

HAWAI'I COUNTY PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES
PRESERVATION COMMISSION

MINUTES-REGULAR SESSION
March 14, 2016
West Hawai'i Civic Center
Building G Conference Room
74-5044 Ane Keohokalole Highway
Kailua-Kona, Hawai'i 96740

Present: Chair Barbara Bell
Commissioner Kai'ena Bishaw II
Commissioner Susan Fischer
Commissioner William Meyers
Commissioner Cynthia Nazara
Commissioner Marilyn Nicholson
Commissioner René Siracusa
Commissioner Kekaulike Tomich

Absent: Vice-Chair Timothy DeLozier

Others Present: Ronald Kim, Deputy Corporation Counsel
Hamana Ventura, Property Manager, Finance
Alexandra Kelepolo, Property Management Technician, Finance
Iwaloa Chilson, Senior Account Clerk, Finance

CALL TO ORDER

The meeting was called to order by Chair Bell at 10:00 a.m.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

CHRISTIAN OMEROD

Mr. Christian Omerod spoke in regards to Communication No. 16-004 and is here in representation of his father John and mother Maryann Omerod. They recently came across comments made by Kittrena Morgan at the September 14, 2015 PONC meeting that the Apiki family was spraying round-up around the pond at Kāwā. He clarified that they are assisting the Hawai'i Wildlife Fund in clearing the area, however it's by hand and none of the clean-up involves any kind of chemicals or round-up. They are looking into forming a non-profit to clean-up Kāwā and he doesn't want this to jeopardize that in any way.

Ms. Bell asked why Ms. Morgan would make that comment. Mr. Omerod replied that since the acquisition of the property by the County in 2008, there's been a lot of arguing and they have in the past tried to dis-credit their family. Kāwā was his grandfather's home until 1919 and they are just trying to preserve the natural and archaeological resources.

Ms. Siracusa commented that if this was the Planning Commission anyone testifying would have to take an oath stating that what they say is actually true. What Ms. Morgan said will have to stay in the minutes but their letter offers the counter to that. The County did not follow up on the accusations made and it's too late now. She noted that there are two herbicides licensed by the EPA that would be safe to use, Habitat and Aquamaster.

Ms. Bell asked Mr. Omerod if he could stay until the agenda item is discussed.

APPROVAL OF MINUTES

Ms. Bell asked if there are any changes. Ms. Fischer commented that on page 4, middle paragraph, there should be a change made to the sentence stating that she will be able to attend the North Kohala CDP meeting only if the PONC March meeting is in Kona. Ms. Nicholson noted that it should stay as is since that's a record of what was said at that meeting.

Motion: Commissioner Siracusa moved to approve the minutes of January 11, 2016, regular session. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.

WRITTEN COMMUNICATION

Communication No. 16-004: Letter dated February 4, 2016 to Hamana Ventura, Property Manager, from Robert "Bobby" Stivers-Apiki, re: Attached letter dated February 3, 2016 to Timothy DeLozier, Chair, PONC, re: Request to correct the minutes of September 15, 2015

Ms. Bell asked for a motion to accept and file Communication No. 16-004.

Motion: Commissioner Siracusa moved to accept and file Communication No. 16-004. Seconded by Commissioner Tomich.

Ms. Siracusa commented that since the statement was made by Ms. Morgan at the meeting it has to remain in the minutes but the letter helps to clarify that. Ms. Bell commented that since the family has gone through a lot of trouble to correct this, can they go back to the previous minutes and put a notation referencing this communication. Ms. Nicholson added that the minutes should be left as is; she doesn't think you can go back and make changes however the motion they make now can reflect that. Mr. Kim advised that they don't go back and change the record, instead correct the record with information from the family who has firsthand knowledge of what's happening on the property.

Motion: Commissioner Nicholson moved to accept and file Communication No. 16-004 with a note that Mr. Christian Omerod did appear before the Commission and had also sent a letter in advance to give firsthand testimony that the information was in-correct about their family spraying round-up at Kāwā. Commissioner Siracusa will accept this as a friendly amendment. Seconded by Commissioner Meyers, all other members voted aye, motion carried.

Communication No. 16-005: Letter dated February 25, 2016 to Council Chair Dru Kanuha and Members of the Hawai‘i County Council, re: Transmittal of 2015 PONC Annual Report to the Mayor

Motion: Commissioner Siracusa moved to accept and file Communication No. 16-005. Seconded by Commissioner Bishaw; all other members voted aye, motion carried.

DEPARTMENT OF FINANCE REPORT

Mr. Ventura reported that since the last meeting, the lead attorney that will be handling Wai‘opae is Diana Van De Car. He also reported that we are going through an acquisition in South Kona and expect to close escrow in sixty days. Ms. Bell asked why they don’t know which property it’s for. Mr. Kim replied that the way it’s structured, PONC itself is not supposed to be involved with the negotiations and acquisition of properties. Mr. Ventura added that as a matter of practice in the past, negotiations have been confidential and once the deal’s closed they can disclose the information.

Ms. Bell asked if they will be hearing news like that for Wai‘opae. Mr. Ventura replied that the resolution was approved, we’ve submitted the paperwork to the State, Legacy Land for the grant, and everything is moving in a forward direction. Ms. Siracusa added that she and Ms. Bell testified in support of the resolution to accept the State grant funds.

OFFICE OF THE CORPORATION COUNSEL’S REPORT

Mr. Kim reported that Ms. Kelepolo provided him with the prior stewardship grant application for Pōhāhā I Ka Lani (PIKL) along with Resolution 252-15 authorizing the award of funds. In the resolution, the County Council expressly found that stewardship would allow PIKL to reduce invasive species, propagate native plants, educate users about the area’s history and culture, and provide a Hawaiian Preservation Buffer and Learning Zone. As far as education goes, there’s a Council resolution at least authorizing release of the funds to PIKL for the purpose of education.

CHAIRPERSON’S REPORT

Ms. Bell had nothing to report.

NEW BUSINESS

- **Commissioners to report to Commission of any community meetings and/or Community Development Plan (CDP) Committee meetings attended for public outreach**

Mr. Meyers reported that he and Ms. Siracusa attended the Puna CDP meeting and provided information to the committee and public. Ms. Siracusa added that their presentation was very well received and pointed out that there was no Puna properties submitted to PONC this past year. She added that they were approached by members of the public who are interested in nominating properties and wasn't aware they could apply.

Ms. Kelepolo noted that Ms. Fischer will be attending the North Kohala CDP today. She also needs one or two commissioners to attend the Kona CDP on March 30th around 2:00 p.m. Mr. Tomich replied that he will be able to attend. Mr. Meyers will also be able to attend and will come over with Ms. Kelepolo.

- **Commission to discuss, review and approve draft press release to publicize through various radio stations and newspapers soliciting suggestion forms from the public**

(the commissioners went into discussion)

Ms. Kelepolo will send out the revised press release to the Mayor's office for review.

- **Commission to discuss and review draft PONC Stewardship Grant Request Application**

Ms. Bell thanked the ad hoc committee for doing a good job on the revised application.

(the commissioners went into discussion)

Mr. Kim asked the Commission to vote so they can go into executive session.

Motion: Commissioner Siracusa moved to go into executive session. Seconded by Commissioner Fischer; all other members voted aye, motion carried.

Mr. Kim told the Commission that a couple issues came up at their last meeting and they need to look back at what gives them their powers and duties, the County Charter and the County Code. One thing that was discussed was to amend the Charter and Code to provide clarity. That wouldn't be something appropriate to do as a commissioner but in their individual capacity they could reach out to their respective councilmembers.

In the County Code, §2-217, he doesn't see that the Commission has the authority to submit the revised application to Parks & Recreation (P&R). He appreciates the fact that Ms. Siracusa and

Ms. Nicholson took the time to revise the application which is a really good step towards a better application but overall P&R makes the overall decision.

In regards to issuing a stewardship grant for two years, the restriction on a one year grant is only because it requires Council authorization. Since the stewardship grant needs Council approval anyways to award the funds, he doesn't see the harm in two years instead of one.

He appreciates the fact that they were proactive in making a better application but he doesn't see that within their duties and responsibilities. We do have to work with the current application, and the Commission could send a communication to P&R expressing their concerns. He could work with the attorney for P&R to adopt something like this or very similar.

Ms. Nicholson commented that she never thought that what they submitted today would be the final version since it would need to be reviewed by P&R. Mr. Kim doesn't want them to spend time on this if it's not within their authority since the final decision is with P&R.

Ms. Siracusa commented that she knows how long it can take from the time you submit an application to the time when you actually receive the funds. If you have to do it every year you lose impetus, volunteers and it becomes a real hardship on the non-profits. Mr. Kim can see where these groups eat up more time with administration than what they are trying to do. Another issue is with grants-in-kind where you might have trouble obtaining additional funding with only a one year commitment. As a Commission they can have this put on their next agenda to express their concerns to P&R. Ms. Bell asked if they can send the draft application to P&R now rather than waiting two more months. Mr. Kim replied that the Commission is not authorized to make these changes; it's outside of their duties stipulated in the Code. Ms. Bell noted that she doesn't see that, why can't they make recommendations. Mr. Ventura suggested that Property Management submit a request to P&R for revisions to the application made by the Commission and will report back to them at the next meeting. Mr. Kim agreed that would be the right way to do it.

Motion: Commissioner Siracusa moved to come out of executive session. Seconded by Ms. Nicholson; all other members voted aye, motion carried.

Ms. Bell asked for a motion to approve the draft stewardship grant application.

Motion: Commissioner Bishaw moved that they accept the stewardship grant request information pages as well as the grant application pages as edited. Seconded by Commissioner Siracusa; all other members voted aye, motion carried.

Ms. Nicholson asked if they need to say what happens to the draft now. Ms. Kelepolo told the Commission that they could do a motion for Finance to send draft with a cover letter transmittal to P&R.

Motion: Commissioner Nicholson moved that the now accepted draft for the stewardship program be forwarded through the Department of Finance to P&R for their consideration. Seconded by Commissioner Tomich; all other members voted aye, motion carried.

ANNOUNCEMENTS

The next meeting is scheduled for Monday, May 9, 2016, 10:00 a.m. in the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Suite #1401, Hilo, Hawai'i.

Ms. Bell set the agenda for the next meeting to include the report to the Commission of any community meetings attended for public outreach, further discussion of the grant application and report by Finance on the draft grant application to P&R.

ADJOURNMENT

Motion: Commissioner Siracusa moved to adjourn the meeting. Seconded by Commissioner Meyers; all other members voted aye, motion carried.

Meeting adjourned at 11:07 a.m.

Respectfully submitted,

Alexandra Kelepolo
Property Management Technician