

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	February 14, 2019
Location	Mo'ikeha Building – Meeting Room 2A/2B		Start of Meeting: 1:01 p.m.	End of Meeting: 3:31 p.m.
Present	<p>Chair Karen Ono. Members: Theodore Blake, Dorothy Hayashi (<i>left at 3:22 p.m.</i>), Jett Jasper, Nancy Kanna, Erica Taniguchi and Herman Texeira.</p> <p>Planning Department Staff: Planning Director Ka'aina Hull, Deputy Planning Director Jodi Higuchi-Sayegusa (<i>arrived at 1:03 p.m.</i>), Duke Nakamatsu and Nani Sadora. First Deputy County Attorney Nicholas Courson. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.</p>			
Excused	Vice Chair Shaylyn Kimura.			
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Ono called the meeting to order at 1:01 p.m.
Roll Call	The meeting commenced with a roll call of the Commissioners.			Seven Commissioners were present, which constituted a quorum.
Approval of Agenda	Planning Director Ka'aina Hull requested to amend the agenda and move New Business I.7. to discuss before I.1.			Mr. Texeira moved to approve the agenda, as amended. Ms. Kanna seconded the motion. Motion carried 7:0.
Minutes of the Meeting(s) of the Open Space Commission	<u>D.1.</u> Meeting minutes of January 10, 2019.			Mr. Blake moved to approve the January 10, 2019, minutes as circulated. Ms. Taniguchi seconded the motion. Motion carried 7:0.
Receipt of Items For The Record (None)	There were no items to receive for the record.			
Hearings and	<u>F.1.</u> All remaining public testimony pursuant to HRS 92 (Sunshine Law).			

SUBJECT	DISCUSSION	ACTION
Public Comment	Seeing no one, Mr. Hull moved on to the next agenda item.	
Communication (For Action) (None)	There were no communications.	
Unfinished Business	<p><u>H.1. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund.</u></p> <p>Mr. Hull clarified that recent Charter Amendment that passed allows this fund be used for two reasons;</p> <ol style="list-style-type: none"> 1. Improvements for acquisition. 2. Improvements for existing coastal accesses. <p>Mr. Hull clarified the three part process;</p> <ol style="list-style-type: none"> 1. Charter Amendment passed at the November 6, 2018 General Election. 2. Amend the Ordinance to reflect the Charter Amendment. 3. Amend Open Space Administrative Rules and Regulations. <p>Mr. Hull said the next step is to amend the Open Space Ordinance now that the Charter Amendment passed at the November 6, 2018 General Election. He said at the last meeting the Commission expressed concern with Section (c) <u>The moneys in this fund may also be used to improve public pedestrian access to coastal areas</u> and the lack of limitations on the expenditure of the fund. The Department reviewed and looked at potential limitations that could be placed on coastal accesses and added the following to Section (c) <u>Improvements to existing public pedestrian coastal accesses shall be limited to fencing, signage, demarcation and parking.</u> However, the Department strongly recommended to the Commission that they do not adopt any limitations on fund expenditures or acquisitions. He said placing limitations could defeat the purpose of the acquisition because an area may be purchased for cultural preservation, heritage resources, recreation; an array of different purposes and it may limit</p>	

SUBJECT	DISCUSSION	ACTION
	<p>what can be done to improve these potential parcels.</p> <p>Mr. Hull explained that the next agenda item is the possible formation of a PIG group to discuss these limitations.</p> <p>Mr. Blake asked if Open Space Commission approval was required before the County Council expends funds. Mr. Hull explained that the Charter and Ordinance regarding expenditures from these funds do not need to be approved by this Commission; however, it does require County Council approval. He offered that the Planning Department could research and suggest a proposal that the Open Space Commission review all proposals for acquisitions or expenditures.</p> <p>Ms. Kanna commented on the potential concern that Open Space may be expected to fund plaques and signage on other acquisitions or improvements. Mr. Hull stated this would not set a precedence and explained that initially this came about after the Commission was questioned on how they intended to maintain these accesses and properties. Mr. Hull said Open Space has acquired only two properties, Black Pot and the recent purchase of the Kekaha Cemetery.</p> <p>Mr. Hull asked for a deferral so the Department could draft additional language to include that the Open Space Commission review all proposals for acquisitions or expenditures.</p>	<p>Mr. Blake moved to defer item H.1. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund to the March 14, 2019 meeting. Mr. Teixeira seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>New Business (For Action)</p>	<p><u>I.7. Possible formation of a permitted interaction group pursuant to Hawai'i Revised Statutes Section 92-2.5(b)(2) to review and discuss a Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund and possible language to qualify the uses of the fund for improvements.</u></p> <p>Mr. Hull explained that this was placed on the agenda in case the Commission desired to form a PIG to further discuss the limitations on the funds expenditure.</p>	<p>Mr. Texeira moved to defer item I.7. Possible formation of a permitted interaction group pursuant to Hawai'i Revised Statutes Section 92-2.5(b)(2) to review and discuss a Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund and possible language to qualify the uses of the fund for improvements to the March 14, 2019 meeting. Mr. Blake seconded the motion. Motion carried 7:0.</p>
	<p><u>I.1. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund to increase minimum annual appropriation of certified real property tax revenues of one half of one percent (0.05%) to one and one half percent (1.5%).</u></p> <p>Mr. Hull recommended the Commission defer this item until April when the budget process is</p>	

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	<p>anticipated to be completed by the administration and finance team. Until that time the Department would not support the increase to 1.5%, as recommended by the Commission. Mr. Hull stated that if there was no surplus to cover the additional 1.0% the County Council could ask the Commission what departments would be affected, what services could be cut, or what type of tax should be imposed in order to accommodate this request.</p> <p>Ms. Hayashi recalled that the County Council asked Open Space to give up the 1.0% because they needed the funds and didn't understand why it would be so difficult to ask for the 1.0% back. Mr. Hull explained the County Council took the 1.0% to make up for loss revenue and it was needed for services in other areas. He further explained that the reduction of revenue from the Transient Accommodation Tax that was capped by the State Legislature affected the County's revenue and the ability to balance the budget.</p> <p>The Commissioners talked at length and shared their views and opinions:</p> <ol style="list-style-type: none"> 1. The County Council used Open Space funds without their consent to purchase the Black Pot parcel. 2. Reduced percentage from 1.5% to 0.5%. 3. Feel that their volunteer time on the Commission is unappreciated. 4. The impression is that Open Space is not a high priority. Strongly urge the County Council to place Open Space as a high priority. 5. They volunteer their time because they believe in Open Space and if this Commission is not validated there should be no Open Space Commission. 6. Want to pressure the County Council to find out how they view the Open Space Commission. 7. Tourist are attracted to the island because of the open space. 8. Open space is important for the local people that live here and for future generations. 9. Open space sustains the island, culture, people and hospitality industry. 10. The fact is that the County always has funds and the distribution of these funds is if the department or service is a priority. 	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Hull stated that the Commission could submit communication to the Mayor, the Administration and financial team to include a 1.5% allocation from the real property taxes to the Open Space fund. He said the Open Space Commission position is an advisory role in the funds and the County Council has the authority to approve expenditure of these funds.</p> <p>Mr. Hull suggested the Chair or Commissioner's meet offline with the County Council to express their frustrations and concerns and Mr. Courson concurred that one or two Commissioners could meet with the County Council. Ms. Kanna volunteered to meet individually with each County Council member and establish a relationship with them; the Commission unanimously agreed.</p> <p>Mr. Hull stated he would send an email conveying this meetings discussion and focus on the 1.5% to the Mayor, Finance Director and Managing Director.</p> <p>Chair Ono called for the question.</p>	<p>Mr. Blake moved to defer item I.1. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund to increase minimum annual appropriation of certified real property tax revenues of one half of one percent (0.50%) to one and one half percent (1.5%). Ms. Hayashi seconded the motion.</p> <p>Motion carried 7:0.</p> <p>Mr. Teixeira moved to approve the Department compose a letter to Mayor Kawakami, Director of Finance and</p>

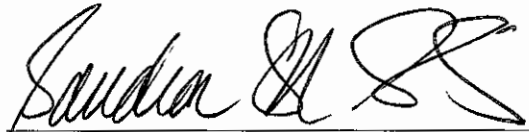
SUBJECT	DISCUSSION	ACTION
		<p>Managing Director summarizing the Commissions discussion and reinstate the 1.5% fund allocation and authorize Chair Ono to review and sign. Mr. Blake seconded the motion. Roll Call Vote 5:2 (Nay – Hayashi and Kanna)</p>
	<p><u>I.2.</u> Update and discussion regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:065.</p> <p>This is the front parcel that is closest to the road and where it was once occupied by a service station.</p> <p><u>I.3.</u> Update and discussion regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:071.</p> <p>This is the back parcel, where the massacre occurred.</p> <p>Ms. Sadora shared that the last update on this was in November 2018 and since then the original contact retired. In December 2018 the new contact person responded that the County’s appraisal was below the anticipated sales price that they expected. Ms. Sadora said she communicated back to them that if the sales price was higher, would they consider selling only the back parcel lot, where the massacre occurred. She said there were multiple unanswered phone calls and emails to the new contact person and to date, she has not received a response back. The only communication with the owners were the transmittal of the appraisal and the Planning Department report.</p> <p>The Commission speculated that the front parcel may contain oil contaminates since a service station occupied that area and therefore there could be a possible negotiation of the price.</p>	<p>Ms. Hayashi moved to receive item I.2. Update and discussion</p>

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	<p>Chair Ono called for a recess at 2:36 p.m. Chair Ono called the meeting back to order at 2:46 p.m.</p>	<p>regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:065. and I.3. Update and discussion regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:071. Ms. Kanna seconded the motion. Motion carried 7:0.</p>
	<p><u>I.4. Update and discussion regarding acquisition of the Kekaha parcel further identified as Tax Map Key (TMK) (4) 1-2-013:41.</u></p> <p>Ms. Sadora congratulated the Commission on the successful acquisition of the Kekaha parcel. Deputy Planning Director Jodi Higuchi-Sayegusa said the purchase closed on February 4, 2019 and she was in possession of both deeds that have been stamped and recorded by the Bureau of Conveyances.</p> <p>Ms. Sadora explained that the purchase involved two parcels, the cemetery and adjacent property. She said the Kekaha Gardens initially expressed interest; however, through the West Kaua‘i Community plan other groups have expressed interest in the stewardship agreement. Ms. Sadora said she will work with Mr. Hull to come up with a plan and report back to the Commission.</p> <p>Mr. Jasper recommended a press release to announce this acquisition in the Garden Island Newspaper. The Commission unanimously agreed and the Department would work with the Public Information Officer (PIO).</p>	<p>Ms. Kanna moved to receive item I.4. Update and discussion</p>

SUBJECT	DISCUSSION	ACTION
		<p>regarding acquisition of the Kekaha parcel further identified as Tax Map Key (TMK) (4) 1-2-013:41. Mr. Blake seconded the motion. Motion carried 7:0.</p>
	<p><u>I.5.</u> <u>Review and discussion of the existing County of Kaua'i Beach Access Map.</u></p> <p>Mr. Hull referred to a map and list that was included in the Commissions packet that identified existing and potential accesses. He said the next agenda item would form a PIG group that would work with the Department to prioritize the demarcation and possible improvement and conduct field work.</p> <p>Ms. Sadora said the "E" type or existing accesses have documentation recorded with the Bureau of Conveyances. The "P" type or potential accesses may have been identified but there is no documentation to show it was ever recorded.</p> <p>Mr. Blake asked that the traditional Hawaiian name of the area be used and the modern name placed in parenthesis and volunteered to work with Ms. Sadora to complete this.</p>	<p>Ms. Kanna moved to receive item I.5. Review and discussion of the existing County of Kaua'i Beach Access Map. Ms. Hayashi seconded the motion. Motion carried 7:0.</p>
	<p><u>I.6.</u> <u>Possible formation of a permitted interaction group pursuant to Hawai'i Revised Statutes Section 92-2.5(b)(2) to review and discuss existing beach access and their possible improvement needs that the Commission may consider for funding from the Public Access, Open Space, and Natural Resources Preservation Fund.</u></p>	<p>Ms. Kanna moved to form a Permitted Interaction Group (PIG) that would review</p>

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	<p>Ms. Hayashi left the meeting at 3:22 p.m.</p> <p>The following Commissioners volunteered to be on the PIG; Mr. Texeira, Ms. Kanna, Ms. Taniguchi and Ms. Ono. Mr. Hull explained that Ms. Sadora would contact the PIG members to schedule the meetings and suggested meeting no less than twice a month, possibly once a week.</p>	<p>existing beach accesses and recommend improvement needs that the Commission should consider for funding from the Public Access, Open Space, and Natural Resources Preservation Fund. Mr. Texeira seconded the motion. Motion carried 7:0.</p> <p>Mr. Blake moved to approve the following Permitted Interaction Group members; Mr. Texeira, Ms. Kanna, Ms. Taniguchi and Ms. Ono. Ms. Kanna seconded the motion. Motion carried 6:0.</p>
Announcements	<p>Ms. Sadora shared that the schedule for the West Kaua'i Community Plan meetings for Transportation Workshops will be held as follows and encouraged the Commissioner's to attend;</p> <ol style="list-style-type: none"> 1. Tuesday, February 26, at the Hanapēpē Library 2. Wednesday, February 27, at Kekaha Neighborhood Center. 	
Next Meeting Date and Agenda Topics for Discussion	<p>Next scheduled meeting date is Thursday, March 14, 2019, at 1:00 p.m.</p> <p>Chair Ono announced she would be absent from next month's meeting.</p> <p>Mr. Hull received the following agenda topics for February:</p> <ol style="list-style-type: none"> 1. Press release for acquisition of Kekaha parcel further identified as Tax Map Key 	

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	<p>(TMK) (4) 1-2-013:41.</p> <p>2. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund.</p> <p>3. Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund to increase minimum annual appropriation of certified real property tax revenues of one half of one percent (0.05%) to one and one half percent (1.5%).</p> <p>4. Update and discussion regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:065.</p> <p>5. Update and discussion regarding acquisition of the Hanapēpē parcel further identified as Tax Map Key (TMK) (4) 1-8-008:071.</p>	
Adjournment		With no objection Chair Ono adjourned the meeting at 3:31 p.m.

Submitted by: 
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Karen Ono, Chair

(X) Approved as circulated. 03/14/19
 () Approved with amendments. See minutes of _____ meeting.