

COUNTY OF KAUA‘I
Minutes of Meeting
OPEN SESSION

Approved

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	January 11, 2024
Location	Moikeha Meeting Room 2A/2B		Start of Meeting: 1:02 p.m.	End of Meeting: 2:37 p.m.
Present	<p>Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon (<i>arrived at 1:18 p.m.</i>), William Kinney, Mark Ono, and Robin Pratt.</p> <p>Deputy County Attorney Kimberly Torigoe. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa (<i>left at 2:09 p.m. and rejoined at 2:22 p.m.</i>), Planner Shelea Koga (<i>left at 2:09 p.m. and rejoined at 2:22 p.m.</i>), Staff Services Assistant Kristen Romuar-Cabico (<i>left at 2:09 p.m.</i>), and Planner Myles Hironaka (<i>left at 1:13 p.m.</i>). Office of Boards and Commissions: Administrator Ellen Ching (<i>left at 2:09 p.m. and rejoined at 2:33 p.m.</i>) and Commission Support Clerk Sandra Muragin.</p>			
Excused	Commissioner Mai Shintani.			
Absent				
SUBJECT	DISCUSSION			ACTION
	Prior to the meeting being called to order, Administrative Assistant to the County Clerk Eddie Topenio administered the Oath of Office to Anahola/Ha‘ena Council Appointee Commissioner William Kinney serving a first term ending December 31, 2026.			
A. Call To Order	Chair Kanna called the meeting to order at 1:02 p.m.			
B. Roll Call	<p>Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call;</p> <p>Commissioner Dizon was arriving late.</p> <p>Commissioner Kinney replied present.</p> <p>Commissioner Ono replied present.</p> <p>Commissioner Pratt replied present.</p> <p>Commissioner Shintani was excused.</p> <p>Vice Chair Lucas replied present.</p> <p>Chair Kanna replied present.</p>			Quorum was established with five commissioners present.
C. Election of Chair and Vice Chair	<p>Chair Kanna opened the floor to receive chair nominations.</p> <p>Ms. Pratt nominated Jonathan Lucas to serve as chair.</p>			Ms. Pratt moved to open nominations for the election of Chair. Mr. Ono seconded the motion. Motioned carried 5:0.

SUBJECT	DISCUSSION	ACTION
	<p>Chair Kanna requested the commission vote on the nomination of Vice Chair Jonathan Lucas to serve as chair for calendar year 2024. The commission unanimously voted for the nomination of Vice Chair Lucas to serve as chair for calendar year 2024.</p> <p>Vice Chair Lucas moved seating position and immediately assumed chair duties.</p> <p>Chair Lucas opened the floor to receive vice chair nominations. Mr. Ono nominated Robin Pratt to serve as vice chair.</p> <p>Ms. Pratt assumed vice chair duties.</p>	<p>Mr. Ono moved to close nominations for chair. Mr. Kinney seconded the motion. Motion carried 5:0.</p> <p>Ms. Kanna moved to open nominations for vice chair. Mr. Kinney seconded the motion.</p> <p>Ms. Kanna moved to close nominations for vice chair. Mr. Ono seconded the motion. Motion carried 5:0.</p> <p>Ms. Kanna moved to appoint Robin Pratt as vice chair for calendar year 2024. Mr. Ono seconded the motion. Motion carried 5:0.</p>
<p>D. Approval of Agenda</p>		<p>Ms. Kanna moved to approve the agenda, as circulated. Vice Chair Pratt seconded the motion. Motion carried 5:0.</p>
<p>E. Minutes of the Meeting(s) of the Commission</p>	<p>1. January 12, 2023 2. February 9, 2023 3. March 9, 2023 4. April 13, 2023</p>	<p>Ms. Kanna moved to accept the minutes of January 12, 2023; February 9, 2023; March 9, 2023; April 13, 2023 and</p>

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	5. November 9, 2023	November 9, 2023, as circulated. Mr. Kinney seconded the motion. Motion carried 5:0.
F. Receipt of Items For The Record	No receipt of items for the record.	
G. General Business	<p><u>G.1.</u> <u>Update on the proposed charter amendment to Section 19.15 to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the fund.</u></p> <p>Ms. Higuchi Sayegusa said Planner Shalea Koga and herself attended a Charter Commission meeting on December 5, 2023, to explain the proposed charter amendment that was submitted by this commission to allow 5% of the existing funds be used for maintenance. The commission would be kept updated. Administrator Ellen Ching added that amendments were finalized and sent to the clerk’s office in June.</p> <p>Ms. Kanna expressed concern that some acquired properties may absorb more of the 5% maintenance budget than others and wanted to make sure there were enough funds to meet the maintenance needs of all properties. Ms. Higuchi Sayegusa responded that should this proposal be approved; the commission would take the next steps to fine tune and amend its rules and create a process and criteria on how to allocate the 5% annually.</p>	
	<p><u>G.2.</u> <u>Review and discussion on the initial draft of the Biennial Report.</u></p> <p><u>a. Draft Biennial Report dated January 2024</u></p> <p>A 15-page draft of the biennial report was handed out prior to the start of the meeting.</p> <p>Ms. Higuchi Sayegusa pointed out that they were working on a coversheet, and it would probably include a picture of Halulu Fishpond and Kaumumene/Hideaways Coastal Access. She also needed to verify the fund balance and update the summary of proposals. She asked the commissioners if anything else needed to be added to the report.</p>	

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	<p><i>Commissioner Taryn Dizon arrived at 1:18 p.m.</i></p> <ol style="list-style-type: none"> 1. Vice Chair Pratt asked if the fund balance would be as of December 31st. Ms. Higuchi Sayegusa replied that the latest fund balance would be from July. 2. Mr. Ono asked when the report would become accessible to the public. Ms. Higuchi Sayegusa replied once the commission approved the final draft and it's transmitted to county council it becomes a public record. 	
	<p><u>G.3.</u> <u>Update on the Open Space public input process and website.</u></p> <p>Planner Shalea Koga showed an overview of how the website was set up and went through the Open Space Survey that was updated and could now be filled and submitted online.</p> <ol style="list-style-type: none"> 1. Mr. Ono asked if Ms. Koga managed the website. Ms. Koga replied yes, once the user submits the survey online, she receives a notification and uses the information provided to draft a proposal on the directors' report for the commission to review. The user also receives notification that it was submitted successfully and it's optional for the user to provide name and contact information or not. She said the public could also submit surveys by email or call the staff. 2. Mr. Ono asked if they could include in the survey that proposals could also be presented in person at a scheduled meeting. Ms. Koga replied she would include that information at the end of the survey. <p>Ms. Higuchi Sayegusa explained that all meetings were open to the public and proposals could be presented in person; however, open space rules required that a preliminary report on the proposal include the tax map key, zoning, owner, and if the acquisition would be friendly or not. These were basic information that was presented in the directors' report which gave the commission additional information to base their decision on.</p>	
	<p><u>G.4.</u> <u>Discussion on Vision and Strategies for Community Outreach.</u></p> <p>Ms. Higuchi Sayegusa said in the past the commission attended community meetings and fairs to</p>	

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	<p>interact with the public and hand out surveys to receive community suggestions on properties to acquire. She asked the commission on their thoughts moving forward.</p> <ol style="list-style-type: none"> 1. Vice Chair Pratt liked the past suggestions and asked if the county’s social media platform could include an informational post about open space. Ms. Higuchi Sayegusa replied yes, it could be done. <p>Ms. Kanna commented that times have changed and was unsure if community meetings were as popular as in the past so social media should be added as another way to interact with the public. Ms. Higuchi Sayegusa added that they would not want proposals posted on a social media platform and would advise the user to complete the survey on the website. Chair Lucas remarked that adding social media was a great idea.</p> <p>Ms. Koga remarked that they would investigate either using planning departments or open a separate new social media account for open space.</p> <p>Ms. Dizon suggested that the social media space should include updated information and pictures of all the acquired properties, stewardship agreements and maintenance. She recommended it be easy to read, understand, navigate, and include a 10-15 second video might also help to educate the public on what open space was all about.</p> <p>Mr. Ono suggested a “greatest hit” and Vice Chair Pratt suggested a series of “did you know” to highlight the years of accomplishments on the social media post.</p> <ol style="list-style-type: none"> 2. Mr. Kinney asked if permission was needed to attend community meetings. Ms. Higuchi Sayegusa replied it would be fine if quorum was not met, and they follow the guidance of HRS §92-2.5. She said they could provide a list of talking points. 3. Vice Chair Pratt asked if the stewardship information could be placed in the biennial report. Ms. Higuchi Sayegusa agreed. <p>Ms. Higuchi Sayegusa said at the March meeting they could report back with a list of talking</p>	

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	points, list of community associations, initial work on establishing a social media account and possible flyer.	
H. Communications	No communications.	
I. Unfinished Business (For Action)	<p><u>I.1. Review and discussion of possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u>I.2. Review and discussion of possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa said since the last meeting Kaua‘i Petroleum was open to a lease but not interested in selling one or both parcels.</p> <p>Deputy County Attorney Kimberly Torigoe stated that if the commission wanted to take the property by condemnation, they would first need to make a recommendation to the county council. The county council would then have to make a resolution to approve the process and the county attorney’s office would file a suit with circuit court by complaint and summons and it would be served to Kaua‘i Petroleum to answer. She said they have a six year open condemnation case. DCA Torigoe said it costs hundreds of thousands of dollars for these types of litigation. DCA Torigoe said that if the judge granted the condemnation the court would ask for a fair market value of the property and the county would have 30 days to pay or accrue interest at 5% per year. If payment was not completed in two years the county would forfeit the claim to the property and it would go back to Kaua‘i Petroleum. She cautioned the commission that should they want to proceed with condemnation they would have to stick it out until the very end because there were hefty penalties should the commission decide to back out after a while.</p> <p>Ms. Kanna requested further discussion in executive session.</p>	

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<p>K. Executive Session</p>	<p>Ms. Higuchi Sayegusa read the Hawai'i Revised Statutes to move the meeting into Executive Session.</p> <p>Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the commission and the county as they relate to:</p> <ol style="list-style-type: none"> 5. Review and discussion of possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 6. Review and discussion of possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. 	<p>Ms. Kanna moved to enter Executive Session. Vice Chair Pratt seconded the motion.</p> <p>Roll Call Vote: Ms. Dizon – Aye Ms. Kanna – Aye Mr. Kinney – Aye Mr. Ono – Aye Vice Chair Pratt – Aye Chair Lucas - Aye Motion carried 6:0.</p> <p>Open Session ended at 2:09 p.m.</p>
<p>Call To Order in Open Session</p>	<p>Chair Lucas called the Open Session meeting back to order at 2:33 p.m.</p>	<p>Quorum was established with six commissioners present.</p>
<p>I. Unfinished Business (For Action)</p>	<p><u>I.1. Review and discussion of possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua'i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p>	

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	<p><u>I.2.</u> <u>Review and discussion of possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa said the commission requested a letter be drafted and sent to the Board of Directors of Kaua‘i Petroleum.</p>	<p>Ms. Kanna moved to defer review and discussion of a possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and Review and discussion of a possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 until the March 2024 meeting. Vice Chair Pratt seconded the motion. Motion carried 6:0.</p>
<p>J. New Business (For Action)</p>	<p>No new business.</p>	
<p>L. Announcements</p>	<p><u>L.1.</u> <u>Topics for future meetings.</u></p> <ol style="list-style-type: none"> 1. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 2. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as 	

SUBJECT	DISCUSSION	ACTION
	<p>Tax Map Key (4)1-8-008:071.</p> <ol style="list-style-type: none"> 3. Vision and Strategies for Community Outreach 4. Social Media campaign update 5. Talking Points List 6. List of Community Association Meetings 7. Biennial Report 8. At-Large Position <p><u>L.2.</u> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m. or shortly thereafter, on or about March 14, 2024. The Open Space Commission anticipates this meeting to be held in-person at the Līhu‘e Civic Center, Mo‘ikeha Building 2A-2B, 4444 Rice Street, Līhu‘e, Hawai‘i, 96766. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.</p>	
<p>M. Adjournment</p>		<p>Ms. Kanna moved to adjourn the open session meeting. Vice Chair Pratt seconded the motion. Motion carried 6:0.</p> <p>Chair Lucas adjourned the meeting at 2:37pm.</p>

Submitted by: Anela Davis for Sandra Muragin
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Jonathan Lucas, Chair

(X) Approved as circulated. 03/14/2024
 () Approved with amendments. See minutes of _____ meeting.