

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**MAUI PLANNING COMMISSION
PORTION OF THE REGULAR MINUTES
ITEM B.5
NOVEMBER 13, 2018**

Ms. McLean: Chair this is your last, oh no it's not the last, but last public hearing in this section which is another proposed bill from the Department to amend your rules of practice and procedure to authorize the submittal of electronic documents as official documents and this is in anticipation of the County implementing the Maui Automated Planning and Permitting System or the MAPPS system. The rules right now currently call for paper documents and so the proposed amendments would allow for electronic submittals and David Raatz once again is presenting the bill.

5. MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to the Planning Commission's Rules of Practice and Procedure to authorize the submittal of electronic documents as official documents, in anticipation of Maui County's implementation of the Maui Automated Planning and Permitting System. (D. Raatz)

Mr. David Raatz: Thank you Director and Chair. I would reference the Director's memo to the body dated November 1st. And the proposal before you today is actually within your authority. You're sitting not as an advisory body to the Council as you had been on the previous two items we've discussed. But this is a proposal to amend your own rules to allow for the electronic submission of documents to the commission in advance of and anticipation of the MAPPS project being implemented countywide.

So the main actions you could consider taking today are adopt the proposed amendments as presented. Adopt the proposed amendments with revisions. Defer consideration of the matter or reject the proposed amendments. And I would note we haven't routed these through Corporation Counsel so if you were to adopt, recommend adoption as presented there still could be some technical amendments after we get legal review. But we're just proposing the amendment of two sections of the Rules of Practice and Procedure for the Maui Planning Commission.

First is Section 12-201-12, titled Communications. Currently that provision says all communications shall go to the Planning Department at the specified mailing address and we do correct our mailing address in this document. We would add another alternative that says, Communications to the commission can be submitted via system authorized by the County to allow for the submission of electronic documents. So that's for communications generally.

The other section we're proposing for amendment is also in your Rules of Practice and Procedure, Section 12-201-20, titled Formal Requirements for Filing of Documents. And we've got very similar language where we say, In addition to submittal of paper documents which the rules currently envision, documents to the body can be submitted via system authorized by the County to allow for the submission of electronic documents.

So fairly simple proposal. Oh, and finally one last element in the very last subsection of the section, Retention of Documents by the Commission. We say that all documents filed with or presented to the Commission shall be retained in either paper or electronic files. So again, we're in anticipation of the County moving largely to electronic document based operation so with that Chair, we would appreciate your favorable consideration. Be happy to answer any questions. Thank you.

1
2 Mr. Robinson: Thank you. At this time, we're taking public testimony on this item. Is there
3 anybody in the audience that would like to testify on this item on please step forward? Seeing
4 none, thank you. Commissioners, any questions or discussion on this topic? Commissioner
5 Carnicelli.

6
7 Mr. Carnicelli: Yeah, Chair just one quick question is I guess I'm a little apprehensive to vote to
8 approve this if this is our own rules like this is one stop. You know, so if we say oh okay these
9 are our own rules let's vote for them and then they're gonna change. Are we approving the
10 change already or if they do change then they gotta come back?

11
12 Mr. Raatz: Thank you, Chair. If the MAPPS system changes you mean?

13
14 Mr. Carnicelli: No, no, no, I'm sorry Corp. Counsel. If Corp. Counsel says no, it needs to be a
15 comma here or whatever it is that they've gotta do. You know Corp. Counsel...

16
17 Mr. Raatz: I'm envisioning that if it's nonsubstantive changes that we could regard those rules as
18 being approved by the body. I defer to the Deputy Corporation Counsel if he has any comments
19 on that.

20
21 Mr. Robinson: And I think, you know, because it is our rules we can change it.

22
23 Mr. Carnicelli: Change our rules after we change our rules?

24
25 Mr. Robinson: Yeah, we can. I mean, that's what it is, is you know as we grow. So Commissioner
26 Kahu Hill.

27
28 Kahu Hill: Mahalo. I know for me I wouldn't be able to be on this planning commission without
29 printed documents 'cause of a issue that I have with technology. So if I was to adopt this it would
30 have to be with the revision that if requested by a planning commissioner that hard copies would
31 be sent or provided and I wanted to know if that's possible. I like the thought of being green but
32 just I'm not able...and others may not be able to do that either for reasons or for just 'cause there's
33 so much documentation.

34
35 Mr. Robinson: Director.

36
37 Ms. McLean: Thank you Chair. The rules currently don't cover how information is provided to
38 the commission. This is for information or documents being submitted to the commission for
39 processing. So what this is saying, right now the rules as you can see are very specific on the
40 size of paper, so we...you know it says, bound and typewritten upon paper 8 ½ by 11 or 8 ½ by
41 14 inches in size, double spaced, except footnotes and quotes. I mean it goes into a lot of detail
42 about how a paper document is submitted. And the rules don't allow for electronic submittals.
43 This doesn't have anything to do with how we provide information to the commission.

44
45 Kahu Hill: Mahalo.

46

1 Ms. McLean: So if you feel very strongly about that, we could certainly put language in there, but
2 currently they don't address that in any way so we're not proposing to change that part of the
3 process.

4
5 Kahu Hill: One question. I know that we talked at one point of hopefully being able to have
6 laptops here in the future. So I thought maybe that would be connected to how the planning
7 commission would look at documentations in the future as well, not this one, but it's connected to
8 that.

9
10 Ms. McLean: And if we were to go there if there are still commissioners who want printed copies
11 we would provide commissioners with printed copies and I don't think the rules would have to be
12 amended for us to provide commissioners with packets in electronic form if we get there.

13
14 Kahu Hill: If we get there. Mahalo.

15
16 Mr. Robinson: Commissioner Pali.

17
18 Ms. Pali: Question. So we would be adding the underlined areas that are new in this document
19 we have? I have a letter dated November 1, 2018?

20
21 Ms. McLean: Yes, except for the headings of each section that are underlined to call
22 them...(inaudible)...yes.

23
24 Ms. Pali: So in...under Number 1, Section B, submitted via system authorized by the County to
25 allow for submission of electronic documents. So am I to understand that if we do allow for
26 electronic documents since we are Maui County, ...(inaudible)...county, we could then, I mean it
27 would really open up for like written testimony because now they don't have to mail it, they don't
28 have to...(inaudible)...sign it, they don't have to physically bring it down or mail it, they could just
29 then email it or upload it and so we as commissioners need to probably understand that if we do
30 allow this that would open a portal to a lot more testimony which could be both good and bad if
31 assuming that the person writing it is really the person writing it.

32
33 Ms. McLean: And information doesn't go from the public directly to you folks. It all comes through
34 the Planning Department office and currently we receive...I mean a lot of the testimony in front of
35 you today, we received by email and we print it up and distribute it. So that doesn't preclude it,
36 it's just as a formality in terms of accepting applications. The rules don't call for that, but we, you
37 know, we take testimony and revisions and things like that.

38
39 Ms. Pali: This is also for applicants as well?

40
41 Ms. McLean: This is predominantly for applicants, but yes it would be for testimony.

42
43 Ms. Pali: Okay, thank you.

44
45 Mr. Robinson: Commissioner La Costa.

46

1 Ms. La Costa: Thank you Chair. Director if the system goes down which technology is want to
2 do then what happens if someone has a deadline to submit something and they can't get it in 8 ½
3 by 11, double spaced, yada, yada, yada to you before that. Is there an alternative way to be able
4 to continue to service the public in a timely manner?

5
6 Ms. McLean: That's a good question. And David has an answer.

7
8 Mr. Robinson: Corporation Counsel.

9
10 Mr. Galazin: Thank you so much Chair. In answer to your question Commissioner La Costa the
11 rules actually do have a provision for actions that may be taken after a deadline has passed and
12 for good cause this body can allow late submissions. So I would...I would be hard pressed
13 ...(inaudible)...scenario where the County's computer system and then that's the reason why
14 there's a late submission that this body wouldn't consider that a good cause. So...but there's
15 already something in the rules that addresses that for any kind of scenario that might happen.
16 You know be it, you know a hurricane or anything else.

17
18 Ms. La Costa: Thank you.

19
20 Mr. Robinson: Commissioners? And you know Commissioners I brought this up as part of when
21 I wanted to give some information to the Commission and I was away and I wanted to do testimony
22 and on top of the form which I will testify later on a different item, but it was...the forms that are
23 passed out to our people that get letters that are surrounded by 500 feet and so no, it is not an
24 option to where they can email. So in order, in order for somebody to do that they'd have to do
25 their research, call in, ask for a different area to get it instead of trying to get something in by
26 regular postage mail. So if somebody wanted to do that and I thought it was a limitation of
27 evidence, I thought it was a limitation of testimony and what we always want is we never want to
28 silence anybody at any time or lack any testimony, to take it all as much as we can so that way in
29 the future nobody can say that they weren't heard. And so I think this is the part of it of opening
30 it up electronically, it will ease...people can do it on their phone. And when people do email, we
31 have a tracking 'cause it's from an email address. Unless there's some really good guy that
32 knows how to bounce it around three, you know, that is even a better tracking than a mail or
33 somebody's signature 'cause we got the address that it came from with the IP and the computer.
34 So thank you.

35
36 With that said, do we have a motion? Commissioner Carnicelli.

37
38 Mr. Carnicelli: I move to adopt the proposed amendments as presented.

39
40 Mr. Robinson: Do we have a second?

41
42 Ms. La Costa: Second.

43
44 Mr. Robinson: Second by Commissioner La Costa. Discussion on the motion? Seeing none,
45 Director.

46

1 Ms. McLean: Chair, the motion on the floor is to adopt the proposed amendments to your Rules
2 of Practice and Procedure as presented.

3
4 Mr. Robinson: All those in favor please raise your right hand? And that is six. And it passes.
5 Thank you so much.

6
7 Mr. Raatz: Thank you.

8
9 **It was moved by Mr. Carnicelli, seconded by Ms. La Costa, then**

10
11 **VOTED: To Approve the Amendments to the Maui Planning Commission’s**
12 **Rules of Practice and Procedure to Authorize the Submittal Electronic**
13 **Documents as Official Documents, as Recommended by the**
14 **Department.**

15
16 **(Assenting – L. Carnicelli, P D. La Costa, A. Hill, K. Pali, L. Hudson,**
17 **S. Castro)**

18 **(Excused – T. Gomes, C. Tackett)**

19
20
21 Respectfully Submitted by,

22
23
24 CAROLYN TAKAYAMA-CORDEN
25 Secretary to Boards and Commissions II
26