

**LANAI PLANNING COMMISSION
REGULAR MEETING
JUNE 20, 2012**

APPROVED 11-28-2012

A. CALL TO ORDER

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair Gerald Rabaino at approximately 5:31 p.m., Wednesday, June 20, 2012, in the Lana'i Senior Center, Lana'i City, Hawaii.

A quorum of the Board was present (See Record of Attendance.)

Mr. Gerald Rabaino: . . . meeting. The time is 5:31 p.m. Have all the Commissioners got their packet? Okay, tonight is gonna be a special night. Who's missing before I continue? Shelly is missing. She's not showing up, Lei? Or, is Shelly coming late? Okay, thank you.

B. INTRODUCTION OF NEW MEMBERS - GARRETT HERA and MICHAEL LOPEZ

Mr. Rabaino: Item B – note that Shelly's gonna be coming late, yeah. Thank you. And Item B, introduction of new members. I only see Michael Lopez here. Welcome. Garrett Hera, is there any update? Corporate Counsel?

Mr. Clayton Yoshida: Mr. Chair, I guess we were – Clayton Yoshida with the Planning Department – we were advised by email from Mr. Hera on Friday that he is resigning due to some personal problems. So right now we have one vacancy and this will be two vacancies.

Mr. Rabaino: Okay, so currently we have a quorum presently, yeah? Okay. Item –. If you don't mind, anybody want to give a welcome or Commissioner Lopez, would you like to say a few words?

Mr. Michael Lopez: I just want to say aloha and I'm back. Nah, just kidding. I spent some time, 96 to 2001 sitting here. Maybe the second one is a charm, but I'll do the best I can, best I know how, and aloha everybody.

Mr. Rabaino: Any Commissioners wanna add a welcome remark or comments?

Ms. Leticia Castillo: Welcome to the club Michael. Same thing like me, I've been a Commissioner from before too, so it's just like ages because we both coming back and forth. Thank you. Same thing with Garrett though.

Mr. Rabaino: Commissioner Green?

C. ELECTION OF OFFICERS FOR 2012-2013 COMMISSION YEAR

- 1. Chairperson**
- 2. Vice-Chairperson**

Mr. Rabaino: Item C, election of officers for 2012 and 2013 commission year. Any nomination? I will open up the nomination for Chairperson. Any nomination Commissioners? John? Letty?

Ms. Castillo: I would like to have John Ornellas be the Chair for the Commission.

Mr. Rabaino: Any other nomination? Can Lopez nominate Corporate Counsel? Okay, Lopez?

Mr. Lopez: Okay, I nominate Mr. David Green.

Mr. Rabaino: Okay, we have two nominations. We will vote.

Ms. Castillo: Before we have to vote, we have to close the nomination Mr. Chair. Thank you.

Mr. Rabaino: Sorry. Okay, we will now close the nomination for the Chair and we will now vote. Any motion to close the nomination?

Ms. Castillo: I so move.

Mr. Rabaino: Okay, nomination is closed. All those in favor for John Ornellas please raise your hand. Okay, we have what? Four, yeah? And any – the second one is for David Green. Any votes for David Green raise your hand. We have one. So for the record our new chairperson would be John Ornellas. Oh, I'm sorry. Need five votes? Okay, so we'll –. Okay, for the record, we have four for John Ornellas, and one for David Green for Chair, so we're gonna move that for the next meeting which is July, correct?

Mr. John Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: If Shelly Barfield comes in tonight which we could continue?

Mr. Rabaino: Yeah, we can take it up when she makes a grand entrance.

Mr. Ornellas: Okay.

Mr. Rabaino: Okay, noted for that. Item #2, Vice-Chair. Any nominations? The nomination is now open.

Ms. Castillo: I'd like to have Mr. Green be the Vice-Chair.

Mr. Rabaino: Okay, any other nomination?

Mr. Ornellas: Mr. Chair, is – can I ask Counsel, if somebody is not here, well, if somebody is not here, we can nominate them or do they have to be here to be nominated?

Mr. Rabaino: Corporate Counsel?

Mr. James Giroux: Yeah, being present isn't a requirement. It's usually the danger of not showing up on these days that you do get voted in so that will teach everybody.

Mr. Rabaino: So any nomination for Vice-Chair?

Mr. Ornellas: Mr. Chair, I'd like to nominate Shelly Barfield as Vice-Chair.

Mr. Rabaino: Okay, so noted. Letty?

Ms. Castillo: I nominated Mr. Green to be the Vice-Chair.

Mr. Rabaino: Okay, we have Shelly and David Green for Vice-Chair. Now, being that we cannot vote, we'll have to wait until Shelly comes in correct?

Mr. Ornellas: Mr. Chair?

Ms. Michele Chouteau McLean: You can still vote. Just if you don't have five votes for one candidate then you won't have a, you won't have a new Vice-Chair.

Mr. Rabaino: Okay, all those in favor for Vice-Chair David Green raise your hand.

Ms. Castillo: Mr. Chair, we have to close the nomination.

Mr. Rabaino: Oh, I'm jumping ahead as usual. Don't mind me, I'm just, I had a long day today, okay? Nomination closed for Vice-Chair. Okay, now we shall open for the voting. For Vice-Chair, David Green has been nominated. All those in favor please raise your hand. Okay, and for Shelly that has been nominated also, raise your hand. Okay, so we have three for Shelly and two for David Green, until Shelly walks in, right? Okay, that's just for the record keeping. We'll move on to Item D, correct? Item D, public hearing, action to be taken after public hearing. Oh, sorry. Approval of March 21st, 2012 minutes meeting. Commissioners, any comments, add on, addition?

D. APPROVAL OF THE MARCH 21, 2012 MEETING MINUTES.

Ms. Castillo: I move that the minutes of the meeting be approved as circulated. Thank you.

Mr. Rabaino: Any second?

Mr. David Green: I second.

Ms. Castillo: Moved by Commissioner Letty Castillo, and second by David Green, and it has been accepted for the record.

It was moved by Commissioner Leticia Castillo, seconded by Commissioner David Green, then unanimously, without any objections, the March 21, 2012 Lanai Planning Commission meeting minutes were accepted as presented.

E. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. WILLIAM SPENCE, Planning Director, proposing amendments to Chapter 19.30A, Agricultural District, of the Maui County Code regarding utility pedestal walls. (J. Alueta)**
 - a. Public Hearing**
 - b. Action**

Mr. Rabaino: Okay, now we can go to E as we move slowly like a turtle. Okay, public hearing to be taken – no, action to be taken after public hearing. Mr. William Spence, Planning Director, propose amendments to charter 19.30A, agricultural district, of Maui County Code regarding utility pedestal wall. You wanna go on this first, and then we open up to the public that would be for testimony?

Mr. Joseph Alueta: Yeah, I'll give you a background.

Mr. Rabaino: Okay. You have the floor.

Mr. Alueta: Good evening Commissioners. The amendment is pretty straight forward and a simple one. A few years ago after the agricultural bill was adopted, one of the provisions within the ag and rural bill that was adopted it required setbacks for walls greater than four feet in height. Currently it's like 25 feet setback on the front yard, and 15 feet side yard for ag and rural. This was to, the intention was to preserve view corridors and openness of both ag and rural districts. One of the things that has occurred is in typical subdivisions and for home construction, most people will put the utility wall, or utilities mounted onto their home. But in some subdivisions where you have large agricultural lots, they will put a small, what they call, a utility pedestal wall out near the road. And these walls typically are higher than four feet. And therefore, we were issuing violations for these walls within the setback area. They could've been moved. If they're 25 feet outside of the lot, they could've been, they would've been fine. But most of them chosen to either put them about a few feet off of the property line or right on the property line. As a result, we ended up dealing with a lot violation notices. Many of the people corrected them. Some people got variances for them, but it became quite a hot topic for a short period of time, especially prior to the last election. And at the time Council asked the Planning Department to try to create an exception for the utility walls. They are walls, so they are subject to the provision or the development standards that were established for the ag and rural districts. But they ask specifically for the agricultural district if you can create some type of an exemption that would allow for the potential of these small walls. But they didn't want to undermine the underlining principle of the development restriction of allowing walls within the setback area so the Department went out a couple of agencies. Primarily we talked to MECo,

looked at what the MECo standards were. Drove around looked at what was the typical size of a utility wall to meet this.

So the Department at this point in time is making a recommendation to amend under district status for agricultural district, under 19.30A.030 in the section F, and that's where the restriction is at where it talks about wall heights. And then we're making the except for utility pedestal walls shall not exceed seven feet in height and seven feet in width and shall not obstruct a site distance from roadways or driveways. And so basically this will allow for one basic utility wall per lot. And that was some of the discussions that been going to what, from the Maui Planning Commission. But that's pretty much it. It's to allow for those who choose to do it, again, it's a choice. If they want it and need for some reason put a utility down near the roadway or within the setback of their agricultural lot, they would allow for it. The size of the wall is actually could accommodate up to three meters based on talking with MECo. So if someone had flag lots or wanted to future subdivide and have the utilities on that one wall they could do it. And that's the crux of it. And we're dealing only with the agricultural district.

Mr. Rabaino: Commissioners, any other questions? Do you have any comments, questions?

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Joe, what did Molokai? Did Molokai have a chance to look at this?

Mr. Alueta: No we haven't gone to Molokai yet.

Mr. Ornellas: You haven't gone.

Mr. Rabaino: Commissioner Lopez, any comments? Letty? Green? Okay. This is for only agriculture right?

Mr. Alueta: Yeah, agricultural subdivision, or agricultural lots, yes.

Mr. Rabaino: Okay. Thank you for your little report there. I will now open it up for public hearing, the public testimony. Okay, do we have anybody signing up for this particular item, Chapter 19.30A regarding the utility walls for Maui County Codes? Has anyone signed up? None? Okay. So we're gonna close –. Anybody in the audience wish to make a comment or discussion? Mr. McOmber? Butch Gima? Stanley? Well, I'm giving the opportunity to display that I'm offering the general public before –. Okay, anybody else? If none, we're gonna move on to the second item. I mean, we're gonna go for the vote, right? Okay. We'll close the public hearing, and we'll open up the vote for the Commissioners whether to disapprove or not approve, I mean, to approve, okay? Commissioners, comments? Any comments before we go for the vote? Letty, are you still reading? Mr. Green, none? Okay, so I'm gonna call for the vote, correct?

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Yes?

Mr. Ornellas: I'd like to move that we accept this, the proposal, let me see here, Chapter 19.30A. Yeah, I made a motion to accept this 19.30A.

Mr. Rabaino: Okay, the motion has been made. Anybody is gonna second the motion?

Ms. Castillo: I second it.

Mr. Rabaino: So the motion has been made by John Ornellas and second by Letty. We're gonna call for the vote, right? All those in favor raise your hand please. So be it.

It was moved by Commissioner John Ornellas, seconded by Commissioner Leticia Castillo, then unanimously

**VOTED: to accept the Department's proposal of Chapter 19.30A.
(Assenting: L. Castillo, D. Green, M. Lopez, J. Ornellas, G. Rabaino
(Excused: S. Barfield, J. Aoki)**

Mr. Alueta: Thank you very much!

_____ 2. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 12-30 referring to the Lanai Planning Commission a proposed bill to establish a Lanai Water Advisory Committee (RFC 2012/0050) (J. Prutch)

- a. Public Hearing**
- b. Action**

Mr. Rabaino: Item #2, Mr. William Spence, Planning Director, transmitting Council Resolution No. 12-30 referring to the Lanai Planning Commission, a proposal bill to establish a Lanai Water Advisory Committee, RFC 2012/0050, J. Prushack. Prutch, sorry.

Mr. Joseph Prutch: Hello again.

Mr. Rabaino: No offense.

Mr. Prutch: It's okay. It's been a while.

Mr. Rabaino: Okay, public hearing. Would you like to make your presentation?

Mr. Prutch: Yes I would. Thank you. Good evening Commissioners. Nice to see you all again.

Some new faces for me. Okay, tonight you have, in your packet, you have a Resolution from the County Council, Resolution No. 12-30 which is to refer to your Planning Commission, a proposed bill to establish a Lanai Water Advisory Committee (LWAC). The Council is considering the establishment of the LWAC to monitor the implementation of the Lanai Island Water Use and Development Plan. The bill is in your packet as Exhibit-1 so you can go through the wording exactly. But in summary the proposed bill is to allow the LWAC to consist of five voting members appointed by the Mayor to establish terms and operations of the LWAC and to dictate the powers, duties and functions of the Committee. The LWAC would be an advisory board to the Lanai Planning Commission.

In the staff report there was analysis. There was essentially three different comments. The Board of Water Supply commented strongly recommending that the Council not establish an LWAC because they believe there already exist adequate regulatory authority over private water systems and land use issues, and they believe the additional bureaucratic layer is unnecessary. The second comment is from the County's Department of Water Supply which is essentially not taking any position on this proposed bill as they don't have any public water system on Lanai. The third comment is from the Planning Department discussing the cost involved in staffing a meeting. Essentially we looked at it as if we had four members come over, kind of like today, well today we have five. We have four members come over, just the transportation alone is approximately about \$2,400, and then factor in about four hours of staff time for those four people, that equates to close to \$600 in salary so looking at a cost of about \$3,000 per meeting. And that's not including staff time as far setting up agenda and writing reports, and before and after parts of it. Also the Planning Department, the staff does not have the expertise to provide feedback for water resource issues and questions. It's just not our kuleana. Staff believes that a Water Advisory Board, if it were approved, would be better served by the County Department of Water Supply, as the experts on water issues.

Testimony, you received three written testimony letters today, just now. Two of them looked like they were in support of an LWAC creation and one of them is in opposition to the creation of that. And the ones in support actually have some different ideas and some suggestions so you can go through that and that will be forwarded on to Council as well. But what we're asking you to do, this is a request for comments from the Council. So my job here today is to collect your comments, to write them down, reiterate them to you at the end and make sure I got your comments correct, and then when we get back to Maui I will forward your comments on in a letter to the Council. And then it's the Council's job to review everything and pass what they want to pass when they get to it. So I'm here to take some comments from you. I'm sure there's some people in the audience that would like to speak, and we'll try to answer your questions you have as well. Thank you.

Mr. Rabaino: Okay, thank you. I'm gonna open up the public hearing. Public hearing testimony is open. Has anyone signed up, Lei?

Mr. Ornellas: Mr. Chair? Mr. Chair, in reading the information that the County has provided I think a lot of it is erroneous. I would like at this time to ask the Chair of the LWAC, the present Chair for Lanai Water Committee to come up and answer questions from us and give his take

on what the County has done and what they haven't done.

Mr. Rabaino: Fine.

Mr. Green: When is the opportunity for us to ask questions? Now or later?

Mr. Rabaino: Yeah, well, right now I'm just opening it up for public hearing. So he interjected. So let the public say what they need to say and then when we close it, then we can have to have a discussion. That would be the following routine sort of speak. Mr. Ornellas?

Mr. Ornellas: Okay, so when can the LWAC Chair come forth?

Mr. Rabaino: Well, I will call --. Well my first one I would like to call, but before I continue on, did anybody else sign up Lei? You have a list there? Okay, public testimony, okay, we have John Stubbart, could you come forward please?

Mr. John Stubbart: Commissioners, I'm John Stubbart, Director of Utilities, Castle & Cooke, Lanai Water Company. This is the testimony that we gave to the Council a couple of months ago, and I'd like to just give that statement. You have a copy of it there.

"Lanai Water Company is a private company which operates Lanai Water System. LWC, Lanai Water Company, expresses serious concerns over the formation of a Lanai Water Advisory Committee as referred in the County Communication No. 12-57 and respectfully suggest that this matter be deferred to allow a full and careful consideration of legitimate and legal concerns.

The Lanai Water Use Development Plan (LWUDP) was enacted by ordinance as a planning document intended to set forth guidelines for water use on Lanai. This planning document did not contemplate a community advisory committee or implementation of its guidelines, and Lanai Water Company questions the necessity, practical function and legal basis for creating an advisory committee for this planning document.

Castle & Cooke supported the adoption of the Water Use Development Plan as it provides guidelines with a reasonable expectation of the existing regulatory functions and expertise of the Commission of Water Resource Management (CWRM), Department of Health (DOH), Public Utility Commission (PUC), and the Maui Department of Water Supply would provide sufficient oversight. The new advisory committee appears to be, to contemplate additional oversight and enforcement functions overlaid on top of government agencies. Yet the Water Use Development Plan was intended to set forth guidelines, not to mandate compliance. The implementing directive provisions in the Water Use Development Plan are not in the purview of the Planning Commissions.

An advisory committee is superfluous, and unnecess --, and un --, and

uncertainty over it's function – sorry – scope and jurisdiction and purpose to monitor implementation of the Water Use Development Plan and advise the Lanai Planning Commission on related matters could create cumbersome conflicts and uncertainties that interfere with and hinder the planning purposes of the Water Use Development Plan, and the existing oversight of appropriate government agencies. Citizens input through the Lanai Planning Commission and County Council and other government agencies functions already. The creation of another layer of comment, approval, and will promote delay, conflict and uncertainty.

Finally Castle & Cooke questions the legal basis and appropriateness for the creation of a new citizen advisory committee for the oversight or implementation of the regulation of a private water company on Lanai especially where the CWRM, Department of Health, PUC, and Maui Department of Water already provide the appropriate regulatory functions and expertise for the Water Use Development Plan, and the Planning Commission already exists as a form of public input. Where the new advisory committee is not proposed as part of the comprehensive Maui Planning tool, implementation of an additional advisory committee for Lanai could be interpreted as arbitrary and discriminatory. Lanai Water Company appreciates the opportunity to provide this testimony. Thank you very much!"

Mr. Rabaino: Commissioners, you have any questions for John? Letty? Commissioner Letty, do you have any questions for John? Mr. Green? Commissioner Green? Mr. Lopez? Commissioners Ornellas?

Mr. Ornellas: Not at this time.

Mr. Rabaino: Okay, the next one to testify is Mr. Steve Bumbar.

Mr. Steve Bumbar: Good evening Commissioners. I'm Steve Bumbar, President of Castle & Cooke Resorts, and also of the Lanai Water Company. This resolution would add another layer of review and approval through the process, and it could add or more onto each issue. That is going in the wrong direction from expediting the permit reviews. Is the committee really needed? As an advisory committee to the Planning Commissions, how will it function as to matters pertaining to the Planning Commissions? What types of topics will it take up? How often will they meet? Maui Department of Water Supply and the Planning Department already review each issue and permit. What experience and/or qualifications should the five voting members have if an advisory committee are adopted? Will the same type of committee be instituted for each district in Maui County and/or the State? Will other private water systems have advisory oversight such as the Lanai Water Company? Is this an additional oversight arbitrary and discriminatory or is just for Lanai? The term "related matters," Section 1D.2, in the Water Use Development Plan must be better define if it is left to ambiguous will leave the Lanai Planning Commission and the Lanai Water Advisory Committee following directions neither has the authority to follow.

Citizen input through Planning Commissions and other government agency functions already exists. The creation of another layer comment approvals is superfluous and unnecessary and will promote delay and conflict. Castle & Cooke supported the adoption of the Water Use and Development Plan as a planning document that provides guidelines for water use with a reasonable expectation that the existing regulatory functions and the expertise of CWRM, DOH, PUC, Maui Department of Water Supply would control the oversight of this planning document.

Now with that said, what we've been trying to do over the last four years is to involve the community. We think there's a compromise. The compromise that we would like to propose is that we would have the Lanai Water Company, if approved by the Planning Department, to put on the agenda, once ever six months. And then we can put the Lanai Water Company in front of the entire community instead of five voting members that are going to give opinions. So that's our proposal. Thank you.

Mr. Rabaino: Any questions from the public Commissioners?

Mr. Ornellas: Yeah. Steve, the announcement today that the guy from Oracle bought this island. This was, the Lanai Water Company part of the deal?

Mr. Bumbar: Yes.

Mr. Ornellas: Okay, so you've just made a statement saying that, I mean, we're still – a lot of people don't know what's going on right?

Mr. Bumbar: If I may, I have the official news release from Castle & Cooke that was just issued about two hours ago. There's been a lot of things in the paper, opinions, information going around, but I have the official release if Chair you would allow me to read I can provide a little bit more information.

Mr. Rabaino: Go ahead.

Mr. Bumbar: Let me get my glasses.

Mr. Rabaino: When you read it you'll be using the mic, yeah, for the record. Thank you.

Mr. Bumbar: Yes I will. The official news release dated June 20th, 2012.

Mr. Rabaino: Steve, a little closer, thank you.

Mr. Bumbar: Okay. The official news release dated June 2012, labeled Murdock's Castle & Cooke announces agreement to sell island of Lanai to Ellison.

“Honolulu, Castle & Cooke, Inc., privately held by David H. Murdock, today announced the planned sale of its Lanai assets which consists of approximately 97% of the 90,000 acre island of Lanai, Hawaii, to an entirely privately owned by

Lawrence J. Ellison. Lanai is to be, is believed to be the largest privately held island in American, having a circumference of nearly 50 miles of coast land. Murdock has been the major landowner of the Island of Lanai with various operations built and owned by David Murdock including the Four Seasons Resorts Lanai, The Lodge at Koele, the Four Season Resorts Lanai at Manele Bay, the Experience at Koele and the Challenge at Manele, two golf championship golf courses he build there, luxury residential development, commercial and land management operations, and Laola, the largest utility scale photo voltaic solar farm in Hawaii at the time it was completed in 2008. Closing of this transaction is subject to final government approval.”

A quote and I’m quoting Mr. Murdock:

“For more than a quarter of a century, I have been the major owner of a private Island of Lanai, and enjoy being part of the island community as a progress through numerous social and economical changes, said Murdock. Lanai has been my passion for years, and I have made huge investments of money, time, energy and a betterment for the island economy and its residents. I built my home there, and I will continue to remain a homeowner on Lanai. I have enjoyed my time with the many positive people of Lanai, and remain forever grateful for the opportunity to have had a positive difference in Lanai present as well its future. I have learned in life that change is inevitable and can be quite positive when guided in the right direction. Exploring the possibility of new ownership of Lanai Holdings was not an idea or an impulse decision. The right time and the right buyer had been the key components in my decision making process. Paramount to this was to ensure that a new owner would have the right enthusiasm, commitment, and respect for the island and its people, and be a positive part of the island community in the years to come. I believe that Larry Ellison will bring a new and fresh perspective to the island and its people. As a property owner of Lanai, I will continue to be a member of the community and will be looking forward to its future.

In addition to his home on Lanai, Murdock will retain the rights to develop a potential wind farm on the remote northwestern part of Lanai. Castle & Cooke, which Mr. Murdock owns and Dole Food Company of which Mr. Murdock is the majority shareholder, have long histories in the State of Hawaii and will continue as one of the largest land owners. Mr. Murdock said his Castle & Cooke Management team is committed on the ongoing growth and success of its operations in Oahu. This change will allow us to focus on our assets on Oahu and make the beginning of a new chapter for David Murdock, his employees and the communities we serve. Murdock will continue his real estate operations and other operating companies on Oahu including his extensive land holdings, the development of the proposed Koa Ridge Master Plan Community of 5,000 homes in Central Oahu, Dole Plantation, a retail store and park that is Oahu’s second largest tourist destination, Waialua Sugar Mill, diversified agriculture,

renewable energy development, commercial development, aviation facilities and services, and continued commercial development, leasing and sales including more than 7,000 square feet of space at Dole Cannery.”

The official news press release.

Mr. Rabaino: Okay, thank you. Commissioners, any questions regarding what he just read? Any comments from the general public want to make any comments? Butch come forward.

Mr. Reynold “Butch” Gima: Good evening. I believe earlier Commissioner Ornellas asked if you wanted to have the LWAC Chair, which I am, answer any questions from the Commission before I offer my public testimony. What’s your pleasure?

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: I would like for him, for you to allow that to happen.

Mr. Rabaino: Commissioners? Go right ahead Butch. I’ll allow it. Go, you can do that. What is the question.

Mr. Gima: No, do you have any questions for the LWAC?

Mr. Rabaino: For the LWAC. Okay.

Mr. Gima: And we have several members of the LWAC here. John’s part of the LWAC. John Stubbart. Ron. Who else?

Mr. Rabaino: Who else? How many of them are here? Five of them? From your LWAC committee.

Mr. Gima: Four. Four of us.

Mr. Rabaino: Four. Okay, so that’s Ron, John, you and Ron. Who’s the other one? Okay, I got your thing here yeah. I just, for myself, okay, and I can share it with all the Commissioners, I have a question regarding –. Okay, this, the LWAC was formed in 19 – and correct me if I’m wrong – in 1999, correct, of March?

Mr. Gima: That’s not correct.

Mr. Rabaino: That’s not correct. When was LWAC, in 1984? Or in the 80's?

Mr. Gima: The group originated in 1993 after there was a violation of Maui County Code. And it was formed through the Council action.

Mr. Rabaino: Okay, and this Committee, from my understanding, and I've quite some, but I haven't attended, does exist today, currently, right with the members that you represent? That's on your board?

Mr. Gima: Yes. And there are some other members not here this evening also.

Mr. Rabaino: Okay. In our last meeting, was that the, in one of those issue, did the company meet with you folks on a regular basis?

Mr. Gima: There are two representatives from Castle & Cooke. They've been LWAC since day one. Currently, it's John Stubbart. Prior to that it was Clay Rombaoa, but they haven't replaced Clay's spot. And then when Director Taylor issued that letter last year saying that the LWAC does not have to meet, Castle & Cooke has stopped attending the meetings.

Mr. Rabaino: Okay. I'm aware of that one because just before you left, yeah. From that time to current of this month, how many meetings have you, if there was any meeting, with the LWAC and the Company meeting, which could just be one representative or no representative to the Company side to meet with LWAC?

Mr. Gima: Since the time of Director Taylor's letter, Castle & Cooke has not participated in LWAC meetings.

Mr. Rabaino: Okay. So they have not been in – what is the word I'm looking for – good faith in meeting with the two parties?

Mr. Gima: Well, they made an executive decision not participate based on Director Taylor's letter. Other LWAC members disagree with Castle & Cooke's move. We prefer them to be part of the LWAC as they have been for many years.

Mr. Rabaino: Okay. I understand that portion. Any of you Commissioners wish to discuss this matter with Butch?

Mr. Green: I just have Butch make his presentation, and then I may have some questions after that.

Mr. Rabaino: Commissioner Ornellas?

Mr. Ornellas: I do have some questions as being the Chair for LWAC. How was the Water Use and Development Plan developed?

Mr. Gima: Back in 1996, the Commission on Water Resource Management took jurisdiction over the Water Committee. And at that time, they retained Peter Adler from Oahu and he was a facilitator and we worked through about a year to come up with a draft. So the draft was completed in 1997, but it took all the way until, you know, the last year, to approve this document by ordinance before the County Council. And it was, you know, a lot of work, but

there was a lot of cooperation, yelling, but we were able to put a draft document together.

Mr. Ornellas: And that is with the help of John Stubbart, Director of Lanai Water?

Mr. Gima: Or his predecessors. John wasn't there in 1996-97. It was Vince Bagoyo.

Mr. Ornellas: Go, go Bagoyo. Why is the plan and LWAC, the Lanai Committee, important to our Island of Lanai?

Mr. Gima: Well because it's a private water system there is no governmental, really, authority on island to oversee our water resources. And the reason why we have to pay close attention to our water resources is that unlike the other islands, we only have one aquifer. And unlike the other islands, our sustainable yield is very low. It's six million gallons a day. Compared to Maui, I think, it's 84 million gallons a day. We have to pay special attention because we have no surface water as do the other islands. And we also have to pay attention because ever since the Manele Project District has been in existence, any where from, and started out probably in the low 40's and it's up to like 67% of our island's water goes down to the Manele Project District. That is another reason why it's important for LWAC to oversee the plan and the implementation of the plan.

It's important for LWAC to be part of looking out for water because I think the LWAC has a stewardship view towards our water. You have to look at all aspects of the water on the island, whereas, Lanai Water Company and Castle & Cooke they have a specific focus. I mean, they need it for their operations, they need it to make money and they don't necessarily have the big picture, macro view towards our water. The LWAC, that's what the LWAC's responsibility is, have the big picture view on our water.

The other reason why LWAC is important is similar to why you guys are here right now, home rule. Back in the early 90's we were the Advisory Committee to the Maui Planning Commission. Lanai residents wanted home rule and that's why we now have a Lanai Planning Commission. And it's no different than what we want to have with the LWAC. We believe, the LWAC believes based on 22 years of working together that you can increase transparency by having ongoing sharing of information, accurate information about our water. And the best way to do it is to get it from the people on island. And it's been shown through LWAC over these years that we can work together on ensuring that the water is used responsibly and properly. We care about our island's water. The people on Maui don't care about our water. People on Molokai, people on Oahu, they're too far removed from the situation. That's why you need home rule.

Mr. Ornellas: You heard tonight and have read the comments, the written comments from the Board and Directors and Castle & Cooke about another layer or bureaucracy. What's your take on that?

Mr. Gima: That was gonna be part of my testimony, but I can make reference to it right now. If you look on the back page of my testimony it's a flow chart. And that's a proposed flow chart on how LWAC were to be run. Anytime an application comes before the Planning Department,

obviously they review it, and if appropriate, they send it out to the Planning Commission. And, I mean, they send it out for comments from State, Federal and County agencies. What the LWAC is proposing is that when the Planning Department sends out the packets they just send the packet to the LWAC. They'll have a time limit to review and make recommendations back to the Planning Department, and then eventually I think it will come to the Planning Commission. That is not an added layer of bureaucracy. It's not an enforcement issue. All they have to do is make another set of the packet and mail it out to the LWAC. So it's not added layer of bureaucracy. It's not gonna add another 30 to 40 days as Steve alluded to earlier. Not at all.

Mr. Ornellas: Alright. Water Use and Development Plan and LWAC, how would that benefit the Lanai Planning Commission?

Mr. Gima: Having sat on the Planning Commission before, if there is another entity that has more information, that has more knowledge, that has more expertise, you want to tap into that resource. And I would think the Commissioners would want accurate information, someone who has expertise. The LWAC has the knowledge and expertise on Lanai's water. If not, then you guys are gonna do, have to do a lot more homework. The Planning Department doesn't want to do the homework, and you've seen it in the testimony. The Department of Water Supply and the Board of Water Supply doesn't want to do it. Everybody is kind of punting. But the LWAC is wanting to take the responsibility of being the so-called experts of the water on island. With that being said, if this proposal goes through, the application will come to LWAC, we will review it at the meeting, we'll make a recommendation, we send it back to the Planning Department, and then you'll have it in your packet.

Mr. Ornellas: Are confident that the makeup of the committee will be, provide enough technical? I mean, if you have the Director of Lanai Water Company sitting on LWAC, I mean, that's basically coming from the horse's mouth, and plus, you would have other resources to tap into. Do you agree with that?

Mr. Gima: I feel very comfortable with the current makeup with LWAC. I would propose that remain the same as opposed to what's proposed in the Council bill. In addition to the individuals we have here, let's see, we have three at large members; there's two from LSG – that's Ron and myself; two from Castle & Cooke – that's John and previously Clay Rombaoa; the current Council member representing Lanai which is Riki; and then ex-officio members have been person representing quorum, Commission on Water Resource Management, and a representative from the Department of Water Supply. No, Maui Electric doesn't have, no. So, yeah, I mean, I feel comfortable. With that makeup it's worked in the past and I envision it could work in the future.

Mr. Ornellas: Without participation from the Lanai Water Company, what's your opinion about the current operations for the Lanai Water? I mean, do you feel like we're – do we feel, does LWAC feel that because the Lanai Water Company is not part of the process that we, that a lot of the information that's needed is not coming forth?

Mr. Gima: Oh, most definitely. I mean, the LWAC needs Castle & Cooke, Lanai Water Company's participation. Most definitely. I mean, it's real obvious. And, I mean, to his credit, I mean, we've gone through a lot of Water Directors over the last 22 year, and, you know, John has probably been the most forth right and up front Director. And, you know, we've heard this from a number of LWAC members. I mean, he'll share information that we may not like, but at least he's up front about it and he's provided a lot of information in terms of their capital improvement plans and that's been helpful. So it was very disappointing when they made the executive decision to no longer participate because we miss having John's participation in the LWAC.

Mr. Ornellas: Yes, I do agree with that statement because John has definitely more forth right than previous Directors and I always enjoy going to the meetings when John provided information because we kind of knew that it was real, you know, and willing to talk about it. I guess that's another good thing about John. I have no more questions for LWAC, Chair.

Mr. Rabaino: Commissioner Green?

Mr. Green: Are you going to give a presentation?

Mr. Gima: Testimony?

Mr. Green: You?

Mr. Gima: Yes.

Mr. Green: And how long is that gonna be?

Mr. Gima: Whatever the Commissioners allow.

Mr. Green: Well, this is just dragging on a long time. I don't know if it's best for us to just simply ask questions or you to make a presentation. I thought that's what gonna happen, but John kind of feed you a bunch of soft balls here. So have you not covered everything or are you gonna recover what's already been gone through?

Mr. Gima: I'm not gonna repeat myself in my testimony.

Mr. Green: I suggest we get on with it. Is that possible?

Mr. Ornellas: I'm waiting for Butch Gima to testify.

Mr. Rabaino: Okay Butch. Why don't you just give your presentation then.

Mr. Gima: Okay, I'm not gonna go over obviously the written stuff because you guys can read that. Because basically what it does is respond to the testimony that was provided by Director Spence, Director Taylor and John Stubbart, so you guys can read that on your own.

I already made reference to the flow chart. The other attachment in there is a 1999 Board of Water Supply Resolution which I believe stated that one of the duties of LWAC would be to ensure monitoring implementation of the Water Use and Development Plan.

I covered the foundation. I covered the no added layer. I have to emphasize, this thing is huge. A lot of work went into it. I've developed a lot of plans before and I've been disappointed when they just sat on the shelf and nobody implemented the plan. And over four years ago the LWAC said we're gonna to put this thing together, we have a responsibility to ensure that it's implemented. To date, no one wants to implement it expect the LWAC and so I want the Lanai Planning Commission to send a strong message to the Council that the Lanai Planning Commission is in favor of the proposed bill establishing the LWAC by ordinance.

Now the language in the proposed ordinance is weak right now. LWAC has offered to beef up the language in the ordinance. Sally Kaye, myself, John and Steve have volunteered to do that, so it's somewhat contradictory that they oppose the LWAC, but we've had a discussion already that we're willing to improve the language in the ordinance.

I can't say enough about how much time we put into this. I don't want it to go to waste. I could've been doing a lot of other things had I known that everybody was gonna advocate responsibility for the implementation of this, of this plan. In terms of the testimony about being too costly, you can knock down the price if they just come on the ferry. You're gonna save a lot of money if they just take the ferry over here. And I don't think you need four staff people from the Planning Department to staff an LWAC meeting.

You have to remember there are no on island regulatory agencies. We have to look out for ourselves. We've seen this in many other instances where either State, Federal or County agencies are not on island. They're pretty much too far removed and it's only when something terrible happens then they'll come over. And they will typically use it costs too much money to come over. Charley Ice who use to come over on a more frequent basis had to stop because of budgetary constraints. I'll stop there.

Mr. Rabaino: I was gonna ask Steve earlier, but I'll ask you how you feel, okay, with this transition of ownership coming into play, yeah Butch. My concern for the water rights, okay, and it probably will reflect part of the involvement of LWAC. But my concern right now for this community of ours, okay, it says Lanai private water system. In the sale – I going look at you Steve – is that, is Castle & Cooke giving up the water rights to the new owner? You guys don't have any control over the water rights when you turn it over meaning fees, usage and the direction of the water rights including all the wells that you have drilled on the island of Lanai?

Mr. Ornellas: Mr. Chair, can we finish with Butch, and then you can bring Steve back up because –

Mr. Rabaino: Yeah, yeah, wait, I'll get there, okay, so patience, okay John? Thank you, because you've been interrupting me, okay. Now going back to Butch, what is your feeling about that because I'm concerned about the water rights for all us on Lanai? But with this

language of Lanai's private water, and all of sudden you have a new player coming in, it might change, it will change. They might be disagreeable to this concept that is being presented to us.

Mr. Gima: Ask me a specific question because you said a lot of things.

Mr. Rabaino: Currently with this land transaction sale, okay, Steve just stated that the water rights will be for the new owner. Now, will the new owner from my manao is – will you folks and all us community living here, I mean, the residence of Lanai will benefit with this thing by throwing this on the side, and saying okay, here's your water rights do whatever you like and then we going exclude you folks even though you say you have a committee that's meeting with the Company at a change of heart.

Mr. Gima: If you're asking me if the transfer of ownership will benefit the community, I would say I don't know enough about the transfer and I don't know enough about how Ellison is gonna run his company to form an opinion about that. Now I think rights and running the water company are two different issues. I guessing you mean running the water company. But even with that I mean I don't have enough information to offer an opinion about that.

Mr. Rabaino: Because you said 67% goes down to Manele which exists right now. My concern if that 67% exceeds to at least 95% or more what becomes with Lanai City and its operation at hand. So Commissioners, yeah, take this as a suggestion from my portion even though it's open to the public that, you know, enforcement and supporting the LWAC, you know, we need somebody not only to monitor, but to make sure that everything through the LWAC is being done correctly for the island of Lanai. And we only talking about the Island of Lanai, not Maui or Molokai.

Mr. Green: I'd like to ask Butch some questions. Jerry mentioned it. You make it sound like 67% of the water going down to Manele is a bad thing. Why is that? Is that what you mean? Given that most of the water that goes down to Manele is non-potable water which isn't used up in the city that seems logical. There isn't any non-potable water basically used up here.

Ms. McLean: Excuse me Commissioners, we lost our quorum, so if you can hold that, if you can hold that, hold that question.

Mr. Gima: Okay, so in answer to your question, it would be, it would be a bad thing if the 67% exceeded the allocation for the Manele Project District as outlined in the Water Use and Development Plan. It is, it can be viewed with some concern because during pineapple operations the daily pumpage of water and usage was much higher than the current usage. However, a lot of the pineapple irrigation went back into the aquifer, whereas water being used down at Manele is not replenishing the aquifer. So, I don't want to characterize it as bad, but it is of some concern because it's been discussed in that context in LWAC.

Mr. Green: But the majority of water going down to Manele in non-potable and you don't want it going back into the aquifer.

Mr. Gima: I would not necessarily agree with that.

Mr. Green: John, what's the percentage of the split of the water down, going to Manele, potable versus non-potable?

Mr. Gima: I think it's about close to, any where from 800,000 to a million of water coming from wells one, nine, and 14.

Mr. Stubbart: Yeah, golf is about 510,000 and 520,000 brackish, another 200,000 so 700,000.

Mr. Rabaino: John? John, move the mic closer to your –

Mr. Stubbart: 700,000 gallons a day brackish. Potable, I don't know right off top of my head. I wasn't prepared in bringing those. I was just looking for that data. I didn't bring that. The city flows are similar in the potable water side. I think, I want to say it's 700,000 – 500,000 -700,000 gallons a day. Total water use right now we're pulling, we were at 2.2 million gallons. Through conservation, we're now under two million gallons a day total island water use. On account for water, we've knocked it down from the 20's, high 20's for the island down to we're below 17%. I think we're now down getting to 13% accounted for water, conservation efforts. So I don't have the exact numbers, but I think you guys are debating right now.

Mr. Green: One other thing you said was that – I don't want to put words in your mouth but this is what I heard. I think you said that LWAC has a better knowledge of the big water picture, the big picture as it relates to water on Lanai than the Lanai Water Company.

Mr. Gima: I don't know if that was my exact words, but Castle & Cooke focused on, has been on providing water to their entities whether it's the Manele Project District, or the Koele Project District and their operation, yeah. They have been an active participant in restoring the water shed over the last 10 years. That conclusion that I stated tonight comes from the years of working in LWAC, not just during John's tenure but for the last 22 years. So unfortunately his predecessors may have not had that macro big picture view that he may have now with the Company. But for the last 22 years, that's what I drew my conclusion from.

Mr. Green: But all the data that you get comes from the Water Company. All the data on water usage, et cetera, comes from the Water Company.

Mr. Gima: Correct.

Mr. Green: One other, in your last comment, and that's what makes me nervous. You said that you really want LWAC to be a regulatory agency. That's a lot different than an advisory group. You mentioned that there are no regulatory agencies on island to deal with and you said at the very end of your talk that you would really like to see LWAC be a regulatory agency.

Mr. Gima: I don't believe I said that, but if I did, then I was wrong using that term "regulatory." I would rather focus more on the flow chart and when LWAC would be in the review of all

applications coming before the Planning Department. We did this, I think, right when you came to Lanai when the Manele Hotel wanted to put that second pool. And at that time the Company representatives brought the issue to LWAC and talked about it, and when it came before the Planning Commission, both the applicant and the Planning Department were able to say this has been discussed through LWAC. LWAC feels it's a good proposal and so that is a good example of how we feel LWAC can work whenever applications come before the Planning Department.

Mr. Rabaino: Any other? Butch, I have with your folder over there, I'm just curious, do you have any data of how many swimming pools down there use potable water or non-potable water? Because I'm still looking at this 67. Is that part? So in the project district area, it is my understanding that non-potable water can be used for landscaping and other purposes as irrigation. Is the non-potable water included for swimming pools? Because swimming pools you can add chemicals in to make the water safe versus drinking potable water.

Mr. Gima: I don't know and that really hasn't come up in our LWAC discussions.

Mr. Rabaino: Well, I don't want to reveal my sources but I would advise you to look greatly into that area because even though I'm looking at this 67% I thinking, you know, in my thought, because remember when you was still on the board, and I remember there was a session when I asked how much water they drain from Manele pool and when they refill it. And was it potable water in order to make a decision to have the second pool built for Manele by the clubhouse. Now with that said, do we know how many water, I mean, swimming pools at this Project District site exists and are they using in the Project District area versus potable water and non-potable water or they're mixing both just to refill their swimming pool?

Mr. Gima: As I said, I don't have that information in here and it has never been a discussion through LWAC regarding the swimming pool.

Mr. Rabaino: Hold on. If I'm correct Commissioner Green you have a committee that exists down there, yeah, just like a housing, I mean, a housing committee or some kind of committee for the area – homeowners, okay. Being that you live down there, for my knowledge and everybody in this room, you would know how many pools exists down there?

Mr. Green: Not exactly, no, but I don't see what it has to do with this ordinance at all.

Mr. Rabaino: Well for me it deals with water that's the bottom line. Okay, whether it's potable or not, and whether they filling the –. Because my bottom line is water is water for the entire island.

Mr. Green: Jerry, nobody would put non-potable water in a swimming pool and then go swimming in it.

Mr. Rabaino: Okay. Fine.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: If I may? Can we get John Stubbart to – because he knows?

Mr. Rabaino: We can ask him that question.

Mr. Stubbart: Number of swimming pools, I do not know exactly how many there are. I don't know. But you cannot use non-potable water in a swimming pool or a spa. Good point. You have to use potable water. The water is typically recycled and filtered and you have makeup water from evaporation. And very seldom you drain the pool because of hydraulics and you crack your pools and things like that. Does that help Jerry?

Mr. Rabaino: A little. Okay, would you like to continue with your –? Any other questions from Butch? Do you have anymore to say? Okay. Letty? Okay, thank you Butch. Ron McOmber.

Mr. Ron McOmber: My name is Ron McOmber. I'm a very, very long and interested person to do with this water use and development plan. And I've been on the Water Use and Development Plan since the conception. We're getting off track here folks. We came here to ask you folks to please recognize the Water Use and Development Plan, the LWAC, as an entity. Nobody is gonna make rules. We're not making rules folks. A good example, we're sitting here talking about stuffs you don't even know what you're talking about. Why are we doing that? Let LWAC do that. If you've got a problem with the water thing on Lanai, bring it up to LWAC. Let LWAC investigate it and let's look at it if you've got something like that. Why would you waste your precious time on water issues when you've got a perfectly good organization sitting here that cares about Lanai, doesn't care about who buys it or where it goes. We're concerned as how the water is being used, who's using it and where is it going? That's why we have this chart that we get every month. Water Use and Development Plan, that chart. That chart tells us supposedly if they're telling us the truth, how much water they're taking out of the wells, what's the chlorides, what's the temperatures, what's the amount of water, how much water is in the 15 million gallon holding tank down at Manele? We cannot lose that focus. That's what LWAC is about folks. We're not here to tell you how many damn swimming pools there are down at Manele. We're more concerned about the Water Use and Development. Especially what bothers me tonight is we're gonna have a new owner.

Now water is regulated by quorum in Honolulu. So if it really gets to be a sticky, we can to quorum and say quorum we see a difference in the pumping. Now whatever the pumping procedure is we need to be at the table with this new owner. Whoever it is, whoever is the utility operator is. When John Stubbart decided he wasn't gonna talk to us anymore, any communication between Castle & Cooke and LWAC went down the toilet. So we would meet every last Friday of the month and look at each other. There's a question going on. I'll give you a good example right now what's going on around the town. How many people have noticed that landscaping is now hooking up the drip lines back to the pine trees? That's a no-no. They're not suppose to be putting that potable water on those trees. That was stopped, but

they're dying so what they want to do to impress the new owner I would imagine, they're gonna hook up the line there. How many millions of gallons is that gonna take? We were told that that was gonna stopped. They are now hooking them up. If you guys are paying attention, look at what they're doing. The landscaping guys, it's not against the landscaping guys. They were told to do this. They're hooking it up, the drip irrigation, to all the pine trees again. This is LWAC's situation folks. That's why we should be in a meeting talking to Castle & Cooke and finding out why that's happening. I don't need to go to talk to Rocky. I don't need to go to talk to somebody else in the company. I would like to talk to Mr. Stubbart about that. But if he's not gonna come and talk to us about it, then what the hell good is it? It is definitely is a tactic to break communications and I'm tired of it. I've lived here for 42 years folks, and we have a good understanding. We're here to protect your water, and the water of the people of Lanai. The same we did with. . . (inaudible) . . . beach, okay?

So whatever it is Jerry, don't get off the track of this. Please folks, that this is an entity that has to be. It's not gonna put any kind of load on the County. Like Butch said, you can come in the afternoon, come in the morning ferry and go out in the afternoon ferry. We can hold the meetings. We hold our meetings at noon. And when we were doing the Water Use and Development Plan we would shuttle the people down and put them on the boat and send them out in the last boat in the afternoon, so we work with this. But guys don't get on the wrong track of this thing. This is bull shit you guys are doing. We need to talk about this is very important to this community, that LWAC, whatever Mr. Green may think it is or it doesn't think it is, I don't really care. It is not a regulatory agency as he seems to think it is. We're a supply company of knowledge, and the local knowledge supercedes anything this company can tell you because we know from every person who works on this island what's going on this island. And if you don't think so, listen to the coconut wireless folks. Thank you very. But please, this is important that this be done.

And last but not least, we better get a community plan going here pretty folks because these clowns that are coming in now can take this island over and destroy it before we get a community plan in place. So guys need to push. Please, push for a community plan. Start that process. Thank you very much.

Mr. Rabaino: Commissioners, any other questions for Mr. Ron McOmber? Commissioner Green?

Mr. Green: I have a comment.

Mr. Rabaino: Ron?

Mr. Green: You know, he can shun his back to me I don't care. I think Ron is probably just exhibited my biggest concern about LWAC becoming sanctioned, and that is that he has his own agenda. I don't know that hooking water up to the pine trees along the road is a bad thing, but he does. It's a bad thing. And there is an ulterior motive that this group has and the LWAC has been totally dominated by LSG. And one thing I'll say is guys come to the meetings, and nobody else does, so we've gotten what we've allowed to happen. And one of the things I'm

very concerned about is I don't want, if this thing goes forward and becomes sanctioned by the County, I don't want it to be dominated by LSG any longer. So that's my big concern. Thank you very much Ron.

Mr. Rabaino: Commissioners, any other comments to give out? Anybody in the audience would care to testify regarding this issue? Stanley Ruidas come forth.

Mr. Stanley Ruidas: I told you guys I was gonna be on the other side. First of all, you guys gotta understand that water is kuleana water. Everybody own the water, but they charge for the transportation of the water. So, you know, in that essence you gotta think about what can happen if you don't control your drinking water. Look you guys drinking all that kind bottled water. Would you guys drink our tap water? Some guys don't because you don't know. So I say, you know, even though you guys stay grumbling about whether or not we should have this committee, I think it's a good thing. It's been working for the last 15-20 years, and . . . (inaudible) . . . And I don't think it's a County thing that they don't wanna come over because I think they lazy. And no offense, but that's why you guys, you know, the Planning Commission meetings always get cancelled, it's because somebody no like come. So, you know, John been doing a good job, but you need to keep the lines of communication open. And that's all I gotta say.

Mr. Rabaino: Commissioners, any comments for Stanley? None? Thank you Stanley. So being that anybody else want to testify before I close? None? Okay, we will close the public hearing and do I hear from the Commissioners that we're gonna move ahead? Do I hear any recommendation to accept or not accept?

Mr. Green: I have a lot of questions I'd like to ask Mr. Chairman.

Mr. Ornellas: So do I.

Mr. Rabaino: Okay. Hold on.

Ms. McLean: Thank you Chair. I just wanted to offer a couple of comments to the Commission as well as to the public who's here. Just to make it clear that the Planning Department doesn't support the proposed bill. The Planning Department doesn't have jurisdiction over water on Lanai, nor does the Department of Water Supply which is why both departments have indicated their opposition to the proposed bill. If there are any questions about how this would function and the reasons for staffing and transportation and so forth, please ask me. Do not listen to the statements that were made by some of the testimony. That's incorrect and misleading.

The Lanai Water Company is a private utility regulated by the State, by three different State Agencies. They would be the appropriate agencies to have a Lanai Based Advisory Committee. I would suggest that that be pursued. The proposed LWAC as it is proposed would require the participation of the Lanai Water Company. They're not bound to participate and the County cannot make them. Their availability to the Lanai Planning Commission as offered tonight would be a more appropriate way for the Lanai Planning Commission to receive information.

Considering the Lanai Planning Commission's authority, that kind of input would really be needed only when you have development applications that have water implications and the Lanai Water Company would come and participate with the Lanai Planning Commission at that time. So the information that the Lanai Planning Commission would need on water can be provided by the Lanai Water Company in a public forum like we have. Certainly the community experts would have their opportunity to participate. And if they wanted to pursue having an advisory committee with one of the State agencies that actually has a regulatory role, that would be far more appropriate than being advisory to the Lanai Planning Commission. Thank you Chair.

Mr. Rabaino: Go ahead Commissioner Green.

Mr. Green: I would like to ask. I don't understand. I'm just looking at the testimony from the Board of Water Supply and it was included in the packet. And I don't know, maybe it's to you or whomever, but it says that the committee would be a non-chartered committee, and it said established by ordinance. Does that mean that if the committee was established that it operates under the Sunshine Law, does it mean it has to have staff members, et cetera, et cetera? So that means it generates or requires a significant amount of overhead to operate.

Ms. McLean: Yes, it would be subject to the Sunshine Law. It's not a Commission that's mandated by the County Charter. They're actually aren't that many boards and commissions that are mandated by the Charter. Most boards and commissions, the Planning Commissions are in the Charter, but most boards and commissions are established by ordinance. They are subject to the Sunshine Law. So that's some of the misunderstanding about what staffing means. We have to have a secretary to keep minutes. We have to have a Corp Counsel to advise and we have staff. So to say we don't need four staff members is just wrong. We do have to have four staff members. And yeah, agendas would have to be posted, meeting places would have to be opened to the public, minutes would be taken, materials made available, the meeting staffed and so forth.

Mr. Green: Okay, who decides if this were to happen, who decides how often the committee would meet?

Ms. McLean: That's unknown at this time.

Mr. Green: Does the committee decide?

Ms. McLean: At this point I don't know.

Mr. Green: From some of the documents here, primarily from the minutes of the Board of Water Supply I guess, it seems to indicate that this committee is suppose to be advising the Lanai Planning Commission as opposed to the Planning Department or anyone else. Is that correct? I mean, I'm not quite sure. In other words, I come from a corporate background so I'm use to thinking the Lanai Planning Commission here, and the Lanai Water Advisory Committee is here, and the Planning Commission would have something to say about how this committee

operates. The way this is set up I think the committee could do whatever it wanted to do without any oversight from the Lanai Planning Commission. That would concern me a lot.

Ms. McLean: As the bill is drafted now, the Water Advisory Committee would be advisory to the Lanai Planning Commission. If that's the case, then its meetings would theoretically be driven by the Lanai Planning Commission. So if there were issues before the Lanai Planning Commission that you wanted to delegate to the advisory committee, you could. That might be a mechanism of how it works. I don't know, though, it's not clear to me. The structure of this is strange. I can't think of another example in the County where you have one committee advising another commission, so it's not clear. The answers to your questions aren't clear.

Mr. Green: Then I have one other question that maybe I'm going to get the same answer, but it said that they can also comment on a related matters. But related matters isn't defined. The Board of Water Supply said well that means it would be related to water, but it doesn't say that. So the fact that it says related matters is incredibly broad. And given the way I've seen this group operate in the past that gives them license to go anywhere.

Mr. Rabaino: Commissioner Ornellas, you had something to say before I call on Butch?

Mr. Ornellas: Yeah, if I may I want to go back since Dave has talked about this communications from the Board of Water Supply as well as the Maui County Council. If you look at the list of the members of the Board of Water Supply what Lanai resident sits on that? There is none. Also I wanna go to Council Member Hokama's statements during their meetings. I'm gonna quote, "Yes, this is a private water company, Mr. Chairman, however, they serve a total community and a total island. Therefore the County's consideration and jurisdiction to our public health and safety is paramount consideration and seriousness to the members of the Council." And of course the Maui County Council agreed to send it to the Lanai Planning Commission with all approvals, all nine members of the County Council approving this measure to come to us. So I want us to realize that, you know, when we talk about quorum, we talked about the Board of Water Supply. We talk about other regulatory agencies. They're not here. They don't know us. There is no one from Lanai sitting on any of these regulatory board. When was the last time you've been a quorum meeting? When's the last time you've been to Department of Health who also plays a part as a regulatory part of our water system? How many times have you seen that? You haven't. So this is very important to the people of Lanai to make sure that least it's transparent and people can see, and read. Mr. Green has a problem with LSG. Those charts up around the community that's up on the bulletin board is based because of LSG because LSG had agreements with the Company and have been in discussion for over 20 years with the Water Company and with other regulatory. But the stuff just doesn't happen. We have to fight for it. And Lanai, the people has to be – the people of Lanai have to be part of the solution to a problem. And that is our water. We know. Even when Butch had that 800 page, in that book there is a statement in there that said if there was a built out at Manele Bay, all the houses down there, it will not, the water use will go over what the plan is calling for. And so we're not – I mean, this is the kind of stuff that Ron and Butch, you know, and Sally – even though they're LSG members, you know, they still have put in 100's and 100's of hours to come up with the development plan. Who more on this island that, other than John Stubbart that can

sit down and tell you what's in this plan and how to implement it? How many of you – I mean I think we've all gotten the plan, the Water Use and Development Plan given to us. How many of us read it? Okay, alright, that's two. So, you know, it's very, very important that we take control of our water, you know, and especially with us going into a new phase of this island where we have a new owner. The Water Use and Development Plan is by law. He can't do anything. The new owner can't do anything about it. LWAC, it becomes a County function. He can't circumvent. He can't circumvent us and he won't be able to circumvent the Lanai Water Use and, LWAC, so let's protect ourselves. We don't know what's gonna happen. So let's protect ourselves and make sure we have a say. Thank you.

Mr. Rabaino: Butch? Just for the record, I know I closed the public hearing, but I'll allow Butch to speak on this behalf.

Mr. Gima: I can understand some of your hesitation, Deputy Director and David, because you guys haven't discussed this issue as much as we have. It's plain and simple. All the LWAC wants to do is if an application comes before the Planning Department, we get sent a packet. We determine if it's complying with the Water Use and Development Plan or if it doesn't, and then we send the information to the Planning Department. We don't want to go out of our way to monitor what John and his crew is doing. No. All we're gonna do is see it complies with the Water Use and Development Plan. Is it exceeding the allocation for Lanai City, or the Koele Project District. That's all. If not the LWAC, then who will implement the plan? I don't hear anybody else wanting to take responsibility for implementing the plan except the LWAC. And I think the importance of having LWAC is that you have some checks and balances in there. If you just have the Water Company come to us in a Planning Commission meeting and offer testimony, there isn't the ability to have an ongoing discussion like we typically do in LWAC meetings. It's hard to have dialogues in these types of forums.

Lastly, I respect your decision or your comments about LSG dominating. Obviously I don't feel that, and if we are, there are other members of LWAC. If other members of LWAC allow one person or one agency to dominate, then that's responsibility. You sat in the LWAC. If you felt LSG was dominating, then you had a responsibility to do something about it, but there hasn't been any of that. Thank you.

Mr. Green: The thing that keeps coming up is John said, "we need to take control of our water." Butch said, at the end, I don't even remember what Butch said at the end. Just concern –. I guess, I guess – thanks Ron – I guess if the only thing you're going to do is what you described, you wouldn't need to meet very often because there aren't any issues that have come before the Planning Commission in quite a while where there are any water use issues. The swimming pool was quite some time ago. Before that was a renewal of the Project District. I thought the renewal of Project District is coming up now. That's probably the next time there's going to be anything. And I guess I just don't, I don't understand. I'm uncomfortable that this is so ill defined. I'm also uncomfortable that Maui County Council is kind of deciding that the Lanai Planning Commission needs this as opposed to –. I mean, it sounds like it's cooked, and it sounds like that there's a presumption that the people that are already on LWAC are going to be on LWAC in the future as it's reconstituted because they have all the knowledge. I'm not

saying you're saying that, I'm just saying that it's just so fuzzy that I'm concerned. I don't have – I don't mind the idea if the thing was less formal. I have a concern about that. But if it's something that is going to be, you know, bring the whole kitten caboodle over and you guys meet whenever you feel like it, et cetera, et cetera. And the fact that "related matters" is undefined. I just think this is way too broad. Or maybe I should say it's way too poorly defined for me to say at this stage that I think it makes sense.

In the past also I do believe that LWAC has served a valuable purpose because they were working to put together a plan. And the plan, I mean, who knew it was going to take as long as it took. I have attended a number of LWAC meetings, but I really only became an alternate to the group right at the very end when the plan was completed, more or less. But now that the plan is completed – Oh, I remember what I was gonna to say. You keep talking about, you want to make sure the plan is implemented, but LWAC isn't the implementing authority. It's – Well, the Water Company. Whoever is doing development on the island and has a proposed use for the water is gonna have to come to the Planning Committee, you know. I mean, there are a lot of things that are in there. If you read the section about the protective measures that need to be put in place, et cetera, et cetera, those are all very important – things that need to happen. But I don't know how LWAC is going to implement any of those. Is LWAC gonna complete the fencing around the hale?

Mr. Rabaino: Okay. Thanks for the comment Commissioner Green. Commissioners, on this item, okay, transmitting by Council Resolution No. 12-30 referring to the Planning Commission is a proposed bill to establish a Lanai Water Committee. We can either vote on this, one. Two, make recommendations for the County Council. Three, we can defer this and just give comments under the deferred section. It is my understanding that this is on a time factor, so if any of the Commissioners would like to make a motion to move forward, or make a motion not to accept, and the other motion, thirdly, would be to defer, but we are on a time table. Commissioners?

Mr. Ornellas: Mr. Chair? I move that we accept the LWAC, number 12-30, is that what this is? 38? 30? Yeah, number 12-30, I want us to accept that.

Ms. McLean: What's before the Commission is offering comments, so if you're – I assume that perhaps your motion would be to support the proposed bill. That that's what you want to the Commission's position to be support that.

Mr. Ornellas: I think I said that, I guess. In my own mind I said it. You're right, I do want to accept it, okay, on a positive support the bill.

Mr. Rabaino: So John, would that be a motion on your behalf?

Mr. Ornellas: Yes.

Mr. Rabaino: Any Commissioners would like – do I have a second on the motion? Commissioner Castillo, do I have a second? Mr. Lopez, Commission Lopez, do I have a

second? Mr. Green, do I have a second? Okay, well, since everybody, I just go then, I'll second the motion.

Mr. Green: Can I ask a question? I'm confused. I thought we were suppose to make comments on this, and that we're not –. It would be one thing if they were asking us do we want to approve this or not. I don't think they are. Is that correct? They're asking for our comments.

Ms. McLean: That's correct, and I think the motion was for the comments to be that the Commission supports the proposed bill.

Mr. Green: Okay. Fine.

Mr. Ornellas: As drafted.

Ms. McLean: Another option would be if the motion doesn't pass, another option would be to simply send comments. And the comments might not all agree with each other but you could say these were the different comments that different Commissioners made, and send collected comments in favor, in opposition, back to Council. That would be another option if you wanted to take some sort of action tonight. But there is a motion on the floor that needs to be discussed and voted on.

Mr. Rabaino: For the record, again, Commissioner Ornellas made the motion to support and accept. And I asked the other Commissioners if they would second it. None has come forward so I second it. Now we will close that and we would have a discussion on the motion. Correct, Corporate Counsel?

Mr. James Giroux: Yeah, so you're at the discussion stage.

Mr. Rabaino: So Commissioners, would you –? Lopez?

Mr. Lopez: I don't want to use the word "confused," but I understand really what's going on and Deputy Counsel also explained that there is regulatory system in place. And any proposed, you know, changes or whatever to the water system or what have you, come before the Commission, and the homework has been done to LWAC, as what we discussed, and as Mr. Green is saying, you know, you get the Commission and you get the, you know, the proposed, and we, you know, we get all the information from LWAC, everybody straight up. So that's the discussion I'm at. I'm like, really, it's all good, but who has the upper hand? The Planning Commission, right here? Basically if you look at it, it's just the way it is. It talked about Corporate, that's the way it is. So just a little food for thoughts. And I understand Commissioner Ornellas over here, his propose, his proposal, I mean, accepting. But I still, I like everybody's comments, I like everybody, and, you know, I guess that's what the Commission is here for. I just said my comments. I'm confused. Everybody's right. Everybody's correct. Everybody, you know –. I mean, I like what John said on that. I like the way the LWAC, any time there's maybe something coming up and then they have a meeting. There's no one discussion about people coming over here. It's just everybody just needs to stay on it, needs

to stay in communication. I don't think we have to have a committee that meets all the time unless I'm losing it or missing something. It just needs to be informative. Everything just needs to be informative.

Mr. Rabaino: Thank you Commissioner Lopez. Letty, you've been quite quiet. Could you please make a comment? Thank you.

Ms. Castillo: We just have to move forward, and John has already, you know, proposed that we accept the recommendations.

Mr. Rabaino: Okay. Mr. Green?

Mr. Green: Are you taking notes?

Mr. Prutch: I am trying.

Mr. Green: Have you accumulated comments?

Mr. Prutch: That's what I want to do. If I may, right now, what my –. I have to draft a letter to Council with your recommendations so I've got to put this all together somehow, put it in a letter form, and forward it to Council. So right now the way it's standing, I would have a letter to the Council saying Planning Commission, you made a motion to support the document. So far you've made – you're making a recommendation to support the document as the Council has drafted, with no comments, yet. Now I've been taking some notes down on things I've heard here and there. Whether it's from you guys or the public, I'm not quite sure yet. But the idea is that somewhere down the line when you guys get this all settled, an amendment to the motion that you accept what the Council –. So far you've accepted what the Council is adopting or proposing. However, then you maybe make a second motion with the following recommendations, changes, concerns, whatever that be. Then I can forward all that on in a letter format to Council that you support it, however you support it with these recommended changes, X, Y, Z. That's where I'm trying to go with it, and so far I have a few comments I've heard. I'll just throw them out there if you want. But it's your guys job to agree on these comments, I guess, and then I don't know if you have to vote on them or what. But you have to agree on these comments, then all of these comments will be written down as I say, you guys will agree with I said, and then I forward on to Council exactly what you guys want to tell them. That's kind of the idea. And so far I have, I have a few scribbled down notes I can share with you just to let them know what I heard so far. These don't have to be –. You guys can decide the are what you want, or delete them, or add to them.

I have that the term "related matters" so too broad, and that should be defined to water uses only. I heard a comment that should the LWAC be a commenting agency for discretional applications that are going to be coming to the Planning Commission. And I heard that it's important to have the LWAC, otherwise we don't have any local representation. So far that's just what I've jotted down, but you guys can add to that list. I've got a whole pad of paper here, so that's the idea. Thank you.

Mr. Green: Are we going to vote on the motion?

Mr. Rabaino: Yeah, that's what I want to do after you're done with your comment.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Yeah?

Mr. Ornellas: We're in the discussion phase of this.

Mr. Rabaino: So Commissioner Green is asking after Prutch made his report, sort of speak, okay. So you made yours. Lopez made his. Letty is in support. Green. So now we can move forward if we want to make a vote on the motion with additions to the –

Mr. Ornellas: Okay, is this the right time to make amendments to what he just said? Because there's things in here that I don't agree with. I mean, the concept is, of course, I support. But there are, you know, like the number of people on, the number of people that's gonna be on there, who picks them and that kind of stuffs. I have problems with that.

Mr. Giroux: Just to help at this juncture. The motion on the floor is to adopt what has been proposed in the ordinance in front of you. So look at the four corners of that document, that the motion is to adopt that document basically as being supportive of everything in there. What Mr. Prutch has said is not part of the motion as made. However, the process would be that if you want to do an amendment, it would probably be wise to have this discussion at this stage about what was stated and go line by line as far as do you want that included in your comments, as a friendly amendment or to eliminate that comment. So what I would do is, as the maker of the motion, to be open to discuss line by line what has been proposed and then vote as soon and dispose of that in an orderly fashion. So if Planning can, again, you know, read the comments and then either by consensus or majority eliminate those comments from your motion. And then take up your final motion, as amended, as being what you're going to transfer to the Council, as being your official comments. That's a suggestion. And what you would be doing is the assumption is is that the motion on the floor is to support, you have a second, but you go through an amendment phase of that motion. Now the participation of the board of that phase does not mean that you have to vote in support of the final motion. So we're going to make it very clear that when we get to end of the comments that the final motion you are free to vote for or against the main motion as amended. That means that you have an opportunity to come up with a compromise of whether or not – just assume that the bill, if the bill were to pass, would you like these comments to be included. If at the end you're not satisfied with those comments, you can vote against the main motion, and the main motion would die if not enough votes. So you would not have any comments going to forward. That's one way to do it.

Mr. Green: Question. For comments to be accepted by this group, you said a majority, not five.

Mr. Giroux: In order for any action to be done tonight, five votes have to be in the affirmative,

and that is the majority of the members who are entitled, not—. There's not going to be action by the majority of the members present. It's going to be by entitlement. So any less than five votes in concurrence to an action or an affirmative vote is not going to amount into action.

Mr. Green: I fear we've just wasted the whole evening. I have two questions. Have we wasted our time putting together a list, if, well, I'm going to vote against John's motion, alright? So it isn't going to pass. So, why would we go through coming up with the comments that we would like have included if they all go away if the amendment, or if the motion isn't pass? I mean, that's just a waste of time.

Ms. McLean: I tried to state that earlier that if the motion doesn't pass, you could still all support a list of comments to provide to the Council. You could say there was not a majority vote to support the bill, with or without amendments, or opposed the bill, but you agreed on a list of comments that all of you accept as reflecting the comments made by the Commission. So those comments might not all agree with each other, but you could, together, say yes, these were the comments that we offered to the Commission and you can all agree to list, you know, a dozen comments to send. And some might be supportive of the concept, some might be not supportive of the concepts, but those would be the comments that this group collectively offered. That would be one way to move forward with an action. It wouldn't be —. You might have consensus on some ideas to amend the bill, I don't know. But if you don't have consensus on language on the bill itself, you could still offer a series of comments to the Council. And you would each have to support each other's position on what your comments may be and what his comments may be that, yeah, together we're going to send you this list of comments. Does that make sense? And you still have a motion on the floor.

Mr. Rabaino: Okay Mr. Ornellas. Commissioners, we have the motion on the floor, which is second. Entertain me. Letty, any comments? Suggestions? David Green already, Commissioner Green already has made his. Ornellas?

Mr. Ornellas: Yes Mr. Chair. Can I ask Corp Counsel or Planning Department what is the time limit on this?

Mr. Yoshida: I believe the Council Resolution is dated March 16th, and we received it probably a week or so after that. So you have a 120-days. So I would say, probably the later part of July. The same principle as that Council Resolution on Lanai City Country Design Town Design Standards, Guidelines and Standards 2011, you had a 120-days on that.

Mr. Rabaino: So you stated that July what, 16th?

Mr. Yoshida: No, it's probably when we received the Resolution from the Mayor's Office. It goes from the Council to the Mayor's Office. The Mayor approves it for transmittal, and then it goes to the Department. So I would say we probably received it about a week after March 16th, so around March 23rd. So you have a 120-days from that time.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: You know, if I pull, if I pull my motion, since we have until probably the end of July as he said, our next meeting –

Mr. Prutch: July 18th.

Mr. Ornellas: July 18th. If I pull our motion and have all of us on the Planning Commission review this and write down your comments, and then bring it to the 18th, and that we don't have to sit here all night, you know, going –. I mean, you know, of course, I'll have supportive facts, and Mr. Green may not, so, but at least we'll have it on a piece of paper and we can go through it, each one, and then we can add to it. Does that sound okay? Planning Department, does that sound feasible?

Ms. McLean: Yeah. That sounds feasible. I just wanted to confirm something with Clayton that are we suppose to transmit it back to Council by the end of July or the Commission has until the end of July to provide their comments?

Mr. Yoshida: There has to be 120-days turn around. The recommendations I believe under 19.510.020 the, there's has to this 120-day turn around to the Council or the Council is free to act without the recommendations of the Commission.

Ms. McLean: So can we wait until the July meeting? Would we still be able to send comments back to Council? Or is that getting, that kind of push past?

Mr. Yoshida: Well, I guess, we're kind of pushing it towards the end. We probably will not be able to transmit the minutes from the July 18th by July 23rd unless Leilani does some miraculous or you only talk about it for five minutes or Leilani does a miraculous turn around on the transcriptions.

Ms. McLean: Well, the other concern –. I mean I think what you're suggesting the discussion at the July 18th meeting might be pretty quick so that part wouldn't be so much a concern. But then the other concern is quorum because we've had some quorum concerns. So if you feel like we will have at least five members to meet, then we can do it.

Mr. Ornellas: As long as the members are open to concessions and to, you know, be kind of level headed, so. I mean, I'm willing to give some things and I'm hoping that Mr. Green will do the same.

Mr. Green: Are we talking about doing them now?

Mr. Ornellas: What do you mean, doing them now?

Mr. Green: I don't know. We've had the discussion. Why don't we just make our comments now?

Mr. Ornellas: We're talking about the amendments.

Mr. Green: I know.

Mr. Ornellas: If you have an amendment to –.

Mr. Green: I know.

Mr. Ornellas: Okay, so if we all write it down, we bring it to the 18th meeting and then we can just zip through it. Do you agree with I'm saying? Or do I agree with you? I mean, we can come to compromises that way a lot quicker.

Mr. Green: Well, I mean, I'd rather do it now.

Mr. Ornellas: If the Planning Department is okay with it. When does your plane leave?

Mr. Green: I know what my comments now are now. You probably know what your comments are now. I don't know about, I don't know about Commissioner Lopez or Commissioner Castillo, but I just get concerned that we had so many meetings cancelled that I wouldn't want to risk that we wouldn't be able to make any comments at all. So I don't have a great deal of faith at this stage that there will be a meeting in July. I mean, may be there will be, maybe there won't be. We've been told at one meeting that there will be. The last time when we had the changes to the Lanai Country Town thing we talked about well we're not gonna – we don't need to do anything because you're going to have a meeting next month. And we asked, is there going to be a meeting next month? Yes, and then we didn't have a meeting next month. So I've invested a lot of time and effort tonight, so has everybody else. Why don't we just do with it to get it done with and if we have a meeting next time, we can add to the list if somebody comes up with something that they feel like needs to be included.

Mr. Ornellas: I'm asking that, you know, she has an opportunity to respond. Letty might get a chance to read up and catch up on this, all this stuff, and then come up with some educated comments instead of doing it now. I mean I get a feeling this is going to last all night if we're going to debate the issue on each one. Once you provide the list, I would think that's the list.

Mr. Green: I won't debate the issue. I'll put my comments on, you put your comments on.

Mr. Ornellas: Mr. Chair, I'll pull my motion if we can come up with these lists by the 18th. Otherwise we're gonna be here all night because we still have to go through orientation so –

Mr. Rabaino: I'm gonna propose that we defer for next month the orientation because we don't have two Commissioners.

Mr. Ornellas: Okay.

Mr. Rabaino: So you want to withdraw your motion and just present the comments?

Mr. Ornellas: What time do you guys have to catch a flight back?

Mr. Rabaino: Nine. Eight-thirty.

Mr. Ornellas: Okay, we have an hour to get through this, if Mr. Green wants, if we follow Mr. Green's thoughts.

Mr. Rabaino: So did you make the motion to withdraw your motion? Did you make a –

Mr. Ornellas: No, if we're going to stay tonight then I want to make amendments based on – amendments to the motion based on our comments. Amendments to the, what do you call it –?

Mr. Rabaino: Well, you withdraw your motion, let's go for the comments.

Mr. Ornellas: No, I'm not going to withdraw my motion. We're just gonna – I'm amending it to -

Mr. Rabaino: Okay, you're gonna amend the motion –

Mr. Ornellas: – to include our comments.

Mr. Rabaino: The comments. Okay. Individual comments.

Mr. Ornellas: Yes.

Mr. Green: Can we just vote on the motion first? And then the next thing to do is to put together a list of comments.

Mr. Ornellas: Okay. I've got no problems with that. Do it. I call for the question.

Mr. Rabaino: Okay, I call for the vote on the motion. If you approve, all raise hands. Okay, we have three. Opposed, raise your hand. One, two. But we don't have quorum on it, correct? So motion fails for the record. Now we're going into the comment phase, correct Joe? Okay. John or Green you want to start the comment phase?

Mr. Green: I'll volunteer to go first. You caught some of my comments. I'm unclear –. First of all, my comment is the ordinance is way too broad. There's not enough clarity about superior subordinate relationship, et cetera. If the discussions that I've read about that took place at the Board of Water of Supply which is not relevant to us other than it seemed like an intelligent discussion with people there that got some answers says it suppose to advise, this committee is suppose to advise the Lanai Planning Commission. I get the feeling that LWAC feels that they have a role to constantly monitor what the Water Department is doing. And that means they're going to be operating continuously and not necessarily in an advisory capacity to the Commission, and that they will be commenting, et cetera, on actions by the Water Company irrespective of whether or not there is an issue that requires a decision on the part of the

Planning Commission to have knowledge of what's going on. You know, anything about allocation, water, redevelopment, et cetera, et cetera. So that's one concern.

Mr. Giroux: For simplicity can we just stop there and take that up as an issue, that maybe we can dispose of it right now? So we don't have a laundry list that gets confused on the issues. I think, from what I'm hearing is that the comment is that the functions and duties are too broad. You'd like to see clarity in how the, how the LWAC would function and how that would relate to the Lanai Planning Commission. Is that fair enough?

Mr. Green: Well I guess buried in that is I'd like the Lanai Planning Commission to decide what kind of advisory capacity we would like to have rather than Maui County Council deciding for us. It sounds like they're the ones that have decided we need this and the way this is set up we're going to comment and then we're going to decide what to do. And the Lanai Planning Commission really isn't part of the whole thing other than making these comments. If this is a Committee that's advisory to the Planning Commission, I'd like to see the Lanai Planning Commission decide what the scope should be, how often the Committee should meet, et cetera, et cetera., not the Maui County Council. Not Riki Hokama.

Mr. Rabaino: Okay, Commissioners, with Mr. Green saying that, we're going to the next Commissioner, Corporate?

Mr. Giroux: Yeah, let's dispose of this issue. Yeah, could we get a summary from –? Just because we make a laundry list doesn't mean that laundry list is gonna be accepted by the board as a whole. I think we have to separate the questions. We need to take these issues one by one or else you're not gonna get a comment out of this board. The comments need to either live or die. That's where we are so we need to know exactly what the comment is.

Mr. Prutch: James, I'm sorry, I'm hearing two different things. One is he makes a comment, whatever the comment is. I've got a list of a couple of different comments he made. Now they vote on it and if there's five votes then those comments are included as the Commission's comments to the Council. But then I heard earlier that Michele had mentioned that maybe we take separate comments whether everyone agrees or not and we forward those to the Council as separate comments although not an overall consensus agreement.

Ms. McLean: Yeah, we have five members here and I don't think we're gonna get five votes for any particular comment. Maybe there might be a couple of comments where we get five votes, but it was more a gentleman's agreement that everyone's comments would be included. That's what my thinking was that everyone's comments could get included. You wouldn't ask for the majority, you know, five people to support I agree with that comment, but I agree that that comment should get sent to the Council. That was my thinking because I don't know that there's going to be five votes.

Mr. Prutch: And the minutes from the meeting go to the Council anyway so they will get the entire list of comments. Just they may not get official comments from the Commission, but they will have the minutes.

Mr. Rabaino: Yeah, I would agree that everybody gives their comments, but we don't vote on it. We just list our comments individually from each Commissioner and then you report that to the Council. Like a gentleman's agreement. We don't have to agree with each Commissioner. We just give our comments. Is that legit?

Mr. Prutch: Well, that's what I'm asking, but I think Corp Counsel is kind of shaking his head over there.

Mr. Giroux: As long as everybody agrees that that's how you're going to do it. What the Council is going to get, what they asked for was a comment on the bill from the Commission. If we can't get a quorum or a majority vote, then they're not going to get that. And if you agree on this process they're going to get what you agree on and that is to have just individual comments from members and that would be sent to Commission and it will carry said weight.

Mr. Rabaino: So Commissioners, do we agree that each of us gives our comments and then we present it, you present that, Joe, to the Council? So if you folks are in agreement say so. Letty? Don't smile, say something.

Ms. Castillo: I was just thinking about what Mr. Green is saying that the –

Mr. Rabaino: You make your comment, he writes it down. He makes his comments –

Ms. Castillo: He made his comment that it is this body, the Lanai Planning Commission, say so, not the County Council. And that's we're trying to say. It's coming from the Lanai Planning Commission and not from the Council.

Mr. Ornellas: I can live with that.

Mr. Lopez: Yeah, I can live with that.

Mr. Rabaino: Dave, you're going to agree on that? So I am. Okay, we're all in an agreement, okay so let's move forward. Thank you.

Mr. Green: What did we –? Did we agree on what I said, or did we agree that we're gonna agree to have everybody put their own comments on the list?

Mr. Giroux: You just miraculously got consensus on your comment and so now your comment is officially going to the Council as –

Mr. Prutch: No, no.

Mr. Ornellas: No. Excuse me.

Mr. Prutch: No. All they did was they agreed that they're all going to make individual comments and that's going to the Commission. So that's what they were discussing.

Mr. Ornellas: And we agreed on Letty's saying that it should come from the Lanai Planning Commission rather than the County Council. That's what Letty just said.

Mr. Giroux: Okay.

Mr. Ornellas: No if Dave would be so kind, if he could repeat what –. I mean I agree with Letty, so, I mean I think we all agreed with what Letty said. Would Mr. Green would rehash in more simpler terms and then we can agree on what he said.

Mr. Green: I would ask the note taker what I said.

Mr. Prutch: Okay, I can tell you what you said. I'm thinking since you guys might agree on some comments. It sounds like there was something Letty said that everybody can agree on. So Corp Counsel, again, can we go down the route of go down each item like you mentioned. Take a vote. If they all agree on it that is –

Mr. Rabaino: We don't want to vote. We want to put in our comments. You put it in a letter form. You send it to the Council. Because the Planning Commission on Lanai is giving their comments.

Mr. Giroux: Jerry, just to make this simple, don't ask for anybody to agree with anybody's comments. At this point just don't ask. Just say it. He'll write it down. We'll move down the line. No consensus, no voting. Don't ask anybody if they agree with what somebody says or not. Let's just write this down.

Mr. Green: But I think the question is did you get my comments?

Mr. Prutch: Okay, here's the comments I have so far, okay. This is from Mr. Green, the ordinance is too broad as written. The functions and duties are too broad. There's not enough structure. One comment. Second comment, feel that the LWAC is monitoring what the Water Company is doing at all times, not just for Lanai Planning Commission items. That they're taking on more than maybe they should be. The third comment was that the Lanai Planning Commission decides the details of the LWAC not the Council. Those are the ones I have so far just from you just now. I also have those comments from earlier, but those were not your official comments. This is your official comments.

Mr. Green: The second comment if I can just clarify. It was that the scope of the LWAC, how often they meet, et cetera, et cetera, seems undefined. And based on what the testimony tonight was I think they intend to meet continuously not just when there's an issue where the Planning Commission might ask for their advice. And that lead me to the point where it ought to be the Lanai Planning Commission that decides does this Committee, should the Committee exists, if it exists, how often should it meet, what should the scope be, et cetera, as posed to Maui County Council?

Mr. Rabaino: Okay, Ornellas, your comments.

Mr. Ornellas: Mr. Green's first point was, can you repeat that one?

Mr. Prutch: Yeah that the ordinance as written now is too broad. That the functions and duties of the LWAC are too broad and there wasn't enough structure.

Mr. Ornellas: Okay, I can agree with that.

Mr. Prutch: It doesn't matter. There's no agreement.

Mr. Ornellas: Okay. Is Mr. Green done with his comments? Okay, Item B, I say the committee shall consist of five voting members, I say it should be seven. As far as the make up of the seven, I think that should be up to the Lanai Planning Commission. I think each one should come before and we should be asking the questions. Come before us.

Mr. Prutch: The perspective members.

Mr. Ornellas: Perspective members of the LWAC.

Mr. Green: Can I ask a clarification? Do you mean the LWAC should – excuse me – the Lanai Planning Commission should appoint the members?

Mr. Ornellas: Yes. 10-4. The one person that will be representing the Water Utility Company, it should be the superintendent, period, or the Director. Director, nobody else because we don't want somebody showing up that don't know diddly squat answering questions for the Water Company.

For the original, A, it says each member of the Committee shall be a resident of the Island of Lanai. It has to be, I would feel better if it's a current resident of Lanai. Somebody that can show you a driver's license and a P. O. box here on Lanai, with Lanai, Lanai addresses. We know who they are.

I think the Lanai Member on the County Council should be a member of this Committee and should be a voting member of this Committee. Go ahead, go ahead. You have something to say?

Mr. Green: Would he qualify as a resident?

Mr. Ornellas: Yes, and according the State and the County, when you become a Council Member from the Island of Lanai, you are a resident until you are no longer, you are no longer a Councilman and you've moved back to Lanai. That's what I don't want to get into here. I don't have any problems with the terms. You know, it says two five-years, one four-years that's fine. And then that's fine. I think I wanna put down that the LWAC should, should be, since they are to monitor and implement the Lanai Water Use Development Plan that they should be able to meet whenever they want based on their need to look over the plan. Because first of all the Lanai Water Use and Development Plan is not etched in stone. Things change. So if

you want them to take – you know, if you don't want them to meet once every six months then they're gonna lose their focus on the Water Use and Development Plan. So if they choose to meet once a month which the old LWAC did, that, I don't see any problems with that. They can't do anything by themselves so they would have to return, give us input based on what their meeting had, and whether we can accept it as something that we can vote on or we just take it as information and we file it. That's all there is. Because they're there to – LWAC is there to keep us up to date and what's going on with our Water Use and Development Plan.

And the back side. That's good enough for now.

Mr. Green: Can I ask John a question?

Mr. Ornellas: Sure.

Mr. Green: Do you really, do you really think it makes sense to have the member of County Council on this Committee? That gives it a whole different – that give it a whole different specter.

Mr. Ornellas: You know we've had –

Mr. Green: That's never going to be a Committee that's subsidiary to the Lanai Planning Commission.

Mr. Ornellas: Understood. Understood. But in previous, in the last few years that I've attended these meetings, when a Council member is a member of this he shows up. He also, when he goes in front of the Maui County Council he has an insight as to what was discussed and that kind of stuff so he can fight for what we believe in and not just take somebody's word for it.

Mr. Green: You've just given, you've disintermediated the Lanai Planning Commission.

Mr. Ornellas: No. Mostly everything we do has to go through the County Council.

Mr. Green: Not if, if the Council Member is on –

Mr. Rabaino: Excuse me, we're going side track here. We agreed not to question each other. Put the comments in. We're dragging on again. Contradictory.

Mr. Ornellas: Okay. So you got my comments?

Mr. Prutch: Okay, let me go ahead take one by one if it's easier. Let me just go ahead and get those comments down so if there's agreement and then we'll move on to the next.

Mr. Ornellas: Alright.

Mr. Prutch: Okay. So for Mr. Ornellas I have in B7 in the proposed ordinance. I'm sorry, in B

of the proposed ordinance, that it should be seven members, not five. And the seven members should be up to the Lanai Planning Commission to decide and to appoint. Second comment was that the Director of Water, the Director of the Water Company should be on LWAC, should be the member on LWAC, not just anyone from the Company. Thirdly that the person on LWAC must be a current member of Lanai, a current resident of Lanai. And that the County Council Member shall be a voting member. And that lastly that the LWAC should meet when necessary to discuss the plan at their discretion. Those were your comments, correct?

Mr. Ornellas: Can you change the last one? Repeat that again one more time please?

Mr. Prutch: That the LWAC has the authority to meet when necessary to discuss the plan at their discretion. You mean they set up their own meetings.

Mr. Ornellas: Okay. That's good enough. Thanks.

Mr. Prutch: Next.

Mr. Lopez: The Lanai Commission, the Lanai Planning Commission should maintain the authority of making the decision. They should meet, the LWAC should meet at least quarterly or as necessary. And I still, I would maintain just five members. That's all my comments.

Mr. Rabaino: Can you repeat?

Mr. Prutch: Yeah. Those are, the comments from Mr. Lopez, that the LPC maintains authority of making decisions, on water issues, I guess. That the LWAC at least meets quarterly or as necessary, and that you're okay with five members.

Mr. Rabaino: Okay my comment. Letty, you made your comment, right, earlier, or you going add to your comment?

Ms. Castillo: . . . (inaudible) . . .

Mr. Rabaino: You made your comment. Okay. So I'm the last one. Okay, my comment is as far as enforcement, the Lanai Planning Commission, Committee, should be the one that makes the decision for any issue that comes across the water, okay, even though it goes and report it back to the Council. As far as voting members, it should be a Lanai resident that lives here, that votes here, that is interactive with the community regardless whether they're with the Company, union, or non-union, State, County, they are residence of Lanai and registered to vote. Thirdly, the time frame for LWAC to report back to the Planning Commission should be at least two weeks before the meeting is held monthly. Their reports from the LWAC given to the Commissioners before their meetings, so the Commissioner would have advance information before their regular monthly meeting.

Mr. Prutch: Written reports from LWAC.

Mr. Rabaino: Yeah.

Mr. Prutch: Written reports. Okay.

Mr. Rabaino: That's it.

Mr. Green: Can I ask a question Jerry? Chairman? Mr. Chair? Do you . . . (inaudible) . . . that if they're an advisory role, you're expecting LWAC to make a presentation to the Planning Committee monthly?

Mr. Rabaino: They can, but remember the Planning Commission, this Planning Committee, will make the determination whether to accept whatever they present. Like you said earlier, and these guys, I guess in consensus, that we become the one, the Lanai Planning Commission Committee become the one to enforce or make the decision on the resolution or the proposed amendment. We have the last say and that it moves forward to the County Council to review.

Mr. Ornellas: Mr. Chair? My response would be, if needed. If they need to make a presentation, then they make a presentation.

Mr. Rabaino: Well that's what I mean. They would alert or they would inform us.

Mr. Ornellas: I mean if John Stubbart is sitting on LWAC, he's here at every meeting anyways so we can always ask him a question.

Mr. Rabaino: Correct. That's why I said, it goes back to what I said. The members of the Planning, Lanai Planning Commission, is the one that's gonna be giving the direction, whether they say yes or no. Okay, it comes right back as what Mr. Green said earlier that the body of the Committee is the one.

Mr. Ornellas: You confuse the heck out of him. Go ahead.

Mr. Prutch: I'm confused on that only because I'm thinking once your comments go to Council, Council of course has the authority at that point to draft an ordinance and approve it whichever way it goes and however they decide to write it. I don't think it comes back to the Commission to decide on this ordinance. Your comments go up and they do what they do.

Mr. Rabaino: Whatever we give recommendation to go back to the Council is what this Committee would give recommendation for them. And then from there they take it take it forward or decline it.

Mr. Prutch: Yeah. Okay. It sounded like you wanted it come back here at some point.

Mr. Rabaino: No, no, no.

Mr. Prutch: Okay.

Mr. Ornellas: Mr. Chair, when we're done here, are you sending this back to the Planning? You're the Planning Department, but from there you're gonna to send it to the Water Committee or to the Council at Whole?

Mr. Prutch: These comments go straight up to the Council from you. These are your comments.

Mr. Rabaino: With all that is said, you got everybody's comments?

Mr. Prutch: I want to make sure I got Gerald's. You mentioned enforcement. You said that the Lanai Planning Commission makes the final decision on water issues. I'm not sure exactly – this is what I wrote down.

Mr. Rabaino: Yeah because this body is the one going give recommendations to the Council on that Resolution or the recommendation.

Mr. Prutch: Okay, so you agree that –. Okay. So the Lanai Planning Commission still makes a decision. That simply means that the LWAC is still advisory which is what they're proposing.

Mr. Rabaino: Correct.

Mr. Prutch: Okay, so you agree with them being advisory only. Okay. Secondly, that the voting member shall be a resident and vote, be able to vote, on the Island of Lanai. And third, you mentioned the time frame that any written comments from the LWAC should go to the Planning Commission at least two weeks prior to the meeting.

Mr. Rabaino: David you have a comment?

Mr. Green: Well since I'm just, I'm coming back to the one issue of having the Council Member be a member of LWAC. Does that mean that –? Okay, I'd like to make another comment that I think it's totally inappropriate for the member of the Council that represents Lanai to also be on the LWAC in any capacity. It's an open meeting, if he wants to come and sit on the meetings because they're open to the public, he's welcome to do that. However, I think it should be that the Lanai Planning Commission chooses the member.

Mr. Prutch: Okay so an added comment was that it's inappropriate for a Council Member to be a member of LWAC. Right, you don't want them to be a member, which obviously they're not voting or anything.

Mr. Rabaino: Are we done with our comments Commissioners? So are you in agreement what he has wrote and repeated back to us of each individual? Okay? Got it Joe? So now we're going to move on or accept what we just –? We're going to make a motion to accept what we just gave him? Okay, the motion is, the motion on the floor is gonna be that – okay stop.

Mr. Green: I'll make a motion.

Mr. Rabaino: Okay, just present that, what we gave our comment.

Mr. Green: I move that the comments that the gentleman has just collected represents the comments that the Commission has made and wants transmitted to the Council.

Mr. Rabaino: I second the motion.

Mr. Ornellas: You just take over yeah?

Mr. Rabaino: Of course because you're always hogging the thing over there.

Mr. Ornellas: Okay, I call for the question.

Mr. Rabaino: Okay, call for the question. All those in favor raise your hand. So be it.

It was moved by Commissioner David Green, seconded by Commissioner Gerald Rabaino, then unanimously

VOTED: to transmit comments, as provided by the Commission, to the County Council.

F. ORIENTATION WORKSHOP NO.1

- 1. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel**
- 2. Ethics**
- 3. Recent U.S. Supreme Court decisions on takings issues.**
- 4. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission**
- 5. Hawaii Supreme Court Decision regarding the Topliss case (SMA)**
- 6. Hawaii Supreme Court Decision in the case of Paulette K. Kaleikini v. Laura H. Thielen, in her official capacity as Chairperson of the Board of Land and Natural Resources, Board of Land and Natural Resources, and the Department of Land and Natural Resources.**
- 7. Other Relevant Hawaii Supreme Court Cases**

Mr. Rabaino: Okay, Item F, we are going to defer the workshop because we only have one new member, and one member missing. We will move the deferment of the orientation workshop for July 18th, if I'm correct on the date. Corporate Counsel, you agree? Who decides?

Mr. Giroux: Yeah, I think we all agree that we should postpone the orientation for new members to come on board. It would be better use of your time.

Mr. Ornellas: So is this enough stuff for next meeting on the 18th, or are you guys going cancel?

Mr. Rabaino: Oh definitely.

Mr. Ornellas: Or you guys going cancel it?

Mr. Rabaino: Do not cancel. This is a request from the Chairman of the Planning Commission, do not cancel.

Mr. Green: We haven't adjourned have we?

G. DIRECTOR'S REPORT

- 1. Open Lana`i Applications Report**
- 2. Status of Lanai Planning Commission vacancy**
- 3. Agenda items for July 18, 2012 meeting**

Mr. Yoshida: As you can see from the open project's list which we gave to you, there are three items which are in for administrative review. One is a environmental assessment, commenting on an environmental assessment from State Department of Transportation. And the other two are some improvements being reviewed for consistency with the Lanai Country Town Design Guidelines. So at this point in time I don't think we have any public hearing items per se to bring forth.

Mr. Rabaino: Thank you.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: So you're kind of telling us there's not gonna be a meeting on the 18th?

Mr. Yoshida: Well, unless something comes up in the next few weeks that we can put on there that doesn't require a public hearing.

Mr. Ornellas: What about the orientation?

Mr. Yoshida: Again, I think we would want to wait for some of the new members. Well you have one vacancy. Well you have one existing vacancy. Commissioner Hera has indicated that he plans to resign, so you have two vacancies. And so you would want to try to have those two vacancies filled in order to do the orientation. Also I guess you have Commissioner Aoki who came in like in the mid-year. Yeah, because the other Commissioner Hera resigned after three months. So you know for the four of them, you know, we would like to have the four of them

here.

Mr. Green: Do we know what the status is or the time line for appointing new Commissioners?

Mr. Yoshida: Well the Mayor did appoint members, now, but the Council disapproved that, the Mayor's nominees. And then it kind of went, whatever, it's in the Council's hands, it's in the Mayor's hands, whatever, and so we are monitoring the Policy Committee because it would have to go through the Policy Committee first. But so far we haven't seen any nominations.

Mr. Green: I'm just –. I don't know what to do with this comment. I'll just feel better for saying it. I'm really disappointed that we've come so close to not having a quorum every meeting, and I'm even more disappointed because we've had very few meetings. I don't believe in meeting if there's nothing to talk about, but at the same time the way things are happening that the Lanai Planning Commission is almost becoming irrelevant, and that I'm very concerned, and disappointed that it's taking so long to get new members appointed to the Council, to the Commission, to the Lanai Planning Commission.

Mr. Yoshida: I think the Deputy can express that to the administration.

Ms. McLean: We are very frustrated by it. We check in regularly. We're having the same problem on Molokai as well, and getting the same comments from the Molokai Planning Commissioners. If you can talk to your Council Member and let the Mayor's Office know. You can just do that by email, let them know, come on we need this. Because we're telling them, but, you know, that's not going far enough to get those seats filled. We don't like not having meetings. You know, it's unfair to you, it's unfair to the public, and the Department can't function. So we are pushing for it but, you know, haven't been successful in getting the seats filled, but we agree.

Mr. Ornellas: Can we go back to your list? The number one project on your list was the airport. What is that suppose to be? No, I don't think that's it. I think it's something else.

Mr. Yoshida: Well the State Department of Transportation, it's for a safety area at Lanai Airport and they asked the Planning Department for comments on their draft environmental assessment.

Mr. Green: Is it a safety area or is it an extension of the runway?

Mr. Yoshida: I believe it's a safety area. It's assigned to Mr. Prutch. Getting back to Mr. Green's safety area.

Mr. Prutch: Sorry, I'm trying to remember that one. I vaguely remember it was just a safety area. I don't know that it meant it an expansion of the runway at this time, but it sounded like additional area.

Mr. Rabaino: Yeah, the safety area since I work down there is they almost complete with the

fire and rescue. It's that little road where the truck comes in and park underneath the new building. Okay? And my understanding the State is the one. So they almost completing their, the physical part as well as putting all the hardware in the building because they have to meet their deadline by July for the grand opening. So that safety thing is referring to when the truck reverse. There's some kind of fence or post so it doesn't go pass the boundary. It's a safety when reversing. Because we've been asking a lot of questions, oh, what this gonna be, what this gonna be, and they've been telling us.

Mr. Ornellas: Can we, can you send us an email basically what that is, that is all about, from the horse's mouth instead of Jerry's mouth?

Mr. Yoshida: Well, I think they want a short synopsis of what the project entails, the scope of the project.

Mr. Ornellas: Yeah, exactly. Because, you know, safety area can also mean runway expansion especially if we're trying to fly in 757 in.

Mr. Yoshida: Yeah, kind of getting back to Commissioner Green's comments, you know, we have, I guess, the economy is still slow so we haven't received a lot of new permit applications. But, you know, it looks like we may be starting the Lanai Community Plan update very shortly. And maybe the Deputy Director might want to comment on that because once the Community Plan Advisory Committee is constituted that starts the clock for them to kind of do their 180-day review, and then it goes back to the Department. Then you have 180-days to review. So maybe the Director can comment on that aspect.

Mr. Rabaino: Letty, mic.

Ms. Castillo: Because according to that schedule it says a runway, and I don't believe that it's a runway.

Mr. Yoshida: No, it's described as safety area. However, we will send a brief scope as to what the Department of Transportation Airports Division will be doing which is a subject of this Environmental Assessment review. But the Deputy Director can comment on the Community Plan Advisory Committee.

Ms. Castillo: Because I get in communication . . . (inaudible) . . . on this and I'll ask him too.

Ms. McLean: Next week, on June 26th, the Council's Policy Committee will be discussing the nine nominees, the nine Council nominees for the Community Plan Advisory Committee. Those are Jeffrey Boltero, Christine Costalles, Deborah Dela Cruz, Joseph Felipe, Butch Gima, Ernest Magaoay, Matt Mano, Ron McOmbler, and Stanley Ruidas.

Mr. Rabaino: What is that for?

Ms. McLean: These are the CPAC members nominated by Council. They'll be heard by the

Policy Committee next week. Jeffrey Boltero, Christine Costalles, Deborah Dela Cruz, Joe Felipe, Butch Gima, Ernest Magaoay, Matt Mano, Ron McOmber and Stanley Ruidas.

Mr. Ornellas: Mr. Chair I've got a question. I thought, if you sat on a Commission that you cannot sit on another Commission.

Ms. McLean: You should –

Mr. Ornellas: No, I'm not talking about them.

Ms. McLean: You can only serve on one County Board or Commission at a time.

Mr. Ornellas: Okay, so Joe Felipe sits on the Disability Commission and now he's gonna sit on the CPAC?

Ms. McLean: It could be that he would have to resign or depending on their authority he might be able to do both. I do know that there was someone who was serving on the Charter Commission as well as another Commission.

Mr. Ornellas: Kay Okamoto.

Mr. Yoshida: I guess Kay Okamoto sat on the Urban Design Review Board and the Charter Commission.

Mr. Ornellas: That's right.

Ms. McLean: Okay, so maybe you can.

Mr. Ornellas: We've been told this for the last 15-20 years.

Ms. McLean: That was my understanding too.

Mr. Ornellas: That you could only sit on one. One board or commission at a time. You can't sit on more board. You could sit on a State Board or Commission as well as County, but you can't sit on two Counties.

Ms. McLean: That was my understanding too, but apparently that has happened before. I don't have a good answer for. I can follow up on it.

Mr. Ornellas: Please do.

Mr. Green: Are there other members or is it just the nine?

Ms. McLean: Just the nine are being proposed. Council can appoint nine, and then the Mayor appoints four. So after these nine, or after the nine are appointed by the Council, whether or

not it's these nine, then the Mayor appoints four.

Mr. Green: Could I make a comment?

Mr. Rabaino: . . . (inaudible) . . .

Ms. McLean: Yes.

Mr. Green: I'd like to make a comment. I'd like to see someone that lives in Manele or Koele who's a full time resident be a part of the –

Mr. Ornellas: CPAC.

Mr. Green: – the CPAC. There's no one from the resort.

Ms. McLean: That's a comment that you should make to the Council's Policy Committee.

Mr. Ornellas: That doesn't come from her.

Ms. McLean: Yeah that doesn't come from us.

Mr. Ornellas: It comes from the Administration.

Mr. Green: Okay. Can you relay my comment to the Mayor? Do I have to send a letter to the Mayor?

Ms. McLean: This isn't something the Mayor has proposed. This is what Council Member Hokama has proposed, so that comment should go to the Policy Committee or to Council Member Hokama.

Mr. Ornellas: I have a complaint too. I mean, there's no – in the 1993 CAC, the CPAC which I sat, we had students also participating and they have no students participating so I'd like to see younger people on it instead of the same old farts that sit on these committees.

Ms. McLean: So I'm bringing this up to you so that you can offer your comments to the Policy Committee or to Council Member Hokama.

Mr. Green: Who put together this list?

Ms. McLean: I believe Council Member Hokama.

Mr. Rabaino: What is the requirements or the members to be on that CPAC? Because if I remember correctly they went as high as 13.

Ms. McLean: There are 13 all together.

Mr. Rabaino: That's 13?

Ms. McLean: No this is nine, and then the Mayor appoints four.

Mr. Rabaino: To make it 13.

Ms. McLean: To make 13.

Mr. Rabaino: And the four that the Mayor chooses is by recommendation of the Council?

Ms. McLean: No, he chooses his own.

Mr. Rabaino: Okay, so it's like rewarding somebody who campaigned for him in other words.

Ms. McLean: One other follow up I had you had asked at a previous meeting about paving the road to the recycling center. I did talk with Public Works and they will – they need to get a new shipment of material but they will coal patch the road when they can, when they get new material. But Public Works working together with Environmental Management who actually runs the recycling center are budgeting together for it, but not until FY14. So a complete resurfacing which is what is needed won't happen for another year. But in the mean time, they will coal patch it. To the recycling center. Don't shoot the messenger, I'm just following up.

H. NEXT REGULAR MEETING DATE: July 18, 2012

I. ADJOURNMENT

Mr. Rabaino: Okay, the move was made by Letty to adjourn the meeting, and David Green will second the motion. And the time is – what is the time? 8:20 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:20 p.m.

Respectively submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Leticia Castillo
David Green
Michael Lopez
John Ornellas
Gerald Rabaino, Chair

EXCUSED:

Joelle Aoki
Shelly Barfield

OTHERS:

Michele Chouteau McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator, Current Planning Division
Joseph Alueta, Administrative Planning Officer
Joseph Prutch, Staff Planner
James Giroux, Deputy Corporation Counsel, Department of Corporation Counsel