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FINAL

STATE OF HAWAII

LAND USE COMMISSION MEETING

Meeting held on January 9, 2025

Commencing at 9:00 a.m.

Leiopapa A Kamehameha, State Office Tower,

235 South Beretania Street, Room 405

Honolulu, HI 96813

VI. Call to Reconvene

VII. Discussion with Anne Lopez, Attorney General of the State of Hawai'i including a clarification of the legal roles and responsibilities of the Land Use Commission's ("LUC") Staff, its Commissioners, the LUC Chairperson, and the Deputy Attorneys General who advise the LUC.

Pursuant to Section 92-5 (a) (4), HRS, the Commission may go into Executive Session in order to consult with its attorney(s) on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

VIII. Land Use Commission Staff Updates

a. Status Update on the Department of Business, Economic Development & Tourism's Proposed 2025 Budget Request as it Relates to the LUC

b. Legislative Measures Proposed by the Administration that Impact the LUC

c. Update on Yes in My Back Yard ("YIMBY") Working Group Participation

d. Update on OPSD Soil Study

e. Proposed 2023 Administrative Rules Amendments

f. Updates on LUC Staff Vacancies

IX. Adjournment

BEFORE

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PARTICIPANTS

LUC COMMISSIONERS:

Dan Giovanni, Chairman

Michael Yamane

Mel Kahele

Brian Lee

Ken Hayashida

Ku'ike Kamakea-Ohelo (via Zoom)

Bruce U'u

Myles Miyasato

Nancy Carr Smith

LUC STAFF:

Daniel Orodenker, Executive Officer

Scott Derrickson, Chief Planner

Martina Segura, Planner

Ariana Kwan, Chief Clerk

Melissa Goldman, Esquire, Deputy Attorney General

OTHER ATTENDEES:

1. Anne Lopez, Attorney General of the State of  
Hawai'i

2. James Kunane Tokioka, DBEDT Director

PARTICIPANTS CONTINUED

PUBLIC TESTIMONY:

1. Kenneth Church

1           CHAIRMAN GIOIVANNI: Aloha mai kakou.  
2 Good morning, everyone. This is the January 9, 2025  
3 Land Use Committee Meeting. This is a hybrid  
4 meeting, which is physically located at the Leiopapa  
5 A Kamehameha, State Office Tower, 235 South  
6 Beretania Street, Suite 406, in Honolulu 96813. And  
7 this meeting is open to the public.

8           Court reporting transcriptions are being  
9 done from a Zoom recording, which is in progress  
10 today.

11           For all meeting participants, I'd like to  
12 stress the importance of speaking slowly, clearly,  
13 and directly into your microphone. And before  
14 speaking each time, please state your name and  
15 identify yourself for the record.

16           This is a hybrid meeting, and please be  
17 aware that all meeting participants are being  
18 recorded on the digital record of the Zoom meeting,  
19 which will be posted to YouTube and used for court  
20 reporting purposes.

21           Your continued participation is your  
22 implied consent to be part of the public record of  
23 this event. If you do not wish to be part of the  
24 public record, you should exit the meeting now.

25           I'll also share with all participants that

1 we will be taking breaks from time to time,  
2 normally 5 minutes or so every hour, and if the  
3 meeting extends through the lunch hour, we will take  
4 a longer break for lunch.

5 My name is Dan Giovanni, and I have the  
6 pleasure to serve as the LUC Chair. And we  
7 currently have nine seated commissioners. So along  
8 with me today in the room are Michael Yamane,  
9 Commissioner Yamane is from Kaua'i; Commissioner  
10 Nancy Carr Smith and Commissioner Myles Miyasato  
11 from Hawai'i island; Commissioner Bruce U'u is from  
12 the Island of Maui; Commissioner Mel Kahele,  
13 Commissioner Brian Lee, and Commissioner Ken  
14 Hayashida are from O'ahu; Commissioner Kamakea-Ohelo  
15 is also from O'hau, but he's joining us today by  
16 Zoom.

17 So Commissioner Kamakea-Ohelo, can you  
18 confirm where you are located and that you are alone  
19 at that location.

20 COMMISSIONER KAMAKEA-OHELO: Yes, Mr.  
21 Chair. I'm tuning in from 16th -- 61 -- 660 S.  
22 Beretania Street, the parking lot of Century Union  
23 Church, and I am, in fact, in my vehicle attending  
24 the hearing. Mahalo.

25 CHAIRMAN GIOVANNI: Thank you for joining

1 us. Also in attendance today are LUC Executive  
2 Officer Daniel Orodener, LUC Chief Planner Scott  
3 Derrickson, LUC Staff Planner Martina Segura, LUC  
4 Chief Clerk Ariana Kwan, and LUC Deputy Attorney  
5 General Melissa Goldman.

6 Again, Court reporting transcriptions are  
7 being done by the Zoom reporting.

8 At this time I would like to make an  
9 announcement regarding today's Agenda.

10 Unfortunately, we will be withdrawing three items  
11 that were agendaized due to an office information  
12 practices complaint that the Agenda did not include  
13 sufficient details required for Sunshine Law.

14 So let me go through what I understand is  
15 the situation.

16 These agenda items are the following:

17 Agenda Item 8b: Legislative Measures  
18 Proposed by the Administration that Impact the LUC.  
19 So this item 8b of the complaint "It did not provide  
20 the public with enough information to understand  
21 specifically what bills the Board intended to  
22 discuss; and therefore, discussion of those bills  
23 would likely violate the Sunshine Law."

24 So I understand that as of today, bills  
25 are starting to flow in with specific house and

1 senate bill numbers on them. So let me say that if  
2 we, in fact, we're going to be able to put this on  
3 our agenda for January 22, let me advise my fellow  
4 Commissioners that if this bill and/or the staff --  
5 if there is any specific bill that addresses  
6 interests to the Land Use Commission for which you'd  
7 like to have it agendized for the January 22  
8 meeting, we need to identify what that bill is and  
9 by number and provide that to Ariana preferably by  
10 the end of today. Is that correct? By the end of  
11 today if possible.

12           The second item that we will be removing  
13 from the agenda is an update on the OPSD Soil Study.  
14 This item used the acronym OPSD, which was not  
15 defined in the Notice for the meeting. So we will  
16 reschedule that for the next meeting, and we will  
17 explicitly clarify that OPSD is the Office of  
18 Planning and Sustainable Development. I think that  
19 is the only thing we need to correct for that one.  
20 Is that correct? I am going to ask you to comment in  
21 a second, Melissa.

22           And the third item is the Proposed 2023  
23 Administrative Rules Amendments. And the complaint  
24 was that Item 8e does not provide the public with  
25 enough information to understand what proposed rule

1 amendments the Board intends to discuss. And,  
2 therefore, discussion of those proposed rule  
3 amendments would likely violate the Sunshine Law.

4 As I understand, we weren't going to  
5 discuss any specific proposed rule amendments. But  
6 nonetheless, the agenda did not clarify that  
7 sufficiently, so we will have to clean that up.

8 So we will be postponing these three  
9 agenda items to the next LUC meeting.

10 So the process by which these were  
11 removed. A complaint was received. It was referred  
12 to the Deputy Attorney General who reviewed the  
13 complaint and advised the Chair that we should  
14 remove these items at this time and reschedule them  
15 for the January 22 meeting.

16 So let me ask the -- if you don't mind,  
17 Ms. Goldman -- if you would clarify anything on the  
18 matter that I may not have gotten correctly or add  
19 to it.

20 MS. GOLDMAN: Thank you, Chair. I think  
21 you covered everything sufficiently. Just so that  
22 the commissioners are aware, this is not entirely  
23 unusual. These things happen from time to time.  
24 And we will simply re-agendize the items with a more  
25 detailed title on the next meeting's agenda. So it



1 should be nothing to worry about.

2 CHAIRMAN GIOVANNI: Okay. Thank you. So  
3 now we will move on to our seventh order of  
4 business, which is a discussion with Ms. Ann Lopez,  
5 our Attorney General for the State of Hawai'i.

6 Welcome, Ms. Lopez. And including the  
7 purpose is a discussion and clarification of legal  
8 roles and responsibilities of the Land Use  
9 Commission Staff, its Commissioners, its LUC  
10 Chairperson, and the Deputy Attorney Generals who  
11 advise the LUC.

12 Let me just also welcome Mr. James  
13 Tokioka who is the Director of DBEDT, and thank you  
14 very much, both of you, for making the time in your  
15 schedule for being here today.

16 As you probably can appreciate, we have a  
17 relatively young Commission. Several of us have  
18 only been on the Commission for less than a year.  
19 And so I think that the importance and timeliness of  
20 your -- what you have to share with us today would  
21 be very much appreciated by all of us.

22 So let me turn it over to you, and ask --  
23 well, wait a minute. First, I have to ask if there  
24 is any public testimony on this agenda item.

25 Ms. Kwan, have we received any written

1 testimony?

2 MS. KWAN: No, Mr. Chair.

3 CHAIRMAN GIOVANNI: Is there anyone who  
4 has signed up either on Zoom or in the room that  
5 would like to testify publicly?

6 MS. KWAN: If anyone on the Zoom would  
7 like to testify on this matter, please use the Q&A  
8 feature now.

9 I have Ken Church on the Zoom who would  
10 like to provide testimony on item 7 and will go to  
11 8e later when we are on that item.

12 CHAIRMAN GIOVANNI: Pardon me, not on  
13 this item, but on 8 --

14 MS. KWAN: -- both. He wants 7 and 8 --

15 CHAIRMAN GIOVANNI: -- okay. So on this  
16 item, Mister -- do you promote him to be sworn in?

17 MS. KWAN: Mr. Church, I will promote you  
18 now to be a panelist to share your testimony.

19 MR. CHURCH: (Inaudible.)

20 MS. KWAN: Mr. Church, can you give us a  
21 mic check?

22 MR. CHURCH: Can you hear me now?

23 MS. KWAN: We can hear you.

24 CHAIRMAN GIOVANNI: Do we have a visual on  
25 him?

1 MS. KWAN: Are you able to turn on your  
2 camera at this time?

3 MR. CHURH: No. I have limited data  
4 transfer, so I can't actually video at the same  
5 time.

6 MS. KWAN: Okay.

7 CHAIRMAN GIOVANNI: Okay. We will proceed  
8 with a verbal only.

9 So Mr. Church, do you swear the testimony  
10 you give today will be the truth?

11 MR. CHURCH: Yes.

12 CHAIRMAN GIOVANNI: Could you repeat that,  
13 please for --

14 MR. CHURCH: Yes.

15 CHAIRMAN GIOVANNI: Thank you very much.  
16 So you will have two minutes to please provide your  
17 testimony.

18 MR. CHURCH: Because my testimony would  
19 ruin both the 8e and the item 8 --

20 CHAIRMAN GIOVANNI: I'm sorry, I don't  
21 think we've got -- we can clearly understand him.  
22 Is there anything you can do on your end, Mr.  
23 Church, to improve the quality of your  
24 communication?

25 MR. CHURCH: Well, I can't do anything

1 more than I have right now. Can you hear me better  
2 now.

3 CHAIRMAN GIOVANNI: I think if you speak  
4 loudly and very slowly, it helps.

5 MR. CHURCH: Okay. My testimony is  
6 regarding both 7 and 8e, and they're linked. So in  
7 order not to be repetitive, I would ask to give that  
8 testimony as simply four minutes at the end of 8e.

9 CHAIRMAN GIOVANNI: The end of 8e?

10 MR. CHURCH: Correct.

11 CHAIRMAN GIOVANNI: Mr. Church, 8e has  
12 been removed from the agenda today and rescheduled  
13 for January 22nd.

14 MR. CHURCH: Okay.

15 CHAIRMAN GIOVANNI: So if you have  
16 comments only on item 7, which is discussion of LUC  
17 roles, you can give it now for two minutes.

18 MR. CHURCH: Well, again, I would ask at I  
19 be allowed to speak after Lopez gives her statement  
20 so that I am not making statements that conflict  
21 directly with hers.

22 CHAIRMAN GIOVANNI: So you will be --  
23 there is a second opportunity for public testimony  
24 at the end of this presentation, and I will call on  
25 you back then. Thank --

1 MR. CHURCH: Thank you.

2 CHAIRMAN GIOVANNI: -- you very much.

3 Yeah. Standby.

4 MS. KWAN: So I am going to put him back  
5 as an attendee for now --

6 CHAIRMAN GIOVANNI: -- back as an attendee  
7 --

8 MS. KWAN: -- and then re-promote him.

9 Okay?

10 CHAIRMAN GIOVANNI: We will re-promote him  
11 later.

12 MS. KWAN: All right. One moment.

13 CHAIRMAN GIOVANNI: Okay. Thank you. All  
14 right. So we will continue.

15 Now, yes. So -- pardon me?

16 MS. KWAN: (Indiscernible).

17 CHAIRMAN GIOVANNI: So if there is no  
18 other public testimony, I would -- if -- I'd think  
19 that there -- it is best if we go into Executive  
20 Session at this time if there's --

21 MS. LOPEZ: Yes.

22 CHAIRMAN GIOVANNI: I will be making the  
23 motion myself.

24 MR. TOKIOKA: Chair Giovanni, can I make a  
25 comment based on Mister -- Mr. Church's request?

1 CHAIRMAN GIOVANNI: Yes.

2 MR. TOKIOKA: Since we are going into  
3 Executive Session and he said he wanted to speak  
4 after Attorney General Lopez spoke, he may not want  
5 to hang around because he is not going to be able to  
6 get any of her testimony in the Executive Session  
7 anyway. So I just offer that in case we are here  
8 for an hour or however long.

9 CHAIRMAN GIOVANNI: Yeah. He'll have to  
10 wait.

11 MR. TOKIOKA: Okay.

12 CHAIRMAN GIOVANNI: Yeah.

13 MR. TOKIOKA: Thank you.

14 CHAIRMAN GIOVANNI: So I have a pursuant.  
15 So pursuant to Section -- put on my  
16 glasses -- pursuant to Section 91-5a-4 HRS, the  
17 Commission is going into Executive Session in order  
18 to consult with its attorneys on questions and  
19 issues pertaining to the Commissions powers, duties,  
20 privileges, immunities, and liabilities. Do I have  
21 a second to this Motion.

22 COMMISSIONER YAMANE: Seconded.

23 CHAIRMAN GIOVANNI: Seconded by  
24 Commissioner Yamane.

25 Since this is the first vote of the day,

1 Executive Director, will you do a roll-call vote,  
2 please?

3 MR. ORODENKER: Thank you Mr. Chair. The  
4 Motion is to go into Executive Session. Chair  
5 Giovanni?

6 CHAIRMAN GIOVANNI: Aye.

7 MR. ORODENKER: Vice Chair Yamane?

8 COMMISSIONER YAMANE: Aye.

9 MR. ORODENKER: Commissioner Hayashida?

10 COMMISSIONER HAYASHIDA: Aye.

11 MR. ORODENKER: Commissioner Lee?

12 COMMISSIONER LEE: Aye.

13 MR. ORODENKER: Commissioner Kahele?

14 COMMISSIONER KAHELE: Aye.

15 MR. ORODENKER: Commissioner Miyasato?

16 COMMISSIONER MIYASATO: Aye.

17 MR. ORODENKER: Commissioner U'u?

18 COMMISSIONER U'U: Aye.

19 MR. ORODENKER: Commissioner Carr Smith?

20 COMMISSIONER CARR SMITH: Aye.

21 MR. ORODENKER: Commissioner Kamakea-  
22 Ohelo?

23 COMMISSIONER KAMAKEA-OHELO: Aye.

24 MR. ORODENKER: Thank you Mr. Chair. The  
25 motion passes unanimously.

1 CHAIRMAN GIOVANNI: Thank you. And let me  
2 also, since this will directly discussion-impact the  
3 LUC staff, I'd also like to invite the staff to  
4 remain in the Exec. Session. Yeah. And explicitly  
5 Mr. Tokioka and, of course, Ms. Lopez.

6 So will you close the doors, please.

7 (LUC Commission entered Executive  
8 Session.)

9 CHAIRMAN GIOVANNI: 12:05, we're back in  
10 regular session.

11 So at first, I'd like to again thank the  
12 Attorney General for being with us all morning and  
13 being so helpful in commenting upon a lot of detail  
14 in terms of our legal questions regarding the  
15 respective operations and our respective roles as  
16 part of this Commission. And so thank you very much  
17 for that.

18 MS. LOPEZ: Thank you for the invitation.

19 CHAIRMAN GIOVANNI: Yes. And so for the  
20 record, it was a good discussion on a point-by-point  
21 basis on the respective roles of the Commissioners  
22 and staff and those who advise us, including the  
23 Attorney General's Office and the two Deputy  
24 Attorney Generals that report to us.

25 And I think it was particularly valuable



1 in view of the fact that we all come to this  
2 Commission as volunteers to sit here, but we come  
3 from different perspectives, and we come in  
4 different timelines. So some of us are relatively  
5 new. And some of us have been here a while. So I  
6 think it really was useful in just balancing the  
7 scales and getting us all in the same place. So  
8 appreciate that very much.

9 MS. LOPEZ: And I'm happy to return any  
10 time you would ask.

11 CHAIRMAN GIOVANNI: So hopefully, I've  
12 represented what happened correctly. And if you  
13 have anything to add, let me know.

14 MS. LOPEZ: You have, and I have nothing  
15 to add.

16 CHAIRMAN GIOVANNI: Okay. Thank you.  
17 So I just want to take one more round of  
18 public testimony on this agenda item if you could  
19 stay with us for that, I'd appreciate it.

20 So Ariana, do we have anybody wishing to  
21 give public testimony at this time.

22 MS. KWAN: Yes, we have Ken Church on the  
23 Zoom. I'm going to promote him to panelist now.

24 CHAIRMAN GIOVANNI: Please do.

25 MR. CHURCH: Is my --

1 MS. KWAN: Mr. Church? Can I get a mic  
2 check?

3 MR. CHURCH: Is my volume any better now?

4 CHAIRMAN GIOVANNI: Yes, but please speak  
5 slowly and loudly and clearly into the microphone.  
6 And Mr. Church, let me remind you that I swore you  
7 in earlier, and you are still under oath. And now  
8 you have two minutes to make your public comments  
9 about our seventh agenda item.

10 MR. CHURCH: So slowly two minutes might  
11 now work, but I'll try.

12 My testimony regards the agenda item 7.  
13 It's that the LUC's AG representative has recently  
14 filed a brief with Hawai'i Supreme Court in regards  
15 to Petition DR21-73, which she cited HRS 91.15 laws  
16 with as the preponderance of evidence clause. And  
17 she states in that filing that's being heard, that  
18 it doesn't apply the declaratory order for a  
19 petition that was administered by a panel of  
20 commissioners at one of its regular meetings versus  
21 contested case hearing.

22 This is contradictory to the LUC's Mission  
23 at a 2021 meeting where this panel administered by  
24 Petition, DR 2172, and the panel cited that law as  
25 applicable. And it was again cited in the LUC's

1 Declaratory Order as a supporting conclusion of law  
2 that was the foundation of the panel's denial of my  
3 petition.

4 The AG has taken a position in DR 2173  
5 which directly contradicts the elements of these  
6 conclusions in law in my case.

7 The AG is representing the LUC also in  
8 appeal court for my case. It is impossible for both  
9 to be correct, and I ask this panel to cause the AG  
10 to clarify this matter.

11 I would also advise this panel that the  
12 AG's filing in regard to my court appeal of your  
13 denial of my petition, the AG repeatedly filed  
14 false, several unproved certificates of service. I  
15 advised the AG of her error, and they did not  
16 correct it.

17 In the case of the AG's filing of untrue  
18 certificates of service, I ask this panel to cause  
19 the AG to take corrective action.

20 Both of these matters serious. The panel  
21 should be concerned and take corrective action.

22 That concludes my testimony.

23 CHAIRMAN GIOVANNI: Thank you very much,  
24 Mr. Church. Let me say on behalf of the Commission  
25 that we cannot offer comment on ongoing litigation.

1 But I will also ask the Attorney General if she  
2 wishes to comment at this time.

3 MS. LOPEZ: Mr. Church, please make all  
4 of your arguments in your briefing.

5 MR. CHURCH: Thank you.

6 CHAIRMAN GIOVANNI: Thank you, Mr.  
7 Church. You are excused.

8 Do we have anybody else that wishes to  
9 testify, Ariana?

10 MS. KWAN: Seeing none in the Q&A feature.  
11 I am going to put Mr. Church back to attendee.

12 CHAIRMAN GIOVANNI: Thank you.

13 So that concludes the agenda item for  
14 which we invited you and you were so gracious to  
15 attend. Thank you very much.

16 (Pause in the proceedings.)

17 CHAIRMAN GIOVANNI: We're still in session  
18 and let me advise the public that we have decided  
19 not to break for lunch, and we are going to power  
20 through for the rest of the agenda. Okay.

21 So our eighth agenda item is agenda 8a,  
22 that status update on the Department of Business  
23 Economic Development and Tourism's proposed 2025  
24 budget as it relates to the LUC.

25 So first, I'll invite public testimony.

1 Ariana, was there any written testimony on this  
2 agenda item?

3 MS. KWAN: We received no written  
4 testimony on this item.

5 CHAIRMAN GIOVANNI: Is there any public  
6 witness that has indicated they wished to testify at  
7 this time?

8 MS. KWAN: If anyone on the Zoom is  
9 interested in giving oral testimony, please use the  
10 Q&A feature now.

11 Seeing none, Chair.

12 CHAIRMAN GIOVANNI: Thank you. Mr.  
13 Executive Officer Dan Orodenker, please introduce  
14 your comments on the budget from the Department of  
15 Business and Economic Development.

16 CHAIRMAN GIOVANNI: Thank you, Mr. Chair.  
17 The budget that was submitted to -- upon the budget  
18 in finance and the Governor's final decisions were  
19 contained in the board packet.

20 As you can see, the personnel costs were  
21 static, except for one item, which was the Land Use  
22 Development Coordinator, which was eliminated from  
23 the budget, although the position still remains. So  
24 the position was not eliminated but the funding was.

25 CHAIRMAN GIOVANNI: That's Mr. Wong.

1 MR. ORODENKER: That is Mr. Wong; that is  
2 correct.

3 And the total personnel budget is  
4 \$673,400.16. If the Governor's decision stands, our  
5 budget will be reduced by \$93,228.00, which makes  
6 the total personnel budget \$580,188.00.

7 Our total operating OCE expenses are  
8 listed on the subsequent page; those add up to  
9 \$197,227.00. Our total budget is -- as approved by  
10 the Governor, our total budget is \$770,415.00. I'm  
11 sorry. I misstated that. It's \$786,415.00.

12 CHAIRMAN GIOVANNI: Say it again one more  
13 time.

14 MR. ORODENKER: \$786,415.00. Our original  
15 proposal was for a budget of \$870,643.00. That is a  
16 difference of \$93,228.00, which is the one  
17 position's salary that was removed from the budget.

18 Are there -- is there any questions?

19 CHAIRMAN GIOVANNI: Is there any breakdown  
20 on the other costs?

21 MR. ORODENKER: Yes, it's contained in the  
22 packet, and you can see that there are all under  
23 BD103-DA, and all the breakouts are contained under  
24 different object codes, such as copy machine paper,  
25 computer paper, travel, postage, telephone, and

1 telegraph.

2 CHAIRMAN GIOVANNI: So what is the amount  
3 in the travel budget?

4 MR. ORODENKER: There are several  
5 different aspects to the travel budget. I don't  
6 have that broken out right now, but we have  
7 transportation intrastate at \$6,200.00;  
8 transportation intrastate for nonemployees, which  
9 would be the Commissioners, which \$43,772.00;  
10 subsistence loans same for staff, it is \$13,901.00,  
11 and for Commissioners it is \$18,200.00.

12 There are a couple other line items that  
13 are for other expenses: \$9,100.00 for out of state  
14 for staff and \$7,800.00 for nonemployee out of  
15 state; subsistence loans for out-of-state  
16 nonemployees is \$1,300.00 in both line items.

17 CHAIRMAN GIOVANNI: I think that's good.  
18 I just wanted to emphasize that the cost of us  
19 attending these meetings at its various locations is  
20 explicitly part of the transportation budget as well  
21 as a separate line item for out-of-state travel.

22 MR. ORODENKER: That is correct.

23 CHAIRMAN GIOVANNI: Yeah.

24 MR. ORODENKER: That is correct. And  
25 those years that I was referring to when we had

1 back-to-back hearings, we are allowed to move the  
2 out-of-state budget into the in-state budget so that  
3 we can cover all of our hearing expenses.

4 CHAIRMAN GIOVANNI: Okay. Anything  
5 further? You want to put on the record --

6 MR. ORODENKER: Yeah. There's one other  
7 thing that -- associated with the budget, but it's  
8 not anything that impacts the dollar amount. And  
9 that is the Office of sustain -- Planning and  
10 Sustainable Development has requested that we be  
11 given a separate line item in the budget rather than  
12 being part of OPSD. This is the way it was before,  
13 about 3-4 years ago, and they want to reinstate  
14 that. It doesn't impact the actual dollar amount  
15 we're asking for. But it is a restructuring of the  
16 Office of Planning and Sustainable Development.

17 CHAIRMAN GIOVANNI: Then what is your --  
18 what is the plan for you to recover the costs for  
19 the approved position that has no funding.

20 MR. ORODENKER: With this Commission's  
21 permission, I would like to be able to discuss that  
22 with the various finance committees at the  
23 legislature to see if we can get the money  
24 reinstated.

25 CHAIRMAN GIOVANNI: Do I have a motion



1 from a Commission to approve the Executive Director  
2 interfacing with the respective finance committee  
3 chairmen at the legislatures for conversations to  
4 seek return of funding?

5 COMMISSIONER KAHELE: I make a motion.

6 COMMISSIONER YAMANE: Second that.

7 CHAIRMAN GIOVANNI: On advise of Counsel,  
8 we will not be taking a vote on this. Do we have to  
9 agendize that?

10 MS. GOLDMAN: Big yes.

11 CHAIRMAN GIOVANNI: For January 22nd?

12 MS. GOLDMAN: Yep.

13 CHAIRMAN GIOVANNI: Okay. So let me  
14 request that both be an agenda item for January  
15 22nd, which would be to authorize the Executive  
16 Director to interface with the legislature to pursue  
17 reinstatement of funding for that position. So it'd  
18 be a -- I don't need a vote on that, right?

19 MS. GOLDMAN: Yes.

20 COMMISSIONER KAHELE: I had a question.

21 CHAIRMAN GIOVANNI: Okay.

22 COMMISSIONER KAHELE: Is -- is the funding  
23 currently is going to be able to keep him employed?

24 MR. ORODENKER: This budget doesn't --

25 CHAIRMAN GIOVANNI: The June --

1 MR. ORODENKER: The proposed budget  
2 doesn't take effect until July 11.

3 COMMISSIONER KAHELE: Of July. Okay.  
4 All right. Thank you.

5 CHAIRMAN GIOVANNI: So we got a little  
6 time to fight for it.

7 COMMISSIONER LEE: Excuse me, Chair. I --  
8 I have a question.

9 CHAIRMAN GIOVANNI: What do you want --  
10 just want to give us your --

11 Is there anything else you want to put on  
12 the record? Okay. So now we'll ask Commissioners  
13 for questions. You want to go first, Commissioner  
14 Lee?

15 COMMISSIONER LEE: Thank you, Chair.

16 Question for Mr. Orodenker. Line 035  
17 subsistence allowance nonemployee is that like lunch  
18 for today type thing. That would be what that  
19 category would cover?

20 MR. ORODENKER: That's part of that  
21 category. It's also for when we travel and you get  
22 your per diem.

23 COMMISSIONER Lee: But that would be out  
24 of state, right? The intrastate, this one is just -  
25 - it doesn't say intra or inter.

1 MR. ORODENKER: Yeah. When we travel --

2 COMMISSIONER LEE: But there's an  
3 intrastate subsistence that's a separate line item.

4 MR. ORODENKER: I have questioned our ASO  
5 several times on why those items aren't rolled up  
6 into one, but his advice to me was, "well, I'm not  
7 sure, but once you let that line item go, you'll  
8 have a lot of trouble getting it back." So we've  
9 left it given his answer.

10 COMMISSIONER LEE: All right. And then  
11 going to out-of-state conferences, that's part of  
12 interstate travel, right? Interstate transportation.  
13 Would that be under that category?

14 MR. ORODENKER: Okay. Thank you.

15 CHAIRMAN GIOVANNI: We good? Who else down  
16 -- Commissioner Carr Smith.

17 COMMISSIONER CARR SMITH: Just a comment  
18 when you officially bring this item to us for a vote  
19 on the 22nd, are you going to be specific about what  
20 it is you're proposing?

21 MR. ORODENKER: It's my understanding that  
22 what I'm bringing to the Commission for vote is  
23 authorization to lobby to reinstate the position.

24 The budget has already been up to the  
25 Governor's office and approved. I mean, we -- as

1 mentioned, the budget preparation process is in our  
2 case is very simple.

3 We have a base budget. Personnel and  
4 operating expenses, and that gets rolled over from  
5 year to year. So we usually, except for the years  
6 when we wanted to add positions, we usually don't  
7 have any input into the budget. It just happens.

8 COMMISSIONER CARR SMITH: I guess I was a  
9 little surprised that you would need our permission  
10 to do that.

11 MR. ORODENKER: Well, I -- I want to make  
12 sure given the discussions that were had, that the  
13 Commission is all on board with what I'm going to  
14 attempt to accomplish.

15 I would like to point out one other thing  
16 though as we're having this discussion.

17 CHAIRMAN GIOVANNI: Wait a minute. I  
18 think that Ms. Carr Smith raised the question  
19 that's in all of our minds, why -- and it was the AG  
20 that basically specified because it was not  
21 agendized -- that we would be considering asking him  
22 to lobby on our behalf, we'd have -- we couldn't  
23 vote on or give him a green light.

24 Is that correct?

25 MS. GOLDMAN: Yes.

1 CHAIRMAN GIOVANNI: That's a yes.  
2 Does that -- does that answer your  
3 question.

4 COMMISSIONER CARR SMITH: Yeah. I mean my  
5 only comment is that when we're asked to vote on  
6 things, I just think as much information as we can  
7 have is better.

8 CHAIRMAN GIOVANNI: Yeah. So when you  
9 bring it to us on January 22nd, you'll tell us who  
10 it is, tell us what he does, tell us what you want  
11 -- how much money you want to pay him. That's all.  
12 And then we'll support it so that when you go to the  
13 legislature, you'll have this strength that the  
14 Commission hopefully 9-0, we'll see what happens --  
15 supported it. Yeah? Okay.

16 MR. ORODENKER: One other comment that I  
17 wanted to make before we leave this agenda item is  
18 that the OCE budget is treated --

19 CHAIRMAN GIOVANNI: We don't here use  
20 acronyms --

21 MR. ORODENKER: Okay. I put it in the  
22 expenses budget not the personnel budget. It's  
23 treated a little bit differently by B&F.

24 CHAIRMAN GIOVANNI: OIP. OPSD.

25 MR. ORODENKER: Budget and Finance.

1 CHAIRMAN GIOVANNI: Okay.

2 MR. ORODENKER: Sorry. Spend too much  
3 time in the state you start talking -- I mean, I  
4 call my wife an LMO, you know, so --

5 CHAIRMAN GIOVANNI: Oh boy. Oh BSB.

6 MR. ORODENKER: It's treated a little bit  
7 differently. That's considered basically a lump  
8 sum, and you're able to move monies around in that  
9 lump sum --

10 CHAIRMAN GIOVANNI: Freely.

11 MR. ORODENKER: Yeah, to cover your  
12 expenses. That's, as I mentioned, that's how we  
13 were able to cover the back-to-back hearings 10  
14 years ago with the travel. Because all of those  
15 hearings were in a neighbor island. And if we  
16 couldn't move money out of the interstate travel  
17 budget, we could not have covered those hearing and  
18 vice versa.

19 If we have overages in the overall amount  
20 of our expenditures, we use them to do things like  
21 buy these microphones, you know, so --

22 CHAIRMAN GIOVANNI: Very good. Any  
23 further questions on this agenda item? Okay, thank  
24 you.

25 So now we'll consider a second round of

1 public testimony.

2 Ms. Kwan, is there anybody that's  
3 indicated at this point in time that they want to  
4 testify?

5 MS. KWAN: Nobody has used the Q&A feature  
6 to indicate they want to provide oral testimony on  
7 this item.

8 CHAIRMAN GIOVANNI: Okay. This item is  
9 closed, and we will move on to item 8c, which is an  
10 update on Yes in My Backyard or the acronym "YIMBY"  
11 Working Group Participation.

12 Ms. Kwan, has there been any written  
13 testimony on this matter?

14 MS. KWAN: No, Mr. Chair.

15 CHAIRMAN GIOVANNI: Is there anybody that  
16 wants to provide public testimony on this matter?

17 MS. KWAN: If anyone on the Zoom would  
18 like to provide oral testimony on this item, please  
19 use the Q&A feature now.

20 Seeing none, Chair.

21 CHAIRMAN GIOVANNI: Thank you.

22 At this time, I'll call on Chief Planner  
23 Scott Derrickson to proceed with a presentation  
24 regarding this item.

25 MR. DERRICKSON: Aloha kakou. Scott

1 Derrickson, Chief Planner, State Land Use  
2 Commission.

3 I hope you've had an opportunity, because  
4 it's posted on the website and it was part of the  
5 Commission packet, to take a look at some of the  
6 links to the Yes in My Back Yard or the acronym that  
7 we'll be using is "YIMBY."

8 In 2022, the legislature passed Act 305.  
9 Its purpose was aimed to increase housing  
10 availability by reducing administrative barriers and  
11 encouraging adoption of more flexible zoning and  
12 regulatory policies.

13 That group was co-chaired by the Hawai'i  
14 Housing Finance Development Corporation (HHFDC) and  
15 the Hawai'i Public Housing Authority (HPHA). So  
16 there are co-chairs, and they have to submit reports  
17 to the legislature yearly.

18 2023 they submitted a report to the  
19 legislature, an early interim report and then, this  
20 session, they have a 2024 report. Both those are  
21 linked on our website. You can take a look at them  
22 as you -- as you wish.

23 The Act specifies that the Land Use  
24 Commission Executive Officer or the designee is a  
25 representative on this task force. I've been to



1 three of the four meetings. Martina Segura, staff  
2 planner, has also attended at least one of those  
3 meetings with me.

4 The agencies that are represented on this  
5 task force are essentially the same ones that are on  
6 the Governor's -- were on the Governor's emergency  
7 proclamation working group.

8 The role that the staff has is to provide  
9 our expertise on land use, particularly with respect  
10 to Chapter 205 and the regulatory system. We're not  
11 there to propose policy or legislation.

12 We reflect that the fact that the LUC is  
13 not a policy-making body. We are a regulatory body.  
14 We are there not to set policy. Some of those other  
15 agencies are there in those roles.

16 In 2022, we had two meetings. They  
17 identified infrastructure as the primary barrier to  
18 housing development that had the biggest opportunity  
19 near-term impact.

20 2023, HHFDC -- again, I'm going to use the  
21 acronym, but it's Hawai'i Housing Finance  
22 Development Corporation. They commissioned a study  
23 to identify what type of infrastructure was needed  
24 that would be most impactful in each county. And  
25 there's a report on that dated November 2, 2023.

1 Actually a very interesting study. I think it's  
2 worth checking out for those of you who have  
3 expressed real concern about affordable housing  
4 availability and what some of the issues are  
5 surrounding it.

6 The latest meeting was on October 17,  
7 2024. At that time, the Office of Planning and  
8 Sustainable Development (OPSD) provided an update on  
9 their real housing study grant. And forgive me, I  
10 don't recall what PRO, P-R-O, stands for exactly.

11 MS. GOLDMAN: Pathways to Removing  
12 Obstacles --

13 MR. DERRICKSON: Pathways to Removing  
14 Obstacles in housing. The YIMBY group at that time  
15 met. They were identifying more barriers, and they  
16 were discussing what options and brainstorming what  
17 -- what possible things they could do.

18 Some potential legislation was discussed  
19 by HHFDC and OPSD (Office of Planning and  
20 Sustainable Development) that they were going to put  
21 forward part of the admin package -- the Governor's  
22 admin package.

23 At this time, there was no written summary  
24 notes from the working group, though it's been  
25 provided to the members.

1           That's all I have to report at this point.  
2 If anyone has any specific questions, go ahead,  
3 please. I'm available.

4           CHAIRMAN GIOVANNI: Thank you, Mr.  
5 Derrickson. That was useful and, again, the links  
6 are in the reports, and the reports they are tied to  
7 are very hopeful.

8           Commissioners, any questions, comments for  
9 Mr. Derrickson?

10           COMMISSIONER HAYASHIDA: Commissioner  
11 Hayashida. Scott, is there any -- anything that you  
12 are seeing that -- legislatively that we have to  
13 react to or they're proposing that impact us?

14           MR. DERRICKSON: So there was a bill that  
15 was part of the administrative package that was  
16 agendized that has been removed from the agenda that  
17 will come up. So, hopefully, at our next meeting,  
18 we will be able to agendize that. And prior to the  
19 meeting, you guys will have the opportunity to take  
20 a look at it, so you will be able to come to the  
21 meeting prepared to discuss it, if that's your --s

22           CHAIRMAN GIOVANNI: So is it tied in any  
23 way to YIMBY?

24           MR. DERRICKSON: It's tied in so much as  
25 one of one or more agencies are kind of the --

1 behind sponsoring the bill, yes.

2 CHAIRMAN GIOVANNI: Then my question is,  
3 if in the context of what you're doing is part of the  
4 YIMBY working group you've become familiar with that  
5 bill, at a minimum you could inform us today at a  
6 high level what it's about. I think that's what  
7 Commissioner Hayashida would like to know.

8 MR. DERRICKSON: Actually, I can't because  
9 the -- that -- a draft -- a draft of the bill was  
10 plunked down before the --

11 CHAIRMAN GIOVANNI: Was what?

12 MR. DERRICKSON: I say, "plunked down."  
13 It was -- it was provided during the meeting. So  
14 there was no opportunity prior to that to review it,  
15 to take a look at it.

16 CHAIRMAN GIOVANNI: What's the status of  
17 it today?

18 MR. DERRICKSON: I believe that a form of  
19 that draft language is now part of an admin bill  
20 that's being put forward.

21 CHAIRMAN GIOVANNI: Okay. So your  
22 expectation is that prior to our meeting on July 22,  
23 there'll be clarity on this bill, and we'll be able  
24 to review that in advance of the meeting.

25 MR. DERRICKSON: Yes.

1 CHAIRMAN GIOVANNI: Okay. Other questions  
2 for Mr. Derrickson?

3 Okay.

4 Ms. Kwan, is there any additional --

5 MS. KWAN: Like?

6 CHAIRMAN GIOVANNI: We did? My apologies.  
7 I didn't see it.

8 COMMISSIONER CARR SMITH: I believe  
9 there's a more recent report from that October  
10 meeting. A couple people shared it with me. It  
11 wasn't in the group. I'm sending it to Ariana right  
12 now.

13 SCOTT DERRICKSON: Could you -- could you  
14 explain what that is, exactly, and where it was  
15 shared.

16 COMMISSIONER CARR SMITH: Report just  
17 like the --

18 SCOTT DERRICKSON: -- what was shared.

19 COMMISSIONER CARR SMITH: Just like the  
20 ones that you shared. Those two links. It was a  
21 third, more recent link.

22 SCOTT DERRICKSON: I know, but where is  
23 that -- where is that link attached to? Is it -- is  
24 it -- is it HHFDC's website?

25 COMMISSIONER CARR SMITH: I'm not sure.

1 MS. KWAN: The two links we provided in  
2 the Board packet was the 2023 Report to the  
3 legislature and 2024 Report to the legislature. Are  
4 those the two links you're talking about?

5 COMMISSIONER CARR SMITH: Yeah. Those are  
6 the two that you guys provided, and then there's a  
7 fourth report based on the October meeting, 2024.  
8 The group meeting agenda. Well, maybe it's just an  
9 agenda. Oh, perhaps it's just an agenda.

10 MR. DERRICKSON: So you didn't review it  
11 -- you didn't review it so that you know what it --  
12 it says.

13 COMMISSIONER CARR SMITH: I reviewed it,  
14 but -- but perhaps it is a -- an agenda and not a  
15 report after the fact. But anyway, it's -- it's a  
16 more updated --

17 MR. DERRICKSON: I -- I contacted HHFDC as  
18 one of the co-chairs and asked for the summary  
19 minutes if they had them, and they did not --

20 COMMISSIONER CARR SMITH: And that's what  
21 they gave you.

22 MR. DERRICKSON: No, they didn't have  
23 them.

24 MS. GOLDMAN: Yeah, yeah, yeah. So I  
25 guess I only had one question about tight. Let me

1 find it here. I believe I highlighted it. Hold on.

2 I know there was -- it was mentioned a  
3 couple of times in those two reports that -- sorry -  
4 - "for the stakeholders selected five top areas,  
5 right, and that's what you were talking about -- the  
6 infrastructure being the main one.

7 Sorry, I was just trying to find this one  
8 that talked about land use. It said basically that  
9 the -- that the land use discussion was complicated  
10 and so it -- it almost -- "State land use district  
11 amendments. There are different perspectives  
12 amongst stakeholders regarding role changes to the  
13 land use boundary amendment process. This is a  
14 complex issue, which will require further research  
15 and discussion at a future time."

16 So I think both reports had that comment,  
17 and I was just curious if you wanted to speak to  
18 that at all.

19 MR. DERRICKSON: It's very tactful  
20 language to indicate that there was robust  
21 discussion about -- about those issues. And that  
22 there was no consensus.

23 COMMISSIONER CARR SMITH: So, so there  
24 specifics discussed that the stakeholders did not  
25 agree on; is that what you mean?

1 MR. DERRICKSON: Yes.

2 COMMISSIONER CARR SMITH: I was just  
3 curious, kind of, what that looked like.

4 MR. DERRICKSON: What did it look like? It  
5 looked like a kind of freewheeling discussion about  
6 land use, regulatory system, both at the State and  
7 County level. Many of the participants didn't  
8 understand who did what -- what -- what level of  
9 government did what.

10 And so some of that was an opportunity for  
11 me to explain this is what the Land Use Commission  
12 does. This is what the land use commission does not  
13 do. This is what the County level handles.

14 So again, there was discussion; there was  
15 no consensus. People have different opinions.

16 COMMISSIONER CARR SMITH: Right. I guess  
17 I'm trying to get a sense as to whether the LUC's  
18 Staff participation in these groups -- if you're  
19 finding that it's helpful? Is it collaborative? Are  
20 there positive outcomes as --

21 MR. DERRICKSON: Absolutely --

22 COMMISSIONER CARR SMITH: -- as they  
23 relate to us.

24 MR. DERRICKSON: Absolutely. Absolutely.  
25 Again, the LUC is a regulatory body. We don't set



1 policy. When we get into discussions with other  
2 agencies who do go about setting policy, we're there  
3 mainly to inform -- when they have questions about,  
4 Oh okay. How does this work? How is this set up?

5 We're able to explain the district  
6 boundary amendment process proceeds in this fashion.  
7 So when they are trying to identify, Okay. Where  
8 can we insert ourselves as government agencies to  
9 make zoning more flexible, make the process move  
10 quicker. We can at least explain "here's our  
11 process. Here's how long it takes. Here's what our  
12 legal guidelines are. Look at the district boundary  
13 amendment process. We often hear, "It takes 10  
14 years." And we are there to be able to explain by  
15 law our process is limited. We have to make our  
16 decision within 365 days. And when we go back and  
17 take a look at our history of decisions, the  
18 majority, 80 of 90 percent of those decisions occur  
19 within six months.

20 So when someone talks about "oh it took  
21 ten years," we have to ask "okay, can you explain?  
22 Lay it out for us. Where did it take ten years?"  
23 Because your district boundary amendment was done  
24 within one year timeframe. So where -- where are  
25 the other nine years in your process.

1           And often times that's -- that's what  
2 we're there to explain. Here's our process.  
3 Special permits, 90 days. 201H, 45 days. Those are  
4 our legal boundaries within which what -- we have to  
5 make a decision. So if somebody is taking more than  
6 45 days, that isn't taking place in front of the  
7 Land Use Commission. That's taking place somewhere  
8 else.

9           So it helps when we get in those  
10 discussions they can start identifying where is that  
11 longer time lag occurring? What processes are those?  
12 How can we get involved in those processes?  
13 And those are discussions for folks who are trying  
14 to get into the policy side of it.

15           COMMISSIONER CARR SMITH: Thank you.

16           CHAIRMAN GIOVANNI: Thank you. Anybody  
17 else?

18           Okay. Final round of public testimony on  
19 this topic. Anybody want to comment, Ms. Kwan?

20           MS. KWAN: Seeing none, Chair.

21           CHAIRMAN GIOVANNI: Okay. Thank you.

22           We'll move on to the next agenda item.  
23 Thank you, Mister -- very much Mr. Derrickson.  
24 Appreciate your presentation.

25           Agenda item 8f is an update on LUC staff

1 vacancies. We already talked about this a little  
2 bit. But let me turn it over.

3 Is there any public testimony,  
4 specifically written testimony on this topic that's  
5 been received?

6 MS. KWAN: No, Mr. Chair.

7 MS. KWAN: Is there anybody -- members of  
8 the public who wish to testify on this?

9 MS. KWAN: If anyone would like to provide  
10 oral testimony on the Zoom, please use the Q&A  
11 feature now.

12 Seeing none, Chair.

13 CHAIRMAN GIOVANNI: Thank you. We'll  
14 proceed.

15 I'm going to call on the Executive Officer  
16 to proceed with a presentation on this item.

17 MR. ORODENKER: Thank you, Mr. Chair. We  
18 actually have two vacant positions that we're  
19 desperately trying to fill.

20 One of them is a secretary -- well, they  
21 now call it Administrative Assistant II position,  
22 and the other is a Planner V position.

23 With regard to the Planner V position, we  
24 have been requesting -- we have to request a list of  
25 candidates from the Department of Human Resource

1 Development. We've been requesting a list on that  
2 for -- since we've had -- since June, and our -- of  
3 June, yeah. And we have not received -- we just  
4 received the first list, and it had three people on  
5 it. We're scheduling interviews for that.

6 We just finally received a list for a  
7 Secretary II -- Administrative Assistant II position  
8 a couple of weeks ago. It had 24 people on it.  
9 Only four of those people are interested in  
10 interviewing with us, and then three of them  
11 subsequently backed out. We had one interview. We  
12 offered her the position, and she declined it. So  
13 that's the -- the place that we're in.

14 CHAIRMAN GIOVANNI: So that assistant  
15 would be an assistant to --

16 MR. ORODENKER: Ariana.

17 CHAIRMAN GIOVANNI: -- to Ariana. So  
18 she's doing --

19 MR. ORODENKER: She's doing two people's  
20 work right now.

21 CHAIRMAN GIOVANNI: You're doing two  
22 people's work.

23 MS. KWAN: I'm doing two jobs right now.

24 CHAIRMAN GIOVANNI: Thank you. I mean  
25 thank you.

1 MS. KWAN: Thank you.

2 CHAIRMAN GIOVANNI: Anything additional?

3 MR. ORODENKER: I have nothing further to  
4 report on that matter.

5 CHAIRMAN GIOVANNI: Okay. Commissioners,  
6 are there any questions for Mr. Orodenger on staff  
7 vacancies?

8 Commissioner Miyasato?

9 COMMISSIONER MIYASATO: Not on vacancies.  
10 I'm sorry.

11 CHAIRMAN GIOVANNI: Who else?

12 All right. So we're going to lunch pretty  
13 soon.

14 CHAIRMAN GIOVANNI: Second round -- last  
15 round of public testimony. Anybody there?

16 MS. KWAN: Seeing none, Chair.

17 CHAIRMAN GIOVANNI: Thank you very much.  
18 That concludes this agenda item.

19 I just wanted to call on anybody who wants  
20 to speak, but I just wanted to inform that I have  
21 personally requested an agenda item at the next  
22 meeting on January 22nd related to -- and I'm going  
23 to use the acronym -- PIGS that we heard Curt  
24 understood what that turned out to be.

25 And I'd like that to be presented -- I

1 don't know if you can -- I think it's separate  
2 discussion from the legislative update, which will  
3 be on there -- and I'd like it to be in advance of  
4 that legislative update.

5 MS. KWAN: I'm drafting the agenda now.

6 CHAIRMAN GIOVANNI: Thank you.

7 So that's just an FYI. So at this time  
8 before I adjourn, I give the opportunity for  
9 Commissioners to comment or anything you want to  
10 say.

11 COMMISSIONER MIYASATO: Yeah. Thank you.

12 In light of the discussion that we had  
13 earlier, could I or maybe the Commission receive  
14 contact information for other Commissioners, as it  
15 was kind of suggested to have more access for  
16 conversation.

17 CHAIRMAN GIOVANNI: I think that's a great  
18 -- what I think in terms of to --

19 COMMISSIONER CARR SMITH: Can you repeat  
20 that please? I couldn't hear what he said.

21 CHAIRMAN GIOVANNI: He wants to have  
22 contact information among Commissioners and staff.  
23 So -- because what we get are a lot of BCCs and we  
24 don't know necessarily, right.

25 So the request, and I'll emphasize the

1 request to staff, can you provide us an information  
2 contact list that has the names, email IDs, and do  
3 you want phone numbers, as well?

4 CHAIRMAN MIYASATO: Yes. Thank you.

5 CHAIRMAN GIOVANNI: Can we do that?

6 MS. KWAN: Melissa, is that a Sunshine  
7 issue at all, or no? I could provide them all  
8 contact info?

9 MS. GOLDMAN: I think that's okay so long  
10 as, you know, everyone still heeds the advice  
11 previously given.

12 MS. KWAN: So like no group chats, guys.

13 CHAIRMAN GIOVANNI: Yeah. No group chats.  
14 But -- any one of us --

15 MS. GOLDMAN: Is that no group chats about  
16 anything that's going to come before the Commission  
17 or that's currently before the Commission --

18 CHAIRMAN GIOVANNI: -- yeah. Does anybody  
19 --

20 MS. GOLDMAN: -- but you are welcome to,  
21 you know, meet each other and talk about your  
22 families or whatever.

23 MS. KWAN: Hey, I could prepare that and  
24 give that to the Commissioners.

25 UNIDENTIFIED MALE SPEAKER: Has lunch

1 opened?

2 CHAIRMAN GIOVANNI: Is that -- is that a  
3 discussion item?

4 So in other words, if I want to speak or  
5 email one other Commissioner about an agenda item,  
6 I can do that, or not?

7 MS. GOLDMAN: Yes, you can.

8 CHAIRMAN GIOVANNI: And anybody else can  
9 talk to anybody else one on one?

10 MS. GOLDMAN: Yes; however, you cannot  
11 have serial communications. So you cannot like call  
12 every Commissioner one by one and have the same  
13 message.

14 CHAIRMAN GIOVANNI: Correct.

15 MS. GOLDMAN: Yes.

16 CHAIRMAN GIOVANNI: How about I give  
17 another hypothetical. I send Commissioner Lee -- he  
18 and I have an exchange. And then he wants to share  
19 that -- the fruit of that discussion with another  
20 Commissioner. Can he do that in his own words?

21 MS. GOLDMAN: I think that starts to get  
22 hairy like a serial communication. But if there are  
23 questions about those types of things, we would  
24 welcome you contacting us -- your Deputy Attorney  
25 General just to go over it before -- before you make



1 those communications.

2 CHAIRMAN GIOVANNI: Oh so we should  
3 include your contact information as well then.

4 MS. GOLDMAN: You can, yes.

5 CHAIRMAN GIOVANNI: Okay. Final call for  
6 comments, questions, and suggestions from  
7 Commissioners for this two-day session.

8 Hearing none, I'm adjourning this meeting.  
9 Thank you very much.

10 (The Meeting concluded.)

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CERTIFICATE

I, Ann Walker, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 28th day of January, 2025.



Ann Walker