



MAKAKILO/ KAPOLEI/ HONOKAI HALE NEIGHBORHOOD BOARD NO. 34

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
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**REGULAR MEETING AGENDA
WEDNESDAY, JANUARY 23, 2008
KAPOLEI HIGH SCHOOL CAFETORIUM
91-5007 KAPOLEI PARKWAY
7:00 P.M.**

(Note: As required by the State Sunshine Law, specific issues not listed on this agenda cannot be discussed and board action cannot be taken until item is properly noticed.)

PUBLIC INPUT – 1 MINUTE PER PERSON PER SUBJECT - COMMUNITY AND BOARD MEMBERS

- 1. CALL TO ORDER: ACTING BOARD CHAIR KIONI DUDLEY**
- 2. FILLING OF BOARD AT-LARGE VACANCY (FOR TERM THROUGH MAY 31, 2009)**
- 3. ELECTION OF BOARD CHAIR AND OTHER OFFICERS (IF NEEDED-FOR TERM THROUGH MAY 31, 2008)**
- 4. MONTHLY REPORTS, PART I – Limit 3 minutes each**
 - A. Honolulu Fire Department – HFD
 - B. Honolulu Police Department – HPD
 - C. Mayor’s Representative – Henry Eng
- 5. CHAIR’S REPORT**
- 6. APPOINTMENT OF TIMEKEEPER**
- 7. PRESENTATIONS – PART I – For Informational/Discussion/Action**

"Everything as We Know it Will Change" -- How will Hawai'i and the world adapt to the convergences of (1) the end of cheap oil and gas; (2) collapsing, poisoned and polluted ecosystems (3) runaway global climate changes and rising seas, and (4) financial system breakdowns?" a slide presentation by Professor Ira Rohter. 20 minutes.
- 8. FORMATION OF A REGIONAL NEIGHBORHOOD BOARD PERMITTED INTERACTION GROUP–** Dr. Kioni Dudley - The scope of the matter to be investigated by this regional Neighborhood Board interaction group is "How anticipated housing development will affect freeway traffic, and the impact this will have on the lives of people in the region. The Regional Interaction Forum will also look at solutions and recommend positions for involved Neighborhood Boards." Each member is authorized 1) to participate in the organizing of the regional interaction forum, and to hold any office or position, and to perform the tasks required by that office or position; 2) to help decide issues to be studied, and experts to be brought in to better educate the group about the issues--voices pro and con--governmental decision makers, affected stakeholders, and others; 3) to participate freely in all discussions, to participate in all other activities, and to vote on matters discussed in the Forum; 4) to help determine what matters will be referred to the Neighborhood Boards for their vote; and 5) to make presentations or observations to this Neighborhood Board, whether pro or con, or supporting the majority or minority opinion, Forum-approved or personal, about any matter discussed by the Regional Interaction Forum. . (See attached additional material) 10 minutes.



9. PRESENTATIONS – PART II – For Informational/Discussion/Action

- A. Expansion of quarry on Pu'u Makakilo. Mark Schnabel (3 minutes) Other community member (3 minutes) Grace Pacific (6 minutes) —the question of whether to support expansion and possible conditions to be set on approval.
- B. Support for a permit for a parade on Kuhio Day to celebrate the opening of DHHL building – Shirley Swinney (2 minutes)

10. COMMUNITY CONCERNS AND ANNOUNCEMENTS

11. BOARD BUSINESS

- A. Approval of Regular Meeting Minutes for October 24, 2007 and December 5, 2007
- B. Transportation Committee Projects - Michael Golojuch
- C. Parks and Recreation Committee Projects – Brent Buckley
- D. Planning & Zoning Committee – Evelyn Souza
- E. Education Committee – Suk Moses
- F. Treasurer's Report – George Yamamoto

(Note: It is very likely that we will not be able to hear oral presentations for items #12 and #13 due to the anticipated lengthy discussion of the items above. It is suggested that copies of written reports be submitted.)

12. MONTHLY REPORTS, PART 2 – Limit 3 minutes each

- A. Councilmember Todd Apo
- B. Councilmember Nestor Garcia
- C. Governor's Representative – Linda Smith
- D. Board of Water Supply (BWS) – George Kuo
- E. Senator Mike Gabbard
- F. Representative Sharon Har
- G. Representative Karen Awana

13. MONTHLY REPORTS – PART 3 – Limit 3 minutes

- A. HCDA Report – Tesha Malama, Director of Planning and Development, Kalaeloa

14. ANNOUNCEMENTS:

- A. Videotape of Board meetings are scheduled to be shown on 'Olelo cable television Channel 54, Saturdays at 6:00 p.m.

15. ADJOURNMENT – 9:45 p.m.

If you would like to receive this Board's agenda and minutes, please contact the Neighborhood Commission Office, Honolulu Hale, Room 406, Honolulu, HI 96813; call 768-9710; or fax 768-3711 to be added to the mailing list or visit www.honolulu.gov/nco/index1.htm.

Any individual wishing to attend a Neighborhood Board meeting who has questions about accommodations for a physical disability or a special physical need should call the Neighborhood Commission Office at 527-5749 between 8:00am and 4:00pm., at least 24-hours before the scheduled meeting. [Attached Material on Permitted Inter-action Group:](#)

This letter was sent to chairs of the seven Neighborhood Boards listed in the letter on January 4, 2008, and to those members of the seven boards who had email on January 9, 2008. The letter will explain quite completely what is intended.

January 9, 2008

Aloha, Fellow Neighborhood Board Member,

There are a number of problems that reach beyond the boundaries of individual Neighborhood Boards and which really need to be addressed regionally, such things as traffic, development, land use, water, and the future of our area.

Regional meetings that would bring together several Neighborhood Boards could far more effectively study such regional problems, bringing in experts from all sides and fully airing issues.

Regional meeting could bring many advantages. Open to the public, advertised, and shown on television, they could attract great grass-roots participation. Being regional, they would involve a greater number of council persons and legislators, who would have a greater collective voice in those legislative bodies. And when the findings of the regional meetings were supported by the vote of multiple Neighborhood Boards, they would have more clout.

The current Neighborhood Plan orients Boards to discuss matters within their own boundaries. This needs to be changed. In the meanwhile, however, Boards can work together through committees or Permitted Interaction Groups or individuals from each board. There are advantages and disadvantages to each. Committees can be larger, but each board must publicly notice each committee meeting. The Permitted Action Group is more flexible, but membership is limited to one less than the quorum of a board. Individuals can represent their boards, but the Sunshine Law limits multiple Board members attending meetings about matters that may come before that Board.

At this time, the simplest, completely legal method by which Board members can meet together seems to be for each board to form a Permitted Interaction Group and to send the group to represent it.

This letter, then, is to propose the formation of a Neighborhood Board Regional Interaction Forum which will meet monthly, with its initial meeting in early March. The forum will be composed of permitted interaction groups, committees, or individuals (depending on the choice of each board) which will represent each board, and will regularly report back to the boards the findings and actions suggested by the Forum.

The topic to be studied by a Permitted Interaction Group must be defined; and separate, new Permitted Interaction Groups must be appointed to study any new problem not included in the definition. It is suggested that the topic approved by OIP (the Office of Information Practices which oversees the Sunshine Law applications) which is found in the letter below, be the initial topic for study by the Forum. That topic is: "How anticipated housing development will affect freeway traffic, and the impact this will have on the lives of people in the region. The Regional Interaction Forum will also look at solutions and recommend positions for involved Neighborhood Boards."

This proposal for a Regional Interaction Forum is being sent to members who have e-mail from these Boards: Makakilo-Kapolei-Honokai Hale, Wai'anae Coast, 'Ewa, Waipahu, Mililani-Waipio, and Mililani Mauka, Wahiawa-Whitmore Village, and North Shore.

It is proposed that each Board initially send two members to a first planning meeting. The place, date, and time of the Forum meeting will be announced.

Should your Board decide to form a Permitted Interaction Group to attend the Regional Interaction Forum meetings, you should find the correspondence with OIP, below, helpful as a guide in that formation. When reading the material, it will be helpful to keep in mind that the individual board forms its own Permitted Interaction Group (e.g. the "Neighborhood Board #34 Regional Interaction Group") which then attends meetings of the "Regional Interaction Forum."

If you have any questions, please feel free to call me at 672-8888.

Dr. Kioni Dudley

Acting Chair, N.B. #34
Makakilo-Kapolei-Honokai Hale

Immediately below is the wording for "forming a Permitted Action Group to attend Neighborhood Board Regional Interaction Forum meetings" which I sent to OIP for their comment and approval:

Attn: Lorna
From: Dr. Kioni Dudley
Phone 672-8888
E-mail: DrKioniDudley@hawaii.rr.com

Lorna, these are the November 30, 2007 Revisions. Please re-read the entire thing. I have made changes in four paragraphs.

Creation of a Regional Inter-action Group for N.B. #34

Hawaii Revised Statutes Article 92-2.5 (b) provides for the establishment of Permitted Interaction Groups. It states:

Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

- 1) Investigate a matter relating to the official business of their board; provided that:
 - A) The scope of the investigation and the scope of each members' authority are defined at a meeting of the board;
 - B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
 - C) Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which findings and recommendations of the investigation were presented to the board.

Tonight, I, as chair,^[1] am establishing a permitted interaction group which will meet in a forum with permitted interaction groups or committees or individuals^[2] from other neighborhood boards^[3] to investigate the first of a series of regional problems that affect our area.^[4] Permitted Interaction Groups are formed to discuss defined topics. It is anticipated that this Board will appoint subsequent interaction groups to tackle other regional problems in regional interaction forum meetings.

This permitted interaction group shall be called the N.B. #34 Regional Interaction Group. At this meeting, I name as members to the N.B. #34 Regional Interaction Group the following individuals: Dr. Kioni Dudley, Chair; and _____^[5].

The scope of the matter to be investigated by this first regional interaction group will be how anticipated housing development will affect freeway traffic, and the impact this will have on the lives of people in the region. The Regional Interaction Group will also look at solutions and recommend positions for involved Neighborhood Boards.

Defining the scope of each member's authority: Each member is authorized 1) to participate in the organizing of the

regional interaction forum, and to hold any office or position, and to perform the tasks required by that office or position; 2) to help decide issues to be studied, and experts to be brought in to better educate the group about the issues-- voices pro and con--governmental decision makers, affected stakeholders, and others; 3) to participate freely in all discussions, to participate in all other activities, and to vote on matters discussed in the Forum; 4) to help determine what matters will be referred to the Neighborhood Boards for their vote; and 5) to make presentations or observations to this Neighborhood Board, whether pro or con, or supporting the majority or minority opinion, Forum-approved or personal, about any matter discussed by the Regional Interaction Forum.

This Regional Interaction Group will report to this Board at its monthly meetings on topics discussed in the Regional Interaction Forum.

Findings, recommendations, and matters referred to this Board for Board vote will be presented at one meeting, and duly noticed on the agenda for the following meeting for deliberation and decision making. All deliberation and decision making on these matters shall take place at that following meeting.

This N.B. 34 Regional Interaction Group will exist until a final report on the topics defined in paragraph five above, "The scope of the matter to be investigated" is brought before this Board.

^[1] OIP March 31, 2005 letter to Mr. Lawrence R. Bartley: "OIP interprets the language 'may be assigned' to mean that it is not necessary that there be a vote of the board to form the investigative committee."

^[2] Less than the number required for a quorum from any neighborhood board.

^[3] This wording is used in order to allow other boards choose their own approaches to sending participants to the Regional Interaction Group. Although the regional meetings will be widely publicized in order to attract maximum public participation, boards which set up permitted interaction groups for these meetings, rather than setting up committees, will avoid the Sunshine Law obligation placed upon *each* committee to properly notice *each* meeting with a published agenda.

A value in each board formalizing its representative group is that boards can then work together through a legally constituted forum, and their joint approval of recommended positions should not be questioned.

^[4] These regional problems include but are not limited to traffic, development, land use, water, resources, culture, environment, and the future of our area. Problems to be discussed by future permitted interaction groups will be suggested by the members of the Regional Interaction Forum as investigations progress.

^[5] The letter from OIP to Bartley, mentioned above, states: "OIP has opined that it is necessary for the members of an investigative committee to be identified by the Board at a regular meeting."

The statute does not address non-board members. However, as precedent, the Neighborhood Commission appoints non-commission-members to its permitted interaction groups.

Two members from each board will put sixteen members at the table when eight boards send representatives. Although each board can send more, this number is suggested for the initial meeting.

Below is a response letter from OIP to the material above.

11/30/2007

Dr. Dudley,

I have reviewed the latest draft, dated November 30, 2007, of the proposal to create a regional inter-action group for NB #34 and believe that this draft complies with section 92-2.5(b)(1), HRS, that allows members of a board to be assigned to investigate a matter of board business as a permitted interaction outside of a public meeting. Specifically, the proposal complies with this statute's requirements by recognizing that the group will be assigned to investigate a defined topic, as specifically identified in the proposal, and will cease to exist upon reporting its findings and recommendations to the board. Furthermore, the proposal also complies with the statute's requirement that the establishment of an investigative group must provide for three board meetings, namely the first meeting when the investigation and each group member's scope of authority are defined, the second meeting when the group presents its findings and recommendations to the board, and the third meeting when the board will conduct its deliberation and decision making on the matter investigated.

Please contact the OIP if you have further questions on this matter.

Very truly yours,

Lorna Aratani
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