

**Meeting Minutes**  
**Kekaha Landfill Horizontal expansion**  
**Host Community Benefits – Citizens’ Advisory Committee**  
**Meeting No. 1**  
**Kekaha Neighborhood Center, Kekaha, Kauai**

**13 April 2009**  
**Time: 6:00 – 9:30 PM, Hawaii Standard Time**

**1. MEETING OBJECTIVES**

Members of the Host Community Benefits (HCB) - Citizens Advisory Committee (CAC) met at the Kekaha Neighborhood Center to discuss how the CAC will accomplish the task of utilizing funds allocated by the County of Kauai for the Kekaha community for being the host community for the island of Kauai’s only municipal solid waste disposal facility, the Kekaha Landfill.

**2. MEETING PARTICIPANTS**

The following CAC members participated in the meetings:

Name	Voting / Non-Voting Member	CAC Member Affiliation
Allison Fraley	Non-Voting Member	Public Works Section of Solid Waste Division, County of Kauai
A. “Big Boy” Kupo Jr.	Voting Member	Kekaha Resident
Beth Tokioka	Non-Voting Member	Mayor’s Office, County of Kauai
Bruce Pleas	Voting Member	Kekaha Resident
Christobel Kealoha	Non-Voting Member	County Attorney’s Office, County of Kauai
Evelyn Olores	Voting Member	Kekaha Resident
Glenn Molander	Voting Member	Kekaha Resident
Jose Bulatao, Jr.	Voting Member	Kekaha Resident
Jeff Kaohi	Non-Voting Member	Waste Management District Manager
Leanora Kaiakamalie	Non-Voting Member	County Planning Department
Myra Elliott	Voting Member	Kekaha Resident
Neil Pflum	Non-Voting Member	AECOM Technical Services
Randall J. Hee	Voting Member	Kekaha Resident
Robert Jackson	Voting Member	Kekaha Resident
Walter R. Stocker	Voting Member	Kekaha Resident

**3. MEETING SUMMARY**

The following sections provide a summary of the topics discussed during the meeting:

**I. Introduction and Background**

Ms. Tokioka opened the meeting and introduced Mr. Pflum as the facilitator for the evening’s meeting. Mr. Pflum then briefly went over the agenda items for the evening’s meeting. The agenda items included providing a background of the project, adopting ground rules for the

meetings, developing a mission statement, establishing next meeting schedule, electing officers for the CAC, discussing assignments for next meeting, and listening to public comments or questions.

Mr. Pflum explained that the overall objective of CAC is to find out what the Kekaha community wants and how the \$ 650,000 HCB funds allocated for the community will be utilized for addressing the community's needs.

During the discussions CAC members expressed the view that the foundation for deciding HCB fund utilization come from the CAC and any decision regarding use of HCB funds require the confirmation from the nine voting members of the CAC. Mr. Pflum confirmed that this will be the case.

## **II. Roles and Responsibility**

Mr. Pflum led the discussion towards formalizing some of the member roles. First, the role of non-voting members discussed. Mr. Pflum asked the CAC members if non-voting members had the authority to bring motions to be discussed by the voting members.

After discussion between members it was decided that non-voting members are an integral part of the CAC and they will actively participate in discussions during the meeting, help research information for the use by the committee, provide their opinion and recommendation on matters pertaining to their expertise, point out to the members if any agenda item being discussed may have legal implications that need to be considered, and help with dissemination of information to the public regarding the CAC meetings. But, non-voting members will not have other rights such as bringing motions for the members to deliberate.

## **III. Ground Rules**

Mr. Pflum asked the members to consider certain ground rules for the meeting. He handed out a set of instructions that were an informal version of the Robert's Rules of Order to consider as ground rules. He asked the CAC members to decide what rules and guidelines they wanted to implement.

The CAC member discussion focused on adopting formal rules versus keeping the meetings informal with few ground rules. One CAC member pointed to the rules adopted by the County of Kauai Council and recommended that these be followed by the CAC. Other members favored keeping the meeting informal with few ground rules. The latter members opined that having an informal setting allows for easy discussion on pertinent matters without getting bogged down with procedures and formalities and that the role of the CAC is advisory in nature and will be better served with fewer rules. It was decided that few ground rules will be adopted and new ones adopted/added if found appropriate in later discussions of the committee.

The members discussed what would constitute a quorum and majority for the committee. After discussions it was recommended that five voting members from the nine total voting members of CAC will constitute a quorum. It was also recommended that five affirmative votes are required to constitute a majority.

The members discussed if they could confer before meetings to discuss pertinent matters regarding the meeting. It was decided that such conference are fine as long as they follow the “Sunshine Law”. Mr. Pleas asked Ms. Kealoha to find out and confirm what the CAC members have to do in order to be in compliance with the Sunshine Law. Ms. Kealoha said that she will find out and let the members know.

The members discussed attendance policy for CAC members. After discussion it was recommended that if a member is unable to attend a meeting, he/she should let the facilitator (Mr. Pflum) or the elected Chair (to be decided) of the CAC know regarding the absence.

The members also discussed the nature of the HCB funding and whether the funding would be continuing in nature. CAC members expressed the view that the funding could be continuing in nature and might then imply that the CAC needs to remain in place as long as the funding remains. They said that details of future funding need to be told to CAC members. Ms. Tokioka said that she will have additional details regarding the continuation of HCB funds by the next meeting.

The CAC members then deliberated the role of the public and when they can comment in the CAC meetings. The following different options/alternatives for public participation were discussed:

- Each member of the public would be allocated a set amount of time for each agenda item being discussed and allowed to participate throughout the meeting.
- Each member of the public be allocated a set amount of time and allowed to comment only at the beginning of the meeting.
- Each member of the public be allocated a set amount of time and allowed to comment only at the end of the meeting.
- Public be allowed at the meetings to witness the proceedings but not allowed to comment. Public comment will be sought through the survey process.
- Selected meetings that have agenda items that focus on public opinions (such as discussing which questions should go on the public survey) should be open to public comment and other meetings do not have comment from public.
- Allow a public to speak at anytime during a meeting by taking permission from majority of voting members. The public individual requests the chair for permission to speak, the chair asks for a vote, if majority of voting members agree then the individual is allowed to speak.
- The members also discussed if minutes allocated to a public individual can be transferred to another individual.

The members of CAC voted on the ground rules and passed the following rules with majority votes:

- Five voting members of CAC constitute a quorum.
- Five affirmative votes constitute a majority.
- An absence from the meeting is excused if the member gives prior notice to the Facilitator or the Chair.
- Robert’s Rules of Order will be followed by CAC members; specifically: a motion needs to be made by a voting member, then seconded by another voting member, discussed by CAC members, and then put to vote.

- Members of the public will be allowed to speak at anytime during a meeting by taking permission from majority of voting members. The public individual requests the Chair person for permission to speak, the Chair asks for a vote, if majority of voting members agree then the individual is allowed to speak.

#### **IV. Mission Statement**

Members of the CAC discussed formulation of a mission statement for the meetings.

Mr. Bulatao had the following statement prepared that acted as a starting point:

*“To serve as a community driven liaison entity empowered to set parameters and procedures that meet the legal requirements for the applications and disbursements of the host community benefit fund(s) awarded to the community of Kekaha”.*

The members then discussed modifying the above statement to come up with a mission statement that had the consensus of the CAC. The following mission statement was agreed upon after deliberation:

*“To serve as a community advisory committee to recommend projects and their administrative process for the disbursement of the HCB fund(s) allocated to, and in accordance with, the general consensus of the Kekaha community”.*

The discussion during this agenda item also focused on what projects can be chosen for implementation and the administrative processes for utilization of HCB funds.

Mr. Pflum mentioned that if the project recommended by the CAC meets the standards of the County of Kauai; the project is likely to be approved by the Mayor. Mr. Pflum also said that the CAC will recommend the nature of disbursement (example lump sum payment or establishment of a trust fund). Ms. Kealoha mentioned that she will research the funding mechanism from County officials and let the members know the details about the disbursement process (say, if the allocated funds have to be approved by the Council for the specific project recommended by the CAC). Ms. Kealoha also said that she will research what constitutes a legal method for disbursing the funding and report to the CAC members on her findings. Ms. Tokioka mentioned that disbursement to a non-profit is the traditional way that the County would give the money to the CAC. A copy of Article 3 (Standards for the Appropriation of Funds to Private Organizations) of the Kauai County Code was provided to Committee members. But, other disbursement options could be considered and the process would depend upon the specific project decided by the CAC. Mr. Pleas asked Ms. Tokioka if she could find out how the CAC could potentially obtain funding for other than non-profit option.

#### **V. Next Meeting Schedule**

The CAC members deliberated the next meeting date. The following dates and timing were decided by the members after a vote:

**Primary date: April 27<sup>th</sup> 2009 between 6:00 and 9:00 PM Hawaii Standard Time**

**Alternate date: May 11<sup>th</sup> 2009 between 6:00 and 9:00 PM Hawaii Standard Time**

The following tasks were assigned to individuals:

- Ms. Fraley would find out if the Kekaha Neighborhood Center is available for the proposed meeting dates and make reservations. The availability of the conference room will dictate whether the meeting will be held on the primary or alternate date.
- Ms. Kealoha would research the funding process with the County officials.
- Ms. Kealoha would let the CAC members know about the details of the Sunshine Law.
- Mr. Pflum asked the members to look at the handout about standards for appropriation of funds. He requested that CAC members read the handout as a homework before the next meeting

The members discussed ways in which the meetings could be better advertised to the community of Kekaha. The members decided that the following methods would be used for advertising the next meeting:

- Press release by the County.
- Flyers of the meeting agenda and timings will be posted in the Kekaha Neighborhood Center Message Board.
- Flyers of the meeting agenda and timings will be posted in the Public Library and local stores.
- “Word of mouth” advertisement by the CAC members to the local community.

## **VI. Comment from Public**

A member of the public asked for permission to speak at the meeting and was granted permission by CAC voting members.

The following main points were expressed by the commenter:

- He is one of the authors of the original legislation for the HCB.
- The County wanted to thank the Kekaha community for hosting the landfill over the years.
- The HCB was put in with the simple intent of having the funds to get something that the community wants.
- The intent is not for the CAC to deliberate rules and regulations but to act. To find out what the community wants and then to go about getting the task completed.
- He enumerated a list of projects that he had accomplished at the County and said that if the Kekaha community expresses the desire for any such projects, the County has the expertise to accomplish the task.
- The CAC meetings have to follow the Sunshine Law and that the public has to be allowed to comment. The community’s voice needs to be known.
- The CAC can take as much time as they want to come to a consensus about what the community wants.

- The funding was supposed to be continual. The new proposed budget has been submitted but there is no additional installment of HCB funds. . That should not have happened because the Kekaha community deserves the funding.

## **VII. Electing Officers and Closing Discussions**

Mr. Pflum asked the CAC members to decide which office bearer positions they want to elect and suggested that they elect the following officers:

- Chair,
- Vice-Chair,
- Secretary, and
- Treasurer

Mr. Pflum explained the roles for each position. He said that the Chair would be the main speaker and facilitator. The Chair would represent the group to the Mayor and the community. The Vice-Chair would have duties assigned by the group and would fill in for the Chair if the Chair is absent. The Secretary could help take meeting minutes and distribute requested information to the CAC members. The treasurer could handle financial questions and research funding options.

The members of CAC deliberated and decided that the posts of the Secretary and the Treasurer were not necessary for the CAC. The members decided to elect a Chair and Vice-Chair at the next meeting. The members agreed that Mr. Pflum will be the default facilitator and on meetings where Mr. Pflum may not be available, the Chair would take up facilitator's role.

It was decided that the meeting will be audio taped and Mr. Pflum will transcribe the minutes later on from the recordings. One CAC member requested that the original tapes of the meeting be preserved. Mr. Pflum also agreed to take up the role of distributing any pertinent information requested by the CAC members to the committee through email/regular mail.

One CAC member asked if the allocated funds could be awarded to the community in the lump sum so that the money can earn some interest while CAC is deciding what to do with the money. The committee discussed funding options and Ms. Fraley asked the CAC members to read the study provided to them that shows some of the funding options that could be pursued.

Election of officials was added to the agenda item for next meeting.

Mr. Bulatao said that he had prepared some sample survey questions that he would email to Mr. Pflum, who will then distribute them to the CAC members. One CAC member suggested that all CAC members should talk to the community and get a set of questions that could be included in the survey.

The meeting was adjourned at 9:30 PM Hawaii Standard Time.