui GPAC meeting. I'd like to wish all of you on
12 behalf of the department a Happy New Year 2007. We have
13 lots of exciting things to look forward to on the planning
14 front as we are going to get into the meat of our planning
15 policy.

16 One thing that all of you know about is that we
17 have a new Planning Director, Mr. Jeffrey Hunt. We're very
18 happy to have Jeff and the experience that he brings, and
19 he'll be very much involved working with us on this
20 important project.

21 Jeff, would you like to say a few words?

20 DIRECTOR HUNT: Good evening. I thought I'd give
21 you a little background so you can understand me. I grew up
22 in Portland and I've been a planner in Hood River County for
23 nine years. Hood River is an agricultural community, and
24 right now it's going through some very strong pressures on
25 tourism based on windsurfing. And after that I worked in

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1 Vale, Colorado, which I think speaks for itself, and
2 Breckenridge, Colorado, and both of those communities still
3 face very strong development pressures because of the
4 resorts. Breckenridge has, the last time I checked, I think
5 it had a single-family house value of \$100,000.

6 So while the bad news is I've only been on Maui a
7 year and a half, the good news is I can bring some
8 experience from other communities that are facing similar
9 problems or have faced similar problems, and hopefully that
10 will help out. So I look forward to working with you all,
11 and I'm glad you have gotten over a lot of the hurdles.

12 A little louder? Well, it wasn't that important
13 what I said anyway. I'm glad you have gotten all the
14 hurdles out of the way, and I look forward to getting off
15 the ground and running. Thank you.

16 CHAIRMAN CANNON: Okay, now on to overview of
17 meeting agenda.

18 MR. SUMMERS: Thank you, Mr. Chair, members of the
19 GPAC. Tonight we will be hitting a few important items

20 during our meeting. The first major item is our public
21 hearing on our rules of practice and procedure. We did
22 have, as you will recall, a workshop on those rules on
23 December 13th, so we won't labor through every section of
24 the rules. But we will have an opportunity to briefly go
25 over those rules and make any changes that we need to make

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1 so we can get those into effect.

2 We will also be having a short presentation on our
3 2030 public facility assessment. This is an important
4 document that the department has been working on, and it
5 will be particularly important as we look at the Maui Island
6 plan later in the spring of this year. We will also
7 highlight, I will give you an overview of where we're at
8 with the project, a progress report. I will give you a
9 little update on our planning efforts, and an overview of
10 our countywide policy plan, which is in a box at the back of
11 the room. So we have countywide policy plans for the
12 members to take with them after tonight's meeting.

13 With that, Mr. Chair.

14 CHAIRMAN CANNON: Thank you. Is there any public
15 testimony regarding the rules, proposed rules? Yes. Please
16 identify yourself for the record. Thank you.

17 MR. MOGILEFSKY: Hi, my name is David Mogilefsky,
18 and I really want to suggest that the comments section of
19 the meetings come just before a vote is to be taken on any

20 agenda item, unlike at other County meetings where the
21 public comment portion comes right at the beginning of the
22 meeting for all of the items on the agenda. I think that
23 having the comments section at the beginning of the meeting
24 really wastes a lot of time.

25 I'm going to give you the top three reasons why I

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1 think having the public comment at the beginning wastes a
2 lot of time. Reason number three, by the time the item gets
3 up for a vote everyone has long forgotten what you said at
4 the beginning of the meeting.

5 Two, what you thought was going to be a big
6 revelation, it turns out everybody already knew about it
7 anyway.

8 And finally, the top reason why I think you should
9 have public comment just before the vote is that maybe
10 during the course of the meeting it's become abundantly
11 clear that what you have to say isn't going to make a bit of
12 difference as to how the vote comes out, so you might as
13 well have saved your breath and everybody's time. I hope
14 you will consider that. Thank you.

15 CHAIRMAN CANNON: Thank you. Is there any other
16 public testimony?

17 MR. BLACKBURN-RODRIGUES: Is there public
18 testimony, a later opportunity, not about the rules, or is
19 this the public testimony period? Just a clarification.

20 CHAIRMAN CANNON: This is the public testimony

21 period, although there's nothing precluding us taking

22 testimony later. I guess that would be at the discretion of

23 the committee.

24 MR. BLACKBURN-RODRIGUES: I would defer based on

25 the committee's decision so you can move forward on the

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1 public testimony items. I might request that opportunity at
2 a later point.

3 CHAIRMAN CANNON: Do you want a decision now?

4 MR. BLACKBURN-RODRIGUES: It would be up to you.

5 I just want to make sure I'm following the rules.

6 CHAIRMAN CANNON: Okay, what's the will of the
7 committee, is it okay to have public testimony later? Any
8 disagreement with that?

9 MR. BLACKBURN-RODRIGUES: Thank you very much, Mr.
10 Chairman.

11 CHAIRMAN CANNON: You're welcome. Any other
12 testimony now? Yes.

13 MR. HONIG: Maybe I can just ask you, Mr.
14 Chairman, I'm the director of a non-profit organization on
15 Maui, Well Being International, and I have been meeting with
16 a lot of people who are very interested in the County's next
17 move. And they asked me to come and give a sharing, because
18 we're having meetings every Thursday and I can report back
19 to them. So is it possible for me to say a two minute

20 sharing here about how we're hoping that the County will
21 move, and which direction, is that appropriate in this
22 moment?

23 CHAIRMAN CANNON: Yes, that would be fine. But
24 please start by giving us your name.

25 MR. HONIG: My name is Fredrick R. Honig,

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1 H-O-N-I-G. I'm the director of Well Being International,
2 Incorporated. We're a 501-C3 non-profit organization,
3 service oriented, dedicated to individual and global peace,
4 wellness and harmony. And we are interested in helping Maui
5 become all the great island that it could be.

6 We believe it could be possible that we could be
7 on this island a model to the rest of the world on what a
8 community could be. We could be the wellbeing capital of
9 the world. And we have so many people who are interested in
10 offering their dedicated service to that, and I'd like to be
11 a pivot to offer to you our vision of what Maui could be.

12 Our goal would be that Maui would be unlike any
13 other community in human history. It would be we would have
14 the best school system, the best health care system, the
15 lowest crime, and really be the wellbeing capital of the
16 world. And we are committed to helping that arise. And we
17 would also offer that the illustrious committee here
18 consider that as an island we should have our own television
19 network, a wellbeing network, that would promote the values

20 that we as a community hold, and the real true spirit of

21 aloha would be offered in that.

22 We also see the vision of having a four year

23 university on Maui dedicated to well being and to global

24 harmony. We believe that we as an island are probably the

25 most advanced island in the world now. We are the meeting

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1 part of so many cultures that create an amazing amount of
2 harmony, considering there's an incredible amount of
3 diversity. And we believe that we could be an example.

4 And even for mediations for world crisis could
5 happen here the same way it used to happen in Geneva. And
6 our university and our professors could specialize in
7 international mediation and international well being.

8 So that is our vision for Maui. We have a large
9 body of very brilliant people who are dedicated to
10 volunteering whatever services they can to allowing this
11 vision. So thank you so much for the opportunity to share
12 with you. Thank you.

13 CHAIRMAN CANNON: Thank you. Any questions for
14 the testifier? Okay, anybody else who would like to testify
15 at this point? Seeing none, we will move on.

16 John, do you want to give us an overview of the
17 next steps?

18 MR. SUMMERS: Thank you, Mr. Chair, members of the
19 committee. I'd like to give you a real brief update on our

20 rules, and then we will have our public hearing on the item.

21 Again, as stated in December, on December 13th, these rules,

22 practices and procedures, do all the members have copies?

23 If not, we have some in the back of the room.

24 At this point I'd like to recognize our new Mayor,

25 Charmaine Tavares. If you would stand up, please.

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1 (Applause).

2 Thank you, Charmaine. With that, getting back to
3 the rules of practice and procedure, tonight we will be
4 conducting our public hearing on our rules. Following the
5 public hearing, the rules go to the Mayor for signature as
6 well as the Planning Director, the Clerk, and the
7 Corporation Counsel. They're then transmitted to the
8 Clerk's office, where they stay for 10 days before they go
9 into effect. So that's sort of the process that we follow
10 in order to enact rules in the County of Maui.

11 And as noted in our workshop on December 13th,
12 these rules are important in the sense that they provide for
13 a mechanism for us to have efficient organized meetings, so
14 it's really a template for this body to conduct its meetings
15 going forward.

16 Some of the items covered in the rules, and again,
17 these rules are largely borrowed from other rules that
18 boards and commissions use, so these are not invented. We
19 have had a lot of experience with these rules, but we've

20 simplified them because we don't have contested case

21 procedures as part of our normal day-to-day business.

22 Again, one of the important points to note in the

23 rules is that we use Robert's Rules of Order in terms of

24 conducting the meetings. The rules set forth standards for

25 quorum and voting on items before the committee.

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1 Procedures for recordation of minutes and the
2 storing of testimony. The rules outline the role and duties
3 of officers of the committee, help us with voting
4 procedures, and questions of order. So sort of a day-to-day
5 housekeeping. I know a number of the members have been
6 active on County boards and commissions, so you're very
7 familiar with how these types of rules function.

8 Tonight we will go quickly over the sections to
9 see if there are any specific proposed changes to the rules
10 which we can then incorporate prior to formal adoption. I
11 would like to note timing-wise we do have a meeting
12 scheduled for January 24th. We'd like to have the rules in
13 effect prior to that meeting. So we're on kind of a tight
14 schedule in terms of trying to achieve that goal. Keep that
15 in mind. In order to do that, we would have to have the
16 rules signed and to the clerk's office by close of business
17 this Friday. So if we have major restructuring of the
18 rules, that may affect that schedule. We can talk about
19 that in terms of setting the agenda if that occurs.

20 We do have the Countywide policy plans, again, in
21 the back for the members to take with them after tonight's
22 meeting. So we'd like to get into the substance of that
23 document on the 24th of January.

24 Are there any questions of the members on the
25 purpose of these rules or the process for adopting the

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1 rules? If not --

2 CHAIRMAN CANNON: Okay, so it's been suggested
3 that we go through section by section. Any proposed changes
4 to section number 1 or 2, which probably are not going to be
5 changed? How about 3, 12-901-3, Construction. Let me know
6 if I'm going too fast. Yes, John.

7 MR. BLUMER-BUELL: I had a question regarding
8 12-901-6, Communications.

9 CHAIRMAN CANNON: We're not quite there yet.

10 MR. BLUMER-BUELL: I thought you were on
11 Subchapter 3 already.

12 CHAIRMAN CANNON: Under Subchapter 1, 12-901-3.

13 MR. BLUMER-BUELL: Okay, thanks.

14 CHAIRMAN CANNON: We're going paragraph by
15 paragraph, as it were. Any changes or suggestions for 3?
16 Okay, 12-901-4, Definitions. Seeing none, we will move on
17 to Subchapter 2. Yes, Lucienne.

18 MS. DeNAIE: It seemed to me a little later on
19 that some things are not defined. Should I just bring that

20 up where I see them?

21 CHAIRMAN CANNON: Sorry, one more time?

22 MS. DeNAIE: It seemed to me in reading through

23 this that there are some terms that are not defined that we

24 may want a definition of. Is this the time to bring up

25 those terms, or should I bring them up as they come up in

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1 the text?

2 CHAIRMAN CANNON: This sounds like a good time,
3 because we're on definitions.

4 MS. DeNAIE: Well, just off the top of my head
5 here, where it talks about emergency meetings and executive
6 meetings, it says Chapter 92. Now maybe there's definitions
7 in Chapter 92, but what is an emergency meeting? What
8 consists of an emergency meeting? What would trigger an
9 emergency meeting, and what are executive meetings?

10 CHAIRMAN CANNON: James, do you want to handle
11 that?

12 MR. GIROUX: Emergency meetings are usually
13 thought of as something that when the body has to meet
14 because of a dire need. A lot of times either to meet a
15 deadline or where there's going to be, you know, something
16 that's going to be catastrophic if you don't meet in order
17 to get some action.

18 MS. DeNAIE: Not to be a nit picker, but I'm on
19 many boards of directors, and there's also a provision for

20 emergency meetings in your operating rules, about what you
21 have to do to call one and that kind of thing. So I don't
22 know if we need that, but I think it would be good so that
23 everyone is clear on what it was.

24 MR. GIROUX: I believe the Office of Information
25 Practices, if there was a question about whether a meeting

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1 was an emergency or not, that that would be a resource we
2 would use. We would go to that to see if indeed we were in
3 the purview of an emergency meeting.

4 MS. DeNAIE: I'm only bringing this up because as
5 members it's unlikely that we individually are going to go
6 to the Office of Information Practices. And if these are
7 the rules that we're working by, it might be good that we're
8 all on the same page and know what to expect. That's all.

9 MS. MOIKEHA: Chair, I have a question. Just to
10 follow up, on page 901-7, Section 12-901-8 where it refers
11 to letter G. It says, "Pursuant to Chapter 92," in regards
12 to emergency meetings and executive meetings. So, James,
13 does that clearly outline and define what an emergency
14 meeting is, and are the rules to be followed within Chapter
15 92?

16 MR. GIROUX: I don't have my Chapter 92 with me,
17 but I believe that within that section that there would be
18 enough guidance to understand what we would have to meet in
19 order to have an emergency meeting.

20 MS. MOIKEHA: That's my question. If there's
21 enough guidance in there, then we don't have to go to the
22 length of adding more information if it's already there and
23 it could be referenced. Okay, thank you.

24 CHAIRMAN CANNON: Lucienne.

25 MS. DeNAIE: Just for my illumination, what is an

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1 executive meeting then?

2 MR. GIROUX: An executive meeting would be where
3 the rights, liabilities, and duties of the members would
4 come into effect, where you would want to exclude the public
5 for a limited basis in order to talk to your attorney.

6 MS. DeNAIE: Executive session?

7 MR. GIROUX: Yes.

8 MS. DeNAIE: Thank you.

9 CHAIRMAN CANNON: Any other comments? Okay, we're
10 in Subchapter 2. I would assume nobody wants to change
11 where our office is. Yes, John?

12 MR. BLUMER-BUELL: I wanted to make a comment on
13 12-901-6, Communications. And I think this is particularly
14 important for the public, but also for GPAC members. I
15 think probably the public and GPAC members will have in some
16 cases substantial amounts of information to submit to our
17 committee, and I'd just like to be sure what the protocol
18 for that is. I've tried to submit information at our
19 meetings, which didn't work, so it's best for us just to do

20 it through John and the Planning Department?

21 MR. SUMMERS: Thank you, Mr. Chair, members of the

22 committee. That would be a desirable approach, and the

23 practice of bringing those items up as communication items

24 would be a protocol to follow. But this allows us to

25 collect that information and file it and bring it before the

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1 body.

2 CHAIRMAN CANNON: Does that answer your question?

3 MR. BLUMER-BUELL: Thank you.

4 CHAIRMAN CANNON: I'm following on kind of a
5 follow-up on that. Would there be a list of communications
6 so if there are questions on items that we can get an
7 explanation?

8 MR. SUMMERS: Thank you, Mr. Chair. I think
9 that's an excellent idea, to keep a running list of items as
10 they're submitted to the department.

11 CHAIRMAN CANNON: Thank you. Yes?

12 MR. MAYER: Where it says "office" actually the
13 long-range planning office is different than the main
14 director's office, and my guess is that as time goes on we
15 will have maps, we'll have materials that the public may
16 want to review. And I think the rules should actually refer
17 to the place where all of these materials will be kept. So
18 I would recommend that the wording -- I'm not sure exactly
19 how it would be stated, but it should be exactly where the

20 public would be able to get access to our records.

21 The next item, Communications, talks about

22 mailing, and where people communicate that's one thing, but

23 the location of the records should be clear to the public.

24 CHAIRMAN CANNON: As it was just explained to me

25 by the Director, they need to go to this office in order to

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1 be stamped on a certain date and a certain time. And where
2 they're stored is less important, because they will be
3 available upon need, I would think, is that correct, if
4 somebody wanted to see one of those?

5 DIRECTOR HUNT: Yes. As I read 901-6 it's
6 directing where communications will be directed to. And
7 once they're directed to the Kalana Pukui building, then we
8 can store them where ever appropriate.

9 MR. MAYER: For example, 901.5, where the public
10 would go to see the records. And they probably would not be
11 coming to the main director's office but rather to the
12 Long-Range Planning office, I suspect. I'm not sure,
13 because there's very few people at the main office who would
14 really understand what all those maps and charts are.
15 That's really the domain of Long-Range Planning.

16 CHAIRMAN CANNON: The point is, if I'm
17 paraphrasing then correct me if I am wrong. This is where
18 communications would be directed, but you're asking what if
19 somebody was interested in seeing these records. Where

20 would they go?

21 MR. MAYER: Correct.

22 DIRECTOR HUNT: In all likelihood, correct me if I

23 am wrong, John, the materials will be kept at the Long Range

24 Planning Department at One Main Plaza.

25 MR. MAYER: May I suggest where it says "office"

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1 that a statement be inserted there in that section, "Records
2 for review by the public will be kept at One Main Plaza," or
3 something to that effect.

4 MR. SUMMERS: Thank you, Mr. Chair. That would
5 not be a problem. I'd also like to note that under
6 Subsection 12-901-14 we have language regarding the
7 retention of documents by the Maui GPAC. We can certainly
8 include that mailing at the Long Range Division office
9 address there as well, if that's the desire of the
10 committee.

11 CHAIRMAN CANNON: Does section 12-901-14 respond
12 to your concern?

13 MR. MAYER: I just wanted to make sure the public
14 knew where that was, so that's why I said that. It could be
15 both places, one or the other.

16 CHAIRMAN CANNON: Good point. Thank you. Any
17 other comments? Yes, Lucienne.

18 MS. DeNAIE: Is there an implication here that
19 members can communicate by email? There's a physical

20 address, but I mean we communicate by email. Is it good to

21 also put an email address in this section?

22 CHAIRMAN CANNON: Do you want to handle that?

23 MS. DeNAIE: I'm assuming there's nothing

24 prohibiting it.

25 MR. SUMMERS: Chair, I don't know of anything that

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1 would prevent us from doing that. Regarding the multiple
2 address situation that Member Mayer brought up, I think if
3 we're going to have under Subsection 14, the Long Range
4 Division office noted, then for consistency sake under
5 12-901-5 we could use the same office. I just would like to
6 eliminate the possibility of people going to multiple
7 offices and getting frustrated.

8 So if the members don't object, we could add that
9 Long Range Division Office into Subsection 12-901-5 as well
10 as 12-901-14.

11 MR. MAYER: Fine.

12 MR. SUMMERS: And we can include emails as well.

13 MS. DeNAIE: Just to make it clear, you wouldn't
14 have to have something in a hard copy in order for it to be
15 accepted. It could be accepted in email form. Thanks.

16 MS. FILIMOEUATU: Mr. Chair, since we're talking
17 about communications, this section is communications coming
18 into the GPAC from outside, correct?

19 CHAIRMAN CANNON: Correct.

20 MS. FILIMOEATU: How do we get that communication
21 to the members, are we obligated to then check in, or are we
22 then going to have an item on our agenda that should say
23 communications that come through?

24 CHAIRMAN CANNON: Yes. As I understand John's
25 response to my suggestion, I believe there will be a section

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1 on our agenda -- will it be on the agenda -- which says
2 communications, and then a list of all the items that came
3 in.

4 MS. FILIMOEATU: So we haven't had any
5 communications up to this time?

6 MR. SUMMERS: I believe we have had communication
7 items, and they have come in through our agenda. But this
8 would formalize that.

9 CHAIRMAN CANNON: Other comments? Jeanne.

10 MS. SKOG: Under communications, if we're adding
11 email then we would add a fax number to it, I guess.

12 CHAIRMAN CANNON: Does anyone disagree with that?

13 No? Good idea. Okay, any other suggestions at this point?

14 Any other comments on communications, item 12-901-6.

15 Membership, 12-901-7.

16 MR. MAYER: Mr. Chair, at the very end of that
17 section it says that the member is appointed until Council
18 adoption of the Maui Island Plan. I think we have to make
19 sure that the County-wide policy plan is also adopted. So

20 I'd just like to add on that next to the last line there, it
21 says, Until Council adoption of both the County-wide policy
22 plan and the Maui Island Plan, at which time the Maui GPAC
23 shall be disbanded.
24 Because there is a possibility that the island
25 plan would be adopted and they don't adopt the other plan

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1 until afterwards.

2 CHAIRMAN CANNON: Any disagreement with that?

3 Okay, moving forward, any other comments on 7, Membership?

4 On to meetings, 12-901-8, Meetings.

5 MR. FRANCO: Mr. Chair, under that when we talk

6 about the revised addition of Robert's Rules of Order, are

7 we saying there the latest revised edition or a specific

8 revision, so that we know what we're working with?

9 CHAIRMAN CANNON: Good point. Is the insertion of

10 "latest" before "revised" okay with everyone? Okay, good

11 suggestion. Anything more on that?

12 MR. MAYER: Excuse me. On item H on the next page

13 it says there, "Public hearings may be held after thirty

14 days notice." Given the short time that we have to work,

15 the thirty days seems long. Is that a requirement of law

16 that it has to be that long? Because most meetings are one

17 week.

18 MR. SUMMERS: It's my understanding that's a

19 statutory requirement.

20 MR. MAYER: For example, the rules today, we had
21 to wait the thirty days, but we may want to have, you know,
22 a hearing on transportation. Can we just put it on our
23 agenda and people have one week notice to explain?

24 MR. GIROUX: The difference is there's a
25 separation between a public meeting and a public hearing.

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1 What we're having today is a public hearing, because by law
2 we have to publish and go through some higher formalities in
3 order to adopt the rules. But when we meet we're having a
4 hearing open to the public, so we have to follow the
5 Sunshine Law, which would be your six day agenda rule.

6 So like right now the department did follow their
7 thirty day publishing and all that in order, because we are
8 having a formalized public hearing based on the adoptions of
9 the rules. So if you are going to have a meeting, another
10 meeting, as long as you follow the Sunshine Law and the
11 public is allowed to testify, that's a different animal, I
12 guess.

13 CHAIRMAN CANNON: Does that respond adequately to
14 your concern?

15 MR. MAYER: Yes.

16 CHAIRMAN CANNON: Any other concerns or
17 suggestions regarding meetings? 901-8. Yes, Jeanne.

18 MS. SKOG: Under the time limit for presenting
19 oral testimony, I wondered what was appropriate or when it

20 was appropriate for us to set that time limit. Is it now or
21 is it later? It seems like we'd want to -- the public would
22 want to know that now, so it doesn't look arbitrary later.

23 CHAIRMAN CANNON: Good point. How does the
24 committee want to handle that? Do we want to set a time
25 limit at this point, or do we want to do it on a more

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1 relaxed basis where we decide at the time? Yes, Lucienne.

2 MS. DeNAIE: Well, I think that we have our bottom
3 line that, you know, at a minimum, anyone could expect three
4 minutes, which is pretty standard. But if there are only
5 two people to testify we could give someone five minutes. I
6 think we might want to be flexible depending on what they
7 have to offer us. It might be a little more complex, they
8 might need extra time.

9 So I'm not sure that I think there's a need to
10 give an exact figure, other than they know that they have
11 three minutes for sure, and it's possible they could have
12 more depending on if there's very few people to testify.

13 MR. GIROUX: I'd just like to comment. The Office
14 of Information Practices has written an opinion about this,
15 and as long as the time is given prior to or at the
16 beginning of the meeting, so everybody at that meeting knows
17 how long you're going to give for public testimony, that's
18 the minimum. And as stated in our own rules, and as stated
19 by Lucienne, that at a minimum the person knows that they

20 have three, but you do want to reiterate that at the
21 beginning of the meeting. That we're going to stick to
22 three or go to five, so everybody who does testify gets the
23 same amount of time.

24 CHAIRMAN CANNON: Does that address your concern,
25 Jeanne?

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1 MS. SKOG: I can see where Lucienne is coming
2 from, but I think in terms of the public preparing for
3 testimony, if they don't know until the day, in fact the
4 moment they're going to go up, what the length of their
5 testimony could be, I don't think that's fair to them. You
6 know, so it's a bit arbitrary. "Gee, if I go to this one
7 I'll get ten minutes. If go to this one I'll get three."

8 It just seems like it would be in the best
9 interest to look equitable if we just set it and people live
10 within that time limit. I understand where Lucienne's
11 coming from, but my concern is how does one know then, if
12 you're the public, what you are going to get?

13 CHAIRMAN CANNON: Yes, Joe.

14 MR. BERTRAM: Just two things. Amazingly in the
15 legislature there is no limits. They really leave it to the
16 discretion of the Chair to decide when to cut off testimony
17 for any particular testifier. But many go on for as long as
18 they wish. I don't know if this body wants to do that or
19 not.

20 Just the other thing is I didn't see a procedure
21 in here about electing a Chair, maybe because we only do it
22 once. You might want to put that in there just for the sake
23 of having it in there.

24 CHAIRMAN CANNON: Yes, Chubby.

25 MR. VICENS: Excuse me. I think the Council has

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1 the three minute rule, and if you have more to say you can
2 come back in the end. Maybe for the sake of consistency we
3 follow the same rules. That way everybody knows coming in,
4 because they're familiar with what is required at Council
5 meetings if you want to testify.

6 Now, the difference between testifying and
7 describing a project I think has to be discerned by the
8 Chair. If someone is going to come up and we have allowed
9 them to come and describe a project to us, the Chair should
10 say so prior to it happening, so that we know that the time
11 is just going to run until they get through. But I think
12 we're going to end up with so much work that if we don't
13 discipline ourselves early we may have problems later on.
14 Thank you.

15 CHAIRMAN CANNON: Yes, Stan.

16 MR. FRANCO: Just to follow up with what Chubby
17 said. The question I would have is that oral testimony,
18 would that be equal for everyone? Going back to what Jeanne
19 was talking about, the public, and let's say if a developer

20 wants to make a presentation. We say oral testimony is
21 three minutes, with maybe another three minutes as a
22 follow-up later on, and somebody wants to make a
23 presentation of 30 minutes on a particular project. How do
24 we differentiate, do we give equal time, do we differentiate
25 between somebody from the public? What if it's an entity

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1 that comes in as a developer or the government or whoever,
2 you know. Are we trying to be equal here with everyone?

3 CHAIRMAN CANNON: That's what we're deciding
4 today, so that's a very good question. How do we want to
5 handle that, do we want to give the Chair the discretion of
6 making that decision, or do we want to decide now and put it
7 in our rules? Yes.

8 MS. MOIKEHA: As I'm listening to some of the
9 comments, I think there's been a lot of things raised that
10 are important. However, I like the idea of consistency. So
11 if we did follow what the Council has done, I think that
12 would work well. And again, isn't public testimony supposed
13 to be on the agenda items? So when we're hearing public
14 testimony they should be commenting on the agenda items,
15 because that's what's been noticed to the public.

16 When we invite particular groups, whether
17 developers or other organizations, then we would agendize
18 that with a format. For instance, if we're going to invite
19 all developers to talk about land uses in their area, we

20 would set a guideline, 15 minute or 10 minute presentations.

21 This is what you would address, A, B, C, D, so it's equity

22 for all.

23 But I think there is a difference, and so when you

24 are talking about the public having a set time frame of

25 three minutes with an additional three minutes at the end

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1 for the last testimony, I think that's good, and I think it
2 will keep us moving. And again, also testimony like how we
3 did in the commission was that we opened it to public
4 testimony in the beginning for those that couldn't be here
5 when that agenda item came before the committee or the
6 commission. Again, we took testimony when that agenda item
7 came up, so that after we had heard a report, after we had
8 discussion, then we took a vote.

9 So I mean those are some ways to implement public
10 input and do it in a kind of restrictive way so that we're
11 not all over the place.

12 CHAIRMAN CANNON: Do we want to put that into the
13 rules?

14 MR. SUMMERS: Thank you, Mr. Chairman. The
15 procedure that Committee Member Moikeha explained will
16 really provide for, in my opinion based on my experience, an
17 efficient way to run our meetings. We don't need to include
18 that in the rules, but we need to have an understanding that
19 we will have special meetings with special purposes where

20 County agencies or special groups will come in. And we will
21 agendize those provisions and may have different time limits
22 specified. But that procedure has been tried and seems to
23 work, and I would generally recommend that as an approach.
24 MS. FILIMOEATU: Mr. Chair, Kehau from Kahului.
25 This is a matter of fact, I guess. We're looking at public

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1 testimony. Public testimony on any agenda just means public
2 testimony. It does not at that time just limit it to what
3 is on the agenda, is that correct? So it could be about
4 anything that somebody comes up and testifies about to us,
5 is that correct?

6 CHAIRMAN CANNON: That's correct. James?

7 MR. GIROUX: We would want to encourage people to
8 stay to the agenda. But as far as the Sunshine Law, if
9 somebody comes up and testifies about something that's not
10 on the agenda, you know, as the Chair, you could let them
11 know that that's not on the agenda. However, as long as the
12 committee does not address what was addressed and continues
13 to push beyond the agenda, then you are not going to run
14 into Sunshine Law problems.

15 But as far as order and efficiency, you do want to
16 let them know that it's not on the agenda. You want to let
17 the body know that we are not going to get into that
18 discussion, because you don't want people asking that person
19 questions about that topic because it's not on the agenda.

20 CHAIRMAN CANNON: Does that answer your concern?

21 MS. FILIMOEATU: Well, it is a concern, because

22 you have some people that may be popping in let's say from

23 another island that are not necessarily going to go

24 according to the agenda or just might want to share. So do

25 we say we are not going to listen, we're not going to let

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1 them talk, but will it be documented in our records of
2 having been heard?

3 CHAIRMAN CANNON: I think from what I heard
4 Counsel saying just now, we can listen to them if we want
5 to. If there's a motion and it's not on the agenda, and we
6 don't want to listen to it now, we will consider that too.
7 We can take in what they're saying, the only problem is we
8 can't ask them questions about it or get into depth on an
9 item that isn't on our agenda.

10 MS. FILIMOEATU: That would be illegal?

11 MR. GIROUX: The Sunshine Law is trying to prevent
12 the body from I guess -- we can't stop the public from
13 saying what they're going to say, I mean they're going to
14 say what they're going to say. We are not going to be held
15 liable for that. But if we start encouraging them to go
16 down a path that has not been publicly noticed, then we're
17 the ones that are going to be libel for violating the
18 Sunshine Law.

19 That's why I'm telling you if something comes up

20 and it's not on the agenda, the body should be asking that
21 person, you know, further clarification to go down that path
22 of discussing that matter that is not on the agenda.

23 MS. FILIMOEATU: We should not be doing that.

24 MR. GIROUX: Right. You as a body want to stick
25 to the agenda because you don't want to expose yourself to

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1 that liability.

2 CHAIRMAN CANNON: Hans, do you have a point?

3 MR. MICHEL: Yes. Some of the testimonies are
4 very complicated and sometimes it takes them more than three
5 minutes, so we should give the people a chance to get an
6 additional minute or two so they can finish a job once and
7 move on.

8 CHAIRMAN CANNON: Well, there's two views that I
9 have seen in here tonight. One is to have the same rule for
10 everybody, are going to have three minutes. And it's been
11 suggested that we offer them the opportunity to come back
12 afterwards, which isn't in our rules, so we would have to
13 change that if we want to, or to allow further testimony
14 beyond three minutes if it's the will of the committee. We
15 would have to take a vote. Yes, John?

16 MR. BLUMER-BUELL: John Blumer-Buell. I like what
17 Susan said regarding what they do at the Planning
18 Commission, because we have had one person from the public,
19 the first person that testified who testified specifically

20 about testifying before the item, not in the front. And the
21 way they do it at the Planning Commission allows people that
22 need to leave to do it at the beginning of the meeting, and
23 some of the ones who want to testify at the time of the
24 item, they have that opportunity. So I think that's the
25 best.

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1 And then it's just a matter of whether they get --
2 I would rather see people have, just like the Council, have
3 three minutes with a minute to follow up. And if they want
4 to come back for additional time then, like the Council, you
5 stop them at three minutes and they come back for an
6 additional three minutes. So this is just kind of a hybrid
7 of the County Council and the Planning Commission rules.

8 CHAIRMAN CANNON: It was just explained to me that
9 the Commission, the Planning Commission has very similar
10 rules to this, and it basically is a minimum is what they're
11 saying. You have at least three minutes, and whether you
12 have more than that will be at the discretion of the
13 committee or the Chair. Whether you can come back
14 afterwards would be similar. Is that okay with everyone?
15 Stan?

16 MR. FRANCO: Excuse me. I wanted to make a
17 motion, if I may. My motion would read that particular
18 sentence, a reasonable time limit may be imposed on oral
19 testimony, which shall be three minutes per person

20 initially, and an additional three minutes after all persons

21 have given oral testimony.

22 CHAIRMAN CANNON: Okay, is there a second?

23 MS. DeNAIE: Second.

24 CHAIRMAN CANNON: Lucienne second. Any further

25 discussion?

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1 MS. SKOG: I just wanted to add to the point about
2 what if there's complicated material. And in all cases I
3 think testifiers should be encouraged to submit written
4 testimony to back up whatever they're going to present. I
5 think that's a more effective way anyway for something
6 complicated. But I would be in favor of setting a limit.

7 CHAIRMAN CANNON: Okay. Any further discussion?
8 All those in favor of the motion indicate by saying "aye."

9 (A chorus of ayes).

10 Opposed say "nay."

11 (None).

12 Motion carries, thank you. Anything more on item
13 12-901-8, Meetings? Yes, John.

14 MR. BLUMER-BUELL: Mr. Franco's motion, does that
15 cover the idea of testimony at the beginning of the meeting
16 and then just before the agenda item as well? I mean has
17 that issue been dealt with?

18 CHAIRMAN CANNON: No, it doesn't specifically
19 respond to that, but I believe we have the discretion

20 regardless. I know there was another item brought up by
21 Joe, who I don't see any more, but he mentioned the election
22 of officers. Does that need to be in our rules?

23 James, is it necessary that we have how we elect
24 our officers in the rules?

25 MR. GIROUX: Generally we will follow Robert's

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1 Rules of Order as far as the nominations and voting. So
2 most organizational bodies usually follow that procedure
3 from Robert's Rules of Order.

4 CHAIRMAN CANNON: It's covered in that way. Any
5 other questions on that? Okay, any other suggestions
6 regarding 12-901-8, Meetings? 901-9, Quorum. Yes, Jeanne.

7 MS. SKOG: I just had a question on what
8 constitutes a special meeting.

9 CHAIRMAN CANNON: You're asking Corp Counsel what
10 constitutes a special meeting?

11 MS. SKOG: Yes.

12 MR. GIROUX: Usually special meetings are when a
13 body has published their regularly scheduled meeting.
14 Usually it goes out maybe six months or a year where they
15 will meet every Friday, the first Friday of every month or
16 something like that. So when you have a regular meeting and
17 then it seems apparent that there may need to be a special
18 item taken up in between those regularly posted meetings,
19 then there would be an announcement that we're going to have

20 a special meeting. And then you still have to post an
21 agenda in accordance to the Sunshine Law. So a special
22 meeting would mean that it would be a non-regularly posted
23 meeting.

24 CHAIRMAN CANNON: Does that answer your question,
25 Jeanne?

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1 MR. MAYER: With seven days notice?

2 MR. GIROUX: According to the Sunshine Law.

3 CHAIRMAN CANNON: The way it's worded, it says any

4 time and place as scheduled. So "within the Sunshine Law"

5 maybe should be added there, or something to that effect.

6 Okay, it's covered elsewhere. Any other questions on 901-9?

7 MS. FILIMOEATU: Mr. Chair, on membership it

8 addresses exactly what the compilation or what comprises

9 this meeting. It doesn't address or are we ever going to

10 address replacements, or let's say someone is not able to

11 serve. Because that membership is finite, yeah, they named

12 the number. And the quorum also says the quorum is dictated

13 by the entitled members, which would be that 25. We've been

14 going for awhile and we haven't hit 25, and yet we needed 14

15 to elect somebody, you know what I mean, and we're using

16 that number. So is there any procedure for replacement

17 and/or substitutions, let's say if somebody is unable to

18 serve?

19 CHAIRMAN CANNON: Good question.

20 MR. SUMMERS: Thank you, Mr. Chair, members of the
21 committee. We do have a process outlined in Maui County
22 Code 2.80(b) for the appointment of members. For instance,
23 on Molokai we had a member resign, we had another member
24 appointed in that member's place, and that followed the
25 provisions in the County Code. So we do have that covered

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1 under 2.80(b).

2 CHAIRMAN CANNON: Mr. Mayer.

3 MR. MAYER: Is that rule specific enough? Because
4 our committee membership here is made up of six people
5 appointed by the Mayor, and the other 19 appointed by the
6 Council. So is the assumption in that rule fine enough that
7 it says a that a Mayor-appointed person gets reappointed by
8 a Mayor, is that the way it would read?

9 MR. SUMMERS: The procedure that was followed in
10 the case of Molokai was if there's a member that was
11 appointed by the Mayor, then the Mayor makes the
12 appointment. If it was a member that was appointed by the
13 Council, the Council makes the appointment. The process is
14 done through resolution by the Council.

15 CHAIRMAN CANNON: Does that address your concern,
16 Kehau?

17 MS. FILIMOEATU: Well, we also are appointed
18 geographically, so that would also be entailed in that. We
19 would just go back to that.

20 MR. SUMMERS: That's an important point for the
21 island of Maui.

22 CHAIRMAN CANNON: Yes, Lucienne.

23 MS. DeNAIE: Does the statute also cover what
24 would be a definition of the amount of non-participation
25 that would cause us to replace a member? In other words, a

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1 lot of times bylaws say that if a member is not excused for
2 more than three meetings in a row and they're not present,
3 that the Board can appoint a new member. Is there any
4 provision for that?

5 MR. SUMMERS: Thank you, Mr. Chair. I don't
6 recall such language. I can look at that and report back to
7 the committee, but I don't recall seeing that type of
8 language. Generally it's up to the Council to make that
9 determination, but of course attendance is very important
10 with the quorum requirements that we have. And fortunately,
11 and I want to thank all of you, the attendance on the Maui
12 GPAC has been really exceptional to date. But it's
13 important that in the event we start losing members that we
14 do replace those members so we can operate efficiently.

15 CHAIRMAN CANNON: When you say it's up to the
16 Council, do you mean up to this committee?

17 MR. SUMMERS: That's correct, this committee.

18 CHAIRMAN CANNON: Does that respond to your
19 question?

20 MS. DeNAIE: Yes, as long as we're all clear at
21 the onset if a number of us felt like, gee, we haven't seen
22 so and so for six meetings now, maybe we should say
23 something about it. That it's been discussed up front that
24 there's a provision for it.
25 CHAIRMAN CANNON: Good point. Hans?

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1 MR. MICHEL: My friend from Lahaina never came for
2 about five or six meetings already, so we should look at
3 what's happening to him. In fact, I haven't seen him, I
4 don't know where he went. But whatever happened, but he's
5 never here.

6 CHAIRMAN CANNON: Does the committee want to look
7 into that at this point?

8 MS. DeNAIE: Does he communicate with the staff
9 about his expected presence? I mean that's all it would
10 take.

11 MR. SUMMERS: Thank you, Mr. Chair. We have been
12 in communication with Kaipō regarding his attendance. And
13 it was my understanding he doesn't have email, but we have
14 been in contact with him. He wants to attend the meetings.
15 We were expecting to see him this evening, but we will
16 follow up. Again, we are going to be the ones that badger
17 members who aren't making it to the meetings on a regular
18 basis because attendance is so important.

19 CHAIRMAN CANNON: Anything more on that? Do we

20 want to request of our staff that if somebody has missed
21 more than three meetings in a row that they let us know so
22 that we can decide what to do about it? Is that okay? Not
23 in the rules, but just --

24 MR. SUMMERS: It makes it easier for us.

25 CHAIRMAN CANNON: Anything more on that? Okay,

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1 anything more on Quorum, 901-9.

2 MR. MAYER: Excuse me, Chair.

3 CHAIRMAN CANNON: Yes.

4 MR. MAYER: The last three words there on that
5 thing about quorum, it says, "to take any action." I think
6 in this large body many of us anticipate that perhaps at a
7 future meeting we might want to break up into subcommittees.
8 And, for example, one group might want to look at
9 transportation and another group health care, or whatever it
10 may be.

11 This is sort of saying that we can't do that,
12 because everything has to be done with a majority of 13.
13 And I'd just like to ask our attorney, is there some way
14 that the group could break up, let's say not even in
15 separate rooms, but let's say caucus in a way, take perhaps
16 a straw vote and all the actions taken by the full body, and
17 make a recommendation back. I'd like to get some kind of
18 efficiency to it, or is it just we can't do it?

19 MR. GIROUX: Well, there are several concerns with

20 that. Part of the action is that you want voting and those
21 types of things to be done regarding the actual documents
22 that you are going to be looking at. And so in that effect
23 the word "action" means the action of the body. If you
24 don't have an affirmative vote of the majority of the
25 members, then if you're one vote short then whatever was

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1 voted on it's just a non-action. So that's one of the
2 tenets of making sure that whatever is processed or sent to
3 the next level really does come from the body. And that's
4 what you want, you want the document to reflect what the
5 body wants.

6 As far as breaking up into different groups, one
7 of the concerns is that you want the same information to be
8 given to everybody when they're making decisions where you
9 need a majority vote, and that's another concern. And the
10 other concern is logistically breaking up into bodies where
11 you are not going to be able to be functioning, taking
12 minutes, and that type of formality is going to be lost.

13 And you don't want to be losing that type of
14 formality, because the whole reason that you are in this
15 type of meeting is so that there is a record, and that there
16 is deliberation amongst the whole body, not just groups of
17 people. And you don't want those groups of people that have
18 different information than other groups of people.

19 So I think when you are looking at this type of

20 meeting you want to have a quorum, you want to have a
21 majority vote, and you want to have action that at least you
22 can look back and say it's a legitimate action because it
23 affects the document that is going to be going forward.

24 CHAIRMAN CANNON: So if I could kind of follow up
25 on that one, we are allowed to have sub-committees, but no

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1 action would be taken in those sub-committees. They'd be
2 perhaps studying a certain issue and come back and report to
3 the body as a whole, and then action would or wouldn't be
4 taken.

5 MR. GIROUX: Yes. You would have to follow strict
6 formalities as far as electing who would be on that body, if
7 it's less than a quorum, and that those people would have to
8 give a full report back to the body.

9 CHAIRMAN CANNON: Does that respond to your
10 concern?

11 MR. MAYER: It's two different interpretations, as
12 I see it. I thought first that there would be no
13 subdividing, and now you're interpreting that we could
14 subdivide, and I'm not sure which it is.

15 MR. GIROUX: Well, it could be allowed, but your
16 question was regarding action.

17 MR. MAYER: No. If this group let's say wanted to
18 write up -- let's say core groups of six people, and one
19 group wanted to discuss the verbiage, and one group wanted

20 to discuss the policy plan about transportation, someone
21 else wanted to look at health verbiage. And the group would
22 take a consensus, they would then report to the whole group,
23 who would actually be the ones taking action. So the sub
24 group is not taking action, it's making a recommendation to
25 the whole body, which is the only group that can take

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1 action. Is that possible?

2 MR. GIROUX: It's conceivable that that's
3 possible. And again, that you would have to follow strict
4 formalities as far as getting those people who are going to
5 be assigned to that duty to do that.

6 CHAIRMAN CANNON: If we did do that, if that was
7 the case, would we need a Sunshine Law notice of a meeting
8 of that sub group also, and would it also mean minutes?

9 MR. GIROUX: Well, you would have to follow
10 underneath the narrow scope of an investigation. And as far
11 as the formality, I would have to look into the formality of
12 whether you would at that point have minutes. Because that
13 group would not have the power to take action, it would be
14 less than a quorum. But I would have to check with OIP as
15 to whether the formality of having minutes would have to be
16 followed.

17 CHAIRMAN CANNON: Thank you. Yes?

18 MS. MOIKEHA: Chair, just to add something here
19 that might help. In the context of a workshop, you could do

20 these little sub groups, and then have them come back and
21 agendize it by saying workshop sub group transportation,
22 health care, whatever it is. And then as you said, come
23 back and report to the general body and then take action.
24 Would that work?

25 MR. GIROUX: Conceivably that would work.

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1 CHAIRMAN CANNON: Do you want to look into that
2 further for us and report back at our next meeting?

3 Terrific. Yes, Warren.

4 MR. SHIBUYA: I was wondering if we do have these
5 workshops would we allow the public to provide testimony?

6 CHAIRMAN CANNON: We're getting deeper into the
7 subject.

8 MR. GIROUX: That's why I'm saying conceivably it
9 could work, but you have to look at these details, and it
10 could create other problems that you are not anticipating.
11 So could you do it legally? Yes, possibly you could. But
12 you have got to look at the other logistical problems and
13 time schedules and those types of things that you might run
14 into.

15 CHAIRMAN CANNON: Right. And if these working
16 groups come back and report back to the main body, that
17 would be an opportunity for the public to testify also at
18 that point, before action is taken, I would think. Anything
19 more on that?

20 Joe, you were out of the room, but you asked the

21 question about election of officers.

22 MR. BERTRAM: Yes, he told me.

23 CHAIRMAN CANNON: Anything more on the section on

24 Quorum, 901-9? How about Agenda, 901-10. Yes, Lucienne.

25 MS. DeNAIE: Just a couple of clarifications. So

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1 when it says nothing on the agenda can we changed without
2 two-thirds vote of all the members, does this mean that if
3 we want to delete an item or want to postpone an item, that
4 each one of those would take a two-thirds vote. Is that
5 like how that would be structured, or does the staff make
6 those decisions.

7 For instance, if materials weren't ready yet would
8 the members have to vote to delete that item because it had
9 been noticed, or is it just we don't have the material so we
10 are going to do it next time?

11 CHAIRMAN CANNON: Do you want to respond to that
12 one, Jim?

13 MR. GIROUX: I think you would want to do a strict
14 interpretation of that. But again, if the material is not
15 ready, you are going to need to discuss it. When it's on
16 the agenda, when it's on the agenda published and then
17 there's a change to be made to the agenda, then the vote
18 would have to be deleted.

19 MS. DeNAIE: One last thing, Mr. Chair. Would it

20 make any sense to add a line just noting how items can be
21 placed on the agenda by members of the public?

22 CHAIRMAN CANNON: How does the committee want to
23 proceed in that regard, do we want to add a sentence? Do
24 you have a suggested wording?

25 MS. DeNAIE: Well, for instance, "Agenda items

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1 from committee members should be forwarded to planning staff
2 at least eight days before the scheduled meeting," something
3 like that, so there's enough time frame so people are clear
4 on what the procedure is. You tell me how many days you
5 need for lead time. Is that already covered somewhere?

6 CHAIRMAN CANNON: In our agenda tonight there's a
7 section called "Setting the agenda for the next meeting,"
8 for in this case the January 24th meeting. What you are
9 referring to is in between now and then perhaps what if
10 something comes up that you want added to the agenda, how do
11 we do that.

12 MS. DeNAIE: Exactly.

13 CHAIRMAN CANNON: The comments I am getting from
14 staff are if it comes from the Chair or Vice-Chair that
15 would work out fine, but if it comes from everybody in a
16 rapid fire manner it would be difficult to handle.

17 MS. DeNAIE: So we would forward to the Chair any
18 suggestions and the Chair would forward them on.

19 CHAIRMAN CANNON: There we go. Dick?

20 MR. MAYER: I was going to suggest that perhaps
21 after each of our meetings maybe the Chair and Vice-Chair
22 could meet with the staff to set the agenda for the next
23 meeting. I am not sure we need the rules, but it would make
24 it very efficient. We might get ideas from the public. And
25 that way there's a bit of discussion of what things we want

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1 to have on our agenda.

2 CHAIRMAN CANNON: That's allowable within the
3 rules? Okay, that's allowable within the rules as they are.

4 So you are not necessarily meaning right after the meeting,
5 but maybe the next day or two.

6 MR. MAYER: Within two or three days afterwards.

7 CHAIRMAN CANNON: Is that acceptable to everyone?

8 Okay. Yes, Chubby.

9 MR. VICENS: How would you handle something like
10 we've got tonight? We got a letter from John stating that
11 we're going to be discussing the County-wide Policy Plan and
12 we would have the materials in hand two weeks earlier. And
13 they're back in the box, so nobody has had an opportunity to
14 review them. So what you're going to do tonight is explain
15 to us what we should have garnered from the materials
16 previous to coming to the meeting, or not?

17 MR. SUMMERS: Thank you, Mr. Chair. Tonight's
18 quick discussion is basically a quick over-view of here is
19 what you're getting, please review it before the next

20 meeting, and we will have substantive discussion at the next
21 meeting.

22 For the purpose of setting the agenda, we do like
23 to have, as the Chair noted, a setting of the agenda at the
24 end of the current meeting agenda so that as a group we can
25 discuss possible items to be placed on the next agenda.

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1 MR. VICENS: Thank you.

2 CHAIRMAN CANNON: Any other comment? Jeanne.

3 MS. SKOG: Under this section it just seems like
4 it's quiet on who sets the agenda. I know you referred to
5 the bottom of the current agenda and that we're going to
6 discuss it. It just seems like this section should say so
7 and so sets the agenda, and then maybe have language along
8 the lines of what Lucienne said. But right now it's totally
9 quiet on it.

10 CHAIRMAN CANNON: Do you want to change that or do
11 you think it's within our prerogative as the rules are
12 written?

13 DIRECTOR HUNT: Generally speaking, the staff sets
14 the agenda, and most staff will work with the body to make
15 sure that the body's concerns are on that agenda and there's
16 consensus on the agenda. But because there's last minute
17 things that come up, plus we're there 40-plus hours a week,
18 it makes sense mechanically for staff to set the actual
19 agenda.

20 CHAIRMAN CANNON: I would think that in the end if
21 there's a disagreement between staff and this committee as
22 to what item might be on the agenda or the next agenda and
23 there's no problem with notice or anything like that, I
24 would think that the committee would have the final say on
25 whether that's on the agenda or not. Is that not so?

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1 DIRECTOR HUNT: We would work very hard to get a
2 consensus with the Chair and the body. But again, there's
3 legal requirements, there's notice, there's procedural
4 things that we have to be sure occur. We have to keep you
5 guys from stepping on land mines. That's what you have a
6 professional staff for, to rely on them. But again, we are
7 committed to working with you on the agenda.

8 CHAIRMAN CANNON: Does that respond to your
9 question?

10 MS. SKOG: Yes and no. I mean there's still no
11 language in here on who sets it. So the question is, does
12 it need to say staff will set the agenda with advice from
13 the members of the committee? There's nothing along that
14 line. Are we supposed to assume it's staff because of rules
15 that have been set? I'm just saying it's totally quiet on
16 it right now.

17 CHAIRMAN CANNON: Do you want to suggest a
18 wording?

19 MS. SKOG: I can. I'm just not sure whether we're

20 required to let staff set the agenda by the bill, and we can
21 only say "with advice from the committee" or "with input
22 from the committee."

23 MR. MAYER: Could I suggest that we just leave it
24 that the Chair sets the agenda, and the Chair at his or her
25 discretion to ask the staff to supply it. That leaves the

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1 authority very clear on who sets the agenda. It's our body
2 that's really setting the agenda, not the staff, and I think
3 that makes it clear legally. We set the agenda and the
4 Chair, whoever it might be, will be able to get all the
5 information and materials from the staff. "Subject to the
6 staff." We can always remove the Chair. (Laughter)

7 MR. SUMMERS: I think in terms of the current
8 protocol, which I think is efficient and is consistent with
9 how other boards and commissions set their agendas, we like
10 to note on the agenda, on every agenda an item for setting
11 the next agenda, and that allows for a rich discussion of
12 what should be placed on the next agenda.

13 As Director Hunt indicated, we're in a rapidly
14 evolving environment. We have issues that come up that are
15 time sensitive. Communication items come in. So to address
16 those items in addition to the input we get at the meeting,
17 we consult with the Chair of the committee before we post
18 the agenda to inform the Chair of these items that emerge,
19 to get any last minute input on the agenda prior to posting.

20 That's the common practice that we follow for all
21 of our boards and committees. It tends to work quite well.
22 It allows for group discussion in terms of setting the
23 agenda. It also provides for some flexibility in the event
24 that something happens between meetings that really needs to
25 be discussed, and it allows for department staff to

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1 communicate with the Chair or the Vice-Chair in the Chair's
2 absence to bounce the agenda off the Chair or Vice-Chair
3 prior to posting the agenda.

4 CHAIRMAN CANNON: Is that adequate for everyone?

5 It's okay? Hans?

6 MR. MICHEL: That sounds pretty good. How is our
7 work schedule to be set? We need to have it about two
8 months in advance so we know which way we're going. And
9 what you guys doing with the agenda makes no difference
10 until the day you guys come over here to discuss the
11 problem.

12 CHAIRMAN CANNON: So we have as much advance
13 notice as they can give us, in other words?

14 MR. MICHEL: Correct.

15 CHAIRMAN CANNON: Anything more on that? Yes,
16 John.

17 MR. BLUMER-BUELL: Thank you. It's my
18 understanding then that if someone from the public wanted to
19 get something on our agenda or have the Board put it on the

20 agenda, they could either request that in public testimony
21 when it comes to the next meeting agenda, or they could
22 write it to the staff or yourself. I just want to be sure
23 that's clear, because I think that's a big part of what
24 we're doing, is to give the public the ability to get on the
25 agenda.

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1 CHAIRMAN CANNON: That's correct, very true. The
2 rules, in a way they're written for -- they're not written
3 for when everything is going along real smoothly, it's
4 written for when there's a disagreement. You can decide how
5 the disagreement is decided by looking at the rules.

6 Who in the end should set the agenda is what I'm
7 hearing from some of you. Is that our authority as a
8 committee or is it our staff's authority as our staff? And
9 what I'm hearing from John is if you put it on the committee
10 being the final determiner of the agenda, what happens if
11 something comes up late and it can't fit within the notice
12 requirement so that couldn't be on the agenda, even though
13 the committee might want it? Or there may be other
14 logistical matters that are not seen by the committee when
15 they want to change something. That's what I'm hearing as
16 being the issues at hand here. Yes, Dick.

17 MR. MAYER: I think I would like to see the
18 wording say the Chair of the GPAC is in charge of the
19 agenda. And they can always get in touch with the Chair at

20 the last minute by email, by phone calls or whatever, and
21 say we need to change the order of things. I don't think
22 it's so difficult. In the absence of the Chair, there's a
23 Vice-Chair. But the authority should be vested in this
24 committee, not in the staff. I'd like to make that motion.
25 CHAIRMAN CANNON: Okay, is there a second?

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1 MS. HAMILTON: Second.

2 CHAIRMAN CANNON: Seconded by Lisa. Any further
3 discussion? Yes, Jeanne.

4 MS. SKOG: I think making sure that everything
5 that is done with the agenda is legal, it has to be subject
6 to staff review. You have got to have a consultative
7 process with Jeff and/or John in that.

8 DIRECTOR HUNT: It goes deeper than that. It's
9 not fair to the public or to the body to put something on
10 the agenda that staff hasn't prepared and that we can't make
11 an in-depth presentation so you can make an informed
12 decision. So you can't drive the agenda by the
13 decision-making body and tell us, well, we want to hear this
14 next item at the next meeting if it's not ready or if it
15 hasn't met the notice requirements.

16 CHAIRMAN CANNON: Yes, Susan.

17 MS. MOIKEHA: I'm comfortable with the staff
18 setting the agenda. And I think the underlying concern here
19 is how does this membership fit in, this committee, as far

20 as getting the things addressed that we need addressed. And
21 with the representation as indicated before, the Vice-Chair
22 or Chair meeting with staff, working together with that,
23 then I'm comfortable with that. And if you just look at
24 past history, I mean everything that a lot of these members
25 had asked for is on the agenda. Other things we have done

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1 hasn't been the greatest, but you have addressed their
2 concerns by putting it on the agenda and opening it up for
3 discussion. So I'm comfortable with staff continuing to set
4 the agenda as long as we have the representation of the
5 Chair and Vice-Chair, which really represents this body. So
6 I vote against the motion.

7 CHAIRMAN CANNON: Further discussion? Yes,
8 Trevor.

9 MR. TOKISHI: I also think that it's okay that the
10 staff has the final authority for the agenda, because in the
11 end the body still has that right to change the agenda with
12 a two-thirds vote. That's kind of the mitigating factor, if
13 the body is uncomfortable with the agenda.

14 CHAIRMAN CANNON: Does that provision address your
15 concern, Dick? That we could always amend the agenda with a
16 two-thirds vote anyway.

17 MR. MAYER: If this body has that authority to
18 change the agenda, we also have the authority to set the
19 agenda. I don't think there's going to be a conflict in

20 most cases, but at some point the agenda should be set by
21 the committee. The Director has given us the
22 recommendations of the Director and the department, and it's
23 our job to advise them, so we should be setting our agenda.
24 That's my feeling. I don't think in the end we are really
25 going to have problems. But as you just said, they set the

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1 rules in case there is a problem, and if there were a
2 problem the committee should be setting its own agenda.

3 CHAIRMAN CANNON: Further discussion? Stan.

4 MR. FRANCO: Stan Franco. I just wanted to ask.

5 In my committee meetings that I've had and some of the
6 committees, the agenda is approved by the body at the time
7 it's presented to the body. Is that possible in this case?

8 CHAIRMAN CANNON: I'm guessing that -- oh, you
9 mean at the prior meeting?

10 MR. FRANCO: At the time of the meeting when the
11 agenda is presented as an agenda for the body to look at, is
12 there any possibility of -- are we talking about two-thirds
13 or whatever taking off one of the items. The whole Sunshine
14 thing when it was discussed by James, can we at that point
15 make a decision that we don't want to discuss that item
16 because there's not enough resource material for our
17 discussion, and would that be appropriate for the committee
18 to do that?

19 MR. SUMMERS: Thank you, Mr. Chair. I think

20 that's an excellent idea. We have an item here, "Overview
21 of meeting agenda." And if it's clearly understood that
22 when we go over that agenda we can make changes pursuant to
23 these rules, that would allow checks and balances in the
24 system. Again, up front we're setting the agenda for the
25 next meeting so we have group discussion, notification to

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1 the department as to what should be placed on the next
2 agenda. And then we have a situation where we might have
3 some time in between meetings and things may come up, so the
4 department consults with the Chair and the Vice-Chair. And
5 then we have our meeting and we have an opportunity right up
6 front to go over the agenda again and make any adjustments.
7 So that would be a nice way to approach it, in my opinion.

8 CHAIRMAN CANNON: Within the restrictions of the
9 Sunshine Law.

10 MR. SUMMERS: That's correct.

11 CHAIRMAN CANNON: Other discussion? Yes, Warren.

12 MR. SHIBUYA: Warren Shibuya. I was just
13 wondering about the fact that here we are looking at our
14 agenda, and some of us are looking far ahead and we would
15 like to have some input from the staff. Perhaps if we have
16 the GPAC committee have an opportunity to provide some
17 things or items for the staff to look into, that would be
18 helpful. That way we have an opportunity to have input from
19 the GPAC, thereby the staff can address in giving us a

20 timeline when they can provide that information.

21 For example, part of our effort here is to budget,
22 to come up with a financial plan. I can come up with
23 wonderful items, but they're very expensive. And I've asked
24 the question even to the finance person, "What is the burden
25 on the taxpayers and how do we finance this?" "Can we do

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1 this in an income-generating fashion?" These are some
2 questions that I'd like to have answered for the body,
3 because if we come up with wonderful rainbow plans and not
4 enough wallets, then it's not going to happen.

5 So in terms of agenda, I think we need to have
6 input from this committee and let the staff give us some
7 idea of when we can have that addressed to us. Thank you.

8 CHAIRMAN CANNON: Do you want to respond to that?

9 MR. SUMMERS: Thank you, Mr. Chair. Again, an
10 excellent idea. The more warning we have to do that type of
11 research, the better. So I would certainly suggest that the
12 members bring forth their ideas as soon as possible in terms
13 of that type of research so we can do the research and
14 schedule it for future meetings. Thank you.

15 CHAIRMAN CANNON: Other comments? Yes, Doug.

16 MR. MacCLEUR: Doug MacCleur. I keep looking at
17 the goalpost at the end, and we have got a finite schedule
18 that has to be met, and I think it's the staff's
19 responsibility to help guide us to get there. And by

20 letting us put a lot of agenda items on without staff
21 support I think would be a shame as far as reaching our end
22 goal. And it scares the dickens out of me that we've got so
23 darn much work to do in such a short period of time.

24 CHAIRMAN CANNON: Very true. I don't think Dick's
25 suggestion was that we wouldn't have staff input, it was

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1 more that the final decision, if there was some disagreement
2 on whether this item was going to be on the agenda or not on
3 the agenda, the final decision would be with the committee.

4 Is that correct, Dick?

5 MR. MAYER: That's correct. I anticipate that the
6 staff would almost always prepare the whole agenda. It
7 might be too long, we might need to take something out. I
8 don't anticipate that the Chair will ever sit down and make
9 the agenda. I expect the whole thing would be done by the
10 staff but approved finally, yes, this is something we want
11 to do. The Chair would be in touch with members and he
12 would get input from them, yes, these are things we should
13 do later on, things of that sort.

14 CHAIRMAN CANNON: Other discussion?

15 MS. MOIKEHA: Wouldn't that be part of the
16 discussion made earlier, and the reason why the Chair and
17 Vice-Chair would be meeting with the staff? Is it really
18 necessary to have it added in in the form of a formal
19 motion?

20 CHAIRMAN CANNON: The final decision is the issue.

21 Who gets the final decision as to whether an item is on the

22 agenda or not is the issue. Yes, Lucienne.

23 MS. DeNAIE: I just want to clarify with Dick that

24 his language would support working with staff approval and

25 review. Is that true, Dick?

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1 MR. MAYER: Not only working with, but actually
2 dependent. I think the Chair would be dependent because
3 they have all that information, they have their documents
4 and everything. I'm just saying if a final decision has to
5 be made, the Chair can say, no, let's move this one first to
6 second, if there's a question as to something that's out of
7 place. I think the staff would be doing almost 99 percent
8 of it, but the final word would be the Chair if there's a
9 dispute.

10 CHAIRMAN CANNON: Susan.

11 MS. MOIKEHA: But you wouldn't need the Chair for
12 that because everybody by majority vote of this body could
13 defer an item. So as we get into that, we've done that
14 before, we've deferred items. So I don't find the
15 necessity.

16 CHAIRMAN CANNON: Deferring an item, you're right,
17 we could definitely do that. But what if an item was
18 requested by the committee and for some reason wasn't being
19 put on the agenda by the staff?

20 MS. MOIKEHA: And what would the reasons be?

21 Because there wasn't preparation for that item, or it had to

22 be delayed because of other circumstances?

23 CHAIRMAN CANNON: Which I think the committee

24 would understand.

25 MS. MOIKEHA: Exactly. So I'm okay deferring to

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1 the staff to make those big decisions, so I don't see a
2 problem. That's just my opinion.

3 CHAIRMAN CANNON: Okay, other discussion on this?

4 Ready for the question. All in favor of the motion indicate
5 by saying "aye."

6 (A chorus of ayes)

7 Okay, I'll restate the question just so everybody
8 understands thoroughly. The suggestion has been made, and
9 correct me if I am wrong, Dick, to add verbiage that
10 indicates the final decision as to whether items are on or
11 off the agenda will rest with the committee and through its
12 Chair.

13 MR. MAYER: So moved.

14 CHAIRMAN CANNON: Moved by Dick.

15 MS. HAMILTON: Second.

16 CHAIRMAN CANNON: Seconded by Lisa. Does everyone
17 understand now? All those in favor indicate by saying
18 "aye."

19 (A chorus of ayes)

20 Opposed say "nay."

21 (A chorus of nays)

22 Okay, we need a hand vote I think on this one, a
23 hand count. All in favor of the motion indicate by raising
24 your hands or a hand. Jeanne, is your hand up? Do you have
25 a question first?

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1 MS. SKOG: This is the one where the staff or the
2 Chair?

3 CHAIRMAN CANNON: The final decision will be with
4 the committee. Your hand is up? 14. I believe that does
5 it. Okay, anything more on that item?

6 On to 901-11. Oh, staff is asking that we get the
7 exact language of that last item. Can you put it in a
8 sentence or two, Dick?

9 MR. MAYER: Actually, the verbiage you had, that
10 "The ultimate decision on the agenda rests with the
11 committee as represented by the Chair."

12 CHAIRMAN CANNON: Okay, do you want to see what
13 you have got?

14 MR. SUMMERS: I think this does the same thing,
15 "The final decision as to the setting of Maui GPAC agendas
16 shall rest with the chairperson."

17 MS. DeNAIE: Agenda or agenda items?

18 MR. SUMMERS: One more time.

19 MS. DeNAIE: Is it items or agenda items?

20 MR. MAYER: The agenda would include all items. I
21 think everybody understands what we're saying. If there is
22 a problem, the Chair would make that decision.

23 MR. SUMMERS: I'd like to make sure that it's
24 understood that in the absence of the Chairperson, the
25 Vice-Chairperson would have that authority.

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1 MR. MAYER: That's covered in that.

2 MS. MOIKEHA: Chair, could I recommend that staff
3 see the court reporter for the exact wordage, because it's
4 changing every time you say it. So if they can just get it
5 from the court reporter's minutes.

6 CHAIRMAN CANNON: I think we're still deciding on
7 which version at this point.

8 MS. MOIKEHA: Refer to the minutes.

9 CHAIRMAN CANNON: "The final decision on whether
10 an item is on or not on the agenda shall rest with the
11 committee through its Chair or Vice-Chair." Is that okay?
12 Got that? Anything more on that item?

13 Okay, on to the next, the minutes. Any changes
14 regarding the minutes?

15 MR. VICENS: Tom, is it appropriate to take a five
16 minute break? We have been at it for over an hour and a
17 half. Shake our legs.

18 CHAIRMAN CANNON: Yes, let's take a short break.
19 Thank you.

20 (Whereupon a brief recess was had)

21 CHAIRMAN CANNON: Okay, if everyone has had a

22 chance to do what they need to do during that recess, we'll

23 get back to work here. We are on the minutes. If there are

24 any changes anyone has to the section on minutes, 901-11?

25 MR. MAYER: Excuse me, Mr. Chair. Under (b) where

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1 it says, "The written minutes shall be public records,"

2 should it say "approved minutes"?

3 CHAIRMAN CANNON: Good point, the approved

4 minutes.

5 MR. MAYER: I suspect we are going to at some

6 point approve the minutes from the previous meetings.

7 CHAIRMAN CANNON: Any disagreement with that?

8 MR. MAYER: That means we will probably have to

9 receive a copy beforehand. I'm not sure if we want to go

10 through that process. Sometimes it takes a whole meeting to

11 approve the previous meeting's minutes.

12 CHAIRMAN CANNON: Anything more on minutes? How

13 about section 12-901-12, Maui GPAC records.

14 MS. DeNAIE: We've already addressed that, I

15 think.

16 CHAIRMAN CANNON: I guess we have. Nothing more

17 on that? Okay, Computation of time, 901-13. No changes?

18 901-14, Retention of documents by the Maui GPAC. That one I

19 think we have already addressed also. Anything more on

20 that? Okay, 901-15, Officers and their duties. No

21 suggestions? Okay, Voting, 901-16. Yes, Doug.

22 MR. MacCLEUR: I have a problem with this in that

23 it says, "A majority of the membership to which the Maui

24 GPAC is entitled." I think that by the time we have people

25 that are absent and we have people that have to recuse

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1 themselves we are going to have a difficult time getting the
2 13 votes on some of the controversial items. And
3 consequently, I disagree with that particular item.

4 CHAIRMAN CANNON: I think that was part of the
5 originating law, so I don't believe we can change that.

6 MR. GIROUX: HRS Chapter 91, that is a requirement
7 for boards and commissions as far as to have action.

8 CHAIRMAN CANNON: Anything more, anything in light
9 of that?

10 MR. MacCLEUR: I think it's a bunch of malarkey.

11 CHAIRMAN CANNON: Thank you, we will record that.
12 Lucienne.

13 MS. DeNAIE: Another clarification or question,
14 Mr. Chair. On number five under 13 I just want to clarify.
15 When it says, "Review" -- 15, excuse me, "Review all matters
16 properly brought before the Maui GPAC, call for votes upon
17 the same and announce the results," now, does this mean read
18 in advance of the meeting any communications submitted by
19 the public, would that come under review, do you imagine?

20 CHAIRMAN CANNON: Staff, do you want to respond to
21 that? Do you understand the question?

22 MS. DeNAIE: It's number four, excuse me. I said
23 five and I'm confusing people.

24 CHAIRMAN CANNON: Correct me if I am wrong, but I
25 believe your question is, does the review indicated in item

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1 number four of 901-15 mean that the Chair will be apprised
2 of all the communication?

3 MS. DeNAIE: Yes. In other words, say someone
4 from the public submits something. Is the Chair expected to
5 read that in advance of the meeting so they're prepared to
6 deal with it? I'm just curious.

7 CHAIRMAN CANNON: Yes.

8 DIRECTOR HUNT: Let me add something. I believe
9 the language "review all matters" is more in the sense that
10 a Chair will present these matters before the Board, and
11 that the Board will then take action on it. So it's not
12 meant to review, like in read or do your homework, it's
13 bring it before the Board.

14 CHAIRMAN CANNON: Does that clarify that?

15 MS. DeNAIE: Yes.

16 CHAIRMAN CANNON: Anything other than that on
17 officers and their duties? Okay, we will move on to Voting,
18 901-16.

19 MR. FRANCO: I have a question.

20 CHAIRMAN CANNON: Yes, Stan.

21 MR. FRANCO: Stan Franco. Do we want to have
22 another update item here, because we did add to the duties
23 of the Chair the item of being the final say person to give
24 say on the agenda items, and I'm not sure if it's covered
25 under the listing of duties as presented here as the

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1 presiding officer. So should we add a number 8 with the

2 wording that was approved for the Chair on agenda items?

3 CHAIRMAN CANNON: Any problem with that, staff?

4 MR. SUMMERS: Let me try to come up with some

5 language on that. How about number 8 reading, "Setting of

6 the agenda for Maui GPAC meetings."

7 CHAIRMAN CANNON: Does that do for you, Stan, is

8 that adequate?

9 MR. FRANCO: Yes.

10 CHAIRMAN CANNON: Anything more on that one? We

11 are going to add item 8 to 901-15. Okay, Voting, 901-16.

12 Yes, Jeanne.

13 MS. SKOG: I just had a question on why a refusal

14 to vote is recorded as affirmative. It looks like it refers

15 to some statutes, but I just wondered.

16 CHAIRMAN CANNON: In other words, if somebody

17 doesn't say anything it's considered a "yes" vote. Is that

18 tied to State law or County law, or is it just the rules?

19 MR. GIROUX: I know that this is in all of the

20 commission rules that I've reviewed, and that I believe in a
21 lot of cases where there's ad hoc permitting requirements
22 where it's necessary that the body take an action within a
23 certain amount of time, that they don't want people to be
24 delaying action by just not voting. Because then you can
25 come into a situation where there may be only 13 people show

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1 up, and 13 people need to vote to get action, and one person
2 decides that they're just going to remain silent instead of
3 just voting in the negative, which would be if you wanted to
4 achieve the same thing but they want you to take an
5 affirmative step to do that.

6 And usually this is also tied with the disclosure
7 to the conflict. If you disclose that you have a conflict
8 and you remain silent then it's not going to be seen as an
9 affirmative vote.

10 CHAIRMAN CANNON: And I would think if you stated
11 you wanted to abstain you could still do that. You just
12 have to state it, so there's no wondering what was on your
13 mind. You have to make a vote.

14 MS. SKOG: You can abstain and you can have a
15 non-vote if you have a conflict.

16 CHAIRMAN CANNON: Yes.

17 MS. SKOG: Okay, but otherwise --

18 CHAIRMAN CANNON: An abstain is counted as an
19 affirmative vote. Abstain is abstain, meaning you are not

20 going to vote either way, is that correct?

21 MR. GIROUX: According to the rule the way it's
22 written, if you abstain and you did not have a reason under
23 12-901-17, then that vote would be seen as an affirmative
24 vote.

25 CHAIRMAN CANNON: Thank you for clarifying that.

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1 MS. SKOG: So for members who are not here, again,
2 referring back to what Doug was saying on majority of the
3 membership to which the GPAC is entitled, anyone who doesn't
4 show up, their vote is "yes"?

5 CHAIRMAN CANNON: No.

6 MS. SKOG: They have to be here, okay.

7 CHAIRMAN CANNON: Good question, very good
8 question. Yes, Chubby.

9 MR. VICENS: I guess the key word here is unless a
10 present member is disqualified. If I ask to be recused
11 because of conflict, that automatically disqualifies me,
12 right? So it's not a "yes" vote.

13 CHAIRMAN CANNON: Right. Any other questions on
14 that?

15 MR. FRANCO: Again, I have a real problem.
16 Robert's Rules allow for abstention, and this rule is now
17 superseding the Robert's Rules by not allowing an
18 abstention, from what I'm hearing. I have some difficulty,
19 with Doug MacCleur, about the difficulty with the

20 affirmative voting. I looked it up; I understand it's the
21 rules. But this rule now, is that because it's back again
22 to the Sunshine Law, or why is this in here that we cannot
23 use an abstention to reflect a person's actual feeling that
24 they don't have either enough information or they're
25 conflicted in the item and don't want to vote. And then if

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1 they say that, then it's counted against them by the
2 affirmative vote. I think that would be a grievous
3 situation for a member.

4 MR. GIROUX: I think in a situation with a body
5 like this where we want to encourage action as much as
6 possible, that we need to understand that you are going to
7 be under certain deadlines to get things done, so you do
8 want your members to be actively participating. If they're
9 on the fence, then they're going to have to vote "no" and
10 then you have got action. You at least have people taking a
11 stand and saying, okay, I don't have enough information and
12 I don't like it. Or okay, I think we need to move on and we
13 need to get this done, we're going to move on.

14 I think the purpose of it is to encourage the
15 members to fully participate as much as possible in
16 discussion, in requesting material, in whatever. But the
17 bottom line is that you do want your members to participate
18 actively while they're here.

19 CHAIRMAN CANNON: Any other comments on that?

20 Yes, Warren.

21 MR. SHIBUYA: Mr. Chair, Warren Shibuya. I'm also
22 looking at not only the voting but the attendance because of
23 the quorum issue. I would like to add on the attendance
24 that a member missing three straight meetings, that issue
25 should be discussed by the GPAC committee here, and that

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1 once we discuss it we can take appropriate action.

2 CHAIRMAN CANNON: You're talking about item
3 901-20, Attendance?

4 MR. SHIBUYA: Yes.

5 CHAIRMAN CANNON: Let's bring that up when we get
6 down to that one. That's a very good point. Anything more
7 on 901-16? Yes, John.

8 MR. BLUMER-BUELL: Question for Corp Counsel. If
9 someone on a particular item, let's say we have a number of
10 people that feel they should recuse themselves from the
11 vote. Would that legally change what the quorum was for the
12 voting on that particular issue?

13 CHAIRMAN CANNON: I don't believe so. You still
14 need 13 of our 25. Anything more? Okay, 901-17, Disclosure
15 of conflict. Any changes there? 901-18, Motions. None
16 there. 901-19, Question of order. Lucienne.

17 MS. DeNAIE: Clarification. Where it says that,
18 "A question of order" then "shall be decided by the
19 Chairperson, without debate, subject to an appeal to the

20 Maui GPAC." How do you appeal, what does that mean?

21 CHAIRMAN CANNON: Correct me if I am wrong, but I

22 would think that if the GPAC had 13 votes that said

23 something different from what the Chair said, the appeal

24 would be granted. Is that correct?

25 MS. DeNAIE: So you could make a motion to review

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1 it, or something like that?

2 MR. GIROUX: There would be a point of order; the
3 Chair would rule. If you don't like the ruling you would
4 call out an appeal. If you get a second then that vote will
5 immediately go to the body. The body will vote, and if it
6 overturns the ruling of the Chair then it's overturned. If
7 it doesn't, then the meeting goes on.

8 CHAIRMAN CANNON: Thank you. Anything more on
9 901-19, Question of order? Okay, 901-20, Attendance.
10 There's been a suggestion to add a sentence. Correct me if
11 I am wrong, Warren, but it would say, if a member is absent
12 more than three times or three times in a row, three
13 consecutive meetings in a row, that information would be
14 brought before the committee for action -- for discussion,
15 and potential action. Yes, Trevor.

16 MR. TOKISHI: That's unexcused absence, is that
17 correct? Just to clarify that, if you called ahead or
18 whatever and it was an excused absence, that would not
19 count?

20 MR. SHIBUYA: It would be an absence because you
21 are not here. Now the question is what do we do with that
22 person?

23 CHAIRMAN CANNON: The motion is to bring it before
24 the committee for discussion and potential action. But in
25 that discussion I would think it would come up that I was

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1 out because I was sick or something. We would take that
2 into account.

3 MS. MOIKEHA: We can alleviate that discussion if
4 we just knew that the person had called in and was excused.
5 I'm not in support of adding additional language that seems
6 to contradict what's in the first line anyway unless the
7 member is unable to attend which, I agree with Trevor, would
8 be considered an excused. I mean we're beginning to meet
9 every two weeks, and we could be meeting almost weekly
10 possibly. I mean you could be away on a business trip or
11 have a family illness or whatever within a two-week period
12 and miss three meetings. But if it's unexcused then, you
13 know, I can see the point.

14 CHAIRMAN CANNON: That's a good point. Warren, do
15 you want to adjust at all or do you want to keep it as is?

16 MR. SHIBUYA: No, I can change. It doesn't make
17 any difference. I just thought I'd bring it up and state
18 it, that this body has the authority to take action and
19 determine whether it's excusable. The question of

20 excusability is not so much the staff but perhaps this body.

21 MS. MOIKEHA: So it's my understanding that we're

22 going to make a determination if someone's absence is

23 considered excusable. I feel like we're stepping over our

24 lines to do that. People have personal lives and there's

25 reasons why they're not here. When you have someone who

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1 hasn't shown up for six months and they say they're coming
2 and they never do, then I think the staff would address it.
3 Within the Planning Commission what we did was when a member
4 wasn't showing up regularly staff talked to them and told
5 them they needed to make the meetings or they would be asked
6 to leave as a commissioner and they'd be replaced. And
7 usually what happened if they were that inconsistent in
8 their attendance they ended up quitting or leaving.

9 So I don't feel the right that we have to step
10 into peoples' personal lives and make that judgment call.
11 I'd prefer to have the staff talk to them. There may be
12 some circumstances as to why they're not able to attend. We
13 can bring it to the body and address it, ask you to do that
14 if we notice this happening, but I don't want to get into
15 calling people, "Why are you not here?"

16 CHAIRMAN CANNON: Lucienne.

17 MS. DeNAIE: Yes I just wondered if Warren's
18 intention might have been for us to -- I mean it could be
19 that a person has very good excuses to miss like seven

20 meetings in a row, but we really need them here. So is it
21 all on staff's shoulder or do we have -- I'm trying to get a
22 sense of what you were getting at, Warren. Are you saying
23 that we should be able to also put our two cents in that we
24 need the person there to make a point to staff in an
25 official way?

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1 CHAIRMAN CANNON: And to have quorum and get a
2 vote, that means something.

3 MR. SHIBUYA: That's correct. I'm looking at it
4 long term. We're not here for five or six years or three
5 years, we're just here for a short time, and we need to make
6 a decision in a timely manner. If you are not able to do
7 it, then please do the right thing.

8 CHAIRMAN CANNON: Right on. John.

9 MR. SUMMERS: Thank you, Mr. Chairman. Very good
10 discussion, very relevant. On some of the other GPAC's
11 we've had attendance issues. I think it's important to note
12 that the Council is the appointing authority in terms of the
13 membership, so what we have been doing and communicating
14 with our GPAC members, as committee member Moikeha
15 indicated, if we have an attendance problem we contact the
16 member, we try to encourage them to attend the meetings,
17 stress the importance of their attendance. If they're
18 unable to attend the meetings or if they are moving towards
19 a resignation, we get that in writing so we can forward it

20 to the appointing authority, which is the Council, to fill

21 the vacancy.

22 I'm not sure that having it listed in the rules is

23 necessary in order to bring it up as an item for discussion.

24 It can be brought up as part of our discussion with the

25 committee and placed on the agenda if it becomes an issue.

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1 CHAIRMAN CANNON: Anything more on that? I have
2 just a question on that. It says that if a member will be
3 absent the member shall inform the Chairperson or the
4 Planning Director's secretary before the meeting. What
5 happens if that member doesn't do that and it's in our rules
6 that they're supposed to do that?

7 MR. GIROUX: I think that's kind of a benchmark
8 for looking at it as being unexcused.

9 CHAIRMAN CANNON: Okay, is that clear to everyone?

10 MS. DeNAIE: I have one more comment then. So
11 we're going to infer that we can put this on the agenda to
12 discuss it if it becomes a problem with any particular
13 individual. But we are not going to be told, "Oh, you don't
14 have the authority to discuss that," no one is going to
15 bring that up in the future, is that correct?

16 CHAIRMAN CANNON: Is that's correct, that we can
17 discuss it if we want?

18 MR. SUMMERS: The ability to place it on the
19 agenda, we have the authority to do that, this committee

20 does. The ability or authority to add or remove members is
21 up to the County Council.

22 DIRECTOR HUNT: You can make a recommendation to
23 Council or express your concerns.

24 MS. DeNAIE: In case there was a need for it.
25 Hopefully there never will be, thanks.

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1 CHAIRMAN CANNON: Very good. Any further
2 discussion on that, attendance? Okay, on to Subchapter 3,
3 901-21, Maui GPAC rules. Any changes or comments on that
4 section? Okay, 901-22, Petition and procedures for adoption
5 amendment, or repeal of rules or regulations. Any changes
6 or suggestions there? We're nearing the end here, last
7 page. That's it. That was a long one. So that's it.

8 Is there any public testimony at this point
9 regarding the rules and the suggested amendments? Sure,
10 come forward.

11 MR. MOGILEFSKY: I spoke at the beginning of the
12 meeting about the time for public comment.

13 CHAIRMAN CANNON: Can you mention your name again?

14 MR. MOGILEFSKY: M-O-G-I-L-E-F-S-K-Y, David.
15 There was some discussion about it, but I wasn't real clear
16 as to the outcome in terms of when public comment would be
17 taken. I think that if somebody was to want to speak at one
18 of the meetings they wouldn't know, the way it stands right
19 now, whether they must speak at the beginning of the meeting

20 or whether they can speak at the time the item comes up on
21 the agenda. And in addition, what I was really requesting
22 was that the public comment period be not merely at the time
23 it comes up on the agenda, but just prior to a vote on any
24 particular matter.

25 What I'm trying to accomplish here is maximum

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1 public input to what goes on at these meetings. Not that I
2 have attended a great many County Council meetings, but
3 those that I have attended I've sometimes sat for two or
4 three hours through all kinds of testimony and discussion of
5 the Council members and charts and exhibits and all kinds of
6 things. And when it gets ready for a vote I want to say,
7 "Hey, wait a minute, you forgot this. These two things were
8 never mentioned." And there's no way to do it. You're out
9 unless you spoke at the beginning. And you have no way to
10 get your two cents in, so to speak.

11 I was hoping that this committee would allow for
12 that, would allow the public to listen to the proceedings,
13 hear the discussion of the committee members, see whatever
14 exhibits are brought in, and just prior to a vote being
15 taken somebody to say, "Okay, we're ready for a vote. Is
16 there any public comment?" And then hear from people who
17 might want to say, "I don't think that was considered" or
18 "This isn't right." Thank you.

19 CHAIRMAN CANNON: Thank you. I didn't realize

20 when you testified earlier that this public hearing is also
21 on our agenda right now before our action. And I'm not sure
22 if the staff does that on a regular basis or do we always
23 put public hearing right before action?
24 MR. SUMMERS: For public hearing items this is the
25 standard procedure.

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1 MR. MOGILEFSKY: As far as the agenda is
2 concerned, it wasn't clear to me whether testimony needed to
3 be given where it said public testimony at the beginning of
4 the meeting, or here. I didn't understand whether the
5 public hearing meant the public may speak, so I spoke at the
6 beginning thinking that might be the only opportunity.

7 CHAIRMAN CANNON: Right. Although the agenda does
8 list public hearing right before this action as the part of
9 this item also. It's in two places.

10 MR. MOGILEFSKY: It would be consistent, I mean I
11 would like to see that be the case throughout the
12 proceedings of the committee, so that just before a vote is
13 taken on any matter -- and some of them might be really
14 important -- that then after members of the public have
15 listened they can have their input.

16 CHAIRMAN CANNON: Good point. And staff has said
17 that has been the practice up until now, and it will
18 continue. Is that true?

19 MR. SUMMERS: Thank you, Mr. Chairman. As noted

20 in previous discussion, it is important to have the
21 opportunity for public testimony early in the agenda in the
22 event that a member of the public needs to leave the meeting
23 early. There's nothing precluding this body from having
24 testimony taken after agenda items. Whether or not you want
25 to institutionalize that for every meeting, in which case it

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1 would be appropriate to add that language into the rules, it
2 would be up to the body. But there is flexibility for this
3 body to take public testimony after agendaed items on an
4 as-needed basis.

5 MS. MOIKEHA: Chair, may I make a comment?

6 CHAIRMAN CANNON: Yes, Susan.

7 MS. MOIKEHA: Maybe this would help answer the
8 gentleman's concern. Usually, and this is an example within
9 the commission, what we do is the chair would announce that
10 it's open for public testimony, all those wishing to testify
11 on any agenda item may do that at that time. And that's to
12 accommodate those who are unable to be here when the agenda
13 item comes up. It also states that they may have the
14 opportunity to have a choice to also testify prior to the
15 action. So maybe having that written out so that when they
16 notice it it's clear that they have one of two
17 opportunities, either at the beginning or prior to the
18 action taken.

19 MR. MOGILEFSKY: Would they need to request

20 permission to speak at that time before the action is taken,

21 or would the chairperson call for any public comment?

22 MS. MOIKEHA: Normally we have a sign-up list.

23 When the Chair reads down the list of those signed up, they

24 can be asked, "Do you wish to testify now or wait until the

25 agenda item comes before the committee or the commission?"

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1 MR. MOGILEFSKY: I think a person might not know
2 that at the beginning of the meeting.

3 MS. MOIKEHA: That's why we had it written out.
4 It's actually stated out there. It also says, I think it
5 states the three minute rule time too, doesn't it? So it's
6 real clear about what the public can expect, even if they
7 don't see it. I mean they can see it when it's posted too
8 like a week before, so they're clear and prepared if they
9 want to come to testify.

10 MR. MOGILEFSKY: I'm thinking of situations where
11 somebody might testify at the beginning and not be able to
12 testify at the end. I just want to make sure there's an
13 opportunity for that to be done.

14 MS. MOIKEHA: They would have an opportunity at
15 the beginning or prior to the action taken on the agenda
16 item.

17 MR. MOGILEFSKY: Public comment?

18 MS. MOIKEHA: We did make a statement in the
19 beginning that if it was new testimony then you could come

20 back a second time before the action is taken. I don't know
21 how this body feels about that. And that was to avoid
22 having repetitive testimony that you have already heard.

23 MR. MOGILEFSKY: I wouldn't want to hear
24 repetitive testimony either. Thank you.

25 CHAIRMAN CANNON: John.

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1 MR. BLUMER-BUELL: Thank you. Just for the person
2 that just testified, I think part of this process is
3 hopefully we will have agreement throughout the process, but
4 if we don't and you hear a decision you don't like, your
5 next best opportunity to really address what you may not
6 think was a logical decision would be before the Maui
7 Planning Commission. What we recommend will go to the
8 Planning Commission. If you don't like their decision, you
9 will be able to testify in front of the Maui County Council.
10 They will make the final decision, subject to the Mayor's
11 veto.

12 CHAIRMAN CANNON: Anything more on that? Yes.

13 MR. LINDQUIST: I like the idea of having it
14 clearly stated in the agenda when public testimony will be
15 heard, because that way somebody has a chance to plan in
16 advance.

17 CHAIRMAN CANNON: John?

18 MR. SUMMERS: Thank you, Mr. Chair. We can add
19 that language and take it directly from the Maui Planning

20 Commission agendas and put it in our agenda.

21 CHAIRMAN CANNON: Any disagreement with that?

22 Lucienne.

23 MS. DeNAIE: I don't disagree with it, I think

24 it's a great idea. And I assume we have a website going

25 that has updates on everything. We could have it clearly

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1 stated there with the agenda.

2 CHAIRMAN CANNON: Good idea. Anything more on
3 that? Do you want to add that to the web page also?

4 Any other public testimony at this point? Okay,
5 we are ready for the question then.

6 MR. MAYER: Could I make a motion to adopt the
7 rules as amended.

8 MR. BERTRAM: Second.

9 CHAIRMAN CANNON: So moved. And who was the
10 second?

11 MR. BERTRAM: Second.

12 CHAIRMAN CANNON: Moved by Dick Mayer, seconded by
13 Joe Bertram.

14 MR. GIROUX: Because we have such a tight time
15 frame to get this produced during discussion, I would just
16 like staff to go over the amendment. And nail down the
17 language so it's very clear on what we are going to produce
18 over the next couple of days.

19 CHAIRMAN CANNON: Excellent. Are you prepared to

20 do that?

21 MR. SUMMERS: Sure. Thank you, Mr. Chairman,
22 members of the committee. Starting with 901-6, under
23 Subsection 12-901-5 under office we will add the address of
24 the Long-Range Planning Division as well as our email and
25 fax.

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1 Likewise, under Communications, 12-901-6, to that
2 language we will add our email address and fax. We will not
3 be changing the Kukui address, we'll keep that as it is now
4 for day stamp information.

5 CHAIRMAN CANNON: Was that 5 that you are changing
6 and not 6?

7 MR. SUMMERS: Both 5 and 6 will be changed. Five
8 will be changed by revising the address as well as the fax
9 and adding the email. So we will be adding the fax, adding
10 the email, and changing the address to the Long-Range
11 Division office. 12-901-6 will be revised to add the email
12 and fax information, but the address will stay as it
13 currently is.

14 Under Subsection 12-901-7, the second sentence
15 from the top, "Each Maui GPAC member serves from the time
16 the member is appointed until Council adoption of the
17 County-wide Policy Plan and the Maui Island Plan, at which
18 time the Maui GPAC shall be disbanded."

19 Subsection 12-901-8(b), the first sentence, "The

20 Maui GPAC shall base the parliamentary procedures for
21 conducting its meetings on the latest revised edition of
22 Robert's Rules of Order."

23 And on Subsection (d), top of page 901-7, last
24 sentence, "A reasonable time limit may be imposed on oral
25 testimony." And then we "struck which shall not be less

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1 than" and replaced it with "which shall be three minutes
2 initially, with an opportunity to testify at the end of the
3 item." Okay, "Each member shall be provided at least three
4 minutes initially, with an additional three minutes after
5 all testimony has been received."

6 MR. FRANCO: That is close to the language. The
7 language I presented, "The reasonable time limit may be
8 imposed on oral testimony, which shall be three minutes per
9 person initially, and three additional minutes after all
10 persons have given oral testimony."

11 CHAIRMAN CANNON: Do you want to add "not be less
12 than" in front of the three minutes?

13 MR. FRANCO: No.

14 CHAIRMAN CANNON: So it has to be three minutes.

15 MR. FRANCO: "Shall be three minutes per person
16 initially, and three additional minutes after all persons
17 have given oral testimony."

18 CHAIRMAN CANNON: That would mean if a person gets
19 up and speaks for a minute, we have to wait for two minutes

20 before we hear the next one. Don't you want to say "not be

21 less than three minutes"?

22 MR. FRANCO: If that's the interpretation, yes.

23 CHAIRMAN CANNON: "Shall not be more." Is that

24 okay, Stan?

25 MR. FRANCO: Yes.

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1 MR. TOKISHI: Mr. Chairman?

2 CHAIRMAN CANNON: Yes, Trevor.

3 MR. TOKISHI: But the second testimony, is that
4 only for presenting new material? You mentioned after the
5 initial three. Should we add in that language "only for
6 new"?

7 MS. MOIKEHA: It's just additional, if you can't
8 finish in three minutes.

9 MR. FRANCO: We're modeling ourselves after the
10 County Council, and there are people that have more
11 testimony beyond the three initial minutes that are given.
12 So they're given three minutes, and then they can have the
13 opportunity after all have testified to give another three
14 minutes of testimony. Most of the time it's usually on the
15 same agenda item that they're testifying on.

16 CHAIRMAN CANNON: Right. And that they don't
17 repeat what they said in the first three minutes.

18 MR. FRANCO: That's up to the Chair. You can cut
19 them off at that point.

20 CHAIRMAN CANNON: Okay. Does that satisfy your
21 concerns?

22 MS. MOIKEHA: Chair, I think it's meant to be as a
23 continuation of the beginning of their testimony.

24 CHAIRMAN CANNON: Yes. Anything more on that?

25 MR. MAYER: The Council allows people to give

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1 three minutes on each agenda item. I'm not sure if we want
2 to do that or not, because we might have five, six, seven
3 items on an agenda, and there could be somebody up there for
4 15 minutes on each of the items. It should be clear what we
5 want to do.

6 MR. SUMMERS: If I may, Chair. That language
7 would apply to the language that we would add to the
8 agendas, where we're offering the public an opportunity to
9 testify at the beginning of the meetings or prior to
10 decision-making on specific agendaed items, and would follow
11 the procedures of the Planning Commission.

12 CHAIRMAN CANNON: Does that satisfy you, Dick?

13 MR. MAYER: Yes.

14 CHAIRMAN CANNON: Anything more on that one? Is
15 that all the changes?

16 MR. SUMMERS: Thank you, Mr. Chairman. Related to
17 the setting of the agenda, Subsection 12-901-10, at the
18 bottom of 901-7. Let me read this section, it's fairly
19 short. "The Maui GPAC shall file an agenda with the county

20 clerk at least six calendar days before the meeting.
21 Nothing on the agenda shall be changed without a two-thirds
22 recorded vote of all members to which the Maui GPAC is
23 entitled." And then adding, "The final decision as to if an
24 item is on or off the Maui GPAC agenda shall rest with the
25 chairperson -- with the committee through their chairperson,

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1 or in his absence, the Vice-Chair."

2 MR. MAYER: I have a problem with that. The point
3 we haven't discussed, "nothing on the agenda shall be
4 changed without a two-thirds recorded vote of all the
5 members" would be 17 people in order to change our agenda,
6 and that's very, very high. I'm just wondering if we even
7 have that high of standards to change our agenda. I would
8 think 13 should be a proper number in order to change the
9 agenda. Is that a requirement of law?

10 CHAIRMAN CANNON: He's going to check as to
11 whether that's required by state law or not. But do you
12 want to make a motion?

13 MR. MAYER: It just replaces, it's very, very
14 high, 17 people.

15 CHAIRMAN CANNON: That's a good point. And if we
16 only have 14 there --

17 MR. MAYER: We have 14. Enough to conduct
18 business, but not enough to change the agenda.

19 CHAIRMAN CANNON: Do you want to make a motion to

20 consider changing that?

21 MR. MAYER: I'd like to make a motion that the
22 majority of all members to which the Maui GPAC is entitled.
23 Change the two-thirds. "Nothing on this agenda shall be
24 changed without a majority recorded vote of all members to
25 which the GPAC is entitled."

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1 CHAIRMAN CANNON: Is there a second?

2 MR. MacCLEUR: I second.

3 CHAIRMAN CANNON: Okay, Doug. Further discussion?

4 Yes.

5 MS. MOIKEHA: I thought there was something in

6 here that talked about that, that could conflict with that.

7 I'm trying to find it.

8 MR. SHIBUYA: Mr. Chair, I'd like to suggest that

9 the double negative here be made into a positive aspect.

10 "The agenda may be changed with a majority vote of all

11 members."

12 CHAIRMAN CANNON: Is that okay? Would you amend

13 your motion to that?

14 MR. MAYER: Excellent, much better.

15 CHAIRMAN CANNON: The second is also amended?

16 MR. MacCLEUR: Yes.

17 CHAIRMAN CANNON: Further discussion?

18 MS. MOIKEHA: Wait a minute. Read the last

19 sentence, James, because it says, "An item of major

20 importance that may affect a significant number of persons

21 shall not be added to an agenda." Is that only to add

22 things? What about deleting or changing?

23 MR. GIROUX: That would be to add, because you

24 don't want to be putting things on the agenda that would

25 leave the public out. So even if you got two-thirds of a

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1 vote but it was something that was of significant
2 importance, you are not going to be able to put it on
3 because then that would be a violation of the Sunshine Law.

4 CHAIRMAN CANNON: Is that clear? Any other
5 discussion? All those in favor indicate by saying "aye."

6 (A chorus of ayes)

7 Opposed say "nay."

8 (None).

9 Motion carries.

10 MR. SUMMERS: Thank you, Mr. Chair. Section
11 12-901-10(b). It's on the following page, 901-8. I'm
12 sorry, that's under the Minutes section, 12-901-11(4)(b),
13 "The approved written minutes." So we have included the
14 term "approved." That's 12-901-11(b). "The approved
15 written minutes."

16 Next page, Subsection 12-901-14. Again, we're
17 changing the mailing address, the address to the Long-Range
18 Division office, adding email and fax number.

19 Subsection 12-901-15, we're adding number 8,

20 "Setting of the agenda for Maui GPAC meetings" as a duty of
21 the Chair and/or Vice-Chair.

22 Mr. Chair, that is all of the amendments that I
23 have listed.

24 CHAIRMAN CANNON: Thank you. Is everyone clear
25 about the amendments that we are proposing here? It's been

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1 moved and seconded to approve as amended. Any further
2 discussion? Is there any other public comments since we had
3 a couple of other points that we made since the last public
4 comment?

5 Okay, all in favor indicate by saying "aye."

6 (A chorus of ayes)

7 Opposed say "nay."

8 (None).

9 Motion carries. Item F, Workshop-20430.

10 MS. MOIKEHA: Chair, would it be appropriate to
11 defer this item to the next agenda meeting? I mean how long
12 is it going to take?

13 MS. AOKI: It can take 15 minutes, it could take
14 five hours, it's up to you.

15 MS. MOIKEHA: I have put it out there to defer it.

16 CHAIRMAN CANNON: Okay, is there a second?

17 MR. LINDQUIST: I'll second.

18 CHAIRMAN CANNON: Further discussion? I'm
19 deferring this item until our next meeting. All in favor

20 say "aye."

21 (A chorus of ayes)

22 Opposed say "nay."

23 (None).

24 Motion carries.

25 MS. MOIKEHA: Would we have a final by then or

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1 will we still be working with a draft on this?

2 MS. AOKI: I don't want to make a promise to you
3 that I'm going to get it to you. If you want it two weeks
4 prior basically means I have to have a final for you today,
5 and I don't.

6 MS. MOIKEHA: Okay.

7 CHAIRMAN CANNON: Any other questions? Going to
8 item G, Planning Director's report.

9 DIRECTOR HUNT: To be honest with you, I don't
10 have a report. This is my third day on the job. I would
11 like to say I think on the first item there, the progress
12 report, I think we're progressing nicely.

13 MR. SUMMERS: Thank you. Mr. Chair, under that
14 item we do have the three page progress report. Would the
15 members like me to go through that or would you like to
16 peruse it on your own time? Very good, very good.

17 Kathleen, do you have anything to add for the
18 planning effort?

19 MS. AOKI: Thanks to Warren, we actually do have a

20 presentation that we can do. We don't have it on today's
21 agenda, but it's up to you guys if you want to put it on the
22 next agenda we could have one presentation, the pictures,
23 the Power Point. So it's up to the Chair and you as a
24 committee whether or not you want that on the next agenda,
25 but we do have one that's ready to go.

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1 MR. SUMMERS: And we can address that item when we
2 talk about setting the agenda under item H.

3 MS. AOKI: So that only means I have one. So
4 those of you who still have their cameras, you can get them
5 to me at any time.

6 CHAIRMAN CANNON: Shall we see the photos today or
7 at our next meeting? Who says next meeting? Who says
8 today? Okay, we will see it today.

9 MR. MacCLEUR: It's mine, and I'm not going to be
10 here at the next meeting, I'm going to be in Texas. Thanks
11 to Warren for the great help on this one, and my wife. My
12 computer pooped out. We will just run through it fast.

13 I have some likes and dislikes, as everybody does.
14 What I did with this was I had some things that I liked and
15 disliked. I think that we have as a County made some
16 mistakes. The gateway to Maui from the Maui airport is
17 probably the ugliest gateway in the state. (Applause) Here
18 we unload our planes to Dairy Road.

19 Anyway, what I love about Maui is the open space.

20 The beauty that attracts our tourists and makes us all feel
21 good is the open space. Here is a little family farm.
22 Actually, that was my farm. Those are five year old trees.
23 I loved working there. That particular parcel was bought by
24 David Cole, and I lost my lease after five years of work. I
25 loved those lychees and longans up there. This is a farm

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1 that has now turned to weeds. The last time I looked there
2 were three wild pigs in there tearing it all up. I also
3 hate the Upcountry trash. What a waste. Junk cars
4 Upcountry.

5 I love the corn mill. Corn Mill Camp was a very
6 dear place. And I was told 40 years ago that originally
7 they ground corn there, and that's why it was called Corn
8 Mill Camp. And it was sent back to California to the guys
9 that were in Sacramento when they started the gold rush.
10 And now it's all been sold to developers, and it's just
11 rotting away. Junk Corn Mill Camp again.

12 This is a wonderful little feed store with his
13 lease month-to-month. Great Upcountry. I love the
14 Upcountry farms, little family farms. This is what we are.
15 Another little family farm. Open space. This is a former
16 pineapple field that I farmed for 35 years. It's now been
17 sold to developers below Pukalani. Another good pineapple
18 field sold to developers. Historical stable. That was
19 built in about 1917 when pineapple fields were cultivated by

20 mules and horses, now rotting away.

21 Wonderful Hali'imaile Store. I was involved in

22 that with Bev and Joe Gannon when they restored it. They

23 put a lot of money in it and it's a very successful

24 business. Now this wonderful old building, historic

25 Hali'imaile office is just rotting away. We had a

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1 conservation meeting there and we opened the windows, and
2 the sill was falling off. Great open spaces. We've got to
3 keep our open space in our agriculture. Somehow we need to
4 protect prime ag land. More wonderful sugarcane.

5 The gateway to Maui, Dairy Road. I mean Kauai has
6 done a better job, the Big Island has done a better job, and
7 what have we done? Some gateway. I think this is junk
8 planning.

9 In summary, we have a great responsibility to
10 protect prime ag land so that we can produce more food and
11 energy for our island, as well as providing the open space
12 that we and the tourists love. We must protect Maui so that
13 it does not become another Honolulu, while providing for
14 jobs and housing for our local residents at prices that they
15 can afford. That is a great responsibility. (Applause)
16 Thank you.

17 CHAIRMAN CANNON: We're on to setting the agenda
18 for the January 24, 2007 meeting. I missed one, sorry.
19 Countywide Policy Plan, summary description of GPAC review

20 process and document purpose and format.

21 MR. SUMMERS: Thank you, Mr. Chair, members of the

22 committee. As noted earlier in the meeting, we have a box

23 of Countywide Policy Plans for you to take as you leave the

24 meeting. We have a very short, quick highlight in terms of

25 what's in that document. We'd like to share that with you

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1 before you leave. A hard copy of the presentation is
2 included in that binder for your information. Erin?

3 MS. ERIN: Hi, my name is Erin. I've met most of
4 you before. I'm basically going to tee up the discussion
5 now so we can pass out the Countywide Policy Plan and you'll
6 have a frame of reference on what the purpose of this
7 document is and what to do with it.

8 Basically, this MCC 280(b), which is the ordinance
9 you guys have been working on, requires several things. It
10 requires you provide an over-arching policy plan for all the
11 islands, provides a vision for the County. This plan
12 provides the core principals for the County, and a list of
13 goals, objectives and policies, and finally that it provides
14 the desired direction of the County's future. In addition,
15 it creates a structure to develop island and community plans
16 following the development of the County-wide Policy Plan.
17 So this is the first step in this process.

18 In terms of the General Plan updates, this is
19 basically what the structure is. You have got this umbrella

20 plan, which is what we are going to distribute today. Then
21 we are going to move onto the island plan, and also the
22 Molokai and Lanai Community Plans. And from there we're
23 going to move on to all of the additional community plans.
24 There are three phases to really any planning
25 process. The first is public participation. With a

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1 community-wide policy plan you guys did that with the Focus
2 Maui Nui exercise. Then you did the data-gathering
3 analysis, which is a result of all the studies that you have
4 seen. And finally defining the preferred future, and that's
5 what we've done through the goals, objectives and policies
6 within the Countywide Policy Plan document.

7 All of those components of a planning process
8 should be reflected in any good plan. So in Part One of
9 this plan document you are going to find an introduction
10 which includes a description of the public participation.
11 Section 2 is Maui County Today, which describes a lot of the
12 current trends and conditions, and also gets into some
13 detail about a lot of the reports and studies that you had
14 done as well. Key strategies, goals, objectives and
15 policies, and finally next steps, which says basically where
16 do we go from this.

17 There is an appendices, which is Part Two. It
18 includes the Focus Maui Nui executive summary, since it was
19 the basis of a lot of the policies that we generated, and a

20 historical background of Maui County, which is quite
21 comprehensive.

22 The way to measure how this plan is going to be
23 successful or as you are reading it if you feel the plan is
24 successful there are really three things. First, does it
25 reflect the needs and desires of Maui County. Did we

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1 accurately capture the things that you heard in Focus Maui
2 Nui. Does it realistically integrate and reflect the
3 current trends and conditions. The question should be to
4 you, did we incorporate the important issues and other
5 issues that you have heard throughout the process. And
6 finally, this is really the most important, does it inspire
7 consensus and cooperation amongst the islands.

8 So from here our collective assignment to move
9 forward is, first, to recognize that there's going to be
10 inherent challenges in the process. We have seen some of
11 those already. But key for the adoption of the Countywide
12 Policy Plan are really going to be threefold. First is
13 timing. There's only a four month period for review.
14 Second is going to be that we have multiple advisory groups,
15 and that they're on three different islands. So
16 geographically it's going to be a multiple consensus. The
17 important thing from here is to approach with patience and a
18 cooperative spirit, understanding that you're planning for a
19 whole county, not just Maui island at this point.

20 To be up front about ideas and concerns, knowing
21 that your time frame is short. If you have a concern and
22 you are not bringing that out up front, it's only going to
23 delay the process. So it's best to get things out as soon
24 as possible. To represent all your roles. The reason I'm
25 saying this is because many of you were appointed to this

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1 body because of your professional position. You reflect a
2 lot of other roles within your community life. You may be a
3 parent, you may be on a team of some kind. All those things
4 are important and create how Maui County functions. So
5 please remember to consider all your roles in this process.

6 And finally, always keep in mind that this plan
7 applies at a Countywide level. This is really a philosophy
8 plan. There are no lines on maps at this level. So think
9 about it in terms of what's the philosophy for the whole
10 County.

11 So today what we're going to give you is a binder.
12 It looks like this (indicating), and it includes the
13 Countywide Policy Plan. It also includes a memo about the
14 goals, objectives and policies. It's changed from the 1990
15 plan, and the memo explains why. And then a copy of this
16 presentation that we're giving right now. Soon to come, we
17 hope to mail this by the end of next week, is a matrix that
18 compares the 1990 goals and objectives to the current ones,
19 so you can see and track how we have adjusted.

20 So from here you are going to leave, and what we
21 want you to do is, first, read and review the plan document.
22 Then focus primarily on the goals, objectives and policies.
23 This is what defines the philosophy. You've already seen a
24 lot of the studies, and we definitely want you to read it
25 and give us feedback. But what we're going to do in terms

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1 of conserving your time is to focus your discussion on the
2 goals, objectives and policies. Then determine whether or
3 not you agree with those statements. Ensure that the
4 statements in this section enable and do not prevent desired
5 activities. What I'm trying to get at here is if you have
6 something in mind that's going to be a good thing for Maui,
7 make sure we do not do anything that precludes that from
8 happening in the future. And finally, ask if these
9 statements go far enough to inspire consensus and
10 cooperation.

11 So from here basically what we're going to do is
12 as you leave the room you can collect it, because the time
13 frame starts as soon as you get the document -- will start
14 at the meeting following your acceptance of the document.
15 So as soon as it's public the time will start.

16 MR. BERTRAM: You say the public meeting. We will
17 be the only ones with this right now? Will it be on the
18 website, is this available for public viewing as well?

19 MS. ERIN: As soon as we distribute it to you it

20 is a public document. It becomes a discussion item at your
21 first meeting. So if people come to the office or request
22 it. We will also put it on the website, and we can
23 distribute it at this point.

24 MS. DeNAIE: Will there be a press release that
25 it's going to be on the website?

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1 MS. ERIN: We can do that.

2 MR. MAYER: Would you have a press release to tell
3 the public that they can request by email not only this
4 document but any of the other documents, agendas, all those
5 things. There should be a real ability for the public to be
6 informed of what's on our agenda and also the documents
7 themselves.

8 MS. ERIN: We can do that.

9 MS. FILIMOEATU: So this policy thing you are
10 giving to us has already incorporated what we have already
11 been given to read?

12 MS. ERIN: It incorporates a lot of the summary.
13 For example, the socioeconomic forecast. A lot of those
14 important facts and figures are in the Maui County Today
15 section. The part that's totally brand new is the goals,
16 objectives and policies.

17 MS. FILIMOEATU: Have those goals, objectives and
18 policies been gleaned from all of that stuff that we have
19 already read, right?

20 MS. ERIN: Right. And primarily from the input

21 from the Focus Maui Nui. That's the 2003-2004 one.

22 MS. FILIMOEATU: Because that was my concern.

23 Because I notice we're reading stuff from the 2000 census

24 stuff in here in your facilities stuff that we got on that

25 CD. So my concern was that it's kind of old, and the trends

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1 and desires are not necessarily the same as it was. But you
2 have that.

3 MS. ERIN: Everything in Maui County Today is as
4 up to date as we have accessible to us. So as you leave you
5 will be given the document. What I'm going to have Joy do
6 is she's only going to give you the document when you give
7 her your name tag, because we have a lot of those walk away.

8 MS. FILIMOEATU: So we don't need go listen to
9 this thing that we just deferred, the 2030 thing. We just
10 deferred that until next time. Actually, this thing we're
11 getting now is more up to date.

12 MS. ERIN: You will get that discussion at the
13 next meeting.

14 MS. FILIMOEATU: But we don't need it, do we?

15 MS. ERIN: It's a lot more comprehensive in this.

16 MS. FILIMOEATU: So we can change some of those
17 desires after her update?

18 MS. ERIN: She and I have been working together
19 throughout this whole process as well. So most of what she

20 has is also in summary form, but not in detail.

21 MR. MAYER: Isn't the public facilities much more

22 for the island plan as opposed to this?

23 MS. ERIN: Primarily, yes, when you get into that

24 level of detail. That's a point that I needed to make too,

25 is the schedule that was distributed a couple of months ago

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1 at the meeting, that identifies which meetings we will be
2 discussing the Countywide Policy Plan and which meetings we
3 will be getting into Island Plan. When are we going to
4 start seeing lines on the map? That's not until the Maui
5 Island Plan. So Countywide Policy Plan is over-arching, the
6 whole County. Maui Island looks like it starts in April.
7 Until then focus on the whole County.

8 MR. MAYER: Are you anticipating that the entire
9 document will be the recommendation of the Countywide Policy
10 Plan, or only those sections of the goals, objectives and
11 policy statements? What will actually be adopted by the
12 County Council?

13 MS. ERIN: The County Council will adopt the plan
14 as a whole. So certainly we want your comment on it, but I
15 think in terms of using your time the most wisely and the
16 most efficiently is for you as a group to discuss goals,
17 objectives and policies.

18 MS. MOIKEHA: Can I ask on the deferral of the
19 workshop for the public facilities that we wait until it's a

20 final document rather than review a draft, especially since
21 that only pertains to the Maui Island Plan? Could we hold
22 that off until the appropriate time?

23 MR. SUMMERS: Excellent point. That leads us
24 right to the next agenda item.

25 CHAIRMAN CANNON: So that's the first comment with

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1 regard to setting our agenda. And you were agreeable to
2 that?

3 MR. SUMMERS: Absolutely.

4 CHAIRMAN CANNON: Great. So we will put that
5 aside until it gets closer, until it's finished and gets
6 closer to the Maui Island Plan. Other items that you would
7 like to see on the agenda? Yes, Lucienne.

8 MS. DeNAIE: Well, if any of us do want to review
9 that, just to make sure, like if any of us do want to review
10 the facilities and make any suggestions in terms of things
11 in it that really do need to be addressed in the final that
12 don't seem to be heading in that direction in the draft,
13 that can sometimes be very useful having reviewed draft. A
14 lot of times someone just didn't deal with an aspect that
15 might need to be dealt with.

16 CHAIRMAN CANNON: So your point is when it's 95
17 percent complete that we would get a copy at that point?

18 MS. DeNAIE: I don't know exactly how to arrange
19 it, but I do know that if you have expertise in an area it's

20 good to review things early and often, and then give your
21 expertise. It's probably not for everyone, but those of you
22 who are ones like Warren there, he probably would want to
23 look at it early.

24 MS. AOKI: The original Public Facilities Report
25 was done back in 2003, I believe, and there was a scope and

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1 a methodology, and they did it the way the contract
2 specified that it be done. In the update all we are asking
3 and have the funding for is for them to take the 2030
4 projections and carry out those numbers to 2030. It does
5 not mean that you can go in and change the scope, change the
6 methodology, say, "Well, you guys didn't do this. You
7 should do this."

8 I am not disagreeing that there are things that
9 could be addressed, but they're not, and that's not in the
10 scope of the consultant's contract. We have to be very
11 clear about that. All it is is to take it out to 2030.

12 Now, having said that, that doesn't preclude what
13 I have been doing in going directly to departments and
14 asking my own questions, okay. So a lot of -- in fact, what
15 I was going to do tonight was actually tell you stuff that
16 isn't even in the public facilities report, it's just stuff
17 that I've been learning and getting from them.

18 I think as we go into the Maui Island Plan and we
19 go into this, what we are going to do is, yeah, you can look

20 at this public facilities report and say Kihei is going to
21 need 70 officers by 2030, but it's also different than
22 bringing in the Chief of Solid Waste and him talking to you
23 and you guys having questions saying, "Well, the report says
24 you need 10 acres of land. But what about recycling? What
25 effect is that going to have on your need for acreage?" You

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1 have to understand that a lot of these reports are very
2 technical, but they don't really get into maybe a
3 philosophical discussion.

4 The reports also don't look at quality of service,
5 they're just looking at national standards, a County
6 standard. Maybe we don't like that, maybe it's too much,
7 maybe it's too little. Then bring in a representative so
8 they can explain to you, okay, you want 50 officers, but
9 that's going to cost, like Warren was saying, you know, \$70
10 million a year if you want all this stuff.

11 So you have to kind of -- I mean you're going to
12 be looking at all these facilities. There are going to be
13 costs associated with them. So I don't know if that kind of
14 helps you, Lucienne, kind of understand that all I'm doing
15 is dotting the i's, crossing the t's, making sure things
16 aren't repeated, like paragraphs which I notice. But it's
17 not for me even to get into changing methodologies or
18 anything like that. You have to understand that.

19 MS. DeNAIE: I don't think I was referring to

20 methodologies. I'm thinking like for instance we have solid
21 waste. Are we going to be looking at a materials recovery
22 facility in the plan?

23 MS. AOKI: That's something for you as a group to
24 talk about, but it was not scoped out for the consultant to
25 do.

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1 MS. DeNAIE: As we thought, okay. Anyway, these
2 are the kinds of things that I think if you have the ability
3 to ask the questions of staff then maybe we can give you
4 feedback of additional things that staff could be aware of.

5 MS. AOKI: That's your opportunity to go through
6 all the reports that you have and come up with your
7 questions, and then we will bring in the division heads or
8 whomever to answer them, because I don't have the answers to
9 all these questions. I mean I have no jurisdiction to start
10 telling Public Works what they should and shouldn't be
11 doing. It's for them as professionals and the expertise to
12 come in and tell you, "Well, okay, that's great. That's
13 going to cost \$6 million. How do you want to pay for it?"

14 MS. DeNAIE: Landfill is going to cost a lot of
15 money too, so I think we have to weigh all these things.

16 MS. AOKI: Right. That's when you get them to
17 come in and talk to you. I hope that answers everybody's
18 question.

19 MR. MICHEL: Before we make a long story short,

20 are you guys providing water the next time for us or do we

21 have to bring our own?

22 MS. AOKI: I owe everybody a sincere apology for

23 not letting you know that we were not going to have any

24 refreshments tonight. That was my fault, and I apologize.

25 From here on out we will not be able to provide refreshments

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1 for you. The only time we will be able to do that is if you
2 have, say, an all day workshop and we will provide lunch. I
3 mean just so that you know, anytime anything is bought it
4 comes out of my pocket and I get reimbursed six weeks later,
5 and I honestly cannot do that for three GPAC's every other
6 week.

7 The other thing too, it was an administrative
8 approval to kind of help and provide you guys with
9 refreshments, and we have a change in administration.
10 Granted, I didn't go back and ask Mayor Tavares if we could
11 do this again simply because I can't afford to do it. So by
12 the rules we can provide you with lunch, or if it goes like
13 an all day workshop like we did before.

14 There's nothing to preclude you guys as a group
15 getting together or discussing or however you want to bring
16 in food or drinks. That's up to you folks. But, you know,
17 no other board or commission has the kind of refreshments
18 that we have been able to provide to you folks. The only
19 time like the Maui Planning Commission or any commission

20 gets a meal is if it runs over a meal period.

21 MR. MAYER: Could I suggest that perhaps at the
22 next meeting we all put in \$5 and have you bring coffee, tea
23 and water. That way if we want to bring something we just
24 know that we can get some coffee or tea for these long
25 meetings.

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1 MS. DeNAIE: I'll volunteer to bring soft drinks
2 if somebody else brings the coffee.

3 MR. MAYER: If you don't want to put in \$5, no
4 requirement. But something of that sort would allow us for
5 many meetings to have some coffee and tea here, and keep it
6 very simple.

7 CHAIRMAN CANNON: Thank you very much for putting
8 out your funds earlier. It's beyond the call of duty.
9 Thank you very, very much, appreciate it.

10 Okay, on setting the agenda, other items that you
11 probably want on our agenda are the Countywide Policy Plan,
12 assuming they've got all the legal requirements
13 accomplished, is that correct? No disagreement with that?
14 And the voting for officers will need to be on the agenda.
15 That's also contingent upon getting the rules approved on
16 time.

17 Any other items that you would like to see on
18 there? Okay, I think we've got it. Any other business? Do
19 I hear a motion to adjourn?

20 MR. FRANCO: So moved.

21 MS. DeNAIE: Second.

22 CHAIRMAN CANNON: Okay Franco, and Lucienne.

23 Meeting adjourned.

24

25 (The proceedings were concluded at 8:15 p.m.)

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1 C E R T I F I C A T I O N

2

3 I, JEANNETTE W. IWADO, Notary Public for the State of
4 Hawaii, certify:

5 That the proceedings contained herein were taken by
6 me in machine shorthand and were thereafter reduced to print
7 under my supervision by means of computer-aided
8 transcription; that the foregoing represents, to the best of
9 my ability, a true and accurate transcript of the
10 proceedings had in the foregoing matter.

11

12 Dated the 17th day of January, 2007

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NOTARY PUBLIC, State of Hawaii

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My commission expires 2/5/08

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