

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	March 14, 2019
Location	Mo'ikeha Building – Meeting Room 2A/2B		Start of Meeting: 1:03 p.m.	End of Meeting: 3:31 p.m.
Present	Chair Pro Tem Shaylyn Kimura. Members: Theodore Blake, Dorothy Hayashi, Nancy Kanna, Erica Taniguchi and Herman Texeira. Planning Department Staff: Planning Director Ka'aina Hull, Deputy Planning Director Jodi Higuchi-Sayegusa, Duke Nakamatsu and Nani Sadora. First Deputy County Attorney Nicholas Courson. Office of Boards and Commissions: Administrator Ellen Ching (arrived at 1:08 p.m.) and Commission Support Clerk Sandra Muragin.			
Excused	Chair Karen Ono and Commissioner Jett Jasper.			
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Pro Tem Kimura called the meeting to order at 1:03 p.m.
Roll Call	The meeting commenced with a roll call of the Commissioners.			Six Commissioners were present, which constituted a quorum.
Approval of Agenda				Mr. Texeira moved to approve the agenda. Ms. Kanna seconded the motion. Motion carried 6:0.
Minutes of the Meeting(s) of the Open Space Commission	<u>D.1. Meeting minutes of February 14, 2019.</u>			Mr. Texeira moved to approve the February 14, 2019, minutes as circulated. Ms. Taniguchi seconded the motion. Motion carried 6:0.
Receipt of Items For The Record (None)	There were no items to receive for the record.			
Hearings and	<u>F.1. All remaining public testimony pursuant to HRS 92 (Sunshine Law).</u>			

SUBJECT	DISCUSSION	ACTION
Public Comment	Seeing no one, Planning Director Ka'aina 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 the recent Charter Amendment that passed allowed this fund to 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 said subsection (d) <u>Any moneys used in this fund shall be first reviewed by the Public Access, Open Space and Natural Resources Preservation Fund Commission prior to expenditure</u>, was added at the request of Mr. Blake from the last meeting. He explained that the process would require approval from the Commission first and then it would need to be sent to the County Council for their review and approval. Mr. Blake wanted notification during the County Council's discussion period and not only when funds would be used. Mr. Hull clarified that both the Charter and Ordinance outlined that the Open Space Commission had the right to advise and recommend expenditures of the Open Space fund to the County Council. Item (b) would add a requirement that the County Council consult with the Open Space Commission prior to expenditure. He said there is no rule or law that states this must be done. Mr. Hull said if there is no further recommendations the Department asked for a motion to approve and submit to the County Council. He explained that until this ordinance is approved by the County Council none of the improvements for existing coastal accesses can be done.</p>	<p>Mr. Blake moved to approve the Bill for an ordinance amending Chapter 6, Article 14, Kaua'i County Code 1987,</p>

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	<p>Chair Pro Tem Kimura asked if the language used sufficed, knowing the concerns of the Commission. Mr. Hull replied that the language is as much as they would allow because the County Council had authority over the Open Space funds and they have the option to consider recommendations from this Commission, or not. Should the County Council adopt this ordinance they would only consult with the Commission; they do not require approval from the Commission.</p> <p>Chair Pro Tem Kimura questioned the words “<u>shall be first reviewed</u>” in subsection (d) and said the word “review” could be satisfied with just an email communication from the County Council. Mr. Blake asked First Deputy County Attorney Nicholas Courson if stronger language could be used. Mr. Courson said that he could draft subsection (d) with the language that the Commission wanted; however, the County Council would probably kill this ordinance and further push back the ability to improve the coastal accesses. Ms. Hayashi agreed that this would be the best language that the Department could offer for the County Council to accept and she is satisfied with how it is written.</p> <p>Mr. Hull said based on the conversation from the Commission as a whole, he suggested they take out subsection (d) and forward the ordinance to the County Council. He expressed an urgency to not hold it up and to not delay the ability to review improvements to coastal accesses. He said the Department would draw up another ordinance specifically for subsection (d) that the Commission could review at the next meeting.</p> <p>Mr. Hull estimated the process would take about a year before any improvements could start. He reviewed the following timeline.</p> <ol style="list-style-type: none"> 1. Two to three months to get the ordinance to the County Council. 	<p>as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund, as circulated. Ms. Kanna seconded the motion.</p>

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	<p>2. One to two months to schedule public hearings. 3. Two to three months or longer for the Commission to amend the rules. 4. One month to be reviewed by the Small Business Regulatory Review Board on O'ahu.</p> <p>The Commission could start submitting improvement recommendations to the County Council, once these steps are done.</p> <p>Mr. Texeira asked that "professional courtesy and decorum" be inserted into the language. Mr. Hull suggested "aside from the Charter Amendment as a courtesy to the volunteers and work that occurs at the Open Space Commission the amendment is being proposed to ensure that the Commission is part of the process" be inserted into Section 1., the area that describes the purpose of the ordinance.</p> <p>The Commission discussed approving the ordinance with subsection (d) and at a later date changing the language, to which the Department recommended against that option and advised that they may not be able to gain more leverage should this ordinance be approved. The Department recommended the removal of subsection (d). Chair Pro Tem Kimura favored the approach to raise the level of open dialogue with the County Council members. She said the Commission should continue to move forward and make gains in establishing a healthy two way relationship with the County Council members.</p> <p>Ms. Taniguchi conveyed that dialogue between the County Council and Open Space Commission should already exist; however, since her tenure on the Commission she has not witnessed any type of acknowledgement from them. She viewed her position on the Commission as a vital link between the voices of her community and expressed disappointment in that it was not being heard at the County Council level. Mr. Hull said dialogue with the County Council would depend on the project and the only way to ensure that this Commission is included in these dialogues is to become an approving body. Mr. Hull said based on the discussions, the Department would recommend to remove subsection (d) in its entirety and to work the language on a separate ordinance.</p>	<p>Mr. Blake motioned to withdraw his motion. Motion</p>

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		<p>carried 6:0.</p> <p>Ms. Kanna moved to approve the 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, with an amendment to remove subsection (d) in its entirety. Mr. Blake seconded the motion. Motion carried 6:0.</p>
<p>New Business (For Action)</p>	<p><u>I.1. Briefing on a project to update the County of Kaua'i Coastal Access Inventory.</u></p> <p>Deputy Planning Director Jodi Higuchi-Sayegusa reviewed the project with the Commission. She informed the Commission that they found detailed information about some of the accesses and the last inventory was done in 1991. They also discovered unused grants from previous years that were not used through the Coastal Zone Management program. These funds must be used by June 2020. Ms. Higuchi-Sayegusa said they received approval to use these funds for this project and are now in the process of drafting the scope of work.</p> <p>She outlined the required steps as follows;</p> <ol style="list-style-type: none"> 1. Draft an overview of the project. 2. Planning Department approves the project and use of funds. 3. Procurement process, write up scope of work, complete a Request for Proposals (RFP). <p>Ms. Higuchi-Sayegusa explained that they received an example of their RFP from Maui that they will be using. She said that most of the grant funds would be spent updating the list and</p>	

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	<p>involve researching that each access had been properly recorded. They are working to get to a point where the Commission can review the updated list and make a decision on the types of improvements. She said within a few months the Permitted Interaction Group should be able to identify seven accesses that could be sent to the County Council for improvement approvals. The accesses involved would be coastal accesses only; mauka accesses cannot be included in the grant funds.</p>	<p>Ms. Kanna moved to receive the project to update the County of Kaua'i Coastal Access Inventory. Mr. Teixeira seconded the motion. Motion carried 6:0.</p>
<p>Announcements</p>	<p>Mr. Hull thanked Ms. Hayashi and Mr. Blake for their dedication, commitment and service to the Commission. He said they are leaving the Open Space Commission in a much better place than when they first got on and they are leaving Kaua'i a much better place. Mr. Hull commended them on the important work that they accomplished, which included the first acquisition.</p> <p>Mr. Blake announced that he and Ms. Sadora met with the National Tropical Botanical Gardens this past Monday on the Lāwa'i Kai beach access. He said they met with the Southshore visitor industry and they are supporting a plan to hold several educational workshops to train the visitors and employees about Lāwa'i Kai beach.</p> <p>Ms. Sadora asked the Commission to deposit their reimbursement checks in a timely manner to avoid the extra work needed to replace, once it expired. She also shared that the schedule for the West Kaua'i Community Plan meetings will be held as follows;</p> <ol style="list-style-type: none"> 1. Wednesday, March 27, at the Hanapēpē Library 2. Thursday, March 28, at Kekaha Neighborhood Center. 	
<p>Next Meeting Date and Agenda Topics for Discussion</p>	<p>Next scheduled meeting date is Thursday, April 11, 2019, at 1:00 p.m.</p> <p>Chair Pro Tem Kimura received the following agenda topic for March:</p> <ol style="list-style-type: none"> 1. Open Space Commission member vacancy situation. 	

SUBJECT	DISCUSSION	ACTION
Adjournment		With no objection Chair Pro Tem Kimura adjourned the meeting at 3:31 p.m.

Submitted by: 
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Shaylyn Kimura, Chair Pro Tem

(X) Approved as circulated. 05/09/19

() Approved with amendments. See minutes of _____ meeting.