

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MAY 5, 2016**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Janet Six, at approximately 10:55 a.m., Thursday, May 5, 2016, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Chair Janet Six: The Culture Resources Commission is called to order. At this time, we'd like to ask if there's any public testimony? If you'd like to come forward and testify on any of the agenda items.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Mr. Hinano Rodrigues: Hinano Rodrigues, Branch Chief for History and Culture, for State Historic Preservation Division. This is more of an announcement than public testimony. I would like to introduce my new Maui staff, we have a -- we have Chris Ikaika Nakahashi. Chris is the Cultural Historian for the islands of Maui, Molokai, Lanai, and Hawaii Island, and then we have Kealana Philips. Kealana is the new Maui Burial Sites Specialist.

Ms. Owana Salazar: Maui what specialist?

Mr. Rodrigues: Burial Sites.

Ms. Salazar: Oh, nice to meet you.

Chair Six: Thank you. Welcome. Glad to have you aboard. Thank you very much, Hinano. Is there any other public testimony at this time or announcements? Okay, so moving forward then. Okay, I'm going to close public testimony at this time. Okay, thank you. And moving on to agenda item C, a resolution thanking outgoing member Bridget Mowat. So do we address --

C. RESOLUTION THANKING OUTGOING MEMBER - BRIDGET MOWAT

Ms. Michele McLean: Thank you, Chair. We have -- we do have a resolution. Would you like me to read it --

Chair Six: Sure.

Ms. McLean: Into the record? Okay. This is a Resolution of the Cultural Resources Commission:

Whereas, Bridget Mowat has served the County of Maui since October 2013 as a member of the Cultural Resources Commission; and

Whereas, Ms. Mowat has served as the Maui County Cultural Resources Commission's Vice-Chairperson from May 2015 to March 2016; and

Whereas, Ms. Mowat has served with distinction and has performed her duties in the highest professional manner with the Cultural Resources Commission; and

Whereas, Ms. Mowat's term of office expires on March 31, 2016; now therefore

Be it resolved that the Maui County Cultural Resources Commission hereby commends Ms. Mowat for her dedication and untiring public service to the people of Maui County; and

Furthermore, be it resolved that the Cultural Resources Commission expresses their sincere appreciation for Ms. Mowat's services and extends their best wishes in her future endeavors; and

Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui; and the Honorable Mike White, Council Chair of the Maui County Council.

Chair Six: I'd like to make a motion -- ask for a motion to adopt the resolution. Anyone?

Mr. Frank Skowronski: So moved.

Ms. Salazar: I second.

Chair Six: Its been moved and second.

It has been moved by Commissioner Skowronski, seconded by Commissioner Salazar, then unanimously

VOTED: to adopt the Resolution thanking outgoing member Bridget Mowat.

Chair Six: Resolution adopted.

D. INTRODUCTION OF NEW MEMBER - WHITNEY APO

Chair Six: Alright, next item is the -- okay, we're back in session now. We'd like to move on to agenda item D, which is the introduction of new member Whitney Apo. Hello, Whitney.

Ms. Whitney Apo: Hi.

Chair Six: You want to tell us a little bit about yourself?

Ms. Apo: I am from Molokai. I currently work at the Hotel Molokai, under the General Manager, Michael Drew. Thank you. It's an honor to be here today, and I look forward to working with everyone, and serving on this Commission.

Ms. Salazar: Welcome aboard.

Chair Six: Welcome. Okay, moving right along. Welcome, Whitney. We're glad to have you aboard, sorry to see Bridget go, but glad to have you.

E. ELECTION OF CHAIR AND VICE-CHAIR FOR THE 2016-2017 BOARD YEAR

Chair Six: Now we're going to have the election of the chair and vice-chair for 2016 and '17 board year. The floor's open for nominations.

Ms. Salazar: For both chair and vice-chair?

Chair Six: Yeah. Let's do chair first.

Ms. Salazar: I'd like to nominate that we continue with the chairship of Janet Six. I nominate Janet to continue as our chair --

Mr. Skowronski: Second.

Ms. Salazar: Since she loves to drive in from Hana.

Chair Six: I'll drive in even if I'm not chair. Is there any other nominations? I'm closing the nomination. She needs to whisper louder. This is my bad ear.

There being no further nominations, a vote was taken.

It has been moved by Commissioner Salazar, seconded by Commissioner Skowronski, then unanimously

VOTED: that Commissioner Six serve as Chairperson for the 2016-2017 board year.

Chair Six: Motion carries. I'd like to open nominations for vice-chair at this time. I would like to nominate Frank.

Mr. Skowronski: No you don't.

Chair Six: Okay. You don't want --

Mr. Skowronski: I have to respectfully decline.

Chair Six: Okay. How about -- I'd like to nominate Owana Salazar.

Ms. Mikala Enfield: I'll second that.

Chair Six: Are there any other nominations for vice-chair? I'd like to close the nominations at this time.

There being no further nominations, a vote was taken.

It has been moved by Chair Six, seconded by Commissioner Enfield, then unanimously

VOTED: that Commissioner Salazar serve as Vice-Chairperson for the 2016-2017 board year.

Chair Six: Congratulations to our new Vice-Chair, Owana Salazar. This is for the 2016-'17 board year.

F. APPROVAL OF MINUTES OF THE FEBRUARY 4, 2016 MEETING

Chair Six: Okay, moving right along to the approval of the minutes of the February 4th meeting. Do I have a motion to amend or approve?

Ms. Salazar: I move that we approve the minutes for the meeting, regular meeting of February 4, 2016.

Mr. Skowronski: Second.

Chair Six: There's a second. So we have a motion on the floor to move -- to go forward and approve these minutes.

It has been moved by Commissioner Salazar, seconded by Commissioner Skowronski, then unanimously

VOTED: to approve the minutes of the February 4, 2016 meeting.

Chair Six: Minutes are approved from February 2016. Alright, now we have the Director's Report.

G. DIRECTOR'S REPORT

- 1. Cultural Resources Commission Orientation (part 1): Chapters 2.88, 19.48, 19.50, and 19.52, Maui County Code; and Chapters 530 and 531, Rules and Standards relating to the Cultural Resources Commission (A. Kehler)**

Ms. Annalise Kehler: The first item on the Director's Report is the CRC orientation part 1, which covers Chapters 2.88, 19.48, 19.50, 19.52, of the Maui County Code, as well as Chapters 530 and 531, of the Planning Department Cultural Resource's rules.

So first question is: What is the Cultural Resources Commission? It is a county commission and it is supported by the Planning Department, and the CRC exist to advise governmental agencies as well as the public in carrying out preservation responsibilities. And the person who staffs the CRC is me, Annalise Kehler. I am the Cultural Resources Planner, and I'm employed by the Planning Department.

So I'm going to briefly go over and explain what the guiding documents are for the CRC, and then go back and go through them in a little bit more detail. So at the departmental level, your guidance comes from Chapters 530 and 531, which came in your CRC packets, it looks like this. These are rules that establish how meetings are to be conducted, how

commissioners are expected to conduct themselves, and how commissioners are expected to perform their duties as established in the county code. So Chapter 530 is Rules of Practice and Procedure, and it's -- it contains logistics for commission meetings, commissioner conduct, expectations, procedures for interventions and contested cases as well as procedures for adopting rules. And Chapter 531 is how the commission is expected to carry out its duties as established in the code.

At the county level, the CRC's guidance comes from the county code, and it comes from Chapters 2.88, 19.48, 19.50, and 19.52. So if you have questions about your duties or projects that you will encounter as a commissioner, consult Chapter 2.88. If you have questions about county historic districts this Commission has purview over, consult Chapter 19.50. And if you have questions about development standards in the county historic districts, consult 19.52.

At the state level, all boards and commissions in the State of Hawaii are expected to conduct their meetings in accordance with Chapter 92, Hawaii Revised Statutes, which is also known as the Sunshine Law, and Jen will talk a little bit more about that.

So Chapter 2.88, of the county code, it relates to the establishment, composition, purpose, duties, powers, and other administrative items for the CRC, and the sections of Chapter 2.88, so section 060 would be powers and duties, and then, as you can see, 070 is nominations to the National and Hawaii Registers, 080 is the guidelines that we use to render decisions in this Commission, and 090 is administration. So 060 is powers and duties, and this is an abbreviated list of powers and duties, it consist of advising governmental agencies, reviewing and recommending nominations to the National and Hawaii Registers, providing design review for significant historic properties, administering provisions of the historic districts established in Title 19, so the historic districts mentioned in 19.50, and then review and comment on archaeological reports and cultural impact assessments, and adopting rules of procedure and conduct.

So Chapter 19.48 gives the CRC to establish new historic districts and modify existing historic districts and explains the process for doing so.

Chapter 19.50 establishes the three county historic districts, two in Lahaina, one in Wailuku. So this is a map. The green on the map is Historic District No. 1 in Lahaina, and these are some of the resource areas in Historic District No. 1. And then Historic District No. 2 is in gold, and these are some of the sites that are in Historic District No. 2. Historic District No. 3 is in Wailuku. These are some of the buildings that are in Historic District No. 3.

So Chapter 19.52 is regulations and uses in the historic districts, and there's regulations on style, how the CRC reviews plans, signs, repairs, demolitions, nonconforming uses,

variances, appeals, and then various other regulations for Historic Districts 1, 2, and 3. So 19.52.020 discusses the review of plans, and it states that the CRC shall approve all plans in the county historic districts, also for historically significant buildings in the Lahaina NHL, and then it states, "For each approval or disapproval, the CRC shall issue a letter. If the CRC disapproves plans, the letter shall state the reasons why."

So again, Chapter 530, this is the Rules of Practice and Procedure for the commission, and it explains meeting, intervention, contested case procedures, as well as CRC rule-making process. And Sub-chapter 2 of Chapter 530, it discusses the organization and parliamentary rules. All CRC meetings shall be open to the public. The CRC shall conduct meetings in accordance with Robert's Rules of Order, which is a nationally recognized set of rules for conducting meetings. All meetings -- a meeting shall be held at least once a month. All interested person shall have the opportunity to provide data or oral testimony on any agenda item. The chair may limit oral testimony to no less than three minutes. CRC shall comply with the Sunshine Law, which Jen will talk about, but, basically, it requires boards to conduct their business as openly as possible, no discussing board business privately, and don't reply all in emails. So quorum, for this Commission, is a minimum of five members to convene and vote. And the CRC may enter into executive session, which is meeting without the public present when it seeks advice from deputy corporation counsel on its powers, duties, privileges, and liabilities.

And Chapter 531, again, it elaborates on how the CRC is expected to perform its duties listed in Chapter 2.88 of the Maui County Code.

And that is the end of that portion of the training, and up next is Jen, and she's going to talk to you about the Sunshine Law, that's no. 2 under the Director's Report.

2. Cultural Resources Commission Orientation (part 2): Sunshine Law (Chapter 92, Hawai'i Revised Statutes); and Ethics, Conflicts of Interest, and Robert's Rules of Order (J. Oana)

Ms. Jennifer Oana: Okay, so I'm going to talk to you about the Sunshine Law, the Code of Ethics of the County of Maui, which will include conflicts of interest, and Robert's Rules of Order.

So I what I -- I gave you all a little packet of my materials, and the first document in the packet is that *Open Meetings Guide to the Sunshine Law*, and this is an excellent guide to the Sunshine Law. It was compiled by the State Office of Information Practices, which is the office in the state that administers the Sunshine Law and deals with any initial violations of the Sunshine Law. So I wanted to give you this guide because it's really comprehensive. Everything you need to know about the Sunshine Law is contained in this, and so how this guide is constructed is, basically, the first half about is them really explaining the Sunshine

Law in layman terms, and when you get to about page 31, that contains the actual text of the law and the statute, so you can flip flop, it's really easy to read and I encourage you all to read through this at least once or just put somewhere you can always have it handy to read 'cause it's really interesting.

But what is the Sunshine Law? And on page 5 of that guide, it has a really great definition. So the Sunshine Law is Hawaii's open meetings law. It governs the manner in which all state and county boards must conduct their business. The intent of the Sunshine Law is to open up governmental processes to public scrutiny and participation where requiring state and county boards to conduct their business as openly as possible. The legislature expressly declared, and it's written in the statute, that the policy of the state that the formation and conduct of public policy - the discussions, deliberations, decisions, and actions of governmental agencies - shall be conducted as openly as possible. The legislature directed that the provisions in the Sunshine Law requiring open meetings be liberally construed, and the provisions providing for exceptions to open meetings be strictly construed against closed meetings. That's with certain specific exceptions. All discussions, deliberations, decisions, and actions of a board, relating to official business of the board, must be conducted in a public meeting. So absent a specific statutory exception, which I will cover, board business cannot be discussed in secret. There must be public notice, public access to the board's discussions, deliberations, and decisions, opportunity for public testimony, and board minutes.

So what are "meetings?" I'm on page 7 of that guide. And the Hawaii Revised Statutes, section 92-2 states the definition of a meeting, which is the convening of a board for which a quorum is required in order to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

So are all meetings of state and county boards open to the public? Generally, yes. They're required to be open to the public unless an executive meeting or some other exception, which there are only eight other exceptions, as authorized by law. So a good question always comes up: Are sight inspections, presentations, workshops, retreats, and other informal sessions that involves board business consider to be meetings open to the public? And, generally, yes. So apart from the exceptions, the eight that I will cover in a little bit, all meetings should be open to the public.

Now I'm going to turn to page -- I'm just going to skip a couple sections and lead you to page 13, and this really discusses, well, discussions between board members outside of a meeting. Can board members discuss board business outside of a meeting? The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed meeting with certain statutory exceptions. Okay, the statute expressly cautions that such interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision

upon a matter which the board has supervision, control, jurisdiction, or advisory power. The second paragraph, this means that board members cannot caucus or meet privately before, during, or after meetings to discuss business that is before the board or reasonably likely to come before the board in the future. So this includes, you know, during recesses, we take a small ten-minute recess, board discussions should stop before also the meetings, after the meetings. It's really kinda easy to just continue your conversations, but all conversations should stop. All discussions, deliberations should be conducted in the open meeting session.

Okay, and one situation comes up frequently, and the question is: Does the Sunshine Law also prohibit board members from communicating between themselves about board business by telephone, memos, fax, or email outside of a meeting? Yes. So board members cannot discuss board business between themselves outside of a meeting via email, phone call, fax, whatever. And just think, whatever you guys can't do face-to-face, you can't do by any other electronic means. So that's why when Annalise was doing her presentation, she had that "don't reply all to emails," that could be seen as a discussion or deliberation, so you wanna definitely avoid that. If Suzie emails you, just reply to her. If Annalise emails you, just reply to her. If I email you, just reply to me. And we'll compile all of your responses and do what's appropriate.

On page 15, the eight exceptions to meeting publicly. So there are eight permitted interactions. They're designed to address instances and occasions when members of a board may discuss certain board matters outside of a meeting and without the procedural requirements, such as notice. Okay, so if you turn to the next page, this is generally just a summary of what the eight permitted interactions are. If you turn to page 33 of that guideline, this is the text of the permitted interactions, so just remember, all board business shall be conducted, all the deliberations, discussions, everything should be done in an open meeting, but these are the eight exceptions to talking amongst yourselves about board business outside of a meeting. So if we can go over them, reading page 32, 'cause I'd just like to read the real text of the statute.

So the first situation where you can discuss with a board member outside of meetings is to members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully as long as no commitment to vote is made or sought and the two members do not constitute a quorum of the board. Just to go back, board business, again is any matter of the board that's either on the agenda or likely to come on an agenda, maybe it's not on this agenda, maybe it's not on next month's, but you know it's coming, for example, like the Moku`ula fence project, or the county parking lot project, it's not on the agenda now, but we know we're waiting for a final archaeological inventory survey, it's likely to come before the board so that would be considered board business.

Okay, the second exception. Two or more members of a board, but less than the number of members which would constitute a quorum of the board may be assigned to investigate a matter relating to official business of the board. So you have a certain agenda item, you think, as a commission, you want to designate Owana and Frank to go do some investigation and bring the information back to the board, maybe you guys all don't want to go out and do a site inspection, which will be a public meeting as a full commission, but maybe you want to assign people to go do one and bring the information back, you could use this exception. But there is some provisions. So if you look at that sub-subsection A, "The scope of the investigation and the scope of each member's authority are defined at a meeting of the board." So you will vote who are the members of this investigative committee, what is the scope of their investigatory actions, what they will be doing. And then -- so that is at the first meeting. "First meeting." Now, after the meeting, that group will go out and do -- probably do their investigation. Then look at B, "All resulting findings and recommendations are presented to the board at a meeting of the board." So at the next meeting, when the group is ready to present to the full commission their findings, it's just the presentation of the findings and recommendations and that's it. No deliberation or decision-making at that time. It happens, the deliberation and decision-making, if you look at the sub-subsection C, "Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board." So deliberation and decision-making happens on the "third meeting." So this is a useful tool but kinda keep in the back of your mind it takes three meetings to actually get to the decision-making part. Sometimes we have that time; sometimes, depending on what application is front of you, they have a time limit, or the Planning Department has a time limit, or the commission has a time limit, I'm sorry, planning commission has a time limit to make a decision, so you always gotta think: Do we have a time limit? Do we have the three months? You could always ask the applicants to waive any deadline, but always keep in mind it takes three meetings to actually come to a decision.

Ms. Salazar: ...(inaudible - no speaking into the microphone)...

Ms. Oana: Yeah, this investigative committee situation. Okay, and then the third permitted interaction, "Two or more members of the board, but less than quorum, may be assigned to present, discuss, or negotiate any position which the board has adopted at a meeting of the board provided that the assignment is made and the scope of each member's authority defined at a meeting of the board prior to the presentation, discussion, or negotiation." I'm not really -- I haven't seen this done in this committee, but let's just say you guys are acting on a agenda item, you know it's going to come in front of council, you want to present a united position to council, you may want to designate a couple members to go and give public testimony for the whole commission, so I think that's where the --

Ms. Salazar: So it would be to take public testimony outside of a meeting?

Ms. Oana: Yeah.

Ms. Salazar: Okay.

Ms. Oana: So let's you have an item you guys are working on here, and then you know county council -- it's coming up on a county council agenda --

Ms. Salazar: Yeah. Okay.

Ms. Oana: If you want to take a united position and testify to it publicly at council, you'd have to vote, vote for Oana and Frank to present to the council our united position that --

Ms. Salazar: Okay. I see. So that's interesting.

Chair Six: Can we also -- we also -- sometimes we submit just like written testimony. We've done that, right ...(inaudible - not speaking into the microphone)...

Ms. Oana: You mean like your comments about a project?

Chair Six: Yeah.

Ms. Oana: Well, that is -- no, it's not really a discussion and --

Ms. Salazar: This is something that we discussed and voted among ourselves and then we decided -- because the time may be short or for this letter C or --

Ms. Oana: Or the number 2?

Ms. Salazar: 2. Number 2.

Ms. Oana: No, time may not be short. It's just if you guys want to present some kind of united position, it allows two or more members, but less than quorum, to group together outside of a meeting to present your position to someone.

Mr. Skowronski: If we're -- if someone decide to speak to a third party, whether it be county council or anyone else, are we allowed to take questions from the county council as to why this position is what the position is? Is that considered is discussion outside?

Ms. Oana: You know, as long as the scope of your presentation is discussed fully at the meeting so that you have authority to answer a question the way, you know, the commission wants you to answer, then that would be fine. If they're asking you questions and the commission is not a commission adopted position, then I would urge you not to.

Mr. Skowronski: So it's just that you take discussion or take questions fully within the scope of what the commission has agreed to?

Ms. Oana: Yes. Moving on to the fourth permitted interaction on page 33, that's sub-subsection C, "Discussion between two or more members of a board, but less than quorum, concerning the selection of a board's officers may be conducted in private without limitation or subsequent reporting."

The fifth permitted interaction, "Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c)," which is when there's audio communication, there's a second location of a meeting, one of the members is there, there's audio communication, and if the audio communication fails, the meeting is canceled, so that's what 92-3.5 is, so "the board may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters provided that," so this is what we were talking about earlier today, if Mikala didn't come and Christy didn't come, we don't have quorum, let's say though there was an agenda item on the agenda, someone from Oahu flew in to present a project to you, they either can't or don't want to come back, can they present to you folks with less than quorum? Yes. "Provided that," if you look at that sub-sub-subsection 1, "deliberation or decision-making on any item for which testimony or presentations are received occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received," so at the next meeting, (2) "The members present shall create a record of the oral testimony or presentations in the same manner as would be required under section 92-9, that's the minutes section, for testimony or presentations heard during a meeting of the board, and (3) "Before its deliberation or decision-making at a subsequent meeting, the board shall provide copies of the testimony and presentations received at the canceled meeting to all of the members of the boards, and receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentation." So if we had someone here that want us to go forward with no quorum, accept any public testimony and accept the presentation of developer or applicants, whoever it is, and then one of you or all of you notes and then presents your notes to the full commission at the next meeting before deliberation.

The sixth permitted interaction, "Two or more members of the board, but less than quorum, may attend an informational meeting or presentation on matters relating to official board business, including meeting of another entity, legislative hearing, convention, seminar, or community meeting, provided that the meeting or presentation is not specially and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves, provided that the discussions occur during and as part of the informational meeting or presentation, and provided further that no commitment relating to a vote on the matters made or sought. At the duly noticed meeting of the board, the board members shall report

their attendance and the matters presented and discussed that's related to official board business at the informational meeting or presentation." So this situation is like, what I can think of is, how the council members want to go to all of the community meetings but they can't all go because then I mean it'd have to be a public meeting, notice, and all that, so they can go but they have these reporting requirement back.

So the seventh permitted interaction probably won't pertain to this Commission, "Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting provided that the discussion does not relate to a matter over which the board is exercising its adjudicatory function."

And the eighth and last permitted interaction, "Discussions between two or more members of the board and the head of a department to which the board is administratively assigned," Will Spence," may be conducted in private without limitation provided that the discussion is related to matters specified in 26-35," which is the administrative acts of the board and the administration.

So all board business shall be discussed, deliberated, acted upon in an open meeting open to the public. There's only eight exception for you discussing board business outside of a meeting. These are the eight. So it's really easy to find, If it's not in here, it's just simply not allowed. You have to wait till a meeting to discuss amongst yourselves.

I want to move on now to -- oh, I'm sorry. There is one more time when the meeting is -- can be closed to the public and that's for executive meetings, and it's also contained in this guideline. I don't really see it that often, and there's also only eight exceptions - I can't really find it right now - there's eight ways to conduct -- there's only eight ways to get an executive meeting, seven of the eight don't really apply to this board and commission, I believe, but the one that may apply is if you want to consult with me in a closed meeting to discuss the board's duties, liabilities, things like that. So all you have to do is, you know, if we know in advance that we an executive session, it should be on an agenda. If we don't know in advance, one of you have to make a motion and two-thirds of the total number of members that could be on this board has to vote in the affirmative to have a executive session.

Mr. Skowronski: Every one of the exceptions that you talked about are two or more board members. Suppose a board member was ...(inaudible - not speaking into the microphone)... with someone that's not on this board?

Ms. Oana: That's completely fine.

Mr. Skowronski: That's okay?

Ms. Oana: The only thing I would say you can't discuss with someone outside of a board, anything you've heard in an executive session.

Mr. Skowronski: Executive session?

Ms. Oana: Yes. Yeah.

Mr. Skowronski: But if there's public testimony in front of the board and then you can go out and discuss it with somebody else that is affected, directly affected?

Ms. Oana: That is allowed.

Mr. Skowronski: That's allowed?

Ms. Oana: Yes. It's just -- it's just really the members cannot discuss amongst themselves because that could be deliberation, decision-making, which we want to be conducted in the open public.

Mr. Skowronski: Correct.

Ms. Salazar: But if we do discuss it, it could just happen, as long as we disclose it at our meeting. When we had our training, it was about that happening as well 'cause sometimes when people will come up to us and just start talking to us 'cause we know, and as long as we report it to the board, what was told to us at that training, was so that everyone started with the same information.

Ms. Oana: Are you talking about like someone, a non-board member and you are talking and then you're reporting to the board?

Ms. Salazar: Yeah.

Ms. Oana: Yeah, that's fine. But it is allowed that you may talk to someone non-board member outside of a meeting about board business.

Ms. Salazar: Yeah. It's inevitable.

Ms. Oana: Unless it has to do with anything you hear in executive session and that's closed to the public. Does anybody have any questions about the Sunshine Law? So there's a little handout I attached after the guideline, and this is just in the form of a opinion letter by the Office of Information Practices and I just kinda wanted to highlight this email correspondence issue because it does happen a lot and I have to email everybody, sorry guys, please reply to all, so I just to inform you guys this is kind of a hot topic, and it

happens, but let's not let that happen in this Commission. Email, replying all, and then it starts being --

Ms. Salazar: Oh, I made that mistake. I know it well. And for some reason, it's funny, I thought that was disclosure, but then I learned that no. So we may, if we have a questions, like email on our own and ask a question of staff as long as it's --

Ms. Oana: Yep. You can email Annalise directly, you can email me, Suzie, and we'll get back to you.

Ms. Salazar: And I have a question, this is -- I don't know if this regarding the Sunshine Law or not, but we can bring an agenda item to the Commission, right? And then we'll just go to through the procedural, getting it on the agenda and opening up for public comment and testimony, yeah?

Ms. Oana: So, basically, for that, you would want to usually at like let's say you want to put it on the next agenda --

Ms. Salazar: Yeah, what would be our procedure? Yeah, thank you.

Ms. Oana: At this meeting, it's a call for agenda items, I'm not sure, but you'd want to tell the chair - Chair, I'd like to put something on the agenda.

Ms. Salazar: So for new business?

Ms. Oana: Or you can email Annalise.

Ms. Salazar: Okay.

Ms. Oana: And then it just needs six days notice for posting of the agenda, so if it's not on the agenda, you just gotta wait until you can get it on the agenda.

Ms. Salazar: When does the agenda get posted?

Ms. Oana: Six days before its meeting.

Ms. Salazar: Alright, thank you.

Ms. Michele McLean: Chair, if I could add a couple of comments? On emails to staff, if you had a question for Annalise, and then Annalise felt like, well, that's something that all the members should know, she can initiate an email to everybody, so you don't necessarily have to include everybody --

Ms. Salazar: No. I wouldn't anymore.

Ms. McLean: We can include everybody in our response.

Ms. Salazar: Yeah. Okay.

Ms. McLean: With adding items to the agenda, there's always one of the last items on the agenda is always the next meeting date, so that would be the opportunity to request items for the future agenda, and it's good to bring it up because then we can talk about resource people you might need, or might be research we need to do so we can't do it next month, maybe the following month, so it's good to bring it up for discussion with everybody. The Sunshine Law requires that the agendas be posted six days in advance, but we try to send the packets out several -- a few days before that so that you folks have time to review the packet information, so even though the law requires six days, we aim to have the agendas drafted and circulated about two weeks prior to the meeting date so we can refine it and add things to put the packets together.

Ms. Oana: Okay, so does anybody have any questions about the Sunshine Law right now? You can always email me. Okay, so I'd like to move on to the Code of Ethics, and that's in the next section of your packet that I handed out, and this Article 10, Code of Ethics, comes from the Maui County Charter, I didn't copy the entire charter for you, but just this article, and if you see the Declaration of Policy, it says, "Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence and integrity of government." So there is something called the "Board of Ethics," and it's a board similar to like your Commission, which consist of nine members, they're appointed by the Mayor and confirmed by council, and this board meets and they have various duties, but some of their duties that may pertain to you folks is initiate, receive, hear, and investigate complaints of violations of this Article of the Code of Ethics, and they also render advisory opinions with respect to the application of this article on request. If you look at the very bottom of that page, you'll see that section 10-2, subsection 5, "If any officer or employee, or former officer or employee, obtains an advisory opinion from the board and acts accordingly, r acts in accordance with the opinions of te board, the officer or the employee shall not be held liable for violating any of the provisions of this article." So I'm going to get to talking about conflicts of interest in a few seconds, but if you feel like you may have a conflict of interest, and you don't know what to do, you could request an advisory opinion of the Board of Ethics, and they will meet, they will discuss your situation and render an opinion, and if you follow that opinion, you won't be held liable for anything. So it's kinda like ...(inaudible)...

Turning to the next page, continuing on with the Code of Ethics, you see at the bottom, section 10-4 , Prohibitions, I'll quickly go over that real briefly, and not the entire thing, but

some thing that you should know, your prohibitions. So it says, "No officer or employee of the county shall," and under the charter, not in part but I copied for you, but in the earlier part, it does say that all members of boards and commissions of Maui County are considered officers so that's why you guys apply here, so no officer of the county shall solicit, accept, or receive any gift, directly or indirectly, whether they're in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in another form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of officer or employee's official duties or is intended as a reward for any official action on the officer or employee's part. If anybody wants to give you a gift because their project is coming before you and they think that you'll vote for them, just say no. There is something called "gifts of aloha" that are considered allowable to take, and that's really when the gifts are very nominal and when it's offered everyone and not only you guys.

So moving on to the next page, it continues, so no officer of the county shall disclose information, which by law or practice is not available to the public in which the officer acquires in the course of the officer's official duties or use such information for the officer's personal gain for the benefit of anyone. These meetings are open to the public so, usually, everything will be known to the public but, for executive session meetings, no disclosure of those. Subsection c, no officer of the county shall engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer or employee's official duties or which may tend to impair the officer or employee's independence of judgement in the performance of the officer's official duties; d., use county property or personnel for other than public activity or purpose; e., fail to disclose a financial interest in the any matter which may be affected by an action of a county agency or vote on any matter affected by such interest. And then just moving on to sub-subsection 3, at the bottom, and 4, the county shall not enter into contact of a value in excess of \$500.00 with an officer or the firm in which the officer has a substantial interest involving services or property unless the contract is made after competitive bidding, and the last one, officers and full-time employees of the county shall not appear on behalf of or represent private interests before any county agency, provided that no officer shall be denied the right to appear before any agency to petition for redress or grievances cause by any official county action affecting such person's personal rights, privileges or property, provided that members of boards and commissions may appear on behalf of private interest before county agencies other than the ones on which such person serves and other than those agencies that have the power to review the actions of the agency on which such person serves. So that -- I'm not really sure where that will come up in this Commission, maybe because you're an archaeologist -- I'm not sure. I also staff the Urban Design Review Board and that board is, basically, made up of architects, engineers, those kinds of people, and, frequently, their projects come before that board, so in that case, they have to disclose their conflict, I work for that firm and abstain from any deliberation, decision-making, and no voting.

So any person who violates the provisions of the Code of Ethics shall be subject to a fine, in addition to any such fine, non-elected officers may be suspended or removed from office or employment by the appropriate appointing authority. Now you do have in your Rules of Practice and Procedure for the Maui County Cultural Resources Commission, the 12- -- or the Chapter 530 that Annalise was talking to you about, there is a section in there, section 12-530-21, Disclosure of conflict, so that specifically pertains to this board, and it states, "Whenever a conflict of interest or other ethical question is raised by anyone regarding any member of the commission, the affected member shall promptly make a full disclosure of the circumstances to the commission." So just mindful also that an employee-employer relationship is a financial interest that must be disclosed, so do so before any commission discussion, and there was an opinion of the Board of Ethics in 2004 that employer-employee relationship with the applicant does not automatically disqualify a commissioner from voting, however, the commissioner should decide whether to participate in those discussion and deliberation or not, they should decide whether they should abstain from voting, or they can request a deferral and seek an advisory opinion specifically on a specific issue from the Board of Ethics. So, remember, if you follow what the Board of Ethics say, you won't be held liable.

Does anyone have any questions about the Code of Ethics? So I'm going to move to Robert's Rules of Order, and, basically, it is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion. What I did was, so the Robert's Rules of Order book is this small book but it's thick, it was just small wording, and so it's really comprehensive, and I tried to find some good cheat sheets online and went just found a bunch but I thought let's stick with the Robert's Rules of Order cheat sheet, so I copied that for and, basically, in the front it says, you know, you should follow a fixed order of business, which we do, and you can see that in every agenda that we have, and then there's a method on making motions and having actions in our commission. So if you turn to the second page, How are Motions Presented?, that basically explains how you can do it, and this Commission is very good, you guys all pretty much know how to do this. And the second handout, or it might be attached to that one, it's just kind of a cheat sheet on the different motions you can make, so it says you need a second, it cannot be debated on, and how much votes does it take to pass those motions. That's really all I have to say and if anyone has any questions about Sunshine Law, Code of Ethics, Robert's Rules of Order, you could also email me if you think of anything later. That's it for me.

Chair Six: Okay, now we move on to no. 3, sexual harrassment and violence in the workplace.

Ms. Kehler: Jacky will be right back. Jacky will present to you guys on that. But I just wanted to reiterate the importance of reading all of this stuff that Jen and I presented today. It really helps clarify what this Commission does and what governs the business of this board, so I highly recommend reading that stuff.

3. Cultural Resources Commission Orientation (part 3): Sexual Harassment and Violence in the Workplace (J. Takakura)

Ms. Jacky Takakura: I'm Jacky Takakura, I'm the Administrative Officer with the Department of Planning, and I'm going to go over the policy -- the County of Maui's Policy against Discrimination. The presentation's mainly covering this policy but I did handout the Violence in the Workplace Action Plan Policy also just so you're aware that we do have these policies in place in case anything should ever happen and so we know what response to do and what we're looking for when we do investigations.

Okay, so I did give you a copy of the presentation also, if you need to follow along. The Policy Against Discrimination is very simple. Officers and employees of the county must not discriminate against or engage in harassment or retaliation of another employee or the public or individual under consideration for employment, and if you look at the Policy Against Discrimination, the second from the bottom paragraph, it does say, "The policy applies to all employees, including officers, agents, managers, supervisors," and so forth, and then it says, "As officers or agents of the county, members of the county's boards and commissions are also covered by this policy." And the policy prohibits discrimination in any form, including verbal, written, and physical harassment.

Employment decisions based on one of those protected classes, such as race, or gender, or pregnancy, or sexual orientation, or age, all of those are considered discriminatory and, therefore, prohibited. Okay, the policy itself, on the second page, actually, no, it's on the first page, in the very first paragraph, it has the whole list of the protected classes, and it's also in the presentation, Protected Classes in Employment, lots of different things. Forms of discrimination can be unequal terms and conditions, or harassment, or retaliation. So we can't discriminate against an individual, like pay one person more because of something versus another person, paying them less, or in the terms or conditions of employment because of that class, okay. You can see, a long time again, that discrimination did occur. This is, well, it's a while ago now, but, you know, they were paid based on their race so -- or help wanted, this is from the newspaper a little less than a hundred years ago, "Chinese born for soda fountain" or "White girl for waitress." Okay, that obviously not allowed at all. And here in the county, we do have the union contracts that define salaries so it's very unlikely that a person's salary would be based on something random or something discriminatory, so that's kinda good. But there could be other terms or conditions of employment, for example, you know, only allowing males, you know, to use flex time, or only allowing males to work late, or something like that, or making assumptions even about persons with disabilities or people who are older, you know, maybe not giving them the opportunities or the same tools you would give other people.

Harassment is also a form of discrimination, so that's prohibited, and there's different examples of harassment. The first one is verbal, and that could be the negative

stereotyping or the unwelcome invitations or the jokes, you know, people make these jokes, they think they're funny, but sometimes they're not and they can be very offensive to, you know, the people hearing those things. Okay, so that can be a form of discrimination. Physical harassment can be the touching, the crowding, or walking people.

Ms. McLean: Jacky, if I could jump in for a second?

Ms. Takakura: Yes.

Ms. McLean: For Commissioners to keep in mind, this isn't just for your conduct to others, but it's also other's conduct with you.

Ms. Takakura: Yes.

Ms. McLean: Because you are county officials, you have that same status like as our employees, so if a member of the public is harassing you or a county employee is harassing you, then we need to know about that so that we can take appropriate action. Thanks, Jacky.

Ms. Takakura: So this certainly would apply to employees, members of the public as we interact with them, even contractors, people coming before the commission. All of us need to follow this, okay. Visual forms of harassment, you know, circulating cartoons or things that offensive, or, you know, calendars or something that people might put up, something like that. Those are not allowed either.

Let's just look a little bit at discrimination. Like I had mentioned briefly, gender discrimination, sexual harassment is included in this policy, it's not allowed, pregnancy and breast feeding is also a protected class because it's something that only women can do. Like I had mentioned with pay, we are -- we have a salary schedule it's unlikely that you can discriminate based on really anything, it's based on years of service, really, as you move up, but, you know, it is prohibited if they were to try to do something like that. Training opportunities, you know, we want to offer that to everyone, you know, that can take it, so we do. Sexual harassment would be a request for sexual favors, other verbal or physical conduct of a sexual nature, and the key here is that they are unwelcome, okay, and that submissions or rejection of such conduct is used as the basis for -- it could be employment decisions, or decisions here, or any kind of things like that, and that is unwelcome so -- and that can visual, verbal, physical, and it would be considered so severe or pervasive that it creates a hostile work environment.

So, in general, I mean it's not prohibited for one employee to ask another employee out, but once -- if the person says no, then it needs to stop there. You know, it can't continue. And certainly it's something we do not want to see ever in a subordinate supervisory kinda

work relationship either. And the evaluation of is this really harassment is it's severe or pervasive enough to be harassment is made from the victim's perspective and not the intent of the allege harasser 'cause they might say, oh, I was only joking, but you know what? It's not necessarily taken that way.

Okay, pregnancy, because it's only for women, I mean it only can happen to women, that could be considered discriminatory, so they can't be fired or let go because they're pregnant, they would be provided with reasonable accommodations, just like anybody with a, you know, what is considered a disability, and they would be allowed to take leave. Expressing milk is also allowed, it's not prohibited.

Disability discrimination. It's illegal to discriminate against an employee or an applicant who has a disability. The key is that they need to be able to perform the essential functions of the job with or without a reasonable accommodation and a lot of times the reasonable accommodations are very simple. And also, this is a good one, not all disabilities are obvious. Some people who may appear to have a disability actually don't, and people who have disabilities sometimes are not -- it's not obvious, so we don't make assumptions about that. As long as they can perform the essential functions of the job with or without an accommodation, we -- you know, they're fine. So like I said, we need to make sure we don't make assumptions 'cause some people who are perfectly healthy may have disabilities or they appear to be perfectly healthy.

Religion. We don't discriminate based on religion either. No unequal terms. No harassment. Reasonable accommodation, again, be provided.

So not everything that seems unfair is illegal. If you see something that appears to be discriminatory, you would want to ask these questions: Is the action or what could be considered discrimination based on a protected class, is it an adverse act, like they didn't get some benefit that everybody else got? And would that adverse act happen because of that protected class? And is there any valid, legally valid reason to what happened, okay? If they answer is yes to the first three, and no to the fourth, then the discrimination is -- then the act is probably illegal, okay. If you see something like this, you're going to want to report it within 180 days. If you -- that's one of the key things to remember, if you don't remember much else from this presentation, is 180 days, report it to the commission chair, or the EEO officer that we have in the county, his name is Ralph Thomas, or to Michele or Will Spence, or to Jen, or to Annalise, who can report it to me, and then we will investigate that. We have also worked with the EEOC, the Federal and the Hawaii State Civil Rights Commission to make sure that compliance are followed up and investigated, and if there's any corrective action needed, we will take that, okay. Usually if complaints go to these agencies, we do work with Corporation Counsel, we get them involved, and we work through Corporation Counsel through Tom, respond to these agencies.

If a complaint is made, we investigate, we try to keep it as confidential as possible, but we can't guaranteed confidentiality, especially if it goes to other agencies and we don't know what kinda disclosure they do, but we do try to keep it as confidential as possible.

And every time I do an investigation, what I do tell the witnesses, the complainant, the accused, retaliation is always prohibited, okay, and that would be followed up with another investigation if needed 'cause we don't want to feel people -- we don't want people to feel afraid to make -- report something that they perceive that could be discriminatory.

And as part of the county, we must not discriminate against people who use any of the services or the facilities, you know, even the pools, and stadiums, the gym, etcetera.

Any questions? So as a Commission member, you represent the county and, therefore, we have these policies in place, okay. We ask that you follow them also. And the bottom line is, treat people the way you want to be treated.

Mr. Skowronski: As the functioning of this Commission --

Ms. Takakura: Yes.

Mr. Skowronski: We take public testimony.

Ms. Takakura: Yes.

Mr. Skowronski: So when someone comes to offer their opinions or their perspectives on issues in front of the board, are we allowed to question their background in relation to their testimony? If someone comes up and say I have an opinion about this or this issue, would it be discrimination to ask that person if they have a criminal record, or have they been convicted of anything, or something that they have that is endemic to their perspective on the issue whether they be ADA, or whether they be pregnant, or whether they be of a certain religion, are we allowed to ask those questions to see if, in fact, it's coloring their opinions to the board?

Ms. Takakura: I can answer that on an employment basis, but I think Jen should take that in terms of a Commission basis.

Ms. Oana: So with regard -- if someone's testifying and you have questions that you want to ask them that will clarify their testimony to you, you can ask. I'm not sure about the religion. I would have to look into that unless Jacky can explain or go to that. But clarifying questions, definitely you can ask so you know where they're coming from.

Ms. Kehler: Clarifying the point of the item before you.

Ms. Oana: You weren't sure what they were really saying and you want to get really -- or you want to be more informed on what they're saying, not really debate, but just clarifying their testimony.

Ms. Takakura: In terms of employment, we do not look at their criminal background or their history, I know other departments, says Parks, where they -- the position might interact with, say, children, or there's some reasonable -- or a good reason why you need to know that kind of criminal background, they can do criminal checks, but here, in the Department of Planning, none of that would impact a person's employment here so we are not allowed to look into a criminal background.

Mr. Skowronski: Well, I understand the concept that you want to exclude any discrimination in a hiring practice --

Ms. Takakura: Yes.

Mr. Skowronski: Or in a good functioning of an employment.

Ms. Takakura: Yes.

Mr. Skowronski: But when someone's coming off the street and saying and offering opinions about issues, sometimes their background would color where that opinion is coming from and they note vested interest in the opinion or in deliberations, would we be guilty of discrimination by asking background questions and how far?

Ms. Takakura: Right, because a lot of these -- I mean a person's gender, sexual orientation, sex, age --

Mr. Skowronski: Well, you cannot discriminate against hiring someone who's a felon, right? Or someone who has served time?

Ms. Takakura: Correct. Correct. Correct.

Mr. Skowronski: But their opinion on an issue, if in fact they are a convicted felon or have served time, might color their opinion and their expressions in front of the board. Would we be guilty of discrimination by asking that question?

Ms. Takakura: When we've had questions, we would refer to Corporation Counsel, but we would have to show the link between that protected class and the decision that they're rendering to see how they're linked, if they are linked or not, does it affect --

Mr. Skowronski: So we would have to supply the linkage?

Ms. Takakura: I would defer to Corporation Counsel if there is a just reason that they make a decision.

Ms. Oana: Yeah, I'd have to get back to you on that. I'm not sure. I mean, off the top of my head, it's to clarify their testimony, I would think clarifying questions is appropriate, I'm not sure you can say: Are you Mormon? Are you Catholic? Is that why you're testifying? I'd have to research that ...(inaudible)...

Ms. Salazar: Whereas, if they came forward and said I'm a practicing ...(inaudible)...

Ms. Oana: Oh, that's fine.

Ms. Salazar: And, anyway, I think it's kind of perhaps on a case-by-case basis, that's why we have you here for that moment of doubt that we can clear up before we even, you know, go further with that. I would think with some of the cultural sites that we'll be, you know, looking at, the religion would be a factor, and spirituality, so -- and if I think -- I would think that if it's a site that is specifically for a religion or, you know a practicing spirituality of, you know, culture, we would be able to ask.

Mr. Skowronski: I'm also interested in -- I mean I understand that the discrimination is a protection, okay, so it's protecting employees. It's protecting us.

Ms. Takakura: Yes.

Mr. Skowronski: Does it also protect people who are giving testimony? Do we have to afford the same anti-discrimination against someone expressing their opinion in front of this board that we protect by membership on the board or by employees or by members of the Planning staff?

Ms. Takakura: Well, it prohibits discrimination so I think they would still be allowed to give testimony. Like Jen said, I think it really depends on the situation and what, you know, what's going on and what the class, you know, what the issue is. It's going to vary.

Ms. Oana: I can look into that. But if you want to email me a specific situation, then I can look into it.

Mr. Skowronski: Okay.

Ms. Salazar: Good question.

Ms. Oana: Yeah.

Ms. Salazar: Yeah.

Ms. Takakura: I didn't really cover the Violence in the Workplace Action Plan and -- but if anything were to ever happen, you know, we do have a policy in place, we do investigate instances, well, I pretty much drop everything when I have that claim of any of these kind of things, and a lot of times discrimination and violence in the workplace go together, I do look at both of them, but just so you know that if anything were to happen in one of these meetings, you know, we do have a policy in place, we would investigate immediately, and never preclude it from calling 911 if you perceive it to be a serious enough emergency, but we would look into the situation and take action, and, you know, it's the public, it's contractors, it's employees, it's board members; we all need to follow this policy. But just keep on hand if you ever need, hopefully, you don't ever have to ...(inaudible)... any other questions? Thank you.

Ms. Salazar: Chair?

Chair Six: Yes?

Ms. Salazar: Before moving to our next agenda item, could we take a little break? Five to ten minutes?

Chair Six: I move to rest for ten minutes. Wait, what am I supposed to say? We're adjourned for ten minutes.

(A recess was called at 12:07 p.m., and the meeting was reconvened at 12:15 p.m.)

Chair Six: Let's reconvene this meeting and find out some more exciting things about historic residential property tax. You're on. Go.

4. Informative Session on the County of Maui Historic Residential Property Tax Exemption, Section 3.48.533, Maui County Code (A. Kehler)

Ms. Kehler: So I wanted to put this item on the agenda to raise awareness for the public as well as the Commission about the county historic residents property tax exemption. In the county, we do have a provision, it's in subsection 3.48.533, that allows for significantly lower property taxes for historic homes listed in the Hawaii Register of Historic Places. So an example of this is a home in Lahaina, on the ocean side, that's listed in the Hawaii Register. They pay about \$300 a year in property taxes. The neighboring properties with the similar size lot pay upwards of \$18- to \$20,000 year in property taxes. And this provision is designed to encourage preservation and offset costs for annual maintenance. It's widely used in Honolulu City and County. They list about a hundred or more houses a year on the Hawaii Register to take advantage of this tax credit. They have a similar

provision in Honolulu. Actually, they have similar provisions in all counties in Hawaii. But it's hardly taken advantage of here, and I just wanted to let everyone know that I am more than willing to help in the listing of your home on the Hawaii Register to capture this tax credit.

Chair Six: And just a clarification on that site in Lahaina where we looked at some of the homes, to get on this register, you can do a lot to the interior of the home, it's mostly maintaining it -- the exterior integrity.

Ms. Kehler: Correct.

Chair Six: So you have a family that has historic property, it doesn't mean they have to have everything like 1910 or 1880, it's just maintaining the exterior, and you can use the materials that give it the integrity of the building so I think there's some confusion that they gotta live in an old house to get on the register, but there's some advantage to restoring a home to modern standards with the exterior keeping the integrity of the neighborhood.

Ms. Kehler: Yeah. Right. Yeah, there's another house on Front Street, they did a nice rehabilitation where they kept the exterior according to the Secretary of Interior Standards, which means they used in-kind materials and kept the windows the same, etcetera, etcetera, but the interior is very modern, totally different, stark contrast, and you can do whatever you want on the exterior as long as you keep -- or on the interior as long as you keep the exterior in preservation. Yeah, it's a really great opportunity to lower your property taxes.

Chair Six: I mean if you're getting 10, 15 grand every year savings --

Ms. Kehler: Yeah.

Chair Six: Then it would behoove you to perhaps consider that.

Ms. Kehler: Yeah, exactly. You can use that money saved to keep up on maintenance or --

Chair Six: Okay. Is that it?

Ms. Kehler: Yeah. Yeah, so if you have -- if anyone has any questions about listing your property, contact me, and I can walk you through it, and then I can also assist with working with real property tax, which is who you petition to to receive a tax credit -- or it's not a tax credit, it's a tax exemption, and it's through real property tax, and once the home is listed on the Hawaii Register, then you petition that division for the property exemption, property tax exemption.

Chair Six: Do you guys work with the community, let people know about this? I mean I know you probably do.

Ms. Kehler: I am working on doing sort of like a public engagement thing in Lahaina to let property owners know that they can take advantage of this, and it's only for residential, but it's a good way to keep your historic home.

Chair Six: Moving on to the update of the Cultural Resources Commission from the Office of Hawaiian Affairs on the Palauea Cultural Reserve, the Moku of Honua`ula.

5. Update to the Cultural Resources Commission from the Office of Hawaiian Affairs on the Palauea Cultural Reserve, Moku of Honua`ula, TMK (2) 2-1-023:034 (A. Kehler)

Ms. Kehler: The Palauea Cultural Reserve in the Palauea Ahupua`a, and it is between Wailea and the beginning of Makena, and you can see it on the map, it's in the middle of the Palauea development, and it is a 20-acre cultural preserve with sites and features dating from pre-contact, which the sites include a former fishing village, as well as ranching periods. Some of the features include house foundations, agricultural terraces, foot trails, alters, fishing shrines, heiau, possible hale mua, which is a men's eating house, old water wells, freshwater, and a small grove of wiliwili trees.

Chair Six: Also some burials. One reason they made it a preserve, there's probably quite a few burials in there.

Ms. Kehler: So the reason why this cultural preserve is in the middle of a development is that it was sort of a deal that was made in order to develop that site, that they keep part of it in preservation, and so -- and in the Kihei-Makena Community Plan, it requires the property owner, which at the time was the developer, to work with the CRC to determine best practices for the preservation of archaeological sites within this preserve, and OHA recently acquired the preserve from Palauea Developers, it was in 2013, and, at this time, OHA is providing a status update on the preserve because CRC is a stakeholder in this endeavor, as stipulated in the Kihei-Makena Community Plan.

So this is just a little bit of background. In 1998, Project District 8, was adopted in the Kihei Community Plan, and it consist of a 44-acre development with a 20-acre cultural preserve. In the early 2000s, the Palauea lands were subdivided and the owner sought to transfer the preserve to UH-Maui. The deal never materialized. And it remained in the developer's ownership until OHA took it over. And in 2002, a preservation plan was developed for the property, it was largely focused on efforts to replant the area with native species, and that plan is actually attached to the letter that OHA sent that's in your handout, in your mailout. And then in 2013, OHA accepted the donation of the preserve from Palauea Developers.

And in December 2015, UH-Maui's Right-of-Entry to maintain the preserve expired, and currently, OHA is working with UH-MC to develop a maintenance plan and a vision for the future of the site, and they hope to, together, come up with a new preservation plan as well as an interim and comprehensive plan.

Chair Six: I'm really familiar with this project; I was assistant to the chancellor; we worked on this forever. I wrote numbers of plans. First thing I would like to say, this is a phase one plan of a four phase plan that Everett Dowling, at the time, was the property owner, he sold, and he was also on the Board of the UH Regents, there was some issues with taking the property from him, and we did not, eventually we were unable to take the property. It sad to see that they got it in 2013, three years have gone by, and what I've seen is they put some signage up, and they made sure that the building was to code, which it was, it always has been, but this has been sitting kind of derelict since 2000. Homeless people moved on there. I'm glad to see they're working with UH-MC, but this is really kind of a disappointing update because they're giving us the 2002 preservation plan, phase one, that was drafted by Theresa Donham and Anna Palomino, and it was primarily for reforestation and site stabilization. Phase two was supposed to be working on the archaeological sites. Phase three was going to allow access. And then phase four was interpretation. So they never really finished this. It started off gang busters. But there was some problems with the site as far as the college's UH Foundation's perspective, OHA's taken it on, but, you know, it's like three years since they took it, and it's just -- it's sad, for me, personally, so that was just my comment. This is just phase one. And then I hope they do come forward with the comprehensive preservation and some use for it as a living classroom, that's what it was sort of intended to be with the college.

Ms. Kehler: Right. It seems, based on OHA's letter, that funding is a concern, so it seems like they need to work with UH-Maui to figure out how it can be maintained cost-effectively, 'cause they do have a Palauea fund, according to the letter but --

Chair Six: There's a certain percentage of every -- all the development around it, which was built, if I buy one for 15 million, 'cause I got a couple million, when I sell it, 5% of the sales proceeds from the next owner go to support the preserve, and when I was there, this was back -- I left the college in 2012, there was 90 grand in that. I'm sure more have sold and flipped since then. So there seems to be a certain amount of money. The sales office, Everett Dowling sales office, once they sold all those lots and no longer was his, it went on to the owners of the lots, they moved it down to a place, hooked it up with water, air conditioning, wheelchair access, everything, and that building sat derelict, thieves moved in, homeless moved in, it's been really an eyesore, and when the lots were sold around, people were promised it would overlook the whole heritage -- Hawaiian Heritage Gardens by the developer, and the developer kinda wanted to pass it off at a rate, tax rate, assuming he couldn't develop it, which he couldn't, because the wells that are there, anchialine ponds that would have been influenced by the tide moons, moon and tide, and at least on one

property, there was five burials. I mean Theresa -- there was numerous burials in the area discovered, so that's another thing that's not on the list is that there are some ahu in there that are probably burials, yeah.

Ms. Salazar: Annalise, could you please put up the map of the site?

Ms. Kehler: Yeah.

Ms. Salazar: Okay. So I'm understanding that the Office of Hawaiian Affairs is now in charge of it but they're working -- co-working with Maui, UH-Maui --

Chair Six: ...(inaudible)... access in 2015 ...(inaudible)...

Ms. Salazar: And we are being asked to recommend or something?

Ms. Kehler: No.

Ms. Salazar: Comment?

Ms. Kehler: This was just an update because CRC is a stakeholder in their preservation plan.

Ms. Salazar: I thought I just read that on the last screen. Sorry. I know I asked you to put this one up and to see where -- there. Oh no. Sorry. Where did it say that? Okay.

Chair Six: So in the future, OHA and UH-MC will update the CRC on progress of the preservation plan in the interim and comprehensive plan. It's going forward.

Ms. Salazar: What can we do? What is it that --

Ms. Kehler: Well, if you have questions or comments for them --

Ms. Salazar: There. That's the one. Questions or ...(inaudible)...

Ms. Kehler: I can -- you can let me know and I can transmit them to OHA on the department's behalf or on the CRC's behalf.

Mr. Skowronski: Will this project ever come before this board?

Ms. Kehler: The preservation plan will.

Mr. Skowronski: Is it appropriate to schedule a site visit in anticipation of that coming in front of the board?

Ms. Kehler: I don't know when. It looks like they have a lot to figure out, so I'm not sure how far in the future that will be.

Ms. Salazar: Already -- may I? Am I interrupting?

Mr. Skowronski: No. Go ahead.

Ms. Salazar: You know, I've seen so many places, I mean OHA, and this not disparaging them or anything, but as soon as they have a preservation in mind, it's -- it's not alive anymore. It's not really going to be living. This requires living with the walls, the house sites. Now, to just preserve it for who? For what? For the tourists to come and look at it, oh, this is how the Hawaiians used to live? Well, I got news, is that Hawaiians need to live, or people need to live, and so when this 'aina like this that has water, that has sites, that has -- you know, the way to make it alive is to bring the people in who will keep it alive. To subject it to a study in a university system, living classroom. "Living" means you live it, not just go there from 9:00 to 5:00, when classes are held. You know, I think that's always going to be a potential failure. I mean when I look at -- they -- OHA has the Waimea Valley on Oahu, and it's -- what they've done is maintained it as a tourist destination and you can go in, there's a little community things that happen there once a week, their farmers market, which is largely failing because it's no longer at the main traffic area at the exit and entrance into Haleiwa Town. I mean they always fall short of an ultimate vision of a living community. So somewhere along the way, that bring has gotta get built and crossed, and I think, for my part, as a seated member here on the CRC, I'd like to propose that this Commission make that kind of a statement to crossover because we're going to continue seeing these, whether we're sitting on a commission or watching the news on television as a citizen or, you know, person who's not on a commission, but I really believe that we need to address, on that level, what is -- that it be really be a living, breathing place. It's going to have to have people on it that put in their hā, their hands, their breath, themselves, and as that kind of an investment, you know, the return is the life of the place.

Chair Six: Well, when it was made into a preserve, it was supposed to be the developer's was supposed to implement the preservation plan, and so Everett Dowling did the 2002 plan and they never implemented it, and then it was given to the college for us to do, and we had no money, and that's why the UH system didn't take it back and a few other reasons. Now OHA has is. As far as water, there's water to the little building but the anchialine ponds are dry, the wells have been filled in, and we all know that Palauea floods during times when it rains a lot mauka, that road gets under water. As far as living on there, most of the house sites were mapped and destroyed. They were on the ridge and surrounding, and Theresa Donham did a very comprehensive job and did her best to find

as many human remains as possible so she could preserve as much as possible, I've talked to her many times, and she thinks there's a lot of other sites underneath the kiawe, so she did a UH-Manoa Field School as part of her dissertation and went in and did mapping with the students, pretty comprehensive, and then my research was going to continue by taking students in there in a field school capacity, like I did at Moku'ula, that was our plan to start kick the restoration, but there's not a lot of houses there. There's a kuleana on there that's historical that's part of Rose Ranch, there's a few fishing things, and there's also a heiau that a gentleman came in around the millennium and the menehune told him he needed to reconstruct it so a lot of the reconstruction on the heiau is not particularly accurate or was guided by any group or entity other than the menehune he spoke to, and this was all from Theresa Donham because she worked on the site and she was the state archaeologist for years. So, for me, it's now been passed to OHA, but the real person that promised to do this was the developer who sold the lots overlooking the Hawaiian Heritage Gardens, and then this is the kiawe mess that was left and then homeless people moved in. And when we do the site visit, the college, when I did this, OHA was thinking there was people defecating and lots of human feces in the area so they did a big cleanup of the beach area and Goodfellows Brothers, who were developing another portion, put big rocks 'cause people were going down there and living on the beach, but the idea was to have someone stay in the building, via a caretaker, a living person, konahiki on the property to identify lineal descendants, and one of the people you can talk to is Tanya Lee-Greig, she's a lineal descent to this area, so she's been consulted a lot. So there's been a lot of movement, there's been a lot of stalling because of money, but what I always fear is that, you know, the vagrants moving on the property, the additional damage being done to the sites, and not that you want to open it up for tourists, you know, 'cause I think that's not necessarily the answers as we know, that doesn't always work out. When you allow people access to sites, you know, they carve their names on stuff and take rocks and do stuff.

Ms. Salazar: Well, they'd have to have water, they'd have to put portable bathroom.

Chair Six: Yeah, but I think you're right about a living presence. You need a konahiki or someone on there. You need lineal descendants involved. But again, maybe we could send -- we could get together and draft some suggestions and see if -- you know, I'm sure OHA's probably moving along these lines. I know Louis and probably Kiope and Kalekoa, people at the college are probably engaged in this and they need to get them to come in and kind of update us because this update just really doesn't update much other than their signage and that they checked that the building is to code.

Ms. Kehler: Right. So what I can do is just take general comments or concerns and pose them to OHA on the Commission's behalf so --

Chair Six: And, as an archaeologist, we call this bioturbation. When you have a lot of trees roots going into sites, especially where there's wells, kiawe have a 33-foot tap root, so they're tapping in all the water that's underneath Palaua, like when you go through plenty kiawe in Kaupo, so one of the things, one of our thing was how do you cut the kiawe down, leave the root system intact so you don't pull it out of existing archaeological features, so that's why phase one is about reforestation, it's like how do you eradicate the invasive species, encourage the endemic ones, and it's a hot mess, and so, hopefully, it won't sit like that for another 16 years.

Mr. Skowronski: ...(inaudible)...

Chair Six: It's 19 acres, 19 acres and then there's a contiguous piece on the beach where they found burials so that got put into the preserve, so there's like -- is it one acre on the beach, and then about 19 mauka? And this also has a relationship with the Wailea 670 ...(inaudible)...

Ms. Salazar: Every potential to be ahupua`a.

Chair Six: Yeah.

Ms. Salazar: Everything. Everything's right there.

Chair Six: Yeah.

Ms. Salazar: Yeah, I mean --

Chair Six: And on either side are waterways that run, not ...(inaudible)... but water rages through there, as we all know, when it does rain mauka.

Ms. Salazar: Have to prepare for that.

Chair Six: Yeah. And it's kind of shaped like an amphitheater so what you can't see is that back portion that's at the top of the picture, it's very steep, you know, it's like a bowl, so it's not particularly easily traversed, and so like Theresa predicts that numerous more sites will be found once they start to actually clear the area, but you can't bring trucks in, so it becomes this you have to hand clear it, it's very costly, you'd have to carry the wood out, either chip it and use for walkways or pathways or sell it or get rid of it 'cause there's lots of kiawe.

Ms. Salazar: So has there been any question, any genealogical research as to who inhabited there?

Chair Six: Yes. If you --

Ms. Salazar: 'Cause if there's burials, that's every indication that there would be, and, obviously, with it going down to the kai, you know, that's going to speak something about the --

Chair Six: I think there was an advisory board they had in here and they had some people listed on it. I'm just going to take a look here.

Ms. Salazar: Okay. Thank you.

Chair Six: Yeah, I mean I know that Theresa was doing some really good work, it just kind of stopped once the -- once the property was trying to be conveyed, but there was some people that they did talk to.

Ms. Salazar: Okay, well, and Kamana`opono letter says --

Chair Six: I know for sure Tanya is a lineal descendant.

Ms. Salazar: There's a comprehensive management plan will be created. Well, I think I am because if Palauea is part of Honuaula, then it would -- yeah.

Chair Six: Yeah. It is. It's part of that same with stepping stone trail and all that. And Lucienne deNaie is someone that worked a lot to try to get a larger preservation, so did Michelle Anderson, a bunch of people worked on this for a long time to try to get a larger area and this is all the area they could actually stop development in. But I don't see that part. They did have some kind of a board that -- here it says organizations: Archeological Services Hawaii, Dowling Company, Hui Ala Nui O Makena, Maui Community College Provost and Hawaiian Studies --

Ms. Salazar: What page are you on?

Chair Six: I'm sorry. Page 8. It talks about Manoa, and Manoa signed off. I got John Osorio to sign off when I was there and put it just as Maui College was going to be over it, but they worked for years to try to get UH foundation to take it, they wouldn't take it.

Mr. Skowronski: Annalise, what's our stake in this? For what reason would we participate with this?

Ms. Kehler: Kihei-Makena Community Plan stipulates that a preservation plan is developed with the CRC's input for this preserve.

Mr. Skowronski: But the property in question is already surrounded by golf courses, residences, I mean the fertilizer and the upkeep and the maintenance from the golf course is leaching down into this area already so -- so the place is precariously on the edge of being completely ecologically, environmentally worthless. Is it not?

Chair Six: I think the archaeological sites aren't really impacted by nitrogen runoff, I mean the plant life is, but there's definitely a clear heiau. Pat Kirsch did work in 1960s and then it was continued by Manoa and different groups, but I would argue that there's a lot of cultural sites still on there and that's why people fought for it.

Ms. Kehler: Yeah. Preservation plans are very common for the areas that are preserved in the middle of development because it has a concentration of resources, and so that's -- preservation plans are often mitigation for developments that involve archaeological resources.

Ms. Salazar: Well, in our letter here from OHA, from Kamana'opono, it says management status, and it's no. 5 on this page 2, says, "An Interim Management Plan will be expected after the new terms of the partnership is finalized." And then it says a preservation plan will be done in, oh, 2002, hello. It was done.

Chair Six: And it's a phase one.

Ms. Salazar: Done in 2002, will also be -- but it says, "Finally, a Comprehensive Management Plan will be created and should be complete in 12-18 months after completion of the Preservation Plan." Boy that's a ways off.

Ms. Apo: So if you look under the Vision and Direction, they have that both parties are considering options for this partnership and anticipate a more solidified direction in June of 2016.

Ms. Salazar: That's next month.

Mr. Skowronski: You mentioned that the surrounding properties were sold with the hook that this would be preserve and be an asset to the property --

Chair Six: Oh yeah. Yes. To the community.

Ms. Salazar: Yeah.

Mr. Skowronski: To the surrounding property owners.

Chair Six: You wouldn't have any houses in front of you. You look down on a historic Hawaiian gardens that ...(inaudible)... let the Hawaiians fix for everyone to look down on. That said, a number of the people that purchased, and obviously pre-2008, paid large money for the lots, spec homes, and that those homes sat empty, but the first time they sell and 5% so even -- I mean I left in 2012, that was 4 years ago, there was about 90 grand in there, and I'm sure more of those houses have flipped since then or changed ownership.

Ms. Salazar: So who's holding the funds? Where's the trust being at?

Chair Six: It goes into this Palauea Cultural Preserve Fund that's kind of -- I don't know if OHA's in charge of it, or is it a community plan -- a community association.

Ms. Kehler: I don't know. I'd have to look at the letter.

Ms. Salazar: Well, it must be with escrow in some regard. I mean it has to be ...(inaudible)...

Chair Six: Well, I mean, again, I left in 2012 but I worked on this project for like 8 years, and because the whole idea of bringing me as an archaeologist was for me to develop courses and things that we could charge people, like archaeological field schools where students would come and do the work for free, like Moku`ula, and the community would benefit under the guidance of Hawaiian Studies, which, at that time, was Kiope Raymond.

Ms. Salazar: Yeah, so any news on where the funds are for the -- when the transactions take place or have?

Chair Six: And I know that Kelly Koakea was very, when I was at the college, hot to get students on the land to make it a living presence, not just 9 to 5, but having people be involved with the reconstruction, and it wasn't so much preservation as perpetuation with some of the terminology that we used in our plans, which, of course, we didn't get the property, but the idea of having a presence and having it not just be like the City of Refuge is a good example of working with archaeologists to recreate structures based on historic photos, oral histories, and working with native people to come up with something that's more, it's still a National Park, it's not real living, but the idea of they're going to do a reconstruction, so there was a lot of things tossed around, but I really know that the college was looking at it to bring students, specifically native Hawaiians, there to do part of the reforestation and stabilization in that.

Ms. Kehler: Yeah. Yeah.

Ms. Salazar: ...(inaudible)... only Hawaiian. You love the 'aina - you love the 'aina.

Chair Six: Well, I mean but it was Hawaiian Studies so anyone in the Hawaiian Studies program.

Ms. Salazar: Yeah.

Chair Six: And often -- and it's lead by a native Hawaiian faculty, for the most part, so it would be Hawaiians and working alongside other people that are culturally responsible.

Mr. Skowronski: Have any of the private landowners surrounding this preserve brought suit or complained or filed for getting their money back because this asset has not been developed to the full extent of the promise when they first purchased the properties?

Ms. Salazar: Apparently not.

Chair Six: I don't know, but I mean I have a picture of the sign that says, "Hawaiian Heritage Gardens," like overview, be looking over the Hawaiian -- so the original lot, from what I remember from looking at who owned it, someone bought like four lots and then built four giant spec homes, it wasn't Goodfellows, I forget the developer, so some people were going in knowing it would be just adjacent to the beach and people wouldn't care so much about that, but it was sold as that.

Ms. Salazar: Yeah, right here, funding, it talks about the 5% distribution coming from sale of the 17 house lots. The value makes the sales infrequent, which is, you know, you're not going to have a big turnover, but it says, thus, they may run out of planning and active management process proceeds. So I can understand that. So perhaps a step needs to be taken because these house lots, the owners, they pay property taxes, so maybe we could recommend that the council take a portion of their land taxes, not tax them more, but allocate a percentage of these surrounding house lot's taxes to go into this Palauea fund, because over here it says, "Anticipated revenue generation. None at this time." So --

Chair Six: Well, if you sell one 10 million dollar house, 5% is pretty substantial ...(inaudible)...

Ms. Apo: .5

Chair Six: .5, excuse me, but the houses, I mean I remember we looked up a million dollars would generate 50 grand, or 5,000, 50 grand.

Ms. Salazar: Well, what, first of all, what do those lots sell for? What do those homes sell for there in Kihei?

Chair Six: The houses there was between 7 and 20 million, at that time, when I left in 2012, because that's why we have \$95,000 because I think only 2 had sold, 2 or 3 had sold.

Ms. McLean: I would imagine that the terms of this agreement don't account for resale and resale and resale. My guess is that this meant when each lot is originally sold from the developer, that money goes into the fund and that's it. I don't know how it can ...(inaudible)...

Chair Six: No. It's resale.

Ms. Salazar: No. It says here, "The value of these house lots makes their sale infrequent," meaning that when they get resold, it will be --

Chair Six: From what I understand, it's every time that you guy into it and that's part of the .5% will go towards it.

Mr. Skowronski: ...(inaudible - not speaking into the microphone)...

Ms. Salazar: That's what I want to know.

Chair Six: Well, like I said, there was some 90-something thousand in 2012. I don't know.

Ms. Salazar: But -- and what account. Real estate requires a trust account to hold --

Chair Six: Of course. There is an account. I just don't know off the top of my head ...(inaudible)...

Ms. Salazar: Funds. Just where.

Ms. Kehler: It doesn't specify in the letter but I assume ...(inaudible)... is the holder of the funds.

Chair Six: There is an account.

Ms. Salazar: So we need to ask that question.

Chair Six: I believe it's the Palauea Community Association. I believe that's how it works. But, like I said, it's been four years since I was involved with this project.

Ms. Salazar: Ultimately, we just don't know, so we need to ask the question. We can believe it could be with OHA. We could believe with them. we could believe it's with the university. We just don't know, so we'd like to know.

Chair Six: No. It's definitely not with the university. It's definitely not with the university. It was supposed to go --

Ms. Salazar: That's an assumption. And we're going to say -- the question is: Where is it?

Chair Six: I can say 100% it's not an assumption that the college does not have that money. I can say 100%. We tried everything we could to get that property.

Ms. Salazar: All I'm stating -- all I'm stating, Chair, is that we do not know, so let's ask.

Chair Six: Well, the money is for -- to, supposedly, implement the preservation plan. It was originally going to be done in four phases.

Ms. Salazar: Understood.

Chair Six: So as designed in 2002, that monies would go to implement the phase one plan ...(inaudible)... doesn't really pay many salaries, so the idea was to partner with the college, the college pays the salaries, and the money could go for equipment and things to go ahead and start implementing. So what OHA's doing with the money, I do not know.

Mr. Skowronski: But until it's scheduled, until the preservation plan is scheduled to come in front of us, this conversation's moot.

Ms. Kehler: Well, you can ask questions of OHA today.

Ms. Salazar: I move that we ask the question: Where is the funds from the proceeds of the real estate sales of the 17 lots and houses there?

Chair Six: And maybe how frequent the lots have sold in the last -- since they were put up for sale.

Ms. Salazar: I almost had that question coming.

Mr. Skowronski: But isn't that question predicated on this becoming part of our agenda?

Ms. Salazar: It's we're asking a question.

Mr. Skowronski: I mean doesn't it have to come in front of us before we ask these questions or discuss it?

Ms. Salazar: It is in front of us right now.

Ms. Kehler: Come in front of you what --

Ms. Salazar: It is in front of us.

Chair Six: This is written testimony.

Ms. Salazar: Oh.

Ms. McLean: This would be appropriate as followup questions. This was agendized as an update for you, and it would be fine for Annalise to contact OHA and ask who administers the fund, what is the balance, how often do the lots turnover, is in perpetuity or is it just the first time sale.

Chair Six: Well, I know that we use this -- we never put "not at this time" because we used it when we were trying to sell it to the board, the college was, the chancellor was, and he showed us as regular revenue coming in and it showed how frequently it was coming in so it would be nice --

Ms. Salazar: Well, they can anticipate a revenue generation because they don't know when the next sale is happening. Of course that's not going to be able to be seen right now.

Chair Six: But yo can look statistically at how often they sold over the last ten years, and you could come up with an idea of a frequency.

Ms. Salazar: So what I would like to ask also, one of the questions would be: I'd like to see us to be able to see the sample of the sales contract that stipulates this. Where is it written and how is it written about the percentage? Yeah, that's important. That wouldbe in a sales contract for the real estate sales purchase contract. So that would be another question.

Mr. Skowronski: I'd also like to go on the site. I mean I know where the site is but I've never stepped foot on it, and before I have any feelings on it, I'd like to touchy-feely.

Chair Six: I've walked all over it millions of times. It's rocky and hot. But you can see all the archaeological sites, the ones -- the reason they preserved this basin is because of the concentration of it, specifically the heiau, which some people have argued it's the priest's house, and some people argued that the, Theresa Donham in particular, argued that the heiau is right upon the road and it's identified in the '60s when Bishop Museum did the original survey.

Mr. Skowronski: But usually the archaeological --

Ms. Salazar: .5% is big. Excuse me.

Chair Six: .05 on --

Ms. Salazar: It's not .05. It's 5%.

Ms. McLean: .5

Ms. Salazar: .5

Ms. McLean: Half-a-percent.

Chair Six: Half-a-percent.

Ms. Salazar: Yeah.

Chair Six: Yeah.

Ms. Salazar: No. Half-a-percent is .05.

Chair Six: It's half-a-percent. It's 0.5%

Ms. Salazar: Oh, I'm sorry. That's right. Yes.

Chair Six: But 10, 15, 20 million isn't substantial.

Mr. Skowronski: But keep in mind that the physical manifestation, the archaeological sites, the actual construction of structures is tied into the natural environment of what was there before the structures were built. You just don't go ...(inaudible)...

Chair Six: Water. No it was because of water. Oh, no, no, no, there's -- no, if you read the report that Theresa did, absolutely the priest got it, the priest heiau or the priest house and the heiau are located near these anchialine ponds and she argues for ritual control of water for times of drought so that the priest would allow people to come and access these anchialine ponds so they wouldn't drain them and -- so that's what Theresa advocates.

Mr. Skowronski: But there's a lost of a long history that when the even pre-contact that when ecological manifestation shift when water tables move or when something gets tsunami out, they're abandoned, or they're moved to new locations, so the idea that the archaeological sites can be sustained separate from what ecological use to support them is contradictory to the mitigation aspects of it. So if, in fact, it's now surrounded by

influences and an ecology that is foreign, it calls into the question of what we're trying to preserve or what we're trying to save here.

Ms. Kehler: A lot of times the boundaries of preserved areas are decided based on other resources, mainly burials --

Chair Six: Or view.

Ms. Kehler: So a lot of times that's how areas of preservation within developments are chosen.

Chair Six: And then there's heiau in the middle of the golf course, people bounce golf balls off of them. I mean people make these -- they disconnect these, this is a site, and it's interconnected to the whole area and to the resources, as Frank rightfully pointed out. Also, on this site, there's a ...(inaudible)... there's a historic trajectory where we had a fishing village, pre-contact fishing village, very substantial, Theresa dug up tens of thousands of fish hooks, you know, all kinds of indications of aquatic -- exploitation with aquatic resources, then post-contact and post-Mahele, there's a kuleana on there with regular pig pens and walls, so it's not a pristine site, it's a site that speaks to change over time, it's surrounded by multi-million dollar homes looking down on it, which is an interesting phenomenon, but that's at having walk the site. I think we should maybe do a site visit if it gets to that where they're going to come in with the preservation plan so you can see 'cause there is something to be preserved there, and because I worked on it extensively, I believe that there could be -- it could be a vital community living property, an entity, if it's done correctly, and in the right hands, so I don't want to give up on Palauea. it sort of became a junkyard and they've done a lot to kind of cleanup, I haven't been down there in a couple of years, but it was getting pretty bad with homeless people living on that. And I believe the wealthy didn't like that, so they hired their own private security to come down 'cause the other thing is, in the plan, having someone on site was going to provide security because, again, once you make the site, you clear them and clean them up and show them to people, then here they come, the people, you have to have some way to keep people -- so we talked about vegetation buffers, how do we keep people out, how do you allow access, who's doing the interpretation, and that's why it was the idea of John Osorio was in charge of it, and Manoa was going to have it but Manoa didn't want a property on Maui, they have enough going on on their own island, and so it was transferred to UH-MC. Anyway, I think asking them -- maybe requesting who has the funds, are the funds there, getting an idea of if there's any revenue, if any have sold recently or maybe not to see if there's any kind of -- and then when they put a preservation plan or before, we maybe take a site visit or elect a couple people to go and check out the site, if not everyone is able to go.

Ms. Oana: Chair, just because you've been there before, is this appropriate for a public meeting, site visit/public meeting?

Chair Six: I mean it could be. I mean it's easy to walk into the main area. The problem is it's like this basin. You've been there right, Annalise? It's just super steep on the back and then in the middle, but I just don't know. I'd want to talk with OHA and the people and, you know.

Mr. Skowronski: The less people trample on it the better.

Chair Six: Well, you know, it's actually -- it's a lot of a`a and the heiau is very discreet, some people thinks it's a priest house, the wells are obvious, their depression's been filled in, there's some ahu with coral on them. Those are all kind of right in the center, and if you look even in here, there's an aerial photograph and you can see where the trees aren't growing, the trees are growing on the side like this.

Ms. McLean: There is a provision, Jen, in the Sunshine Law for a limited meeting, so that might be something we agendize that if it's unsafe --

Ms. Oana: ...(inaudible)... have discussion and the discussion has to occur kind of in advance of a scheduled site inspection because we need Office of Information Practices concurrence that it's okay to have a limited meeting, not include the public, so we gotta have that correspondence with that office before we do it.

Ms. McLean: So that might be appropriate.

Ms. Oana: So, you know, prior to that, we just gotta keep in mind the timing.

Chair Six: So going forward, we submit our comments in written form to OHA, like the questions that Commissioner Salazar's brought up about the deeds or the covenants --

Ms. Salazar: I worded it. I worded the question.

Ms. Kehler: I have -- I can read you ...(inaudible)...

Chair Six: Okay, great.

Ms. Salazar: Okay.

Ms. Kehler: So the first question is: Who manages the Palaeua funds? Second question: How frequently do the lots turnover? Is the .5% in perpetuity or is it a one-time first-time sale? How is the percentage stipulated in real estate contracts? What is the language

used? And what is the possibility of having a CRC site visit to this site? Is it accessible to the CRC?

Chair Six: Can we add -- can we just add: Has any of the Palauea homeowners ever filed a lawsuit or complaint because it's not -- and maybe just see if there's anything new since I've been working on it in the last four years 'cause there are probably some neighbors that are pretty pissed looking at this kind of eyesore in the middle?

Mr. Skowronski: I can't imagine why people would not be suing.

Ms. Salazar: Yeah. Yeah.

Chair Six: Just in case there has been any grumblings.

Ms. McLean: That might not be something that OHA is aware of.

Chair Six: Oh, okay.

Ms. McLean: That could be a private action against the developer or whatever terms were at the time.

Chair Six: Okay. If that's not appropriate, then ...(inaudible)...

Ms. Salazar: If we can see the part of the sales contract or the purchase contract that speaks to the percent, we'll see it all there. Some of the questions you have will go just under seeing exactly what are terms that -- that clearly states the conditions or the proceeds because another question comes to mind that also would get answered is: When they say "proceeds," are they talking about of the gross amount or the net amount after commissions and other back taxes were held? What is -- what are proceeds? You know, that will all be defined like a couple of the questions that I heard stated can all be learned just by looking at this -- what rider or what amendment goes into a purchase contract that speaks to this, including where the funds are held.

Chair Six: I know the UH corporate counsel did look -- due diligence and looked at all this and, unless it's been changed and amended, it's in perpetuity, every time they sell the lot.

Ms. Salazar: Yeah, I agree ...(inaudible)...

Chair Six: So I mean it's nice to take a look at it and make sure nothing's changed, yeah.

Ms. Salazar: I just wanted -- well, when they say ".5%" --

Chair Six: .0 -- 0.5 -- half a percent. Instead of a 1% it's half-a-percent.

Ms. Salazar: Anyway, even that, you know, I want to see it in the contract. It's like period, with a signature, then I'm going to see it.

Ms. McLean: Can we also ask what the current balance of the fund is?

Chair Six: Yeah. Exactly. She just wrote down: What's the current amount in the fund and are there deed restrictions and what are there, any deed restrictions?

Mr. Skowronski: Did someone mention that the owners association as a security force traversing the property?

Ms. Salazar: Not yet. Not yet.

Chair Six: No, what happened was --

Ms. Salazar: There must be maintenance fees.

Chair Six: There was a guy living on the beach that he hired a private one because one of the reasons I believe the UH foundation didn't want to take it is the developer was putting a lot on the college to do that he was supposed to do, which was provide security --

Ms. Salazar: Yeah. Obviously trying to get out of it.

Chair Six: So this is back in 2012, the residents, not in the Palauea, but down on that beach, Palauea Beach, hired private security because the homeless just got so out of control. I don't know if that's still going on. I know there's a person that kind of patrols the Palauea One, isn't it called "Palauea One," the main 17 homes, and there's like 4 over here, and then it's Goodfellows? There's something like 13 of them are here, and 4 of them are --

Ms. Kehler: One Palauea Bay.

Chair Six: Yeah, One Palauea Bay.

Ms. Kehler: Keahou at Makena.

Chair Six: I can't see that far. Anyway, so I don't know. Maybe we should see is there any active security whether it's private or -- what's the security on the property? But I know they just go so tired of the homeless that they actually took action, and they also hired

someone to clean the beach and rake the beach. The got tired of the rubbish and people pooping in the bushes.

Ms. Kehler: Just a clarification. What was the deed restriction question in reference to?

Chair Six: This is coming from Jen, it says, "Are there deed restrictions and what are they?"

Ms. Oana: With regard to the Palauea Preserve.

Chair Six: Palauea Preserve. Yeah.

Ms. Oana: If the deeds contain that whatever encumbrances run with the land, so each deed, you know, each conveyance after that will have the same encumbrances...(inaudible)...

Ms. Salazar: We'll just have to see a sample of the deed. They're public record so it should be alright.

Ms. McLean: You're talking about deed restrictions on the residential lots.

Chair Six: And I think there are. There are some about type of trees and things you can plant and like certain things about certain things you weren't supposed to be doing, if I can remember correctly, that the owners had to do. And I do remember there was some talk about us maintaining the view shed and having to cut the trees down so they could have a view shed and, you know, that was none of the sticking point that we didn't really have the resources to go in and -- because that's with a mahea and you can't just hire -- ask them to in there with their trucks, it has to be cut and hand-carried out because of the nature of the site and the steepness of the -- it's kind of a basin. And most of the sites that are known and mapped are concentrated in the center where it's all a`a.

Mr. Skowronski: ...(inaudible - not speaking into the microphone)...

Chair Six: I don't know anymore. Sandy Shadrow, with SOS Metals, used to own one but I don't know if he still own it.

Ms. Salazar: Find out what they're selling for right now.

Chair Six: Well, if Sandy still owns a property, I could you get you in touch with Sand Shadrow, he was SOS Metals and Hammerhead Metals, he owns -- and when Sandy was working with the college when he was doing SOS Metals, he bought the lot, I'm trying to see which lot, he bought one of the first lots, he bought the model home, and he found later

that he had five burials on his property that he was not told at the time of conveyance. It was in an area that was under preservation on his lot and then later he found out it was burials. We might go talk to him if he still owns that place, I know he doesn't have SOS Metals anymore. He is lot --

Mr. Skowronski: You can tell by the site map already that that's ...(inaudible)...

Chair Six: He's lot 18.

Mr. Skowronski: Imaginatively cutoff by ownership property lines. It's really got the whole concept of ...(inaudible)...

Chair Six: Can I get up and point something out real quick? It's just so people can know that this is a ridge here, so this is obviously -- these are really nice view shed property, this is a ridge here --

Ms. McLean: Yeah, Janet, you're not going to be on the record. Suzie won't be able to pick it up unless you can talk in a mike on the table.

Chair Six: Can You hear me now? I can't go that far. Don't worry if I'm not on the record, it's just because it just looks flat, but these got very nice views, and you start to go down closer to Polo Beach and it's called "White Rock," and then I think Sandy owns this lot 'cause this is where Everett's model homes were, that's his lot, but there on known burials on that property. There was lots of houses ...(inaudible)... it was just fascinating before they were destroyed, this was a large fishing village, it was estimated about 10,000 people living in this ...(inaudible)... but that's religious sites, the well, and the ahu are concentrated in here, it's a low-lying flat area ...(inaudible)... and then I know that ...(inaudible)...

Ms. Salazar: Okay, well, we have our questions lined up. That's good. I'm satisfied with those questions. Anyone else?

Chair Six: There's a topo map in the pack that shows the topography, yeah, and it shows the kuleana right here, that one piece, that's the kuleana property that was later post-contact ranching times.

Ms. Kehler: Yeah, and the OHA has an online map that shows the kuleana and who it was awarded.

Chair Six: And it shows the heiau, and it shows a few of the ahu, but it's basically a very steep and not buildable, that back wall is not buildable, it goes right up to the road, I mean part of the reason they selected this was because of the topography.

Mr. Skowronski: But as I read it, mauka of the road is the golf course.

Chair Six: Yeah. Yes.

Mr. Skowronski: Now, what's mauka of the golf course, is that the ranch?

Ms. Salazar: I think just open land.

Chair Six: Is that part of 670? No.

Ms. Salazar: I don't know.

Chair Six: I think it might be part of 670.

Mr. Skowronski: I thought 670 was further south.

Chair Six: It's -- I know that Palauea has a relationship because it's in the moku, and I'm not a hundred percent sure.

Mr. Skowronski: It's a classic `ili, you know, with the little sliver on this larger ...(inaudible)...

Chair Six: Yeah, and in this one gorge on the side that's closest to Kea Lani, this is adjacent to the Kea Lani, if you're not sure exactly where it is, is -- there's actually indentations that they grew sweet potatoes, so it's all that kind of mixed farming, fishing, lots of archaeological stuff --

Ms. Salazar: The living.

Chair Six: The lots were underneath the development, they were recorded though, and then destroyed.

Ms. Kehler: Yeah, that's called "data recovery." That's one of the options.

Chair Six: And Theresa's a very good archaeologist, she did the work on this, and I met with her numerous times and she said she -- it's a tricky site, and kind of given to us for us to clean up, the college.

Ms. Salazar: Where else do we know the name "Dowling" from?

Chair Six: Developer, Everett Dowling. He's got a building right down the street. Lots of development. I mean he doesn't own it anymore, he's sold it, but he was the one that

developed it and went to the county and got the variances and then -- and he was on the Board of Regents for UH at that time. I don't think he is anymore.

Ms. Oana: So, Annalise, is this going to be a letter from the Commission to OHA or from you to OHA?

Ms. Kehler: From the Commission.

Ms. Salazar: Commission.

Ms. Oana: Let's vote on sending the letter to OHA.

Ms. Salazar: Well, I move that Annalise write to the Office of Hawaiian Affairs, the Ka Pouhana, who is the author of this letter, with representing our questions and looking forward to hearing back from him.

Chair Six: We have a second to that motion?

Mr. Skowronski: Second.

It has been moved by Commissioner Salazar, seconded by Commission Skowronski, then unanimously

VOTED: that Planning Staff write a letter to the Office of Hawaiian Affairs, the Ka Pouhana, asking the questions posed by the Commission during discussion.

Chair Six: Alright, moving on.

Chair Six read the following agenda item into the record:

6. Report to the Cultural Resources Commission on Historic District Administrative Approvals between January and April 2016

Chair Six: Is that the post that's being repaired and the --

Ms. Kehler: Yes.

Chair Six: Dirty Monkey?

Ms. Kehler: Yes.

Chair Six: Really. Would they just change that name? I don't care what they do to the building, just change the name.

Ms. Salazar: The clean monkey.

Ms. Kehler: So from the beginning of the year, until April, we've had two administrative approvals in the Lahaina Historic Districts. The first one being the Dirty Monkey Restaurant, which involved interior renovations, and that involved a non-historic building, and because the renovations were limited to the interior, it could be approved administratively. And then the second one was just a wooden post replacement of a rotted post at Wo Hing, and that one was administrative because it was a very minor project and also it was replacing the post in-kind, which means exactly how it was before. And then there's -- each of the staff report just has each letter that was sent for the administrative approval as well as information in Attachment 3 about administrative approvals.

Chair Six: Okay. Are there any questions about that?

Ms. Salazar: So they're just all interior, and not going to change anything as far as the --

Chair Six: And that's a non-historic building you said, correct?

Ms. Kehler: Correct.

Chair Six: Where's the Dirty Monkey?

Ms. Kehler: It's in Mariners Alley where Moose's used to be.

Chair Six: Okay. And then the other is to a historic property but it's in-kind and isn't going to change anyway.

Ms. Kehler: Correct. Correct.

Ms. Salazar: Yeah, the one, the Wo Hing?

Chair Six: Yeah, they were just doing -- just taking the same exact post, it's termite, and replacing it exactly the same so it wasn't really open needing for a discussion because they weren't altering or changing a historic building.

Ms. Kehler: Correct,

Ms. Salazar: Nothing historic about termites.

Chair Six: There is but -- yeah, they weren't always here. I would like to put forth a motion or ask for a motion to change the meeting time to 11 a.m. going forward because of dealing with getting people from Molokai and Lanai here in a timely fashion and not having them stress out and us sitting around and discussing politics loudly while --

Ms. Oana: Can we put this on the agenda for discussion at the next meeting? It affects a lot of people --

Chair Six: Oh, that aren't here.

Ms. Oana: You know --

Chair Six: Yeah.

Ms. Oana: The public and their participation.

Ms. Salazar: Oh, especially the public. Yeah.

Chair Six: Okay.

Ms. Oana: So if you could just put this on from what time, the 10:30, and then ...(inaudible)...

Ms. Salazar: Okay.

Chair Six: Okay.

Ms. McLean: We can though, I mean I agree about having the discussion, but we can just schedule the next meeting at 11.

Chair Six: Should we do that and then discuss it at the next meeting?

Ms. McLean: And then also have it agendized for broader discussion but --

Ms. Salazar: I agree. I think that makes sense.

Ms. McLean: We can schedule it at 11.

Ms. Salazar: Because the public will see it when they look at the agenda.

Chair Six: Okay. Do we need a motion for that or just -- okay, good.

H. NEXT MEETING DATE: June 2, 2016

Chair Six: So the next meeting, I'm not going to be here. I'm going to be coming back from Ireland. I'm not getting back till 9:00 p.m. on June 2nd, so I will not be able to make the next meeting, but the next meeting is scheduled for June 2nd, and Owana will fill in for me.

Ms. Salazar: Alright. I would like to request an agenda item for -- a little earlier today, Frank mentioned some things about Haleakala, which was interesting, that was something that did not take place here at CRC. Is that correct?

Mr. Skowronski: Which --

Ms. Salazar: About the Haleakala and the telescope up there.

Mr. Skowronski: Oh.

Ms. Salazar: That was something else, yeah?

Mr. Skowronski: That was one -- that was couple years ago when they were reviewing the EA, the public meetings for the EA.

Ms. Salazar: Oh, okay. So I wanted to ask: Is it -- even though it's not an issue that is going to come before us, can we take a position as a Cultural Resources Commission with regard -- or make a statement with regard to Haleakala and the telescope and because I know I did speak with Annalise about this sometime ago, and it's having to do with recognizing that this is a cultural place? I don't, as a - how do I say this - it is the realm of our akua, and that's about as cultural as we're going to get, you know, without a building on it or have it, you know, wow. So I just was wondering, and I know we had some discussion, Annalise, I can't remember, something about a federal -- what would be the pathway in which we, as at least the Commission, Cultural Resources Commission, would be able to make a statement, you know, or and I don't know about accepting testimony or anything, but what was that we were talking about back then, Annalise, when I called you?

Ms. Kehler: After I spoke with you, I did some research. The telescope went through the Federal Section 106 process, I believe it was beginning in 2008 or 2010, and I think that it came to a close with that in 2012, and as a result of consultation, they come up with a mitigation plan so --

Chair Six: Yeah, the NSF gave 25 million to scholarships at UH for Hawaiian Studies.

Ms. Kehler: There were a number of things that were agreed upon for that project.

Ms. McLean: We would have to look, to answer your question --

Ms. Salazar: Yeah, I'd like to ask that if we can --

Ms. McLean: We'd have to consult with Jen. I don't think she's prepared to answer the question now.

Ms. Salazar: I'm sure. That's fine with me. I just wanted to bring it up.

Ms. McLean: We have to see what -- how it could be agendized within the scope of the CRC's authority since there isn't -- I mean if there were active environmental documents out now, then that would be one way for it to come before the CRC, but we'll check with Jen and see and review the statutes that authorize -- that gives the CRC its authority and see what ...(inaudible)...

Ms. Salazar: And I realize we're not asked to comment on it but I just thought as a body of cultural resource people, we have an awareness that extends beyond what agenda someone in another office gives us so, you know, to say something, I think is important.

Ms. Kehler: So you -- this could be dealt with this way where it could be -- if you're interested in educating the public about Haleakala and its importance, then you can have a discussion about that and have experts come in and talk about the importance of Haleakala, and then that way it's not related to any particular development but it's more about education.

Ms. Salazar: It's cultural. Good.

Ms. Kehler: Right, so --

Chair Six: I know the National Park is currently conducting a survey and they're trying to figure out -- they're trying to figure out how they can control the amount of people at sunrise, if they can at all control it, because there's so many people going up for sunrise now that they're stomping all over native species and so the park is looking at how they can, you know, educate people as well like, you know, 'cause people are going up there and act like idiots, like people do when they're given access to sacred spaces or places of cultural importance, and so maybe as an educational venue, but I know that the park is dealing with its own trying to maintain some integrity and still allows access to the public to an important place.

Mr. Skowronski: Another issue that may or may not be related, that consumes an incredible amount of electricity everyday or will when it comes on line. They had a trench, a new line, from the top of the crater, down to the substation, so it's not only the sacred site

of the summit, but now you have this deep scar that's going from the top of Red Hill all the way down to the substation.

Chair Six: You mean a solar telescope's not solar powered?

Ms. Salazar: No, because that's to iffy --

Chair Six: No, you can see it in Kaupo now when you go around the back side, you can see them up in Kaupo.

Ms. Kehler: So if, you know, I don't, Owana, I don't know of anyone in particular who can come and speak on this issue, but if you have experts, then if you could provide me with their names.

Ms. Salazar: Okay. Can we put a little notice on one of our -- on an agenda that we're ongoing looking for experts or -- how do we do that?

Ms. McLean: Well, we need to see it first what your authority is.

Ms. Salazar: Alright. Sure. I'll work with that.

Ms. Oana: And I think that maybe, Owana, if you want to reach out and do some research on your own --

Ms. Salazar: Sure.

Ms. Oana: And bring those names to the Commission and then we can plan --

Ms. Salazar: Well, let's have a committee. Let's make a committee. Who wants to work on it with me? Come on, Mikala. I mean it's just --

Ms. McLean: Let's confirm that this is within your authority first.

Chair Six: Yeah. Yeah. First, let's find out if it's something we can go forward and state, and then we can maybe convene a committee 'cause I think there's some people out there that have a lot to say about it, and it'd be nice to get it documented. And just on the side, but when the NSF did give the 25 million to the college, the Department of Hawaiian Studies thought it was for native Hawaiian education, and it turned out to be for anybody that wanted to study Hawaiian culture, which was a real slap in the face to many of the people that were working with the National Science Foundation to thinking they were getting it for native Hawaiians and realized the money was going for anybody that wanted to study Hawaiian culture, so anyone from the Mainland could come and take some of that

money. But again, it's very hard, we talked about discrimination, to say we're going to only give this to -- so anyway, it was one of the Hawaiian Studies faculty might have quite a bit to say about it. A lot of them were very active, the UH, you know, Kalekoa, Kiope, the people that are tying themselves in front of the -- so you might want to talk to some of those people who's been part of the ongoing protesting out at that site because of cultural concerns. Alright, anything else? I move we adjourn this meeting.

Ms. Oana: No, you can't move.

I. ADJOURNMENT

Chair Six: Can I get a motion to adjourn the meeting? Can I just adjourn it? I didn't read my thing. I put it away. Anyone want to go home? I'm just going to adjourn it then. I'm adjourning it. It's adjourned.

There being no further business brought before the Commission, the meeting was adjourned at 1:19 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present:

Dr. Janet Six, Chairperson
Owana Salazar, Vice-Chairperson
Whitney Apo
Mikala Enfield
Frank Skowronski

Excused:

Timothy Bailey
Christy Kajiwara-Gusman
Arleen Ricalde-Garcia

Others:

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Jacky Takakura, Administrative Officer
Jennifer Oana, Deputy Corporation Counsel