

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Adopted
OCT 7 1975

Queen Liliuokalani Building
Honolulu, Hawaii

November 11, 1974 - 10:30 a.m.

COMMISSIONERS PRESENT: None

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Dennis Chong, Deputy Attorney General

Mr. Tatsuo Fujimoto, Executive Officer of the Land Use Commission, called the meeting to order.

HEARING

PETITION BY LIFE OF THE LAND TO AMEND PART I, RULES OF PRACTICE AND PROCEDURE OF THE LAND USE COMMISSION.

Mr. Fujimoto informed the audience that he was designated by the Land Use Commission as the Hearing Officer to conduct this public hearing on the petition by the Life of the Land organization to amend Part I of the Rules of Practice and Procedure of the Land Use Commission. He noted that the public hearing notice was published in the Star-Bulletin on October 25, 1974.

The Hearing Officer administered the oath to persons planning to testify at today's hearing, then called for the staff report.

Mr. Leong, staff planner presented the staff report which summarized the amendments proposed by Life of the Land and the recommendations received from the various County Planning Commissions. He noted that copies of the proposed amendments have been made available to those in attendance. (See copy of staff report and proposed amendments on file) In essence, the amendments proposed by Life of the Land contain provisions to require open meetings, make minutes available 14 days following a meeting, clarify "executive sessions" and "emergency meetings", and to require certain procedures relating to public records.

Ms. Rhoda Miller, representing the League of Women Voters then presented testimony generally in support of the proposals. She noted that in actual practice, the Commission is already doing some of the things proposed in the amendments, although these have never been included in the Commission's Rules of Practice and Procedure. She felt that some of the amendments proposed by Life of the Land are "a good deal more stringent" than the requirements of the "Sunshine Bill" proposed in the past legislative session, and believe that there was room for compromise. In conclusion, Ms. Miller stated that the League's support of the proposed amendments.

does not imply that the Land Use Commission has been negligent in this regard. She felt that in the past 5 years, this Commission has shown increased awareness of the need for openness in public participation. She commended the efforts of the Commission during the 5 year review and urged the adoption of the amendments.

Ms. Gerri Madden felt that the proposed amendments were consistent with American tradition and ideals and urged more involvement at public hearings.

Ms. Valerie Humphries, President of the Windward Action Group states that the Commission should be commended for its open hearings and urged that such meetings be incorporated in its rules. She suggested that minutes of meetings be made available at State libraries.

State Senator Jean King urged the Land Use Commission to join the University of Hawaii's Board of Regents in adopting an open meeting policy as requested in the petition. She felt that to receive adequate notice of meetings, being afforded an opportunity to be present at such meetings, and to have available minutes of these meetings are all essential to the right of the people to know what is going on.

Ms. Lola Mench, speaking for the Hawaii Chapter of the Sierra Club, expressed appreciation for the Commission's efforts during the past boundary review and urged acceptance of the proposed revisions so that the Commission would not be subjected to suspicion and criticism in all of its operations.

Mr. Tony Hodges, petitioner speaking for Life of the Land stated that the Land Use Commission staff is too small to handle the requirements of taping and providing minutes of the Commission's meetings. He contended that in some occasions in the past, tapes were not available; that minutes of meetings were not accurate; and that some minutes were not available until 3 to 4 years after the meeting. He felt that the public hearings in the past 5 year boundary review were the results brought on by enormous pressure from public groups; that the letters of intent were released because of the threat of suit; that the Land Use Commission is not an exemplary organization which must be forced to open up its proceedings to the public; that the "Sunshine Law" in Florida is stricter than the one proposed in Hawaii and is still in existence; that the Land Use Commission holds secret meetings in hotel and motel rooms prior to public hearings to "lay out what the meeting is going to be"; and that he was disappointed since the City and County was not represented at the meeting because they had indicated that they would strongly support the petition.

Mr. Hodges indicated that persons living on the neighbor island are disadvantaged since they cannot have access to the files of the Commission located in Honolulu. Since the Land Use Commission handles an enormous amount of power and money in the State, it has a responsibility to keep the public properly informed of its activities and should get the necessary staff to accomplish the job.

Mr. Fujimoto then clarified questions by Mr. Hodges and unidentified members of the audience with respect to the availability and cost of securing copies of minutes at the Land Use Commission office and closed the hearing since there was no further testimony.