

**MAUI REDEVELOPMENT AGENCY  
SPECIAL MEETING  
MAY 13, 2011**

**APPROVED 06-17-2011**

**A. CALL TO ORDER**

The special meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Alexa Betts Basinger, Chair, at approximately 1:02 p.m. Friday, May 13, 2011, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Island of Maui.

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

Ms. Alexa Betts Basinger: . . .agency is called to order. The first order on our agenda is to approve the April 15<sup>th</sup>, 2011 meeting minutes that was sent to us by e-mail. Did everyone receive them?

**B. APPROVAL OF THE APRIL 15, 2011 MEETING MINUTES (via e-mail)**

Mr. Warren Suzuki: Move to accept.

Mr. William Mitchell: Second.

Ms. Betts Basinger: Okay, very good. Minutes are approved and accepted.

**It was moved by Mr. Warren Suzuki, seconded by Mr. William Mitchell, and without any opposition by the Maui Redevelopment Agency, the April 15, 2011 meeting minutes were approved and accepted as written.**

**C. PUBLIC TESTIMONY**

Ms. Betts Basinger: Secondly I want to make a statement to those in our audience today that public testimony will be taken at the start of this meeting on any agenda item. Testimony will be limited to three minutes per testifier, with the recommendation of the chair, additional time may be granted. So, at this point, I'm going to ask anyone in the public that may want to give public testimony to step up at this point. Very good, seeing no one stepping forward, we're going to move ahead with our work.

Mr. Suzuki: Can I ask a question chair?

Ms. Betts Basinger: Yes?

Mr. Suzuki: So based upon what you just said, so you're not going to be accepting public testimony after each agenda item?

Ms. Betts Basinger: That is correct.

Mr. Suzuki: Just at the beginning? I just wanted to clarify that.

**D. INTRODUCTION OF NEW MEMBER MARK WALKER**

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Ms. Betts Basinger: Introduction of new member Mark Walker. Mark, would you like to tell us in 20 seconds a little about yourself?

Mr. Mark Walker: 20 seconds.

Mr. Suzuki: 10 seconds already gone.

Mr. Walker: I mean, the good news, I'm familiar with Bill and Warren. We've worked together over the years. I've been in finance in the banking business and in the real estate development business over the last 30 years or so for – the time I've lived on Maui. I'm from Oahu, originally. I want to thank you for having me as a member. I hope to be a contributor and help move goals and tasks forward. Thank you.

Ms. Betts Basinger: Thank you. Does anyone else want to say anything about our new member? And we all welcome for the second meeting, Bill Mitchell. You know, it's a thrill for us to have a five member body meeting.

Mr. Bill Mitchell: Is it been a while?

Ms. Betts Basinger: We were sort of handicapped for pretty much of our time last year, so this is a good new beginning. We only have really two things on our agenda today. We're going to have an orientation which is great for the new members – great that we're having it now – and it's a refresher for the rest of us. It's wonderful. And then we're going to talk a little bit about chair's intentions for how we're going to move our work forward this year. So I expect we'll be out of here in a timely basis. And all that begin said, I want to also welcome our hard working staff, Erin Wade, who is just phenomenal. Call on her any time, she's an expert on what we do. Leilani Ramoran, she can do anything administratively, believe me. And James Giroux, legal, legal, legal, eagle, beagle.

Mr. Suzuki: No comment. No comment.

Ms. Betts Basinger: With that being said, we'll move right on to item-E, orientation, and at this point, I'm going to turn it over to ta-da.

## **E. ORIENTATION**

- 1. Ethics and Conduct**
  - A. County of Maui Sexual Harassment Policy**
  - B. Ethics**
  - C. Sunshine Law**

Ms. Erin Wade: Thank you. Annually, we do do an orientation with all the boards and commissions in the County of Maui, so this is – now that we have our new members on board, we're going to do our scheduled orientation. We've diversified the second section a little bit, and the third section is completely new. The first section is going to be very standard, and first we have Allan DeLima from the Administrative Division of the Planning Department who's going to do the sexual harassment

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policy explanation. James will do the ethics and sunshine law, and I'll do section two. And then we'll have more of a discussion on section three. So, without further ado, we'll start with Allan.

Mr. Allan DeLima: Good afternoon, as Erin mentioned, my name is Allan DeLima. I'm the administrative officer for the Planning Department, and I'm here to give you a brief presentation on the County's sexual harassment policy. My apologies to James because this is the ump-teen time he's had to sit through this presentation which means he never has an excuse to do anything that violates the policy.

Ms. Wade: Bill, if you and Mark are uncomfortable here, you're free to move around however you feel comfortable.

Mr. DeLima: And don't panic folks, but this is the most exciting slide. I've tried to interject either with jokes and cartoons, but everything I could find violates the spirit of the policy so I can't use them. This is what the County of Maui's sexual harassment policy looks like. You should all have a copy in your binders. But if you should not have one, please feel free to see me at anytime and I'll make sure you're provided with a copy.

As for the definition of sexual harassment – sexual harassment means unwelcome sexual advances, request for sexual favors and other verbal or physical conduct or visual display of a sexual nature directed by an officer or an employee to another officer, employee, or a private individual.

All personnel must refrain from the following conduct. Making unwelcome sexual advances or requests for sexual favors. Making remarks of a sexual nature. Using gender based or sexually abusive language and sexual innuendos. Visually displaying materials of a sexual nature. Physical conduct of a sexual nature. And the catch all phrase, any other similar actions.

The County of Maui has a zero tolerance policy against sexual harassment and will not condone or tolerate sexual harassment in the work place. This policy is applicable to board and commission members, as well as County officers and employees.

The process for filing a complaint. An individual who feels subjected to sexual harassment should immediately make a complaint to his or her supervisor. Board or commission members who feel subjected to sexual harassment should make the complain to his or her chairperson. If the chairperson is the alleged offender, the report should be made to the County's equal employment opportunity officer (EEO), and our EEO is the County's Director of Personnel Services.

The options for filing a complaint. The complaint may be filed with the Planning Director, the Planning Deputy Director, the board or commission chairperson - unless of course that person is the alleged offender – the Director of Personnel Services – the County's EEO officer, the Hawaii Civil Rights Commission, the Federal Equal Employment Opportunity Commission. You're encouraged first to seek internal remedy before using outside agencies as we kind of pride ourselves on keeping out own house clean.

Now a complaint maybe informal, which a verbal or written and unsigned allegation, or a formal,

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written signed allegation. The investigation process – investigation will be conducted in an unbiased, fair and discreet manner. There will be all the appropriate safeguards to maintain confidentiality and protection from embarrassment that the law allows. And within our department we have several trained investigators. I being one of them.

The individual who is found, after an investigation, to be an offender, shall receive the appropriate warning or discipline. Any disciplinary action prior to the implementation will be reviewed by the Director of Personnel Services, and approved the County's EEO officer. There should be no retaliation or discrimination against the individual who has made a complaint, conducted an investigation or acted as a witness. Retaliatory conduct is illegal and constitutes a separate violation.

Well folks, I promised you brevity, I deliver brevity. Are there any questions? If not, thank you all for your kind attention.

Ms. Wade: Thanks Allan.

Ms. Betts Basinger: Thank you.

Mr. James Giroux: So I'm going to touch on the ethics and the sunshine law. As far as the ethics goes, it's covered under the Maui County Code – well, Maui County Charter, Article-10, Code of Ethics, and this board is governed by that, that article.

There's certain prohibitions in that article, and one of the main ones is that – about accepting gifts. The other one is avoiding business transactions or activities or have a – transactions or activity or have a financial interest which may tend to impair independence of judgement in the performance of official duty. And the third one is failure to disclose financial interest. The important aspects of this is as far as accepting gifts, it doesn't mean that you can't get Christmas presents. What it means is that if somebody offers you something worth something, that you have to ask yourself is this meant to reward me for work that I'm doing or that I did, or is this meant to influence my ability to be independent in my judgement in executing the duties that I have on this board?

In Hawaii we have what they call gifts of aloha. You enter into a room, somebody gives you a lei, they offer you food – that's not what we're talking about. What we're talking about is these types of gifts where the intent is to basically influence you and your decision making process. And you can see that in the second one is your business transactions or activities where it's intended to impair – which may tend to impair your judgement. If you have any kind of business interest, it's important to analyze that, you know, before you come to the meeting. If you see something on the agenda that has, you know, inside your head you're saying, okay where does this fall within these boundaries of ethical decision? If that comes up, you can call me, we can talk about it, we can try to, you know, give some insight as to where we're at with that. And if we can't come up with a conclusion I would be advising you to go and get an ethics opinion from the Board of Ethics, and I'll talk more about that. And also this board is required to fill out your financial disclosure form, so that should already be taken care of.

The penalties for violating that, there's a fine and you can be removed from office. Your MRA rules

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state that whenever a member has a conflict of interest, the member shall promptly make a full disclosure of the circumstances to the MRA and refrain from participation, and discussion, and voting. Unlike other commissions where this rule is you disclose, you can discuss, but you can't vote, the MRA is a lot more strict. It's more similar to the Board of Variances where if you do have a conflict, you can't discuss and you can't vote. In Chapter 53, which is your empowering chapter, there's also a very specific section about you cannot have any interest in the property that is under redevelopment. Meaning that if there's a plan that's going to come before you, and this board is in charge of redeveloping that property, you can't have any interest in that property.

When in doubt, get an advisory opinion from the Board of Ethics. And the purpose of that is it's more of a shield for you because once you get that – it says if any officer obtains an advisory opinion from the board and acts accordingly, or acts in accordance with the opinions of the board, the officer shall not be held liable for violating any of the provisions of this article. So if you talk to me, and I give you a, ah, well, you know, that's not as binding as a written report coming out of the ethics. Once you get that, then, you know, you're on solid ground. I can take care of a lot of the analysis for you. I can look over your letter to the board. I can, you know, discuss, maybe possibly adding more facts to that communication. And that's where your attorney is helpful in that you can communicate with me, you know, we can understand the language that you're going to present to the board, and so that they have a clear understanding of what your duties are on the board and what your private interest are. Any questions on that? Board of Ethics? Okay.

Mr. Walker: I would just ask, typically how long would it take to turn around an opinion?

Mr. Giroux: They're relatively quick. I mean, I would say possibly – I've seen it as fast as maybe two weeks, you know, if you get them at the beginning of their cycle, you know.

Mr. Walker: So two weeks to a month, something like that, would be typical?

Mr. Giroux: Yeah. And if something you can foresee, you know, that's coming up in the future. I know that our agenda only come out like six days ahead, but a lot of times there is kind of notice that, you know, these things are happening, and they're in the pipeline and things like that.

Ms. Betts Basinger: James, I do have a question.

Mr. Giroux: Yeah?

Ms. Betts Basinger: This is part of the Charter which is up for review this year. Would the sunshine laws be something the Charter Commission maybe looking at adjusting?

Mr. Giroux: Well, the Charter doesn't have jurisdiction over the sunshine law per se because that's per code, I mean, per Statute, Hawaii Revised Statutes, so the Legislature actually chimes in. In fact, they've had several amendments because of community boards where the community boards really don't have that much authority. They're more of public meetings. So they've actually relaxed the sunshine law. They've said that they're under the sunshine law, but then they went and relaxed, put exceptions to those special types of meetings. And I'm going to be talking more later about contested cases where it is an exception, but then it also raises heightened scrutiny as far

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as those types of issues. But as far as the Charter, how it defines ethical definitions, you know, financial interest, I think one of the big stumbling blocks right now is the direct versus indirect. You know, it says indirect, but a lot of the opinions coming out of the Board of Ethics, once they go down that line and they're several times removed, they say, well, there's no direct interest, and you're like, silence on the indirect interest. So, a lot of times it just becomes a judgement call and to really save the grief of making a decision and having it challenged later, getting in front of the Board of Ethics is really, you know, the key. And I know that in the past or in the present, a lot of people try to use the Board of Ethics as like this little slander tool, you know, that oh so you have an opinion at the Ethics. Well, the thing is that's not it's purpose. It's actually acts as a shield because once you take your interest to the Board of Ethics and they can review it and give you a ruling, you can take that to the bank, you know. So getting these issues clarified and off of the table allows you the freedom to make these decisions without that cloud over your head or wondering, oh, is this going to cause me more grief in the future and, you know, on and on.

Ms. Betts Basinger: One more question about that and then I'll get you go on because I'm in hurry as you know. Would that extend from this body and it's members to any company or consultant or agency that we might hire to do our work?

Mr. Giroux: Yeah. If you're looking to hire an agency that you work for that would be, you know, something that needs to be looked at, and that type of thing. That would be a conflict of interest of, you know, if your decision making is going to influence your ability to collect money personally, then that's going to – really you have to be looked at very closely.

So with no further questions, I'm going to talk about the sunshine law, and this Hawaii's open meetings law. The sunshine law is found under Hawaii Revised Statutes Chapter 92. And what is the sunshine law? The sunshine law is Hawaii's open meeting law. It governs the manner in which all State and County boards must conduct their business. What is the general policy and intent of the sunshine law? It's to open up governmental process to the public scrutiny. It's to conduct business as openly as possible. Sunshine law is to be liberally construed in favor of open meetings. Exceptions to the sunshine law is to be strictly construed against closed meetings. Absent a specific statutory exception - board business cannot be discussed in secret.

Open meetings – what does that mean? It's every meeting of the board is open to the public and all persons are permitted to attend. All interested persons shall have an opportunity to submit data, views or arguments, in writing, on any agenda item. All interested persons shall have the opportunity to present oral testimony on any agenda item. Board may have a reasonable time limit of oral testimony. So, what that means is that the public should have a chance to have input on decision making that's going to be happening with the board. Decisions shouldn't be made off line and then the public told about what you did.

And one way to ensure this is that you have to give notice. It's a written public notice at least six calendar days before the meeting. And in that notice, list all items to be considered at the meeting. You've got to have the date of the meeting, the time and the place. No additions can be added to the agenda once it's filed unless two-third's vote of all members to which the board is entitled vote to change it. No items shall be added if it is of a reasonably major importance and action thereof will affect a significant numbers of persons. So what's important in this one is that if you – if there's

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something that the board wants to discuss and it's a matter that is not going to affect the public or some people that have an interest or a property interest in that issue, then you can vote to add it on to your agenda. But you have to have two-third's vote of the people present in order to get that changed. And the important thing that when this is happening is that if the action is going to affect something in the future that should be noticed, you should get input from the public. Then even if you get two-third's vote, you shouldn't put it on the agenda. In a situation like that, what we would probably advise is that you put it on your next agenda. You can discuss whether or not you're going to put it on your agenda. But as to the substantive actions, you don't want to be making those types of decisions before you give the public notice. A good example of what you might add is like, you know, we forgot to talk about who's going to take care of the snack schedule. You know, that's internal. It only affects you. If the public isn't concerned about that, then you can go forward and put it on, discuss it, and then go on with business.

Another important thing about public meetings is that there's minutes. They're mandatory. The minimum information is the date, time and place of the meeting, the members of the board they're recorded as present or absent, the substance of all matter proposed, discussed or decided and record of any votes taken are in the minutes. Any other information requested to be noted by the members can be included in the minutes. And a public record is to be made available within 30 days of the meeting. So it's very – what you have is, sometimes on your agenda, that you're receiving, approving, adopting, what ever word you're going to use, that that review allows you a chance to make sure that those minutes are up to your standards because they are a record of your meeting. But if that's not done within 30 days, that record of the meeting does go out to the public. By law, we have to release that to the public. And you know, it's just a record of what was done. And at a minimum we're looking at what are the discussions that occur, the votes that are taken, and what kind of actions are basically standing from the decision making process of this board.

An important question is what is a meeting? Under the Statutes, a meeting is defined as – it means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision. Now, also, more than two members of the board cannot gather to discuss board business. So it's very important to understand that if there's one person in the room, that's not a meeting. If there's two people in the room, that's not a meeting. You can discuss board business. You cannot commit to a vote or to take a position that has not been discussed by the board as a whole. So you can discuss, you know, what time is the meeting, what do you think we should put on possibly as just talking points – that type of stuff. You can have those types of discussions with two people. Now, when you have three people in the room, you cannot talk about board business. Meaning that if you're going to talk about something that is going to be in front of you, that you're the decision maker about, and especially if you're the final decision make on that issue, you don't want to be discussing anything about that project.

Let's see, board business. What is board business? It's matters over which the board has supervision, control, jurisdiction or advisory power and that are before or reasonably expected to come before the board. And in this situation, it's kind of tough because your jurisdiction is basically the whole MRA area. So, I mean, we have everything from trash can discussion, to street repair discussion, and those types of things. And again, just to remind you, two people can talk about that stuff. But when three people get in a room, and you guys are trying to figure out do you want

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planters on Market Street or Vineyard, you guys are getting into board business, okay?

And there are exceptions to the sunshine law. And again, they are to be construed narrowly. And one of them is the investigative exception. This exception, although it basically allows the board to meet without meeting the sunshine law, it's procedurally can be very cumbersome. It actually creates a longer process in some instances. But under the rule it says two or more, but less than quorum. And your quorum is three, right? Three out of five? So that leaves you with two. What has to happen is that the scope of investigation, and the scope of authority has to be defined at the meeting of the board. So basically you would have an agenda item that says you're going to create an investigative committee, or an investigative body. All findings and recommendations presented to the board at a meeting of the board, so after the investigation is made, there has to be a report. The report has to be made to the board at a posted meeting. So on your agenda you would say report from the investigative committee regarding planters on Market Street, so people know that they get a chance to see that report. And 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 what happens is that if there's a decision making that needs to be done, it cannot be made at the first meeting where you hear the report. There has to be a subsequent meeting so the public can digest the report and then have comment on it before the decision making happens.

The other exception to the sunshine law is your executive meeting, and it's a meeting closed to the public. In order to go from a public meeting, like this, into an executive meeting, a vote has to be taken at the open meeting of two-third of the members present. And an example of why you would go into an executive session is to discuss with your attorney any questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities. So, if an issue comes up, are we going to get sued? Is this within our jurisdiction? Do we have authority to act on this? Those are the types of things that I would probably say, you know, it would be a good time to go into executive session so we can discuss the matter. Executive sessions are confidential. The public will be asked to go outside. We would still take minutes. If it concerns a public entity or an applicant, those minutes, if the public feels that we went into a private session and didn't discuss these issues and we went outside of those bounds, they can go to the Court and ask for those minutes to be turned over. And what would happen is the judge would receive the minutes. He would read them over and decide whether or not our discussion was within the bounds of our executive meeting. And if they weren't, he would hand them over and then a lawsuit would incur to either over turn the – over turn any decisions that are made during that executive meeting which we shouldn't be making decisions in executive meetings – and, you know, then other legal activity would probably occur after that. So, it's very important when you go into executive session to really be clear about it's purpose, and to stay on point as far as what do you want to get out of that executive meeting.

Contested cases are another exception, and it's basically when the board is exercising it's adjudicatory functions under Chapter 91. And I'm going to have whole other power point about that, what is a contested case, and what does it mean to be in a contested case situation. The enforcement of the sunshine law is under the Attorney General. What happens is that there's several ramifications. There's voidability of your decision making if there's a violation of the sunshine law, and a decision is made. That decision can be challenged, taken to the Circuit Court and the judge would review the record and our actions and any investigation as far as whether he



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finds that there has been such a violation that your decision should be voided.

The other part of that is an injunction – that the party aggrieved would basically ask the Court to stop whatever action you did. Whether it's a permit or whether it's a decision to expend money or such that they would ask the Court stop – have that activity stopped. If you are found to knowingly violate the sunshine law, you can be guilty of a misdemeanor, and there can be removal from the board. So, it's important for you to understand the sunshine law. And what I tell people is I'm not the sunshine law police. But if I do feel that there is possibly a violation I will walk up to the group of three, and say, if this is board business, then we probably discuss it in a open meeting. My intent is not to, like I said, to be a cop. My intent is to protect you, to make sure that any decisions that you make, stay as decisions and they're not over turned, and that you're comfortable having participating on the board, and comfortable making decisions that are going to be required of you. Any questions about –

Ms. Betts Basinger: Warren?

Mr. Suzuki: I've got a bunch of questions for you James. You know on the issue of executive session?

Mr. Giroux: Yes?

Mr. Suzuki: You know, my recollection is that on the Council agenda, they do have the language in there that at least notifies the public that they may call for an executive session.

Mr. Giroux: Right.

Mr. Suzuki: On our agenda there's no statement to that effect. Is it required to have that phrase or that paragraph in the notice to at least put the – the public will know that we may enter into executive session?

Mr. Giroux: Yeah, in ours, we don't have a standard phrase at the very end?

Mr. Suzuki: No.

Mr. Giroux: There's no phrase that say that it's possible that we may go into –?

Mr. Suzuki: No.

Mr. Giroux: That should probably be added. What the law says is that if we know or if there's a high possibility that we are going to go into executive session, that we should put that on the agenda to give the public notice. The problem is that like today we have no actionable items. And so, you know, not to say that we wouldn't go into executive session, but there's no real notice to us that we would know that that's something we would do. And just because it's not on the agenda, it doesn't mean you can't go into executive session. It's just that OIP, they have this, you know, if it's more – it's more in the spirit of the sunshine law to do that.

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Mr. Suzuki: It wouldn't hurt to have this.

Mr. Giroux: Yeah right. So I would suggest that we do have that tag line on every agenda that says we are going, you know – it is possible that we may go into executive session to discuss, da, da, da, you know, powers and duties.

Mr. Suzuki: The next question James – on the issue as far as site visits. I mean, I know I've sat on other boards and commissions where we've been advised as an individual, you're not permitted to conduct your own site visit. Does that apply also to this body?

Mr. Giroux: Yes. OIP looks at site visits the same way it would look at a meeting. So if we wanted to go to the municipal parking lot, or three of you wanted to go to the municipal parking lot, together, to discuss board business, we would have to put that on the agenda, and then we would have to have minutes, notice, minutes and such.

Mr. Suzuki: But can we as an individual go?

Mr. Giroux: Yeah, there's nothing stopping you from going anywhere. You don't lose your rights as a citizen, and you don't lose your first amendment right, you don't lose your right to travel. The issue becomes that what you cannot do is if there's a matter that is going to affect an individual – and this part of my contested case discussion – all of your decision making has to be based on what's on the record. So you can't go out and do your own private investigation, pull records, you know, and then have that as part of your decision making process. Because if that is not put on the record by the litigants, you shouldn't be taking that into consideration. And you know, we're talking about Wailuku. You're driving down Market Street, you look over, you see a planter, you come to the meeting, and you say, hey, somebody moved the planter. That's not what we're talking about. We're talking about we've investigating, you know, somebody's opening up a business, and you went in there and you did your own electrical inspection. Not good. So there's a big difference in that it's not about where you are. It's about what you're doing, and what that information is going to be used for.

Mr. Suzuki: The last question I have pertains to the public testimony. As you noticed I asked the chair at the beginning as far as what's her position was going to be relative to taking public testimony. Last year, you know, we essentially took public testimony after each agenda item. And if we changing now to public testimony at the beginning, I'm almost certain that someone is going to step up and question the decision now to limit it to just – I'm not saying it's wrong – someone's going to question, you know, why are we changing now to the beginning whereas, the prior year, it was after each agenda item? And my understanding too is that a lot times people will say, even if it is agendized, you know, during these discussions, points may be brought up. It may not have been something that the public might have been aware of – talk about amendment to a bill – that the public may not be aware of. Therefore, their claim is that they should be afforded an opportunity to provide testimony because they were not aware of, you know, what might have been discussed or what conditions might have been imposed. So, I just want to have it clarified for us relative to, you know, can we do what we are doing, you know, as of today, where going forward, we just accept public testimony in the beginning? And if and when the question is raised as to whether or not, you know, we can do that, yourself and the Corporation Counsel will quickly step up and say,

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yes, we have that right, we can end our discussion on that issue from that point on.

Mr. Giroux: Yeah, I think it's very important to look at that in the context of – the sunshine law, it says that you have to allow, you know, oral testimony, receiving data on all agenda items. Now other commissions and committees, you know, because they have action item, after action item, after action item, have traditionally allowed the public, just based on what's on the agenda – not documents or discussion – to come forward at the beginning of the meeting and just say I want to talk about action item number three because they can't stay till 3:30. They come at 8:30 in the morning, they can't stay till 3:30. So they step up to the mic, and they say, you know, I'm Joe, I live in the neighborhood. This concerns me. I saw this on the agenda. I think you guys should, if you do anything, if you pass this, put on a condition that you can't da, da, da. Now Joe leaves. Three hours later, it comes up on the agenda, you guys talk about it. Somebody says, hey, what about that condition that Joe talked about? It doesn't get into the condition. Joe's sunshine law rights haven't been violated just because he didn't get what he wanted. He was given an opportunity to speak on the subject. Now the problem arises is when Joe shows up to the meeting, and there's action item one, two, and three. And he goes, well, I got to leave, you know, in a few minutes, but I want to speak on all three. And I know that your policy is that it's three minutes, so I want three minutes on each. So now you're going, okay, we've got to figure this out. Now he has a right to talk on each agenda item. Our policy is that we would give, if he came on Monday, and then Tuesday and then Wednesday, and we had a meeting on Monday, Tuesday, Wednesday, he'd have three times three, nine minutes. So, do we give him nine minutes? You know, that's the kind of situations that arise in the course of saying that we can put reasonable restrictions on the discussion or on that testimony. And then the issue would be is giving somebody three minutes to talk about three action items reasonable? One minute each? You know, we've got to look at that to how we're restricting that.

Now when I was advising the GPAC where, you know, they had – they had to go through, you know, pages and pages and pages of policy statements. It was really hard for the chairperson to make the sunshine law spirit of any use because people would show up and they were, well, we're talking about population. And then people would say, well, what are you going to talk about, about population? And there would be silence. You know what I mean? I want my three minutes to talk about population, but I don't know what you guys are talking about. And that's really tough, so the chair actually had to change the policy to say that we're going to give people three minutes to talk out what they're going to talk about before we talk, if they know what we're going to talk about. And then when we're done, we're going to give other people a chance to talk about what we've just talked about if they didn't know what we were talking about. You know, you show up to a meeting you have in your agenda, you know what you're going to say. Population, you've got to either grow or you got to decline, one or the other. You're going to make a statement, a policy statement. But when we start talking about, oh, how are we going to restrict population and what is the population, and you know, so it's really tough to – and that's why we have to look at the spirit of the sunshine law a lot of times to say are people getting at least an opportunity to participate? It doesn't mean they have an ability to control and micro-manage what you're going to do. And just because they don't get it, they get an extra three minutes. It means that they have to understand that what ever is on the agenda item, they should have an opportunity to speak to it.

Mr. Suzuki: So going back to the basic question. So when the question is raised, or concern is

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raised by someone in the public, that we're now changing the public testimony policy as it relates to public testimony where now we're just taking public testimony in the beginning, and not at each agenda item, yourself, or whoever is Corporation Counsel will quickly step forward and confirm that that is something that we, or as the chair, has the authority to make that decision and end the discussion? Because, you know, I hate for us to take that approach, and then when the question is raised, legally we get some kind of advice that is not real firm that we have that right, and then we get into a long general discussion about so what are we going to do? You know for me, is that what our position is going to be? Is that something that Corporation Counsel will support? So as I say when that issue comes up because my sense is that it will come up, Corporation Counsel will support that position and we can move forward from that point.

Mr. Giroux: Okay. And you know, as far as the comfort level of that – you know the comfort level has to be that these items, you know, at some point, the person will have a chance to have input of some kind, whether it's at the beginning or right after or at the end. So the issue, again, is, is it an action item? You know, are you talking about an action item? Are you going to discuss something, and then are you going to make a decision on that? If a decision is going to be made, there should be an opportunity, for the public, to give, you know, an input.

Mr. Suzuki: Right, at the beginning. If we give that opportunity at the beginning, that satisfies the requirement of the sunshine law for open meeting, and we don't have an obligation to provide an opportunity to testify at each agenda item, do we? Because, you know, that's what I'm trying to clarify.

Mr. Giroux: Right.

Mr. Suzuki: Again, you know, I support what the chair is proposing, but at the same time, as I said, I don't want, you know, we going forward with the understanding that's how we're going to handle it. And then when the challenge is raised, you know, we hem and haw, and then we look at each other and say, okay what are we going to do now?

Mr. Giroux: Right.

Mr. Suzuki: That's the concern that I have in my mind, and as I said, I know that question is going to be raised, so let's come to some sort of understanding today because we're talking about this thing in general. Let's come to some sort of understanding so we don't find ourselves in a position down the road at a subsequent meeting because that's all I'm trying to find out. You know, do we have to provide additional testimony? Or if we provide testimony in the beginning, that satisfies what our legal requirements are, and we just move on?

Ms. Betts Basinger: Member Suzuki, I can assure you that I will not be hemming or hawing any time this year.

Mr. Suzuki: But it's not hemming or hawing, it's if James, if Corporation Counsel, doesn't give us, you know, firm position, legal position, then maybe you may not, but, you know, we as members may. So I'm just trying to get some kind of clear direction now so we don't find ourselves in that position.

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Ms. Betts Basinger: Those decisions, historically, have been up to the chair in the management of the meetings. That's one of the responsibilities of the chair, in fact, in our rules. So, I will look for member's support as I conduct these meetings in an efficient way to get our business done. And I will be holding firm to testimony taken before we begin our discussions.

Mr. Suzuki: At the beginning of the agenda.

Ms. Betts Basinger: Yeah, at the beginning of the agenda, on any agenda item that we're taking action on. In fact, one of the questions I wanted to ask James was if the agenda item is not actionable – there's not going to be a vote taken. It's just really a discussion or an internal business discussion, I know we take testimony on anything, but –. I guess my question is if we're not if it's not a decision making agenda item, would we have to accept testimony on it?

Mr. Giroux: Well, you know, what the law says is that is says on any agenda item.

Ms. Betts Basinger: Right.

Mr. Giroux: You know, and it doesn't say whether it's action or not. You know, even like, you know, on this item where I'm talking about the sunshine law, you know, we can have somebody at the end of (E) say, you know, when we're done with one, two and three, does anybody have, you know, three minutes to any comment on what we did or what was said, you know? But we don't have to have comments after ethics. We don't have to have comments after (A). We don't have to have three more minutes on ethics, three more minutes on sunshine law. You know what I mean? You have a right to manage your agenda. And the way that you're going to put it and go forward is, again, that's about the chair's prerogative. And if somebody on the board has a problem with it, they can raise the issue. You know, say, I feel that the public should be able to comment after we're done with section-1, you know, but that's a discussion internally. And again, it's about the spirit of the sunshine law. Is it something where the input of the community would benefit the board, or would it not benefit the board? Would there be a feeling that you're being excluded from the discussion rather than an ability to participate?

Ms. Betts Basinger: Thank you. I guess this is the proper time to make a comment, Warren. In the spirit of understanding that there might be some concern of the community that we're not following in the same way we did in the previous 12 months, I did contact some of our community partners. And I did speak with them about this change, and did get support from them, so –

Ms. Wade: I just wanted to ask the question then because we talked about this previously and contacted James. There will be agenda items that we always have public hearings for, that we'll agenda, so we'll have the opportunity for the three minutes. And then we'll sometimes also have public hearings on additional items which is required by law. But then what I'm wondering is just during the discussion for perhaps an item that didn't have a public hearing, if members are talking and they just not feeling right about it, and they're seeing members of the public sort of hedging in their seats as well, can a member suggest, you know, chair, I would like to hear the testimony from member of the public. Are you willing to entertain that a member can ask the chair specifically to reopen the floor to the public or even to a specific member of the public? Is that a possibility?

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Mr. Giroux: I believe that, you know, and again, as far as, you know, we have to look at it is the issue of – we're trying to balance three things, or four things. We're trying to balance efficiency. We're trying to balance the public's right to participate. And we're trying to balance the issue of fairness. And so throughout the meeting, the issue of order is always within the chair's purview. And the issue of whether or not you agree or disagree with the chair is an issue that's in the body's purview. But what you're asking Warren is, where does that cross the line of the sunshine law? And that's where we have to look at where is there a meaningful participation of the public? And that's why the issue of actionable versus non-actionable comes up. If you – I mean, sometimes it's hard to speak in hypothetical. You know, when you're looking at your agenda, and you know, it says progress report from Mr. Gerdel, right. Now, that's a report. He comes up, hi, and this is where we are and this is our time line and these are some of the things we've hit. Now, the public may have a comment on where if they're not seeing that happen on the ground, or, you know, they want to add that they know for a fact that this is or is not happening. That's the kind of information the body may want to know from the public. If the public is allowed to participate at that juncture, then the information you're receiving would be relevant because the public is basically part of the reporting process. It makes sense that they –. You're getting a report and you're getting an update, and it fits into the order.

But, you know, when you start breaking up that report into five different sections, you don't want the public coming up in between all five sections, and you know, commenting for three minutes between, you know? And it's really hard to say where that line is. You know, the sunshine law, it's a State mandate. And even when you go and ask the OIP, is this legal or illegal? Your response will be lawyer to lawyer, the spirit of the sunshine law will prevail, so it's not black and white. It has to be agreed upon by this body as that's your procedure. You perceive it to be fair. And if the public disagrees, there's a venue for that. They can challenge that. But, until that happens, all your lawyer can do is say this is my inclination. At this juncture to avoid that, this would be a good directive. But as long as the public knows before they start what your rules are. Just like the three minute rule, you've got to tell them you have three minutes to speak on this agenda item. You can't start your meeting, take testimony, one person talks for 10 minutes, and then you start the three minute rule. There's no where in the law that it says that. That's about an issue of fairness. It's an issue of reasonableness. It's an issue of order. And so that's where the chair and this body has to look at it's meetings, it's resources, it's time, the information that you need to collect, the decisions that you're going to make, and bring that inline with the sunshine law and go forward with that balancing. So, yes, it would be a change in policy, right?

Now, as long as that policy is clear and the members agree that, yeah, that makes sense. If we understand what the sunshine law is and we do understand that this will make our meetings more efficient, then you stand behind it. And if the public says no, we think that our rights are being violated, there's a venue. So, a lot of times, you know, because this body has to review things that are, you know, ongoing, you know, the parking structure, road improvements, you know these things where there's very long, long processes, along the way you're going decide whether or not it's important to have more discussions on it. And there's nothing wrong with people submitting written testimony. I mean, they can submit written testimony. And then the fact is, is that if you're not going to make a decision at the end of the day, there may not be any prejudice to say, you know what, we're at the end of the agenda, was there anything that anybody wanted to, from the public, wanted to add on any of these issues? And then we're going to wrap it up, we're done, because

no decision was made that day. You're merely being updated with information.

Mr. Walker: So I think what he said, if we can rewind, is that it's the chair's decision. It's legal. He'll support her. But there's the ability to be flexible depending on the subject matter and the issue to change the way we do business.

Mr. Suzuki: I guess, to me, the concern was I didn't see any – I don't have any concern with the chair is wanting to implement. I don't have any issues as far as members raising the question to the chair. But, as I said, I'm almost certain that the public is going to express a lot of concern about that policy. And as I said, you know, when that's raised, you know, I don't want all of us to be looking at each other, okay, what are we going to do now? You know, in anticipation –

Mr. Walker: Let's all promise not to do that.

Ms. Betts Basinger: Turn and look at me, what are you going to do?.

Mr. Suzuki: I just want to be comfortable that, you know, when that occurs, you know, it's clear in all of our minds in terms of what our response is going to be. That's all I'm wanting to kind of have an understanding on right now.

Ms. Betts Basinger: I do want to remind the body that if you look on your agenda, we are going to be having a discussion about agenda later on too so we can get into it more.

Ms. Wade: Okay, James, I left contested case off the agenda.

Mr. Giroux: Oh, that's fine.

Ms. Wade: So this is either like a test for how do you put items on the agenda – were you listening? – or perhaps we could do it another time. It's up to the board.

Mr. Giroux: Two-third vote. Yeah, you know, you guys have a lot on your agenda. I just did that, that contested case, because a lot of the boards I administer they have a heavy adjudicatory responsibility – the Planning Commission and the Board of Variances. And you also do permits which ultimately would probably by law be seen as contested cases. So I just had that, you know, and it doesn't need to be done today at this meeting. If we did go ahead, I don't think it would violate the sunshine law because we have that orientation heading. But, you know, I could pass out the power point, and you can read it or we could go forward.

Ms. Betts Basinger: I would like to move forward and put that on at another time, especially because we don't have –. At our next meeting we are going to be having a hearing, but it's not actionable, I think. They're not asking for variances are they?

Ms. Wade: Yeah, it's not a public hearing, but it is an action item for design review.

Ms. Betts Basinger: Okay. So I think that can wait, and we'll agendize it at another meeting. Thank you. Okay, chair wants to call for a recess until 2:10, and we'll resume with part two of our

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orientation. Meeting is in recess.

*(The Maui Redevelopment Agency recessed at approximately 2:04 p.m., and reconvened at approximately 2:09 p.m.)*

- 2. Enabling Legislation and Rules**
  - A. Chapter 53 Hawaii Revised Statutes**
  - B. Wailuku Redevelopment Plan**
  - C. Wailuku Zoning and Development Code**
  - D. Wailuku Redevelopment Area Design Guidelines**
  - E. Supplemental Studies**

Ms. Betts Basinger: MRA meeting of May 13<sup>th</sup> is resumed.

Ms. Wade: Thank you. Also, feel free to stand up and move around as I talk because, you know, it's hard to sit for a while, so don't worry about that.

Basically what I'm going to talk about is everything listed under the section two – the HRS, enabling legislation, the plan, the code, the design guidelines, and the studies that we've worked on recently. So to kick it off, who are you and why are you in existence is the first question really. That question is answered in the HRS 53. Essentially, though, the Maui Redevelopment Agency is the only active redevelopment agency in the State of Hawaii. There is the Hawaii Community Development Administration, but they're founded under a different chapter of HRS, so HRS 53 and you folks are it. What it authorizes you to do is to prepare a redevelopment area studies. This can include survey studies and plans. They need to be submitted to the Planning Commission for review and to County Council if your intention is to make them into some sort of a legislation.

HRS 53, what it does is it creates the five member agency. It defines the powers and duties of the agency. It creates the requirement for a redevelopment plan, so you can't meet and talk about nothing that hasn't already been planned for. We just talked about that. It provides you the power to undertake urban renewal projects and this can include development, redesign, clearance, reconstruction or rehabilitation within the redevelopment area. To provide residential, commercial, industrial, public or other structures or spaces, and that can include both the conceptualization and planning, and also to contract for the construction of such facilities. And then, again, this is more about public construction, but of public utilities, and necessary other public facilities.

It also provides for you the power to acquire a property. There have been several discussions in recent years about vacant lots that exists next to – or currently owned County parcels. And actually one of the discussions has been about the, what's been known as the Betsill Property and the acquisition. We thought we had a right of first of refusal on that one, but it's in, supposedly, in escrow right now. However, had we gotten the opportunity to take action on that, the MRA would have been in the position to be able to do something about that. So we can do that via purchase, exchange or by eminent domain if necessary and if we prove the legal tests that are required for that. We can acquire things by a lease. And why we might do this would be something like satellite parking, construction staging, preparation for redevelopment. Those would be reasons in the near future that we would do something like this.



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The fourth element that's allowed for is the power to make and execute contracts for professional services. Right now we do this for several things. We contract for trash pick up and landscape maintenance. We can, and have, in the past work with property managers or realtors to either occupy space ourselves or to discuss recruitment and retention possibilities within the district. We can also contract with consultants to do studies or provide the design services within the area. And finally, we can consult with – or hire consultants to provide training for the board, or even to members participants within the redevelopment area such as if we wanted to provide a workshop for merchants about how to merchandise or to improve their store fronts or things like that, we could do such a thing.

The fifth element is the power to adopt, amend or repeal rules. You have your own or the redevelopment agency rules. And then finally, the power to appoint a manager and a deputy manager. Both of those are explicitly listed in the Chapter 53. Oh, I guess there's one more. The final one is the power to borrow, issue bonds and invest. And I will be talking a little – do I go right into? No – okay, so I'm going to talk a little bit more about this in a couple of slides.

The whole purpose of a redevelopment agency is to avoid slum and blight. So originally when the redevelopment law was created in the 60's, there was significant concern about slum and blight conditions in Wailuku town. In fact even today I've been able to identify all but the high density of population and overcrowding within the district. So there are cases of all of these elements still within the district in certain situations. It's not at all to the intensity it was originally, but we certainly still have some more work to do. The good news is I showed you this picture two years ago for identification of some slum and blight conditions. Actually three of these situations have already been cleaned up. There's only one situation that still exists. That's good news. So the redevelopment plan, HRS 53 requires the redevelopment agency to have a plan. The plan that has been adopted for the agency has five elements. It specifically addresses the tasks within the perspective of land use, vehicular and pedestrian circulation, urban design and beautification, infrastructure and market development which is a little bit more broad.

Okay, so this where we talk about tax increment financing. So one of the tools that almost all redevelopment agencies use on the mainland is called tax increment financing. It is a financing tool specifically defined for the purpose of prompting redevelopment activity. I worked with my husband to develop this last night because he thought tax incrementing financing, as much as I've talked about it over the years – you know, I've been in this redevelopment business town for almost eight years – but he thought it was a special assessment. And it's not a special assessment, so I'll explain a little bit more clearly.

Generally in a given market, you would expect – so on the bottom we have time. On the side, we have millions of dollars. So, we have about – we actually have a little – right now, in 2012, we have about \$45 million of capture within the district, okay. Over time, you generally expect at a reasonable increase for property values to increase slowly. About 5% to 7% is conservative. The theory of redevelopment area is, but not for the intervention of a redevelopment agency, you're going to have a decline in property values, and a continued decline because of the conditions listed in slum and blight. So this allows us to intervene, but actually in our market, as we know, we had a little bit of a bump which is very atypical. So you want to – what you want to do in projecting for any financing tool like this is be very conservative. Whereas if we had actually followed in our

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planning a more conservative progression, we would never have lost any money. I checked on Warren's question last time. We wouldn't have lost any money if we had gone with a conservative projection even with the blimp in the market.

So what we do essentially in tax increment financing is define a point in time so fiscal year 2012 is where we are now. At that point we set the tax capture for the general fund. So, you see I have that line that goes straight across. From here until 30 years which would be the sun set of the tax incrementing financing law, the general fund would continue to capture exactly what's capturing today. There would be no loss of income to the general fund. There would be no additional tax to the taxpayer. What it does, though, is it accounts for and captures any increase in the property assessment. So whatever additional tax assessment can be generated by the activities or just generally, by – well, what's expected based on tax increment financing is – by the activities of the redevelopment agency. Because you will be implementing plans and projects that improve the condition of the neighborhood or the area, we would anticipate now, instead of a decline, an increase. That little piece of the pie, then, is what can be captured and utilized or used to bond to do improvements in the district. So, instead of the general fund, the general argument then is, instead of the general fund capture decreasing as a result of not implementing these projects, it increases. And in fact, at the end, you'll see there's that little rectangle at the end, they get the full amount, at the sun set of the 30 years. The general fund gets the full amount of the tax capture. So he got it at the end of that. Did that make sense as an explanation? Generally. So that's the reason for tax increment financing.

It's been controversial recently, particularly in California. The reasons for that have mostly been they over used it. In municipalities there, they allowed for multiple towns to use tax increment financing which was never really the intention. The other reason it can be problematic is sometimes down towns extend the duration of – or they don't let it sun set, they extend the duration of the tax increment beyond the 30 years, and then the money does – it never does go back into the general fund, and that's almost like –. You know, a grant usually you give and you intent for it to seed an organization or a project or an event or something like that, and then you want the subsidy to decline and that event to continue successfully on it's own. That's the same theory with tax increment financing. You want it to sun set, and the district to do fine. Eventually, we should be working ourselves out of Wailuku, have it be successful, move on to somewhere else. So that's the theory. What you don't want to do is what many of the towns in California and the west coast did. They just kept drawing from that tax increment fund, so that's a lot of the controversy associated with it.

The other financing tools can be grants. Alexa and I will tell you a little later about a grant we found just recently for a really big project which would be exciting. We applied last year for a grant to do our market base plan so we can seek within the County resources ourselves. The other thing that the MRA is able to do is to fund raise and to hold CAPA campaigns. Surprisingly it says in your ordinance, you can use pretty much any means to generate funds and revenue for work as defined in the plan. And one of the things we've talked recently too about is parking revenue that's captured from the district. So, are there any questions about financing, or the plan or HRS 53?

Mr. Suzuki: Can I ask you a question?

Ms. Wade: Yeah.

Mr. Suzuki: . . . (inaudible) . . .

Ms. Wade: Yes. You mean in terms of this, the –?

Ms. Betts Basinger: The current capture.

Ms. Wade: The current capture is pretty close.

Mr. Suzuki: It's pretty close. Based upon that, and if you look at that maroon triangle section.

Ms. Wade: Yeah.

Mr. Suzuki: What's the total amount, dollar amount, in there?

Ms. Wade: Almost \$12 million. Mark, did you have a question?

Mr. Walker: No.

Ms. Wade: And I forgot this little thing. So what's the difference between the tax increment and a special assessment. A special assessment is an additional tax. So what shows in sort of the greenish yellow would be an additional tax that could be applied to taxpayers within the area. And a lot of towns – redevelopment is sort started to take hold and the expectation rise for management of the district. Now, we want more than trash collection. We want to spray down the sidewalks once a week, and, you know, there's higher expectations. That's when you really need to call on your property owners and merchants and things to begin raising their own funds. So that would be an additional tax. But usually it doesn't start that way. You just do the tax increment first. Any other questions?

Mr. Walker: Just to clarify. So, that is still all funded by the taxpayers. It's just where the money goes, right?

Ms. Wade: Correct. Yeah.

Ms. Betts Basinger: Well, it is funded by the taxpayers within the 68 acre area of the MRA.

Mr. Walker: Right. Right. Right.

Ms. Wade: Yeah, thank you for clarifying.

Mr. Walker: The gray areas continue to go the general fund. The maroon areas going to . . . (inaudible) . . .

Ms. Wade: Right. We basically freeze the general fund capture at it's current. And this is why normally redevelopment agencies look for a dip in the market like this, where the property values

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have declined, and the total assessment is lower so that your potential capture is higher. That \$12 million estimate that we came up with is actually is a very conservative estimate at this point. And as we hire, as we put the RFP out, we'll probably be able to get a little bit closer. But, I'm conservative when it comes to these types of projections. My comfort level is staying conservative with it and not planning for a whole lot more than we -. Yeah, we might get more. Okay. So that's how you can execute your plans.

Another component of your role is reviewing development applications within the redevelopment area. So, I like case examples. So as an example if I was Jane Jones and I wanted to apply to put a night club on Main Street, within the redevelopment area, what would the process be for a review? The first step would be to look at the zoning and development code for the redevelopment agency. So, the zoning and development code explains what the land uses are within the district. It also defines uses within the district and development standards. So, what I would find out is on Main Street, I'm in the commercial mixed use district of this document. And I see - I don't see anything that says night club. So that's the other thing you have to be aware of is what you might not see is your specific use defined. You might have to go to the definition section. So, if I go to the definition section I see that a night club falls adult establishment. So then I can go back and figure out is that a permitted use? Yes, it is a permitted use within the district so long as I'm not on Maluhia Drive, interestingly. There are performance standards so here's your permitted uses, and there's performance standards next to that. In this case, if I'm Maluhia Drive, I have a different process than permitted use by right. So now that I know I'm a permitted use by right, how do I go about applying? The process to understand that is here under administration and enforcement. So all this is right here on the same document. That's article five. So I look and find out what kind of application I need to submit. This is under general application requirements. I know I don't need the MRA use permit. That's one type which does require MRA's review. I don't need a variance at this point. I have looked at my parking standards. I can meet them. I meet the height requirements. I meet loading, all of those things. So all I have is a design review.

Design reviews are generally administratively approvable unless, one, you don't meet the conditions of the design guidelines, or two, it's a brand new building. So in the case of Maui Medical which is coming before you next week, that was a gray area, in all honesty. It's a large addition to an existing building. We decided to bring it to you as a good exercise. They were game. Even though it meets all the conditions so far as I can see, and you're going to see in the staff report, it meets all the conditions of the design guidelines. It is a very large addition to, and it's a new imaging center, so it was a little bit of a change in the use. So we brought it you folks. And the staff has a little discretion in that. Most of the time, I would just do an administrative approval because that's the expeditious way to go. But because I want to open and build a brand new night club, it would be something that comes to the MRA for design review. That's the reason the new parking structure, even though, it's a permitted use by right, it will come to you because it's a brand new building.

And the design guidelines. The design guidelines were adopted in 2006, and these address everything from the architectural scale of the building. Thank you Alexa. She's my Vanna White back there.

Ms. Betts Basinger: You should all have this.

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Ms. Wade: The purpose of the design guidelines is to essentially define the community character, to provide architectural and site guidelines. It does provide good examples of right and wrong, how to do, you know, or what not to do in a situation where you have a choice. It provides a catalog of buildings and landmarks, and it provides a recommendation for historic preservation as well. It's got some actually really good tools to follow or to use. It has a Secretary of the Interiors Guidelines to preservation and all of those things. So it's a very useful document. Any time, though, however, because it was adopted by ordinance by Council, any time there is a challenge or something isn't consistent with the design guidelines, we have to treat it as a variance as well, just as if it were right in the zoning ordinance. So these folks have seen several wood window variances and that's the reason why. Are there any questions about that?

Studies. One of the most recent studies that we undertook was the Market Base Plan Process. We had a team from Denver, a real estate economist come in and do – they did a market profile for us which is just a very statistical analysis of the existing market, what we can support and what uses are saturated. Can you believe pawn shops were saturated . . . (inaudible) . . . ? They did do quite a bit of public participation. We had a whole lot of focus group analysis. We did do a community opinion survey. We got 1,011 responses which knocked the ball out of the park. They have never seen that many responses so that was pretty awesome for us.

It also provided a business and organizational plan component that had proposed initiatives and programs which we've had quite a lot of discussions about since November when it was adopted. Sequencing of proposed initiatives and organization and a financing plan. The number one thing that they said is get your TIF ordinance in place yesterday, so that's one of the things you want to work on. Some of the key things that they told us for recommendations was to revisit our zoning and design guidelines. Both of those are impeding development in certain ways. I've actually been working with Alexa, and with the Development Services Administration, and with the administration team to define things that are – could help in streamlining – most particularly repeat variances. There's no reason for people to have to go through a variance process if it's not an exception. You want a variance process to be an exception to a rule, not something that everybody just has to do and then you grant every time.

They suggested we create a dining and entertainment district mostly to take advantage of the fact that right now we have nine to five market, and you've got plenty of parking, plenty of facilities and things for your earlier and later times, so creating a more 24/7 district was the goal. They said, you're not managing your parking at all. Taguma is managing your parking for you, and that's not to your benefit. Find a project or a way to organize and manage this that is to your benefit because any parking tickets now just goes to the district court and we never see that money, so it would be better if we did. Keep a high priority on keeping the town clean and safe. You know, we started this with the trash receptacles and the collection. And we added the banners, and we assisted with that. Now we're doing the planter program. It keeps expanding sort of naturally which has been very good. They said that there still remains a small stigma about crime and safety in Wailuku town, and it's going to be extremely important for us to stay vigilant on the clean and safe, to make sure that stigma doesn't come back with any strength or with any truth to it.

Explore the creation of a public market. This recommendation was more like your Pike's Place Market, or not like a farmer's market. Like an indoor building with – it could even be small

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restaurants with counter top style seating. Please investigate this on your own if you haven't seen one before, but that was one of their primary recommendations. And then finally, we need an organizational structure that long term is going to be able to take care of policy, development, maintenance of the district and marketing, and then the redevelopment of the district. Their recommendation was that we add a community development corporation into our group of partners right now because we need more of a development partner. We're still – I mean, that's going to be part of the discussions as the year goes by. Obviously a community development corporation is usually a 501C3. It's not government created. It could form on it's own. There are community development corporations on the island that are potential partners, so all of those things are to be discussed. But the real issue is I'm sort of at the Planning Department. We're a policy act, and can take care of those issues. But the maintenance and the development components aren't getting addressed to the degree that they really could is what the plan is saying.

Mr. Suzuki: Question.

Ms. Wade: Yeah?

Mr. Suzuki: Erin, so there was a similar type of study done previously, right?

Ms. Wade: On a market study?

Mr. Suzuki: Yeah.

Ms. Wade: There was not. That was the interesting thing even with the plan was that was the one section, the one element, that wasn't there. All the market conversation in the plan talked about tourism and events essentially. It didn't talk about business recruit retention, development, that sort of thing.

Mr. Suzuki: Yeah, and that's what, you know, as I've shared with you before, that's what I kind of struggled with because it's an agency that's been around for as long as it has. And I see something like this as being your basic foundational type of document that . . . (inaudible). . . how do move forward without something like this?

Ms. Betts Basinger: I may interject here. There actually is a community plan, and there is the Wailuku Redevelopment Plan Town Assessment that was done in 2000. The town assessment really was more like a study that was done, or a report that was done, to say this is where we are now. This is how many restaurants we have, you know, this is the assessment of our town. It wasn't quite a marketing study, but there was an attempt.

Mr. Mitchell: This is the PUMA study right?

Ms. Wade: Right. Yeah. PUMA was the team the team that was hired for this.

Ms. Betts Basinger: No. This is the PUMA study.

Mr. Mitchell: Yes.

Ms. Wade: Yeah. Are there any additional questions about this?

Ms. Betts Basinger: Yeah, regarding community development corporation, there's only one that I know of, maybe you know of more, but it's probably the oldest community development corporation is the State of Hawaii. Gladys Baisa and Joe Souki were responsible for it's inception with the Urban Economic Development Laws back in the 60's, and it is Lokahi Pacific. So Lokahi Pacific, in fact, has contributed to Wailuku Redevelopment in the Pono Building, in the Weinberg building on Main Street, and housing and mixed use. So there are opportunities to find partnerships.

Ms. Wade: Okay, well, that is all the studies and the background I have for MRA. Are there any other questions on this? . . . (inaudible) . . .

Mr. Suzuki: We're always in the dark.

Ms. Wade: I mean, sitting with the lights off.

Mr. Giroux: Same thing. Lights on, nobody home.

Ms. Wade: Feel free, if you don't have any of these plans, studies, in your binder, call me. I will get you copies. Or if yours went missing, I'm happy to do that for you.

**3. Operations**

- A. Agendas, Task reports, Monthly Resource Presentations**
- B. Roberts Rules**
- C. Budget**
- D. Communication with public and public officials**

Ms. Betts Basinger: Thanks Erin. Every document that we use is on our website as well, at [www.mauiredevelopmentagency.com](http://www.mauiredevelopmentagency.com). And this one of course all of you should have it. These are our marching orders. This is what we refer to every single day that we do anything. Do people want to stretch or shall we keep moving along? Okay, so we'll keep moving along and we're going to talk now about operations. How we're going to operate to get the biggest bang for our buck. You know, I look around the table and I'm just thrilled at the professional talent that's here, all of it germane to the job that we have with the Wailuku Redevelopment Plan. So I want to get all of us involved. Because we don't have the staff, this executive director and deputy director, at this point, we still do have a tremendous amount of talent right here on this board. So I'm hoping to solicit members to step up and look at our priority list that we put together. Does everyone have a copy of our priority list that we –? This is just some working documents here.

We spent a bunch of time last year and the year before updating the status of each one of the 35 tasks that we have to accomplish in this plan. The good news is that half of them have been accomplished, and that's an amazing feat. Even though it took 10 years, it's an amazing feat for a small agency like this that really – except for a small period of time – never has really had a full time dedicated staff. But one of the biggest criticisms we hear from the community especially the Wailuku community is you never get anything done. No, it's taking forever. And that doesn't have to be the case. So what I'm proposing for this year and until this agency can get it's own staff to

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be doing tons of work in between our meetings, is that we each take a look at the tasks we've prioritized. Forget about the ranking that is there on the left. That's just the order that I put them in, but these are all priority items that this body has said we've got to be on top of. And they fall under a variety of segments in our plan – land use, vehicular and pedestrian circulation, infrastructure, marketing – so we're really reaching broadly across our plan to accomplish these tasks.

You'll also see in the last column to the right, we are also mandated. We are the implementing agency. It doesn't mean we're going to do it in every case. There are some tasks in our plan where we are the implementing agency and we are the ones to get it done. But for the most part we partner. And you can see in the final column who on that particular task we are suppose to be coordinating with, working with, to make sure this task is implemented. So there are other related tasks in progress and those are admin and operational tasks that you'll see in the middle. These are things that are going to go on because this body has already said they're going to happen, and many of them are MRA only based, and MRA with our parent Planning Department except for, well, item no. 2 under admin and ops, we'll be working with the Finance Department on hiring our own staff. And in addition to that, we'll be working with the Finance Department on, you know, we have this huge ability to have our own funding whether it's through TIF or if it's through grants, but we don't have mechanism at this point to receive that. So that's one of our priority so we don't have to go through . . . (inaudible) . . . 501C3 administrator which we have been before with grant money. But you know what happens is if we get \$100,000 someone else administers it for us, they take 20%, and then we take a certain amount of admin off of it, and so it's not a good bang for our buck. So we are going to be working on this year. And I'm hoping someone with finance background will kind of step up to the plate and volunteer. So what I'm looking – I'm looking at each one of us to say, you know, I like this task, I have a particular skill or expertise in it, and I want to bird dog it for us. We just want to make sure it gets done, that it moves forward, it keeps going. At each meeting, we'll, if we have something to report, we'll report it. It's not –. One of the discussions we're going to have, and James talked about do we really want the burden of creating official investigative committees? Or do we just want to step up and look at these things by tasks and informally say, I as a member will go out and I'll follow up on this for the group and come back and talk to the group? So I'm going to throw it out now to everyone's input just on that idea, if we're going to go forward with the prioritized task list with certain people being responsible for moving it to the next step. Questions?

Mr. Suzuki: I have a question. I've sat on, as we all have, obviously in the past, on numerous boards and commissions. And in the past my experiences have been, you know, as a member of a board/commission, in this case agency member, is we provide general oversight guidance, we make decisions. But as a member of that board/commission agency, we as a member don't get too involved in trying to do a lot of investigations or a lot of – I'm not saying work. I mean, we're limited from the standpoint of oversight. I don't know if in this particular case – and if we may want to do it – but I'm not sure in this particular case whether or not, you know, we as the agency member would get that involved in trying to do something that maybe might be the department's responsibility to do. I don't know. I'm struggling. I personally am struggling right now in terms of, you know, how much we get involved. You know, what may be more just day to day operational stuff, that may be getting to an area that maybe beyond what, you know, our responsibility should be.



Ms. Betts Basinger: Any other comments? I'll respond to that. You know, one of the things in my thinking about how to go forward this year and really have accomplishment at the end of it was that we are not a policy making body. We're not a legislative body. We do adjudicate rarely over issues that come before us in hearings, and we do deliberate for variances and permits every once and while. But essentially what we are at our heart is an implementation agency. We have been tasked with implementing a whole bunch of tasks by this plan that was passed into law by ordinance and by law. So I agree with you. It's not – we are not like any other board or agency. We are different in that respect, and maybe that's one of the reasons we've sort of been misunderstood. And certainly I'm not asking people to do something they don't have time to do or would rather not do. This is strictly voluntary. I just am proposing it because I think it will expedite what we're suppose to be doing. There's some things we can't do without a partner, and one of those things is the municipal parking structure. But we are the legal agency to be bird dogging that and making sure it happens, it happens correctly and all.

Mr. Suzuki: We're the oversight agency.

Ms. Betts Basinger: Yes.

Mr. Suzuki: We're not the actual agency. We're an oversight agency.

Ms. Betts Basinger: That's right.

Mr. Suzuki: I think that's why I'm kind of struggling. We're the oversight agency.

Ms. Katharine Popenuk: I guess, like, I kind of understand what you're saying. Like for instance I see something on here that I would really like to see happen, like improve the crosswalk at the intersection of Main Street and Church Street. But at the same time, I'm going, well, you know, I want that to happen, but what would I do, and what role would I play, and what actions could I take, and when would I would be stepping on somebody else's toes, and who should I be working with, and who will I be bothering by being out there?

Ms. Betts Basinger: You don't want to get in anyone's way.

Ms. Popenuk: Right. I don't have to. Like, oh my god, here she comes.

Mr. Suzuki: At the same time, you may assume some personal liability for being the one that kind of pursues that and get something done.

Ms. Betts Basinger: Exactly.

Mr. Suzuki: And I'm not saying that should be a concern, but just kind of talking out loud right now. I mean, and again, a lot of times, boards and commissions, they're more, as you've said, an oversight capacity. And now, we're actually getting into the day to day implementation side. I don't know.

Ms. Betts Basinger: But who are we overseeing? A one-third staff person?

Mr. Suzuki: No, but at the same time, we're suppose to have an ED.

Ms. Betts Basinger: Exactly.

Mr. Suzuki: I mean, we're talking what we're talking about because maybe we don't have the staff. But because we don't have the staff, you know, is it then, within our purview to do what the staff is suppose to do? I don't know.

Ms. Betts Basinger: I'm not suggesting that we do what staff should do, and you know it's been a priority of mine to get our ED and our deputy be on board as soon as we can. But it's just an engagement. I did want to address you though. It's a related task not yet started that you're looking at.

Ms. Popenuk: Right.

Ms. Betts Basinger: And I put these on this list because each one of them is associated in some way with the municipal parking structure and can be tied to that priority task through broadening certain studies that are happening right now to include some of these things. So these are related tasks that we are mandated to implement and get done, but we haven't agreed yet that they have risen to a place of priority. I just wanted to point out that they're associated with no. 1, LU-3 and BTC-6, very, very closely. So these could happen moving forward. Any other thoughts?

Ms. Popenuk: Well, I'm kind of thinking that – if I understand the discussion correctly – that these, you know, we might have more power as a board opposed to a bunch of individuals who happen to be on the same board out there trying to make things happen. So this sort of comes back to –. Well, actually you're idea of prioritization and like what desperately needs to happen right away. Maybe that's our participation as board members to make those decisions. For instance, one thing that Erin mentioned was that the TIF needs to happen yesterday. So, you know, I really feel like that potentially a source, a way for us and our agency to become self sufficient. And I personally agree that really does needs to be a priority.

Ms. Betts Basinger: It is.

Ms. Popenuk: And it's – you know, I think, maybe there's a lot of energy and a lot of people behind the municipal parking lot kind of thing. And if the TIF comes into being it will largely be for us by us, and we're going to have to do it, I'm thinking.

Ms. Betts Basinger: First thing I want to say is if you chose to focus and be the champion for a particular task, you would be doing it on behalf of the MRA as an MRA member. You wouldn't be out there alone, just individually, saying help me do this, and it would be sanctioned by this body. I mean, none of these things are things that are going to come back that are going to be voted on. They're more just making sure that something is moving forward. I also hear you saying that maybe you would prefer that we address our tasks in a serial manner. Let's do one first, get that over with, and go to the next one as a whole body. And that's another option. What I'm saying here is relative

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to whoever might step up and say, you know, I think I can move this forward pretty quickly. We can have simultaneously a variety of these priority tasks happening at the same. The don't all reach the level of huge complexity.

Ms. Wade: I guess what I just wanted to offer because Alexa and I talked about this briefly before this meeting, and I see essentially is whoever selects – like if you wanted to be the parking structure – that you wanted that to be your focus, that you're kind of my buddy on this issue. Whereas I'm reviewing and thinking through, okay, what's the review process for this going to be? That I'm checking in with that particular member, and that I'm saying, okay, we have this meeting on the parking structure where we're going to determine x and y, and it's all internal meetings essentially. But it's helpful for me to have a member of the group that's also participating in those things, so that you're aware and you hear everything I do because there are so many moving parts. Sometimes it's all going to just stay up here and not the whole group is going to know. But if –. And I'm not even asking anybody to – I don't think even you were asking anybody to schedule their own meetings or write any of their own ordinances or things, but sort of just be my partner and be the point and be constantly conceptualizing yourself too, like if you think of something that we would really like to incorporate in the parking structure project.

Ms. Betts Basinger: Yeah, the way I looked at that was it all has to be within sunshine. So, let's say you decide that you would like to get involved in the TIF ordinance. We are going to be hiring a professional ordinance writer to actually do that and bring that document before our body for an official vote. But in the steps that get up to who's that going to be, what is it that we want to make the scope for, you would be working with Erin, you would be working with me. But no more than you and me with Erin, or you and Warren with Erin. You know? I mean, we can be up to two people with staff and working with our community partners. The Wailuku Community Association works very actively. Wailuku Main Street Association works very actively on things that are in this plan. And part of being the in house coordinator for that task, it would be also meeting with them. But primarily coordinating it so that our existing one-third of a poor staff person who works, you know, ten times her weight and goal, will have some support from someone who has some clout.

Mr. Suzuki: So, I'm kind of struggling again. So you use the term or description in house coordinator, but that's not what Erin is saying. Erin is saying that, you know, whoever the member of agency might be or two, would work together Erin in trying to facilitate getting things done. And in my eyes, in house coordinator would be, if, let's say, I'll get involved with the parking, then if you say in house coordinator, then that's a very different impression in my mind in terms of what my responsibility is going to be where I'll be telling Erin, okay, this is what you've got to do, blah, blah, blah. But that's not what Erin is saying. Erin is saying that if let's say I decide I'm going to get involved with the parking structure, then I would work together with her and support her, provide her my comments and all that. But it still would not be myself as the one that would have any authority over her in facilitating this thing.

Ms. Betts Basinger: I don't think she was saying that. I think she was addressing maybe Katharine's concern that you wouldn't be thrown out there on your own. You would be the coordinator. You would call her and say, you know, I think we need to have a meeting with – deal with parking – Morgan. What do you think? She would set up that meeting, or she would call you and say this has come up that you may not know about related to parking.

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Mr. Walker: Yeah, because I didn't get that either. I was thinking you were saying you were the driver and that we would be sort of support.

Ms. Betts Basinger: And here's the problem. Here's the age old problem of this agency. It has yet to have its ED who would be the driver on behalf of us. You know, the board would say executive director, these are the task. And that executive director would work with whoever they need to work with the agencies that are our partners. And that is the way this agency will work.

Mr. Suzuki: Ultimately.

Ms. Betts Basinger: Well, and should be working now. I mean, that's a huge burden on a staff person to be – you're saying she's being de facto executive director of the Wailuku, the Maui Redevelopment Agency. That's beyond the scope.

Mr. Suzuki: I personally think it's even worse where let's say one of the members become in house coordinator. We tell you Erin, okay, you do this, this, this. You've got to do this, this, this. To me, I see it a more burden on her. Because you're going to have five people, maybe assuming five different projects, in house coordinator positions, and telling Erin, okay, now you've got to do this, this, this. Now she has five people telling her, okay, Erin, you've got to do this, this, this. And then having to ask yourself, now, what do I do? You know, what's my priority? So I guess I'm kind of struggling in terms of if this is to occur, you know, what is the responsible . . . (inaudible) . . . become? I'm kind of struggling with that. It's not clear to me.

Ms. Betts Basinger: Well, I think Mr. Giroux will say that the final decision this agency makes. The agency –

Mr. Suzuki: No, I fully realize that, but it's separate from even before coming to the agency.

Ms. Betts Basinger: So how do we get to that decision?

Mr. Suzuki: Right.

Ms. Betts Basinger: On that action?

Mr. Suzuki: And how involved and who gives direction to whom? That's what I'm struggling.

Mr. Mitchell: So, did we mishear you Erin?

Ms. Wade: No, you folks were right. I mean, that was the way that I was seeing it was that I would – because honestly I can't take direction from five and my supervisors, and I also have the historic districts and country towns, so that's a little bit of a challenge. But, you know, honestly, the reality of the situation is Alexa works like crazy and is always doing a whole lot of work, and is often driving a lot of the agenda for me, and that works fine. You know, it works really well, but there's not five of her doing that right now. So, I don't know. That could be more complicated. And I could certainly see Alexa and I continuing to do be that way. And then, you know, Mark and I, we're dubbing you with the tax increment financing.

Mr. Walker: I don't think I have a choice.

Ms. Wade: You're totally stuck with it. But, saying okay, conceptualizing with you, we want to get this approved, who should we talk to? You and I can have this conversation about who do we talk to? What should the schedule be? I can set up the meetings, and you show up, and we talk to the Council members or whoever it might be and do the tax increment financing 101. I get a draft to the ordinance written. You help me do preliminary edits and things like that, you know, before I bring to the group of the whole. Just for streamlining for our own internal purposes. Those were the sort of things that I saw this being very effective as because I would have –. I'm also a group thinker if you don't know that about me yet. I one of those people who likes to verbalize the thought process and to have conversations with people. Warren and I actually do this a lot about the Market Street things, and I wouldn't see what you have done with the Market Street Improvement Project issues, just getting involved with the construction teams, and thing when it's been necessary, being all that different than what we would end up doing with the parking structure where you'd say hey, I've got these issues. And I go, okay, let's schedule the meeting. You and I are going. This is the time. You know, and even more so you anticipating – because I know you do, what the problem is going to be – and us meeting about that before it's the problem, you know? I see that would be a big help to me because I can't anticipate all of the coming issues with all of these elements, but you folks can help me with that.

Ms. Betts Basinger: Yes Michele.

Ms. Michele Choteau McLean: Alexa, if I could just make an observation. It seems that the concern is that without having an executive director there is –

Ms. Betts Basinger: – Chaos.

Ms. McLean: Well, I wasn't going to us that word, but that if you think about, okay, if we had an executive director, what would that executive director be doing? What tasks would they accomplish? And they would have the authority. They would the ump to be able to move things along. So if you look at the characteristics and tasks of what the executive director would do, what we're trying to do cobble together all those things between Erin and between the individual members. So if you look at each task and you go okay, an executive director would do this. And you go, okay, well, Erin can do those parts, and maybe an MRA member can do those parts. So that, you know, together all of those things are being accomplished because some of it's the ump of being the MRA member and the experience of the individual members, but then with the experience and the knowledge that Erin brings, you know, as the staff person. So is that what you're trying to accomplish? You're trying to just piece those together?

Ms. Betts Basinger: Boy, you did that well.

Mr. Suzuki: So the description would be more together with and in support of?

Ms. Wade: Yeah.

Ms. Betts Basinger: It's like a team, you know?

Mr. Walker: Be like co-chairs of the TIF committee.

Ms. Betts Basinger: Yeah, it's sort of like, if we each put in a little bit more effort, it culminates in bigger steps forward working together. So can I write down under MRA lead, under TIF, Mark Walker? Okay.

Ms. Wade: Everybody look at your chart.

Ms. Popenuk: I feel ambushed.

Ms. Wade: Pick a good one.

Mr. Mitchell: Alexa, I'll actually volunteer.

Ms. Betts Basinger: You're going to volunteer?

Mr. Mitchell: For LU-3 because at the end of this month, my contractual relationship with being a subcontractor on the design team ends. So I would no longer be in any way tied to the subcontractor design team on the Wailuku Municipal Structure. But I've been in all of the meetings, I know all the players, and a lot of the issues.

Mr. Suzuki: Perfect.

Ms. Betts Basinger: Perfect. And you know, Bill, it doesn't mean that you're carrying the torch alone.

Mr. Mitchell: Right.

Ms. Betts Basinger: Call on anyone, you know?

Mr. Mitchell: Well, I'll just ask Erin where, you know, I kind of plug in. And then I can feed information that I have background on it and that should be pretty easy to do and I've done that before and stuff, so that's fine.

Ms. Betts Basinger: Okay, I had noted that BC-6 which is item no. 2, it's really related to LU-3 as are the bottom three. So you might want to between now and our next meeting be thinking about what you think we might be able to do in the existing consultant that we have, the existing study that's happening to include all those. So we'll just put BM on those bottom three as well as, and on BTC-6.

Mr. Mitchell: My lucky day.

Mr. Walker: I got off easy.

Mr. Mitchell: Never volunteer.

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Ms. Wade: We didn't want to scare you away your first meeting.

Mr. Walker: I think I can top that. I want to do – I'm just kidding.

Ms. Betts Basinger: You know, things like developing a VPC-9 which is one of our tasks, developing a fee structure at the Wailuku Municipal parking lot to discourage long term parking. Well, that's what the task says in our manual. But as we all know, it's grown into something a little bit broader and that it could be part of the area, the Wailuku Redevelopment Area parking plan that would then become funding for the work that we need to do on infrastructure or other things. Do you, Erin, think that that's already a part of the parking study?

Ms. Wade: Yeah.

Ms. Betts Basinger: So maybe – Warren, you're really into that, right? I mean, you've been staying on top of that. So, is that something you might want to?

Mr. Suzuki: Yeah, I can do it. So what are you saying, seven and nine?

Ms. Betts Basinger: Yeah, seven and nine. Because it's something right now that's happening and I think we want to get the biggest bang we can, you know, to accomplish a lot of things with that. LU-5, I'd like to volunteer to work on that because, you know, the plan stated a few things that needed to be done right off the get go, and that was an executive director. And it was also a one stop permit center. And essentially we want all of the developers that want to redevelop in Wailuku to come directly to us. But we've never really had an efficient way for them to do it and they find out about us in a round a bout way. So this is something I'd like to chair.

Mr. Suzuki: Okay, not challenging, but, you know, Katharine because of her expertise as an architect has gone through the process of permits and all that, and she knows all the different permits.

Ms. Betts Basinger: She can absolutely work with me. I'm more thinking about the rocks and mortar of it. A place. A procedure. How it's going to happen.

Mr. Suzuki: A physical place?

Ms. Betts Basinger: Yeah, a one stop place where they can come to the MRA, reach our planner, and be hand held through all the, you know, check list that any developer has to go through. Erin does it, but not in the way that I think this plan envisioned that it would happen. This plan was developed to speed up the development and building process, not to slow it down. So, by talking about this one stop place, it's like hand holding. We have Hinton Unemori at 130 North Market Street who had come before this body a couple of years ago with design review for his rehab of his building. Now it's a couple of years later, and he's been through the building permit, and it stalled and the economy has poop, and financing has gone away, and he is stumped now because his option, he thinks, is that oh my god I have to start all over again and it's going to cost me so much money. Well, part of streamlining has already been given. We've already been given the go ahead to streamline along before this current impetus to streamline happens. So that's my thought. And

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so any kind of feedback I can get would help. I've talked about this to people to see what kind of response there would be, and everyone seems to think it's a win-win. It's going to help redevelop the area. It's going to make it easier for the developers. And I even talked to Erin about it. She's a little bit more reluctant being a planner on understanding how could this really work.

Mr. Suzuki: I am too. Anyway.

Ms. Betts Basinger: So you want to be there?

Ms. Popenuk: I could.

Ms. Betts Basinger: Because you've got clients that have gone through the hell of it.

Ms. Popenuk: Yeah.

Ms. Betts Basinger: Okay.

Ms. Popenuk: I was thinking more of this developing of the park by Lao Theater.

Ms. Betts Basinger: Yeah.

Mr. Walker: So two things.

Ms. Popenuk: Apparently.

Ms. Betts Basinger: Okay, KP will be on LU-2 and MD-3 – I mean, sorry, LU-5.

Ms. Popenuk: I guess that sort of Bill's cup of tea.

Mr. Suzuki: No.

Ms. Betts Basinger: But you can always work with Bill.

Mr. Suzuki: Yeah.

Ms. Betts Basinger: See, any two of you can get together at any time.

Ms. Popenuk: It sounds like a fun project. Yes.

Ms. Betts Basinger: So all of the admin and ops may be chair will step up for those.

Ms. Wade: How about the visitor market development?

Mr. Suzuki: Who's doing MD-3?

Ms. Betts Basinger: MD-3, there's already some action kind of starting, and Erin and I wanted to



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talk to you about this opportunity that has just come up. Let's move this talk about this –

Mr. Suzuki: So who's going to do MD-3, though?

Ms. Wade: MD-3? Alexa?

Ms. Betts Basinger: Yeah. And we have an opportunity to get some funding that might help with this, and an opportunity to work with the County's transportation department on their public transportation, and the idea is kind of thinking outside of the box. How to bring tourists to Wailuku?

Ms. Wade: Well it's –

Ms. Betts Basinger: I've got it right here. I'll pass this out too.

Ms. Wade: This is – it's the former ICET grant, then went to T-21, now it's the TCSP, transportation community preservation or something. Anyway, livability, non-motorized, walkability, signage, accessibility, all of that, is what that funding is for. It's a federal grant from Federal Highways Administration. It's administered through our Honolulu Federal Highways Administration Office. Interestingly, my first job out of college was at the Michigan Department of Transportation reviewing these very grant applications. So I have seen a number of projects come through, and I was planning – I actually called Federal Highways about Vineyard Street. I just wanted to do the sidewalk improvements and streetscapes on Vineyard Street. She goes, that's whimpy. That's not a project.

Ms. Betts Basinger: Think bigger.

Ms. Wade: She goes, go bigger, go home. She goes, Wailuku needs sidewalks every where. Your way finding is terrible. How do you even get there from the airport or from the harbor or if you're on cruise ship? She said none of that is good now. You need better accessibility throughout the district. Your parking isn't well signed. And are there going to be more opportunities for parking? She just rattled off this whole list of things and she said call me back when you've thought this through a little more. But she said I think you folks have a really good package because you're in a redevelopment area, you have the opportunity to partner with Department of Health with State DOT and with our own Highways Division. We've already talked to all three of those agencies about would they be interested. Sandy McGuinness, of Department of Health with NPACT program, said they would be excited about that. So right off the bat we had a big group of collaborators. So when Alexa – I called Alexa first because of there's a June 3<sup>rd</sup> deadline. And whether or not we can pull it off for this year, I think we should. My opinion is we should submit something for the June 3<sup>rd</sup> deadline and get feedback, even if we don't get it. It would be great if we get it. Then we'll shoot for that. But even if we don't get, we can get feedback, and then apply again next year. But, that, I think is going to allow us the opportunity to do MD-3, the visitor market development plan because of the way finding and the accessibility with transit and those types of things. But also cover probably the crosswalk idea, Katharine, and the whole vehicular and pedestrian study we've wanted to do for quite a while about circulation within the district. I think all of that would get packaged underneath this plan. We would submit for a planning grant to do a way finding and all the accessibility plan for the Wailuku town area would be the goal.

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Ms. Betts Basinger: There's a meeting that's already scheduled for next Tuesday that would include impact and – were you able to get a hold of Joanne Johnson?

Ms. Wade: Joanne Johnson is not the right collaborator at this point because she – the money doesn't go through our DOT. It goes through our Public Works Department.

Ms. Betts Basinger: Well, that I was thinking in terms of our market development and bringing visitors into Wailuku to liven up the economy in that way is a transportation hub or maybe even a special public buses that are tourist centric that do come from the harbor right to Wailuku. The Mayor, the current Mayor in his former term had put together a tourist market, a visitor task force on which I served and many other Wailuku folks served on specifically on how to boost our economy in Wailuku with the visitors. So it would be building on to the findings of that task force and working with our local department of transportation. That's why I was thinking of Joanne. And if this money could be used to purchase special buses.

Mr. Mitchell: So it could actually be used for implementation as well – a study.

Ms. Wade: You've got to break it up in phases. They don't let you apply for multiple phases at once.

Mr. Suzuki: Yeah, so what would you be applying for from June 3<sup>rd</sup>?

Ms. Wade: Probably – and this is what the meeting on the June 2<sup>nd</sup>, or on Tuesday is about, would be to come up with a scope for the application. But essentially it would be a walkability, accessibility, livability study for Wailuku town. And honestly what we want to do is throw out all these things that we want to investigate and test as part of the plan, but not the solutions at this point. And then whatever the result of that is, we can come back the following year and say we're ready to move on this component of that plan. And if the funding is still with the Federal government, we'll be able to possibly fund some of those actions.

Ms. Popenuk: I could help you with that since the deadline is so close. And I do have grant writing experience.

Ms. Wade: Perfect.

Ms. Betts Basinger: It says in the summary, the purpose of this program is to investigate and improve the relationship between local communities, private businesses, and the transportation systems that serve them. So, in a nut shell. And we want a pedestrian friendly small town.

Ms. Wade: We got to be flashy though. She told me that.

Ms. Betts Basinger: Outside of the box.

Ms. Wade: Dramatic and flashy.

Ms. Betts Basinger: So we'll add –

Ms. Walker: It's a huge competition for these funds?

Ms. Wade: Nationally there is. She said that locally there hasn't been all that much interest. But she said nationally, they do come up with this incredible project for this.

Mr. Mitchell: Is that pot of money a national pot?

Ms. Wade: Yes.

Mr. Mitchell: So you're competing with whoever throws in a grant application?

Ms. Wade: Yes.

Mr. Walker: So you don't have an allocation for Hawaii?

*(Mr. Warren Suzuki excused from the Maui Redevelopment Agency at approximately 3:16 p.m.)*

Ms. Betts Basinger: No they don't.

Ms. Wade: No. They don't.

Ms. Betts Basinger: . . . (inaudible) . . .

Ms. Popenuk: Yeah.

Ms. Betts Basinger: Okay, and then on the four admin ops, I'll just take those as chair.

Ms. McLean: Alexa, could I ask about the hiring of the executive director or the manager and secretary? Is that something you were thinking of doing, and funding it through MRA funds rather than create, trying, going the County route again, creating a County position?

Ms. Betts Basinger: . . . (Nods) . . . and we have some – well, we've had good support from Council, so I'm following up with certain Council people that want to help us in this regard. And, you know, I'll do what we need to do to kind of move this forward. But, yes, we were thinking about using our own funding because that's all we have right now.

Ms. McLean: Okay. Because I would also be –

Ms. Betts Basinger: Or an amendment.

Ms. McLean: Yeah, we could see –. I mean, once the – once FY12 is underway, either see about doing a budget amendment for the FY12 budget or starting clean for FY13. But just when we came in, you know, and the timing of budget process, we really weren't in a position to jump right in in that regard. But I definitely will be willing, and I think I'm speaking for Will as well that we'd be happy to push for adding those two positions to Planning Department. And adding them to the Planning

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Department rather than the Mayor's Office which is where they were last time. That positions were structurally under the Mayor's Office rather than in the Planning Department.

Ms. Betts Basinger: You know that's kind of research that I'm going to be doing because the only similar agency that people often refer to would be the old Water Board and the Liquor Commission that have their own staff. So I don't know how they're categorized. I don't know if they're County employees or exempted County employees.

Ms. Wade: I know that a couple of people I talked to about it had mentioned would I get County benefits? It was a big thing actually that attract them.

Mr. Walker: So the manager position has never been filled? Or it was, and then some reason –

Ms. Betts Basinger: It was –. It had been worked on by the folks in this agency for many, many years, and finally did – they finally did get funding through the Council to hire a manager. And you know, sometimes the people workout, sometimes they don't. And in that case, it didn't work, and it left kind of bad feeling. So we've reached a point, I think, again, as an agency where we're going to be looked at as competent enough to, you know, move forward with a staff to accomplish our work.

Ms. McLean: I think that will be important in the next, let's say, six or eight months, you know, to really show that you're on track. And then, you know, it's sort of the chicken and egg. You know, you can't accomplish what you want to accomplish because you don't have the executive director but you're not going to get support from the executive director until you show accomplishments. But, no, we will be supportive which ever way you choose to go. And if you want to try the County route, then we'll resurrect that old job description and see –

Ms. Betts Basinger: And we have it too. I mean, I have the old job description, and all the folks that interviewed. We had a great response by the way, including some former Planning Directors that actually applied for that position. I'm really happy to hear that. Thanks. And another thing is the fact that this body has stepped up to bird dog certain tasks. It says a whole lot to this County about our intentions. And one of the things that I've already implemented as chair is every month I send a report on what we're up to, to everybody, you know. Everybody who cares about us and some that don't probably, including our State Legislatures, I let them know what we're up to and how we're progressing. So this right here, what we've done today, is just huge good news. And as we keep reporting on our progress, that's going to be great. Okay, now, I promised that we're going to do business and keep these meetings short – thank you – Robert's Rules. I e-mailed all of you a website to Robert's Rules. Check it out. Did you all also get this? Did everyone get this?

Ms. Wade: Yes.

Ms. Betts Basinger: So you all go e-mailed all this information? If you didn't get.

Mr. Walker: No, I did.

Ms. Betts Basinger: Did you get this?

Ms. Popenuk: . . . (inaudible) . . .

Ms. Betts Basinger: Robert's Rules, May 4<sup>th</sup>.

Ms. Wade: The e-mail came from me.

Ms. Betts Basinger: Yeah, it came from Erin, not me.

Ms. Popenuk: Okay.

Ms. Betts Basinger: You can have that. Okay, so I will be – I have gone back and re-read, and re-read, and I would like us to familiarize ourselves with some of the terms. So if any of you see the meeting getting off track, call a point of order, you know. Let's not be shy about it. We have a tool to keep us on topic. And the way I think of it in my mind is we have heard from the public and we love that, at the beginning of the meeting, on all of our agenda items. But then it's time for us to discuss, make decisions, and get our work done. So, during a discussion, the way I think about it is during our discussion, it's the six, seven of us. There's no one else involved in this discussion. The public is not in the discussion, so I'm not going to tolerate interruptions or anything that takes us off track. So Robert's is the tool that we can use to do that in a nice way. Point of order chair.

And now we're onto budget. This is something that we're going to talk about each and every day because, you know, I come from a private sector background, and you just don't run a business without knowing every minute where you stand. Because each of you are going out, championing a particular task, you may find out that something you need to move that task forward costs money, so you'll need to come to this body and say, hey, I need money for this. So we're always going to be talking about the budget. We're going to be making a really good attempt at the next meeting, so be thinking about this, on how we're going to allocate the \$81,000 we have for fiscal 12. We've allocated the remainder of fiscal 11 already.

Mr. Mitchell: Is that use it or lose it?

Ms. Wade: Except for the –. Yes.

Ms. Betts Basinger: It's use it or lose it, and so we want to make sure that we're all in agreement about that – we've been talking about it for several meetings – and to look at what each task might need in terms of financial support as we move forward.

Ms. Wade: There's three more things I'm going to need final approval on for fiscal year 11.

Ms. Betts Basinger: Okay.

Ms. Wade: At the next meeting. And then fiscal year 12 will be the conceptualizing of the budget.

Ms. Betts Basinger: Can we talk about that now at this meeting under budget agenda?

Ms. Wade: I'm actually not prepared to talk about it at this meeting. I didn't bring any of that stuff.

I brought the orientation stuff.

Ms. Betts Basinger: Never mind. Point of order. Okay, and item-D is communications with public and public officials. You'll see attached to your agendas –. We have some letters.

Ms. Wade: No.

Ms. Betts Basinger: Yeah, they were attached.

Ms. Wade: Yeah, to the minutes. Yeah.

Ms. Betts Basinger: Those are what those are. And while we're talking about agenda, I do have a proposed agenda format. And I know this is in the purview of the chair to set the agenda, correct? Can I have some discussion about it just to let folks know what my intent is?

Mr. Giroux: . . . (inaudible) . . .

Ms. Betts Basinger: And can I pass out these notes? They're just working documents. These are not for the public. They're just kind of ideas. So if you go down to proposed agenda format, and this is according to Robert's Rules, and it's actually according to the way the County Council accomplishes their business in a good and timely way. And of course, all of us know that they way you get through a meeting the quickest is that we've done a lot of work in between meetings, and we're ready to just report and move forward. So, call to order, of course. The approval of the minutes, which we've already – and public testimony. We already do it that way. That's the way our agenda is. From time to time, we have hearings. And it's fortuitous that next meeting we'll have a hearing. This is where it would go. If we don't have a hearing.

Ms. Wade: Well, it won't be a hearing. . . (inaudible) . . .

Ms. Betts Basinger: Oh, it will go down at the bottom. I'm sorry, that's new business.

Ms. Wade: Right.

Ms. Betts Basinger: A hearing would go there if we have one, but we're not having one. And what we're having next week is really sort of like a review, which is new business and you'll see that down under new business, item-8. Item-5 reports of officers, boards, standing committees, members, or staff. This is where we're going to go around, if there's something to report on a, it would be called tasks that we're reporting on. So we're not like a standing committee. It's a discussion about a task.

Ms. Wade: It's someone who has taken a lead.

Ms. Betts Basinger: Right. And on that task, whoever it is will say, nothing new or whatever. And also, we are – we have been used to having Erin give what we call a staff report. And in her staff report she lets us know what applications that have come to her for this area, and I would like to see that continue. I would like to know what the, you know, application status is. And I think all of

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us would like to know how that's moving along, so we'll have a staff report which will remain in this. We don't have a treasurer, and we will be talking about budget in this. There will be a budget report. So those are the things that will happen in that order. We really don't have special committees, but from time to time, we might. If we did, that's where it would go. But if it's not on the agenda, it's because we don't have one. We have never really used unfinished business, new business, or old business in MRA agenda, and I, in the last seven or eight years that I've been associated with this body.

Mr. Mitchell: . . .(inaudible) . . .

Ms. Betts Basinger: Yeah. Exactly. However, I'm suggesting that we do add a new business category. And this is an area, and I've talked with Erin about this and other members, we're never too old to learn how to do our job on this agency. And so if there are resources that can come on speak to us about TIF financing and how it's worked in their town. Or if people that can come and talk about how they've redeveloped the small pocket park. I consider these really important training or resource. And we may not have them a lot, maybe two or three or four times a year, depending on who happens to be here. The NPACT people, I'm hoping will be able to come and talk to us about walkability and health in small town planning. That's what that would be under new business. And then adjournment, and I want you to note in the notes that anybody can move to adjourn at any time.

Mr. Mitchell: Really?

Ms. Betts Basinger: Yes.

Mr. Walker: So move.

Mr. Mitchell: Second.

Ms. Betts Basinger: So unless, you know, if anyone has like some horrendous problem with this order of agenda to do our work. I think it's extremely efficient, and I'm going to utilize it moving forward. So if you have a horrible opposition, you know, let Erin know, and she can tell me about it. And with that being said, do I hear any motions for adjournment?

Mr. Walker: So move.

Mr. Mitchell: Second.

Ms. Betts Basinger: Moved and second. The MRA meeting –. Oh, one thing I forgot to do, I'm sorry members, at the beginning of the meeting, I failed to recognize members present at that time who were myself, Alexa Betts Basinger, Katharine Popenuk, Bill Mitchell, Warren Suzuki and Mark Walker. This meeting is adjourned.

## **F. ADJOURNMENT**

There being no further business brought forward to the Agency, the meeting was adjourned at

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approximately 3:39 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions I

**RECORD OF ATTENDANCE**

**Members Present:**

Alexa Betts Basinger, Chair  
Katharine Popenuk, Vice-Chair  
William Mitchell  
Mark Walker  
Warren Suzuki (exists at 3:15 p.m)

**Others:**

Michele Chouteau McLean, Deputy Planning Director  
Erin Wade, Small Town Planner  
James Giroux, Deputy Corporation Counsel

Yuki Lei Sugimura, Public Relations