

STATE OF HAWAII  
LAND USE COMMISSION  
Meeting held on January 22, 2025  
Commencing at 9:00 a.m.  
Held at  
Leiopapa A Kamehameha  
State Office Tower  
235 S Beretania Street, Room 405  
Honolulu, Hawaii 96813

- I. CALL TO ORDER
- II. DISCUSSION ON PERMITTED INTERACTION GROUPS ("PIG") AND DECISION AS TO WHETHER TO ESTABLISH ADPIG OF THE LAND USE COMMISSION ("LUC") PERSUANT TO HRS 92-2.5 PERTAINING TO THE 2025 LEGISLATIVE SESSION
- III. DISCUSSION ON PRELIMINARY LEGISLATIVE MEASURE PROPOSED BY DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM ("DBEDT") INTENDED FOR THE LEGISLATIVE PACKET THAT IMPACT THE LUC

No Bill Number - Relating to Land Use  
Authorizes County petition process for review  
and approval of and use district boundary  
amendments based on adopted county general plans  
or county development plans.

- IV. DISCUSSION ON THE HAWAII STATE LEGISLATURE BILLS FILED THAT IMPACT THE LUC

SB36 - Relating to the Land Use Commission  
Requires the Land Use Commission to reclassify  
lands that are designated for urban growth under  
a county general plan or county development plan  
as being in the urban district at the request of  
the county.

1 SB28 - Relating to the Land Use Commission  
2 Specifies that a simple majority of affirmative  
3 votes of the members of the Land Use Commission  
4 present at a meeting and qualified to vote is  
5 required for any boundary amendment.  
6

7 SB26 - Relating to Affordable Housing  
8 Establishes the Affordable Housing Land  
9 Inventory Task Force within the Hawai'i  
10 Community Development Authority to update the  
11 Affordable rental Housing Report and Ten-Year  
12 Plan maps, tier tables, and inventories of state  
13 lands suitable and available for affordable  
14 housing development. Requires a report to the  
15 Legislature. Appropriates moneys  
16

17 V. AUTHORIZATION FOR EXECUTIVE OFFICER TO ADVOCATE  
18 FOR REINSTATEMENT OF FUNDING FOR UNBUDGETED  
19 POSITION (NO. 125210) AT THE 2025 LEGISLATURE  
20

21 VI. DECISION AS TO WHETHER TO WITHDRAW THE 2023  
22 PROPOSED ADMINISTRATIVE RULE AMENDMENTS,  
23 AVAILABLE AT [HTTPS://LUC.HAWAII.GOV/2023-ADMIN-](https://LUC.HAWAII.GOV/2023-ADMIN-RULES/)  
24 [RULES/](https://LUC.HAWAII.GOV/2023-ADMIN-RULES/)  
25

26 VII. UPDATE ON LUC STAFF PARTICIPATION WITH THE STATE  
27 OF HAWAI'I, OFFICE OF PLANNING AND SUSTAINABLE  
28 DEVELOPMENT ("OPSD") SOIL CLASSIFICATION SYSTEMS  
29 & USE IN REGULATING AGRICULTURAL LANDS STUDY.  
30 INFORMATION FOR THIS STUDY IS AVAILABLE AT  
31 [HTTPS://STOREYMAPS.ARCGIS.COM/STORIES/ACEB7CLD50](https://STOREYMAPS.ARCGIS.COM/STORIES/ACEB7CLD500E4CFE9EAF57274C0DB123)  
32 [0E4CFE9EAF57274C0DB123](https://STOREYMAPS.ARCGIS.COM/STORIES/ACEB7CLD500E4CFE9EAF57274C0DB123)  
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34 VIII. APPROVAL OF MINUTES FOR JANUARY 8-9, 2025  
35

36 IX. TENTATIVE MEETING SCHEDULE  
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38 X. ADJOURNMENT  
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40 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 (via Zoom)
- Myles Miyasato
- Nancy Carr Smith (via Zoom)

LUC STAFF:

- Daniel Orodener, Executive Officer
- Scott Derrickson, Chief Planner
- Martina Segura, Planner
- Ariana Kwan, Chief Clerk
- Miranda Steed, Esq., Deputy Attorney General

OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

("OPSD"):

- Mary Alice Evans, OPSD Director
- Aaron Setogawa, Senior Planner

PARTICIPANTS CONTINUED

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PUBLIC TESTIMONY:  
Kenneth Church  
Janice Palma-Glennie

1           CHAIRMAN GIOIVANNI: Aloha mai kakou.  
2 Good morning, everyone. This is the January 22nd,  
3 2025 Land Use Committee Meeting. This is a hybrid  
4 meeting physically located at the Leiopapa A  
5 Kamehameha, State Office Tower at 235 South  
6 Beretania Street, Suite 405, in Honolulu, Hawaii  
7 96813. And this meeting is open to the public.

8           Court reporting transcriptions are being  
9 done from this Zoom recording.

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

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

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

24           Please note that the Q&A feature on the  
25 Zoom will only be monitored for signing up for

1 public testimony. All other communications will not  
2 be addressed or part of the meeting record.

3 Communications can be emailed to our  
4 office at [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov).

5 I will also share we will be taking breaks  
6 from time to time, normally 5 minutes or so every  
7 hour -- a short break. And if we proceed through  
8 the lunch hour, we will take a longer break for  
9 lunch.

10 My name is Dan Giovanni, and I have the  
11 pleasure to serve as the LUC Chair. We currently  
12 have nine seated commissioners. Along with me are  
13 Michael Yamane, from Kauai; Commissioner Mel Kahele;  
14 Commissioner Brian Lee; Commissioner Ken Hayashida;  
15 and Commissioner Myles Miyasato from O'ahu.  
16 Commissioner Kamakea-'Ohelo is joining us today by  
17 Zoom. He is also from O'hau.

18 Welcome Commissioner Kamakea-'Ohelo. Can  
19 you confirm where you are and that you are alone?

20 COMMISSIONER KAMAKEA-'OHELO: Aloha,  
21 Chair. Aloha, Commission. This is Commissioner  
22 Kamakea-'Ohelo. I am tuning in the meeting from 560  
23 N. Nimitz Highway -- my office here at the Office of  
24 Hawaiian Affairs. And I am , in fact, attending  
25 this hearing alone. It is only I in my office.

1 CHAIRMAN GIOVANNI: Thank you so much.  
2 Commissioner Nancy Carr Smith is also  
3 joining us via Zoom from Hawaii island.

4 Welcome Commissioner Carr Smith. Can you  
5 verify your location and that you are alone?

6 COMMISSIONER CARR SMITH: Good morning,  
7 everyone. I'm joining from my home in Waimea, and  
8 while I have a few house guests, they might passing  
9 me now and then, but they are not here with me in  
10 the meeting. Thank you.

11 CHAIRMAN GIOVANNI: Very well. Thank you.  
12 And Commissioner Bruce U'u is joining from  
13 Maui via Zoom.

14 Commissioner U'u, can you verify your  
15 location and confirm that you are alone?

16 COMMISSIONER U'U: Aloha. Bruce U'u. I  
17 am alone. I'm here at my office at 175 N. Market  
18 Street, in Wailuku, Maui.

19 CHAIRMAN GIOVANNI: Thank you so much.  
20 Form the Commissioners, I appreciate you  
21 verified that you are, in fact, joining by Zoom.  
22 I'd also like to mention that I understand that  
23 Commissioner U'u will excuse himself for about an  
24 hour from today's meeting, starting at 10:15. Is  
25 that correct Commissioner U'u?

1 COMMISSIONER U'U: Well, thank you for  
2 clarification, but I -- it was canceled. So I will  
3 be with you guys for the long haul.

4 CHAIRMAN GIOVANNI: Oh great.

5 COMMISSIONER U'U: Sorry to disappoint  
6 you.

7 CHAIRMAN GIOVANNI: Not a disappointment  
8 whatsoever.

9 And Commissioner Kamakea-'Ohelo, I  
10 understand that you will also be leaving us at the  
11 end of the morning; is that correct? Can you  
12 confirm?

13 COMMISSIONER KAMAKEA-O'HELO: Yes, Chair.  
14 I have a hard stop at 12:30, so I'll be here to  
15 lunch.

16 CHAIRMAN GIOVANNI: 12:30. Okay, great.

17 Also attending today is the LUC Executive  
18 Officer Daniel Orodenker, LUC Chief Planner Scott  
19 Derrickson, LUC Staff Planner Martina Segura, LUC  
20 Chief Clerk Ariana Kwan, and LUC Deputy Attorney  
21 General Miranda Steed.

22 Again, Court reporting transcriptions are  
23 being done from this Zoom recording.

24 Our next order of business is the  
25 discussion on Permitted Interaction Groups,



1 parenthetically known as a P-I-G or PIG, and  
2 decision as to whether establish a PIG of the Land  
3 Use Commission pursuant to HRS 92-2.5 pertaining to  
4 the 2025 Legislative Session.

5 I'll now recognize any written testimony  
6 submitted in this matter. Ms. Kwan, has there been  
7 any written testimony?

8 MS. KWAN: No, Mr. Chair.

9 CHAIRMAN GIOVANNI: Ms. Kwan, are there  
10 any members of the public that wish to testify on  
11 this matter?

12 MS. KWAN: Not on Agenda Item 2.

13 CHAIRMAN GIOVANNI: Thank you very much.

14 Commissioners, as a prelude, I'd like to -  
15 - I'd like to move into Executive Session so that we  
16 can confer with the Deputy Attorney General on -- in  
17 this session. The reasons being limited set forth  
18 in HRS 92-5a, including an order to consult with its  
19 counsel on questions and issues pertaining to the  
20 Board, powers, duties, privileges, immunities, and  
21 facilities.

22 So I'm going to take this into Executive  
23 Session at this time, and I'd like also to invite  
24 the staff to stay -- got to vote on this?

25 MS. STEED: Yeah. You got do to --

1 CHAIRMAN GIOVANNI: Do we have -- okay.  
2 I'm moving. Anybody going to second my motion?

3 COMMISSIONER YAMANE: Mr. Chair, second.

4 CHAIRMAN GIOVANNI: Thank you.

5 Since this is the first vote of the day,  
6 we'll do a roll-call vote. Mr. Orodenger.

7 MR. ORODENKER: Thank you. The Motion is  
8 to enter into Executive Session.

9 MS. KWAN: Microphone.

10 MR. ORODENKER: Oh. I'm sorry.

11 MS. KWAN: Thank you.

12 MR. ORODENKER: The Motion is to move in to  
13 Executive Session. Moved by Chair Giovanni.

14 CHAIRMAN GIOVANNI: Aye.

15 MR. ORODENKER: Seconded by Commissioner  
16 Yamane.

17 COMMISSIONER YAMANE: Aye.

18 MR. ORODENKER: Commissioner U'u?

19 COMMISSIONER U'u: Aye.

20 MR. ORODENKER: Commissioner Miyasato?

21 COMMISSIONER MIYASATO: Aye.

22 MR. ORODENKER: Commissioner Lee?

23 COMMISSIONER Lee: Aye.

24 MR. ORODENKER: Commissioner Miyasato?

25 COMMISSIONER MIYASATO: Aye.

1 MR. ORODENKER: Commissioner Kamakea-  
2 'Ohelo?

3 COMMISSIONER KAMAKEA-'OHELO: Aye.

4 MR. ORODENKER: Commissioner Kahele?

5 COMMISSIONER KAHELE: Aye.

6 MR. ORODENKER: Commissioner Hayashida?

7 COMMISSIONER HAYASHIDA: Aye.

8 MR. ORODENKER: Commissioner Carr Smith?

9 COMMISSIONER CARR SMITH: Aye.

10 MR. ORODENKER: Thank you, Mr. Chair. The  
11 motion passes unanimously.

12 CHAIRMAN GIOVANNI: Okay. Thank you. So,  
13 Ariana, you'll let me know when we're ready?

14 MS. KWAN: We're going to need a minute  
15 for all the Commissioners on the Zoom to jump off  
16 the Zoom and for them to go onto the Executive  
17 Session Zoom.

18 CHAIRMAN GIOVANNI: Okay. Thank you.  
19 We'll stand by.

20 (LUC Commission entered Executive  
21 Session.)

22 CHAIRMAN GIOVANNI: 10:28. We're back on  
23 the record in open session.

24 We're currently -- our order of business  
25 that we're currently on is a discussion of Permitted

1 Interaction Groups or PIGS and a decision as to  
2 whether to establish a PIG of the Land Use  
3 Commission pursuant to HRS 92-2.5 pertaining to the  
4 2025 Legislative Session.

5 So let me first put on the record a  
6 summary of what occurred during Executive Session.

7 We had an Executive Session that was  
8 attended by all nine Commissioners and Deputy  
9 Attorney General Steed. In addition to that, I had  
10 invited staff members to attend and participate in  
11 Executive Session including Mr. Orodener, Ms.  
12 Martina Segura, Mr. Derrickson, and Ms. Ariana Kwan.

13 So we -- it was shared with us by the  
14 Deputy Attorney General that we basically have three  
15 options -- three general options by which this  
16 Commission can convey testimony on a Legislative  
17 Bill that is representative of a Commission  
18 decision. And that could be a delegation to staff.  
19 It could be a delegation up to two Commissioners, or  
20 it could be the formation of a PIG itself.

21 And we discussed the -- how each of those  
22 might work, and we did not make any decisions. We  
23 did not deliberate.

24 Ms. Steed, is there anything further I  
25 should add to the record at this time? That's good?

1 MS. STEED: (No audible response.)

2 CHAIRMAN GIOVANNI: Okay. So  
3 Commissioners, we have an understanding I believe,  
4 which is -- has to do with the magnitude of the  
5 effort. Just to review, under all three of the  
6 options that were presented to us on a Bill-by-Bill  
7 basis that would be agendized for discussion and  
8 action before this Commission, the Commission would  
9 take a position.

10 And then based on what that position is,  
11 we could delegate authority to prepare and provide  
12 testimony to the Legislature.

13 So what is your pleasure? How -- how --  
14 on this matter? Commissioner Miyasato?

15 COMMISSIONER MIYASATO: Yeah, Chair. You  
16 know being that there's I guess sort of already  
17 installed guide rules by Admin -- by our current  
18 Administrative -- Administration and the fact that  
19 our Executive Officer recognizes it's a different  
20 body within the Commission with our own set of  
21 direction, I guess you could say, I'm pretty  
22 comfortable with 1a or 1b. That's just my open for  
23 discussion.

24 CHAIRMAN GIOVANNI: So just to review from  
25 my notes what 1a and 1b were to make sure we're on

1 the same page, 1a is that a blanket delegation to  
2 the Executive Officer to testify -- prepare and  
3 provide testimony to the Legislature consistent with  
4 a decision of position that's been made by the  
5 Board.

6 And 1b would be to --

7 COMMISSIONER MIYASATO: to vet through --

8 CHAIRMAN GIOVANNI: -- comments, yes. 1b  
9 is that we would delegate to the staff or Executive  
10 Officer. They would prepare testimony. That  
11 testimony would be circulated back to the  
12 Commissioner before it was presented for comment and  
13 approval.

14 And if -- if no more than four  
15 Commissioners vote in negative -- vote against that  
16 testimony, then it would be what's called a -- what  
17 do you call it -- an affirmative negative vote.

18 COMMISSIONER MIAYSATO: I believe that was  
19 1c.

20 CHAIRMAN GIOVANNI: 1c. Okay. What was  
21 1b?

22 COMMISSIONER MIYASATO: 1b was we would  
23 just get through the Bills at the next meeting and  
24 -- and turn it -- and turn it over --

25 CHAIRMAN GIOVANNI: Turn it loose.

1 COMMISSIONER MIYASATO: -- over to staff.

2 CHAIRMAN GIOVANNI: Okay. So it would be  
3 vet.

4 COMMISSIONER MIYASATO: Yeah.

5 CHAIRMAN GIOVANNI: So 1 is blanket  
6 delegation. 2 is delegation but with a briefing  
7 back to the Commissioner on the testimony?

8 CHAIRMAN GIOVANNI: Correct. I just feel  
9 at this point the PIG might be a little premature  
10 unless we see something that's a real concern. We  
11 still have time to form it, so --

12 CHAIRMAN GIOVANNI: That's correct. Yeah,  
13 okay.

14 Commissioners, thought, comments?  
15 Commissioner Carr Smith?

16 COMMISSIONER CARR SMITH: Thank you,  
17 Chair. Yeah, I think it's maybe a little late to  
18 start a PIG at this point in this session. And too  
19 much, maybe, of a learning curve, and too much work  
20 for everybody at this point.

21 I personally like 1b because well, it's  
22 not what you just said, Chair. It was my  
23 understanding that 1b is for us to vote on the Bills  
24 that the Executive Officer and the people that call  
25 it before they give it to the Executive Officer,

1 determine -- affect the Land Use Commission.

2 So I would like to have a say in those  
3 Bills. I think it's our responsibility to do so.  
4 And so I would most like 1b.

5 CHAIRMAN GIOVANNI: So -- I'm sorry if I  
6 confuse people. So -- let -- because I like 1b  
7 also, but I'm not doing a very good job of  
8 explaining what I like, so --

9 COMMISSIONER CARR SMITH: The --

10 CHAIRMAN GIOVANNI: I'll try one more  
11 time.

12 COMMISSIONER CARR SMITH: The -- the  
13 difference is that you didn't mention is that we're  
14 going to vote on them.

15 CHAIRMAN GIOVANNI: Yeah. So in 1b, a  
16 Bill would be agendized, discussed, and voted upon  
17 by this Commission.  
18 And then we would delegate to the Executive Officer  
19 to prepare and present testimony consistent with  
20 that position. Is that right?

21 Okay. I'm getting a yes from Commissioner  
22 Miyasato and from Commissioner Carr Smith, so I  
23 think I got it that time.

24 CHAIRMAN GIOVANNI: Commissioner Lee.

25 COMMISSIONER LEE: Thank you, Chair. So



1 to clarify, so 1b would include the part about how  
2 our emails would be posted, no?

3 CHAIRMAN GIOVANNI: No.

4 COMMISSIONER LEE: Okay. Okay. And then  
5 if under 1b we say we support something, is that now  
6 the policy where the executive officer will now  
7 actually support a bill, or does he still have to  
8 discuss it with the department director or deputy  
9 director?

10 CHAIRMAN GIOVANNI: Mr. Orodenger.

11 MR. ORODENER: He'll have to support a  
12 bill. That's the testimony I will submit. Whether  
13 or not it -- I mean, usually support is not a  
14 problem with this administration. It's when you are  
15 in opposition. And if this Commission decides it's  
16 in opposition to a bill, that's the testimony I will  
17 submit.

18 The deputy director can disagree and  
19 request that I redo the testimony. And if that is  
20 the case, I will contact whoever this Commission  
21 decides, whether it be the Chair or whoever, and  
22 explain to them the situation. I have not seen that  
23 happen, Brian.

24 If this Commission takes a position, the  
25 deputy director has in the past honored it.

1           COMMISSIONER LEE: Because this Board is  
2 different, I actually think you should have less of  
3 a problem because I think in the past, the Board  
4 might have told you to oppose a couple of the  
5 Governor's package bills to liberalize the amount of  
6 acreage. And that's what I've seen from -- from the  
7 past Board. I don't know that that would be the  
8 case now, so -- I'm good with lb with the  
9 guardrails.

10           CHAIRMAN GIOVANNI: So it looks like we're  
11 -- any other -- before I ask for a motion, are there  
12 any other general comments? Commissioner Yamane.

13           COMMISSIONER YAMANE: So my thoughts like  
14 as a Commissioner here, I'm not into policy making.  
15 I understood my position to be as a regulated body  
16 that's based on existing laws and statutes. And if  
17 those laws and statutes change, then so does the  
18 function of this Commission. And I'm fine by  
19 whatever that is.

20           I personally don't want to see any bills.  
21 I think our job here is to listen to petitioners  
22 with land use issues, boundary amendments, special  
23 use permits, and be very diligent in asking those  
24 questions.

25           But when it comes to legislate -- and I

1 did that in my previous life. I got paid for that.  
2 This is a voluntary position here at the Commission.  
3 I don't want to review bills. I don't want to make  
4 positions on bills.

5 My personal base would be what I mentioned  
6 earlier is just delegate authority to staff with  
7 guardrails to comment only on the effects of bills  
8 to the Commission from how it functions based on the  
9 bill's impact on the Commission and not take a  
10 position to support or oppose.

11 And so that -- any option that puts a bill  
12 in front of me to review or oppose or support, I  
13 will -- I probably will oppose it. Thank you, Mr.  
14 Chair.

15 CHAIRMAN GIOVANNI: Thank you.

16 COMMISSIONER CARR SMITH: Chair.

17 CHAIRMAN GIOVANNI: One sec. I'm making a  
18 note. Okay. Who was that? Commissioner Carr  
19 Smith.

20 COMMISSIONER CARR SMITH: Yeah, I just  
21 wanted to follow up on Mike's comments. I totally  
22 understand where you're coming from, but since the  
23 executive officer does go to the Legislature and  
24 provide testimony on behalf of the LUC, then that's  
25 when I feel like it becomes my responsibility to

1 weigh in on that because I don't want the wrong  
2 thing being conveyed to the Legislature that's not  
3 reflective of the LUC.

4           If there was no testimony by the E.O.,  
5 then I think that would be a different thing, but  
6 since there is, that's -- that's why I feel that  
7 way. So I just wanted to -- I get where you're  
8 coming from, but I don't quite agree.

9           CHAIRMAN GIOVANNI: Any other comments?  
10 Commissioner Hayashida.

11           COMMISSIONER HAYASHIDA: Commissioner  
12 Hayashida. I thought -- when the -- bills move very  
13 fast through the process, and I don't see how we can  
14 meet and approve all the bills. So I thought 1b was  
15 very interesting, the director. But is that true  
16 that --

17           CHAIRMAN GIOVANNI: So under 1b, we'd meet  
18 at -- we'd have to meet and review and take a  
19 position on a bill-by-bill basis. So I mean we're  
20 going to test the water a little bit today at how  
21 long that process takes.

22           But we have four bills that are agendized  
23 today. We'll discuss those, but we're not going to  
24 be taking a formal position on any of those because  
25 that's not agendized. We are just going to discuss

1 them.

2 But I think that -- that the earlier  
3 answer to Commissioner's U'u's question is a minimum  
4 of 12 bills that would be agendized. I mean if we  
5 discuss and vote two hours each, that's 24 hours of  
6 meeting time just to develop positions on those  
7 bills. That's a lot of time.

8 COMMISSIONER HAYASHIDA: And timing-wise,  
9 it doesn't seem reasonable.

10 CHAIRMAN GIOVANNI: It doesn't seem  
11 reasonable.

12 COMMISSIONER HAYASHIDA: I mean it's  
13 handcuffing to me to go to 1b. Personal opinion.

14 CHAIRMAN GIOVANNI: Yep. Commissioner  
15 Lee.

16 COMMISSIONER LEE: Thank you, Chair.  
17 Yeah. I think maybe to leave it a little bit of a  
18 concern. At 12 or 20 bills, basically boils down to  
19 3 or 4 themes, you know. And if we can kind of  
20 approach it that way, they of course -- they have,  
21 you know, differences as far as maybe acreage or,  
22 you know, stuff like that. But in general, it's 3  
23 or 4 themes.

24 If it's something that simple, then maybe  
25 it won't be that difficult, and I'll ask the

1 executive officer if he agrees with that.

2 MR. ORODENKER: Yeah. That has been the  
3 case in the past. We got 3, 4 or 5 bills that have  
4 a theme: Increase the acreage for the county's  
5 jurisdiction is one of the main things. This year  
6 we have a couple other different things that are  
7 floating around.

8 But we can lump them together into general  
9 categories that may assist the Commission in  
10 rendering a decision with things like that.

11 COMMISSIONER LEE: Yeah. And just to  
12 address Commissioner Yamane. I mean, I'm good with  
13 not even taking a position on many bills, you know,  
14 and just -- just commenting if necessary. So we  
15 don't necessarily have to take a position on every  
16 single bill.

17 MR. ORODENKER: If I can respond to that  
18 just for a moment. A lot of the bills that we  
19 comment on are bills that we don't necessarily  
20 oppose, but very -- it's not uncommon for the  
21 Legislature to draft a bill and posts for a hearing  
22 on measure that somehow impacts us via Chapter 91,  
23 for instance, or Chapter 92, that if they don't  
24 carve out an exception for us or if they don't drop  
25 the bill, then it is going to put us in a position

1 where we won't be able to do our business.

2           And so those are the type of bills that we  
3 -- we find ourselves testifying on a lot outside of  
4 the bills on the, you know, reducing or increasing  
5 the acreage or something like that.

6           And those we usually with the AG on to be  
7 honest with you. Because we say, hey look if they  
8 pass this, how are we going to be able to do our,  
9 you know, contested case hearings or do our notices  
10 time frames become unreasonable. And we're using  
11 close communication with the AG on those. And those  
12 I don't, if I can say so, I don't think those are  
13 the type of bills that this Commission wants to get  
14 involved in because those aren't policy issues.  
15 They're more administrative. You know, how do we  
16 function? Is this going to change the way we  
17 function? Is it going to make it impossible for us  
18 to function? That type of a thing.

19           CHAIRMAN GIOVANNI: So any other comments  
20 at this point? So I think that what I see happening  
21 before us is a coalescence around option 1a or 1b;  
22 1a being what has historically been the case where  
23 Commissioners don't get directly involved even  
24 taking preliminary positions, and it's just a  
25 blanket delegation to executive staff and Mr.

1 Orodenker. Or 1b where on a bill-by-bill basis that  
2 would be agendized, the Commission would take a  
3 position and then delegate the responsibility to the  
4 executive officer to draft testimony and present it  
5 on behalf of the Commission that's consistent with  
6 that position. Those are the two that I see  
7 evolving from this group.

8 So I will take a -- the Chair will accept  
9 a motion of how this Commission wants to proceed.  
10 Commissioner Miyasato.

11 COMMISSIONER MIYASATO: Sure, I'll make a  
12 motion, and we'll see where it goes.

13 So I make a motion that we adopt option 1a  
14 with the guardrails mentioned by Commissioner Yamane  
15 that the staff not take a position but comment in  
16 regards to the effect of all our organization. And  
17 if there is a position that's going to be taken,  
18 then that particular bill be brought before the  
19 Commission and lower the constraints of time.

20 But there are several crossovers. So even  
21 if we don't get immediate testimony for that  
22 particular hearing, we still can give our opinion  
23 and share our thoughts on a crossover, so --

24 CHAIRMAN GIOVANNI: So let me see if I can  
25 say that back. No I think -- I think you said



1 something very good, very important.

2           You are making a motion -- before I ask  
3 for a second, I want to make sure it's understood  
4 for adopting of option 1a, which is a blanket  
5 delegation to the executive officer with the proviso  
6 that they provide comments only and not take a  
7 position for or against a bill. However at the  
8 discretion of the executive officer, if the  
9 executive officer perceives an issue of significance  
10 in a given bill, he has to present it to the full  
11 Commission for a position before proceeding. Is  
12 that correct?

13           COMMISSIONER MIYASATO: Correct.

14           CHAIRMAN GIOVANNI: Do I have a second on  
15 that motion?

16           COMMISSIONER HAYASHIDA: Second.

17           CHAIRMAN GIOVANNI: So moved by  
18 Commissioner Miyasato and seconded by Commissioner  
19 Hayashida. Further discussions? Commissioner Lee?

20           COMMISSIONER LEE: I respect the opinions  
21 of my other Commissioners. I'm more comfortable  
22 with 1b. I don't think that that's going to delay  
23 things that much to -- because this is a four-month  
24 process. There are laterals and crossovers. And  
25 there's really only three or four main themes.

1 I'd like to have some input before  
2 testimony is made, not after. And I think actually  
3 most of the time I'm -- I probably favor not making  
4 -- not taking a position or just commenting. But I  
5 just like that safeguard. And that's my opinion.

6 CHAIRMAN GIOVANNI: So I think that you  
7 said that -- just to clarify -- that you would be  
8 voting in opposition to the motion.

9 COMMISSIONER LEE: Yeah. I would -- I  
10 would be voting --

11 CHAIRMAN GIOVANNI: We're voting on 1b,  
12 right. 1a is the only thing --

13 COMMISSIONER LEE: I would be voting in  
14 opposition.

15 CHAIRMAN GIOVANNI: Okay. Anybody else?  
16 Commissioner Yamane.

17 COMMISSIONER YAMANE: Thank you, Mr.  
18 Chair. Appreciate the motion. I think I -- I -- I  
19 would support that motion, appreciate that motion,  
20 and it's seconded by the Commissioners. I think  
21 that's practically speaking. I think it keeps us  
22 aware what's going on. I think it doesn't unduly  
23 burden staff of doing extra work for the  
24 Commissioners. And -- like the guardrails that  
25 Commissioner Miyasato said. Like if there's a

1 situation where our executive officer thinks that  
2 this will impact the Commission and a position is  
3 required. Because, you know, the -- we have several  
4 bites of the apple.

5 I mean normally we don't even testify and  
6 do a crossover, because those are the bills that  
7 facts you want to possibly make it. Everything  
8 usually dies before then.

9 So that I can support, so -- but I want to  
10 thank the Commissioners motion and second. Thank  
11 you, Mr. Chair.

12 CHAIRMAN GIOVANNI: Thank you.  
13 Commissioners, further comment.

14 COMMISSIONER CARR SMITH: I won't be  
15 supporting the motion. I don't -- I don't think  
16 blanket delegation is a good thing to provide at  
17 this point. But I respect the motion. Thank you.

18 CHAIRMAN GIOVANNI: Thank you. Anybody --

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 MS. STEED: We're in the middle of a  
21 motion vote, though, so any decision on that is  
22 going to have to be made after the motion is done.

23 CHAIRMAN GIOVANNI: Well, and that -- one  
24 second. We'll move on that. We'll take up.

25 Any other comments on the motion?

1 COMMISSIONER CARR SMITH: Chair.

2 CHAIRMAN GIOVANNI: So the Chair --

3 COMMISSIONER CARR SMITH: I'm sorry.

4 CHAIRMAN GIOVANNI: Commissioner Carr  
5 Smith, go ahead.

6 COMMISSIONER CARR SMITH: So the agenda  
7 item is not what exactly we're talking about, right?  
8 So should the motion be framed so that it's the PIG  
9 and the decision as to whether we're creating a PIG.  
10 Isn't that what the agenda item is?

11 CHAIRMAN GIOVANNI: So as I understood  
12 from our discussion in Executive Session, we have  
13 three options under HRS 92-2.5. And -- yeah so  
14 basically the motion as I understand it, consistent  
15 with how it's been agendized, that in lieu of a PIG  
16 formation, that we're deciding not to form a PIG.  
17 And instead we're deciding to choose option 1a out  
18 of HRS 92-2.5 which is, according to the office of  
19 information practices, consistent with Sunshine Law,  
20 how we can proceed to provide testimony, and that  
21 would be a blanket delegation to the executive  
22 officer to provide testimony on our behalf but under  
23 the conditions that he would never provide -- that  
24 he could only provide comment.

25 And secondly that if he perceived that

1 there was a significant issue in a given bill, he  
2 would bring that to the Commission for open  
3 discussion before providing testimony. Okay. And  
4 we can vote on that.

5 So the Chair is going to support this  
6 motion. I think it's -- I think it's a very  
7 practical way to move forward. I think that it is  
8 consistent with best practice, which has served this  
9 Commission pretty well, and I also share  
10 Commissioner Yamane's concern for what is the  
11 primary business of the Commissioners, which is to  
12 act on contested cases before -- and declaratory  
13 rulings before this Commission, as opposed to  
14 getting bogged down in Legislative activities. So I  
15 am going to support it.

16 Mr. Orodenger, would you take a roll-call  
17 vote, please?

18 MR. ORODENER: Thank you, Mr. Chair.

19 The motion is to give the executive  
20 officer delegation to provide testimony on the  
21 Commission's behalf with the proviso that the  
22 executive officer only provide comments, unless the  
23 executive officer sees a significant issue, which  
24 will then be brought before the Commission. Is that  
25 correct? Commissioner Miyasato?

1 COMMISSIONER MIYASATO: Aye.

2 MR. ORODENKER: Commissioner Hayashida?

3 COMMISSIONER HAYASHIDA: Aye.

4 MR. ORODENKER: Commissioner Carr Smith?

5 COMMISSIONER CARR SMITH: No.

6 MR. ORODENKER: Commissioner Kahele?

7 COMMISSIONER KAHELE: Aye.

8 MR. ORODENKER: Commissioner Kamakea-

9 'Ohelo?

10 COMMISSIONER KAMAKEA-'OHELO: Aye.

11 MR. ORODENKER: Commissioner Lee?

12 COMMISSIONER LEE: How about if I say that  
13 we're here because it hasn't worked in the past, but  
14 I am optimistic and I'm willing to give it a try,  
15 that it will work. But I am still going to vote no.

16 MR. ORODENKER: Commissioner U'u?

17 COMMISSIONER U'U: No.

18 MR. ORODENKER: commissioner Yamane?

19 COMMISSIONER YAMANE: Aye.

20 MR. ORODENKER: Chair Giovanni?

21 CHAIRMAN GIOVANNI: (No audible response.)

22 MR. ORODENKER: Thank you, Mr. Chair. The  
23 motion carries six to three.

24 Ms. Kwan, did you say that there is  
25 somebody who wants to provide some public testimony

1 on this agenda item?

2 MS. KWAN: There is a request from the  
3 public to do public testimony relating to agenda  
4 item 4 because they have to leave.

5 CHAIRMAN GIOVANNI: I understand. Has  
6 this person provided any written testimony on agenda  
7 item 4?

8 MS. KWAN: No, they have not.

9 CHAIRMAN GIOVANNI: I'm going to move --  
10 make a -- do I have to have a motion to change the  
11 order?

12 MR. ORODENKER: I don't think you do.

13 CHAIRMAN GIOVANNI: Okay. We're going to  
14 go out of order in sequence so we can accommodate  
15 some public testimony. This shouldn't take too  
16 long, hopefully.

17 Our next agenda item that we will take our  
18 -- or what has been agendized -- the next agenda  
19 item is a discussion -- or wait minute here.

20 MS. KWAN: Agenda item 4.

21 CHAIRMAN GIOVANNI: Well, once we start,  
22 we have to do all three bills. So I'm not inclined  
23 to take all three bills at this time. We have  
24 representatives here to do agenda item 3, and we're  
25 going to do agenda item 3.

1           So let me ask the witness to provide her  
2 testimony in writing. She has more than enough --  
3 he or she has more than enough time to do that, and  
4 I'll actually read that written testimony on the  
5 record when we get to that point.

6           MS. KWAN: Understood, Chair.

7           CHAIRMAN GIOVANNI: So we're going to stay  
8 with the sequence of the agenda.

9           And our next order of business is a  
10 discussion of preliminary legislative measure  
11 proposed by the Department of Business, Economic  
12 Development & Tourism, known as DBEDT, and it is  
13 intended for the Legislative packet, and it does  
14 impact the LUC.

15           And my understanding is that this bill has  
16 been drafted in part and developed by the Office of  
17 Planning and Sustainable Development, and we have  
18 representatives including Mary Alice Evans, the  
19 Director of the Office of Planning and Sustainable  
20 Development. And I understand that you'd be willing  
21 to provide testimony on this bill at this time. Is  
22 that correct? Thank you.

23           UNIDENTIFIED SPEAKER: (Inaudible.)

24           CHAIRMAN GIOVANNI: She can present first,  
25 and then I think that it makes the public testimony



1 even more relevant. But I do need to swear you in,  
2 Ms. Evans.

3 Ms. Evans, could you state your name and  
4 your affiliation, and then I'll swear you in.

5 MS. EVANS: Thank you, Chair. My name is  
6 Mary Alice Evans. I am the Director of the Office  
7 of Planning and Sustainable Development.

8 CHAIRMAN GIOVANNI: Thank you. Do you  
9 swear the testimony today the testimony today to be  
10 the truth?

11 MS. EVANS: I do.

12 CHAIRMAN GIOVANNI: Please proceed.

13 MARY ALICE EVANS, having been first duly sworn  
14 testified as follows:

15 MS. EVANS: Thank you Chair and  
16 Commissioners for allowing us to present.

17 This is an admin bill, part of the  
18 Governor's Admin Bill Package. It now has been --  
19 it was introduced last night at 4:30. And it has  
20 two bill numbers. The House Bill is HB1015, and the  
21 Senate Bill number is 1334

22 The Office of Planning, of course, will be  
23 supporting this measure because it is part of the  
24 Governor's Admin Bill Package, and we will be asking  
25 -- as soon as we get -- know what the House and the

1 Senate have referred these bills to which subject  
2 matter committee, then we will also be drafting a  
3 letter to the subject matter chairs asking them to  
4 hear -- the Senate and the House version of this  
5 bill.

6 That is standard process for admin bills.  
7 Nothing different or unusual there.

8 Chair, may I go over some of the provision  
9 of this measure?

10 CHAIRMAN GIOVANNI: Please do, yeah.  
11 Explain it to us.

12 MS. EVANS: Yep. So the reason we drafted  
13 this measure for consideration by first DBEDT and  
14 then why the Governor's office is that in January of  
15 2022, the Office of Planning and Sustainable  
16 Development presented to the Land Use Commission,  
17 the Governor, and the Legislature her amendments to  
18 Chapter 205 done by Act 153, I believe; 152, Dan?

19 MR. ORODENKER: Yeah, one of those.

20 MS. EVANS: Okay. That changed the five-  
21 year boundary review to a periodic review of  
22 districts.

23 The Office of Planning had not been able  
24 to do a five-year boundary review because of the  
25 costs involved. So with the change in language, we

1 were able to do a five year -- not a five year, a  
2 25-year review of districts.

3 And one of the findings was that the  
4 counties have a process under Chapter 226 and  
5 Chapter 46, the county statute, that requires them  
6 to develop a general plan and county development  
7 plans. And those planned processes have a lot of  
8 community engagement, and they are adopted by the  
9 Land Use Authority of each county.

10 So with those findings, we drafted a bill  
11 that -- and I'll --

12 The purpose of this act is to allow the  
13 county land use decision-making authorities to  
14 process district boundary amendments to align state  
15 land use district boundaries with conforming land  
16 use designations contained in adopted county land  
17 use plans. And it amends Chapter 205-3.1 to make  
18 that possible.

19 So that is the -- that's the substance of  
20 the bill, Chair.

21 CHAIRMAN GIOVANNI: Well, how would it  
22 work if the bill is passed? What's different? What  
23 changes?

24 MS. EVANS: It allows the counties to,  
25 based on their adopted plans which all four, we

1 determined on our research have designated future  
2 urban growth areas. And I believe it was November  
3 7th when I presented that concept to the Commission,  
4 and we showed you a map of those areas in each  
5 county, that they tend to be adjacent to urban  
6 areas, sometimes completely surrounded by state  
7 urban district usually with two or three sides  
8 adjacent to the state urban district.

9           The counties have determined that they  
10 either have urban infrastructure or they can put in  
11 urban infrastructure that would support urban uses,  
12 including housing and other amenities for urban use.

13           So how it would work, Chair, is that the  
14 counties would decide if they want to consider doing  
15 a district boundary amendment for one or more of  
16 those areas. It will probably depend on whether  
17 they feel they are ready to put in the  
18 infrastructure that would be needed in order to make  
19 it possible for urban uses to be located there.

20           So they would then -- they have -- each  
21 county has in their charter either a process where  
22 the Planning Department and the Major sends bills  
23 for an ordinance, either to the planning commission  
24 -- all four planning commissions or all seven or  
25 eight planning commissions, excuse me. Then the

1 planning commission either makes a recommendation to  
2 the county council or makes the decision, depending  
3 on the county.

4 CHAIRMAN GIOVANNI: So hypothetically --  
5 I'm still trying to get the mechanics.

6 MS. EVANS: And these would be public  
7 hearings following the county's process for  
8 complying with Chapter 91 and 92.

9 CHAIRMAN GIOVANNI: So what is the -- my --  
10 - the question that came to my mind is the role of  
11 the landowner. So if the landowner has  
12 hypothetically a parcel that is classified as  
13 agriculture and the county general plan has  
14 surrounding properties that are urban and someone in  
15 the county says that makes sense to make that urban  
16 as well, does the landowner have a say in the  
17 process?

18 MS. EVANS: The landowner can continue  
19 farming as long as they want to farm.

20 CHAIRMAN GIOVANNI: But what about for tax  
21 purposes and things of that nature?

22 MS. EVANS: I don't have an answer to  
23 that, Chair.

24 CHAIRMAN GIOVANNI: Yeah. I mean a lot of  
25 -- my understanding is the tax rate on ag land is

1 more favorable on a county-by-county basis than  
2 urban land. And if I'm farming on my ag land, why  
3 would I want to pay a higher tax rate just to be  
4 consistent with the county plan? I mean, that's  
5 kind of the question that I would --

6 MS. EVANS: Mm-hmm.

7 CHAIRMAN GIOVANNI: Where are those --  
8 where are those landowners concerns? Where to they  
9 come up in the process because the way it is now,  
10 the landowner comes here to get a DBA.

11 MS. EVANS: Mm-hmm. I can only speculate.  
12 Yeah. This is not -- I'm not speaking for any of  
13 the poor counties.

14 CHAIRMAN GIOVANNI: Okay.

15 MS. EVANS: But I would be guessing that  
16 the county would not proceed if the landowner, say  
17 there's only one landowner, is not interested.  
18 Because why would they invest in infrastructure when  
19 there's, you know, no need for infrastructure to  
20 support agriculture.

21 CHAIRMAN GIOVANNI: Even if it's  
22 surrounded by urban?

23 MS. EVANS: Well, let me -- let me add a  
24 scenario to that.

25 CHAIRMAN GIOVANNI: Okay.

1 MS. EVANS: City and County of Honolulu  
2 has done something innovative in terms of transit-  
3 oriented development zoning. Instead of waiting for  
4 a landowner to come to the County Planning  
5 Department with an application to rezone land within  
6 a half a mile of one of the heart stations, they  
7 have undertaken a district zoning approach. Now  
8 these are all in the urban district, so we're not  
9 talking about conversion of ag land to urban. But  
10 we are talking about rezoning from say, you know,  
11 possibly even ag county zoning but possibly just a  
12 lower density zoning.

13 City and County of Honolulu and their City  
14 Council have adopted zoning that then does not  
15 compel landowners to make any changes to their  
16 whatever structures or business they have on their  
17 properties but allows them to ag using the new TOD  
18 zoning to move to a higher density as long as it  
19 complies with the TOD guidelines for the TOD  
20 zoning. So I'm thinking that's maybe analogous,  
21 maybe not. It depends on the county. Neighbor  
22 island counties are different from O'ahu. So that  
23 might not apply on a neighboring island.

24 CHAIRMAN GIOVANNI: Fair enough.  
25 Commissioners, any questions for Ms. Evans on her

1 testimony today? Commissioner Miyasato.

2 COMMISSIONER MIYASATO: Thank you for that  
3 presentation or for your testimony. Do you, by  
4 chance, have any breakdown on the 65,000 acres  
5 county by county?

6 MS. EVANS: Does our report have a  
7 breakdown? I think it does, Commissioner Miyasato.  
8 I don't happen to have the report with me. It is on  
9 our website and copies were provided to the  
10 Commissioners in January '22. We'd be happy to  
11 provide a copy to any Commissioner that wants a hard  
12 copy at this point.

13 COMMISSIONER MIYASATO: Okay. Thank you.

14 CHAIRMAN GIOVANNI: Commissioner U'u.

15 COMMISSIONER U'U: Good morning and thank  
16 you for that. Did you get any input from the  
17 counties on that?

18 MS. EVANS: During our bill-drafting  
19 process, we did reach out to the counties. This is  
20 not -- it's not the kind of where we send a letter  
21 to a county agency requesting written comments on a  
22 petition or a special permit. What we did was,  
23 we're -- this is all prior to whether the Governor  
24 has decided to include a bill in his bill package.  
25 So it's very informal, but we did. And the counties



1 were generally favorable. And one county was very  
2 favorable. That would be Hawaii County.

3 COMMISSIONER U'U: I -- I just wanted to  
4 add that I read it, and I think if they're happy  
5 with it, then I think I'd be happy with it. I  
6 understand that some of the powers maybe shift a  
7 little towards the county side is my understanding.  
8 I understand on Maui, we did the community plan.  
9 Changes are made that -- that adversely affect  
10 landowners. Only because you went from an urban  
11 growth area to maybe a park space. So this might be  
12 the opposite of that to a certain degree. But it's  
13 vetted through the county and what I read I think  
14 would be a benefit -- it could be a benefit. And  
15 again I said could because I'm not an expert. So,  
16 it could. Thank you.

17 CHAIRMAN GIOVANNI: Thank you,  
18 Commissioner U'u. Commissioner Miyasato.

19 COMMISSIONER MIYASATO: Thank you. I have  
20 one followup. You know because when I read this,  
21 does that grandfather just that 65 --

22 MS. EVANS: No.

23 COMMISSIONER MIYASATO: So this would be  
24 an ongoing open process?

25 MS. EVANS: This is a forward-looking

1 bill. Nothing is grandfathered. Each county would  
2 have to initiate a process which, of course, would  
3 follow their own public hearing and process.

4 COMMISSIONER MIYASATO: Okay. Thank you.

5 MS. EVANS: Thank you.

6 CHAIRMAN GIOVANNI: Commissioner Lee.

7 COMMISSIONER LEE: Thank you, Chair.

8 Good morning, Director.

9 MS. EVANS: Hi.

10 COMMISSIONER LEE: So I'm clear, you're  
11 correct I think that the counties are in favor of  
12 this. In fact, they complained loudly sometimes. I  
13 think four of us have served on the county planning  
14 commissions, and we've heard that refrain before.

15 But just to follow up on what Commissioner  
16 Miyasato said. So in future if the county, through  
17 their community development plan process at their  
18 local planning commissions, decides to change their  
19 boundaries so that agriculture becomes urban, then  
20 they could do that basically on their own without  
21 coming to the state; is that correct?

22 MS. EVANS: They would have to comply with  
23 Chapter 226, which lays out a process for doing a  
24 general plan update and development plan updates.

25 COMMISSIONER LEE: For their respective

1 counties?

2 MS. EVANS: Yes, for their respective  
3 counties.

4 COMMISSIONER LEE: And if I'm not  
5 mistaken, that process goes through their county  
6 councils as well; is that your understanding?

7 MS. EVANS: Yes. So those plans are  
8 adopted by their elected officials and reviewed, I  
9 think in all of them, by their appointed planning  
10 commissions.

11 COMMISSIONER LEE: Okay. Thank you. And  
12 I guess I'd follow up and ask the executive officer  
13 for this bill under what we adopted as the la  
14 policy, would you consider this as something  
15 significant to come to the Board to ask their  
16 opinion? Or would you just say that you can just  
17 comment?

18 MR. ORODENKER: No, I would say this is  
19 significant enough to bring before the Commission.

20 COMMISSIONER LEE: Okay. Thank you.  
21 That's reassuring. And thank you, Director.

22 CHAIRMAN GIOVANNI: Yeah. In fact, once  
23 we're satisfied with the questions for Commissioner  
24 -- I mean of Director Evans, I'm going to ask staff  
25 to comment on their review of the same bill for our

1 information.

2 Anything further for Ms. Evans? Thank you  
3 very much.

4 So now I'd like to turn to staff. Mr.  
5 Orodenker, will you or Mr. Derrickson, whoever, give  
6 us your perspective and review of this bill.

7 MR. ORODENKER: Yeah. I have a couple of  
8 concerns. I think the devil is in the detail on  
9 this bill, and I think that the Chair was correct in  
10 asking the questions that he did with regard to  
11 process as well as the rest of the Commissioners.

12 Under the Nollan versus California Costal  
13 Commission and Dolan versus City of Tigard cases,  
14 which were both U.S. Supreme Cour cases, there is a  
15 right of property owners to maintain the value of  
16 their property and not for the -- the states are  
17 specifically prohibited from changing that without  
18 due process.

19 If there was an opportunity for an  
20 individual landowner to object and there wasn't an  
21 opportunity for due process with regard to a piece  
22 of property, I think that we would have fewer  
23 concerns.

24 And the best example I can give you of  
25 that is a real-world example. I have a friend who

1 contacted me who her family has owned a piece of  
2 property up at Turtle Bay sandwiched in between the  
3 proposed developments, and she was very concerned  
4 that her property was going to be rezoned to urban  
5 and get swept up in that whole urbanization of the  
6 North Shore, and she wouldn't be able to pay the  
7 increased taxes. That is a real concern. And I  
8 think if due process is met, this is not -- I mean,  
9 that is my concern. Let me put it that way, that  
10 due process be met for each individual landowner  
11 instead of just being swept up in a change.

12           And I would disagree with Mary Alice. If  
13 your land is urbanized, you can no longer farm on  
14 it. I mean, there's a limitation on the number of  
15 chickens and cows and all the rest of that stuff.  
16 And there is prohibitions on causing a nuisance and  
17 all the rest of that stuff.

18           So if you're a farmer and your land is  
19 swept up in one of these urbanizations, you're going  
20 to have to stop farming, and I'm concerned about  
21 that issue.

22           I understand that there are a lot of small  
23 parcels; when I say small, 100 acres or so parcels,  
24 that are wrapped up in between other urban areas or  
25 immediately adjacent urban areas that should be

1 urbanized, but I think there needs to be some  
2 recognition that there are people who don't want to  
3 have their land urbanized. And they should have a -  
4 - there should be a process involved that allows  
5 them to have their own land taken out of that  
6 blanket change under the general plans. That's my  
7 concern.

8 I also think if they're not given that  
9 opportunity, then they probably have a lawsuit to  
10 stop it.

11 So it's not -- not that I'm opposed to the  
12 concept. It's just that the devil is in the  
13 details.

14 CHAIRMAN GIOVANNI: Commissioner Lee.

15 COMMISSIONER LEE: Thank you, Chair.

16 Yeah, I appreciate that explanation. I'm just  
17 wondering what the difference is because the county  
18 can still do that no. It's just that the  
19 differences that the state would be out of the  
20 decision; is that correct?

21 MR. ORODENKER: Well, the state -- the  
22 county can petition the Land Use Commission for a  
23 district boundary. That is one of the provisions in  
24 Chapter 205. However, we are then required to hold  
25 a contested case hearing and notify all the impacted

1 landowners that they are -- or what's happening and  
2 that they are welcome to join in the contested case  
3 hearing.

4 And like I say, if that process existed at  
5 the county level, I think I'd have less concern.

6 COMMISSIONER LEE: But isn't that what  
7 happens at the county level? I mean the county --  
8 the county still has to notify the neighbors and  
9 even if it's over 15 acres. Before it comes to us,  
10 the county still has to go through that process  
11 first; isn't that right?

12 MR. ORODENKER: It's over 15 -- no. If  
13 it's over 15 acres, then the county -- if the county  
14 was submitting the petition, yes. If -- if -- if --  
15 let's say it's a 100-acre parcel area, if the county  
16 submits a petition to the Land Use Commission, then  
17 our rules -- Chapter 15-15 would apply.

18 COMMISSIONER LEE: Oh, okay. So the  
19 distinction is that it -- if the landowner does it -  
20 -

21 MR. ORODENKER: Mm-hmm.

22 COMMISSIONER LEE: -- then he has to go  
23 through the county process. But if the county is  
24 the one that is requesting it, it doesn't have to go  
25 through its own process first?

1 MR. ORODENKER: I'm -- I'm not going to  
2 pretend that I understand the politics at the county  
3 level if the county's planning department decides it  
4 wants to, you know, urbanize an area, I mean I'm  
5 sure that that has to go through the planning  
6 commission and the county council, and then they  
7 would come to us.

8 COMMISSIONER LEE: That's kind of my  
9 question -- is don't they do it anyway? Because --

10 MR. ORODENKER: I -- I'm not -- I'm not  
11 sure. The --

12 COMMISSIONER LEE: Because my  
13 understanding is they do. I mean, every 5 to 10  
14 years, they review everything all over again.

15 MR. ORODENKER: Well, the general plan  
16 does not change the designation count, right?

17 COMMISSIONER LEE: But the community  
18 development plans do change. The eight that are, at  
19 least, on O'ahu.

20 MR. ORODENKER: Yeah, but they don't  
21 change the districting of the land. They are just -  
22 - the plans. They don't rezone. They don't  
23 redistrict. They don't do any of that.

24 COMMISSIONER LEE: Okay.

25 CHAIRMAN GIOVANNI: Yeah, I think that



1 maybe there is a parallel with imminent domain  
2 capabilities that if a county wants to take a  
3 private landowner's land and use it for government  
4 or other purposes, it could seize the property  
5 through eminent domain and pays their compensation.  
6 That process exists, right? There seems to be some  
7 parallels between that and what we'll probably here  
8 a little bit -- I'm totally unclear on the legal  
9 process that would be involved in --

10 COMMISSIONER LEE: So in this process,  
11 they wouldn't have any recourse like under eminent  
12 domain. The county could just say we want to zone  
13 your Turtle Bay property as urban and tough luck; is  
14 that what you're saying?

15 MR. ORODENKER: That is my concern. I --  
16 I -- and I'm not pretending -- the difficulty that I  
17 have with this is that the bill itself doesn't spell  
18 out that the counties are required to go through  
19 with due process procedure. And that what's I'm  
20 say, this is comment.

21 I think if that was alleviated and there  
22 was a prevision in this bill that allowed for a  
23 process to have someone like Myles or this woman who  
24 approached me from the North Shore to say, "No, I  
25 don't want my land urbanized," then I think I would

1 be more comfortable with it. I'm just concerned  
2 that we run into a situation where we're cutting  
3 small farmers and other agricultural activity  
4 without recourse.

5 COMMISSIONER LEE: Okay. I would like to  
6 ask the -- Director Evans if you have anything that  
7 might address those concerns.

8 MS. EVANS: Thank you, Commissioner Lee.  
9 Chair, may I proceed? Okay.

10 The bill does note Chapter 46. Chapter 46  
11 is the state law that enables the counties to  
12 establish zoning and planning processes. Their  
13 processes are -- do have due process. They allow  
14 for public hearings, public testimony, public -- uh  
15 oh, I'm sorry. And I believe they also allow for  
16 contested case hearings.

17 So if a landowner was concerned, they  
18 could I believe become an intervener, petition to  
19 become an intervener or apply -- I'm not sure of the  
20 right verb -- and make their concerns know. I thin,  
21 you know, that would be very strong testimony.

22 But some of these areas have more than one  
23 landowner, I think. Aaron, do you think that's the  
24 case?

25 MR. SETOGAWA: (No audible response.)

1 MS. EVANS: Yeah, so multiple parcels.  
2 But they've gone through an extensive public review  
3 process prior to being adopted by the county  
4 councils, in which the residents in those areas had  
5 to debate and discuss whether they would support at  
6 the county council level designated as future urban  
7 growth areas. Some of them call them future urban  
8 growth boundaries, others future urban growth areas.  
9 But it's a formal designation at the county level.

10 COMMISSIONER LEE: Now that I think about  
11 it, five of us have served on the county planning  
12 commissions, and if this bill were to pass, the only  
13 difference is from before is that -- or how it is  
14 now is that after the county does its process, it  
15 goes to the State land use commission, and we're not  
16 going to compensate anybody if we decide to zone  
17 something, you know, as urban. The only difference  
18 is that the landowner is the one that's making the  
19 petition. So, yeah, thank you for some -- your  
20 input.

21 MS. EVANS: Chair, may I point out one  
22 thing that I may have forgotten to mention?

23 CHAIRMAN GIOVANNI: Yeah, please.

24 MS. EVANS: So lands that are designated  
25 as IAL are not included in this. They're explicitly

1 excluded from auction and, therefore, an  
2 agriculturalist, a producer, a rancher that wanted  
3 to ensure that their lands were not urbanized have  
4 the option of putting together a petition for  
5 declaratory order to have their lands designated as  
6 IAL.

7           They will get even additional tax benefits  
8 from doing that, and so there should be strong  
9 incentive for someone who wants to keep their land  
10 in agriculture to follow that route, and this bill  
11 provides them that route.

12           COMMISSIONER U'U: I have a question,  
13 Chair.

14           CHAIRMAN GIOVANNI: Commissioner U'u,  
15 please.

16           COMMISSIONER U'U: Yeah, yeah. I -- you  
17 know, I like this bill for a number of reasons.  
18 Like I heard mention be made that several of us  
19 served on planning commissions. And on Maui,  
20 there's a General Plan Advisory Committee that looks  
21 over urban growth boundaries for so much years, and  
22 I know after that, it goes to the community plan.

23           And currently Maui, in keeping, is doing  
24 the community plan, and that process is still  
25 ongoing. It's been ongoing for months. So the

1 vetting process is within the community, unlike what  
2 we doing now. So it's in the community.

3 It goes back to the planning commission, and  
4 they have another opportunity to share their Mana'o  
5 not or at the planning commission. And when I was  
6 on the planning commission, we had to go back out in  
7 the community once more to hear from the community.

8 After the planning commission has their  
9 say, which is given to them from the GPAC to the  
10 community plan -- after they get their cracks at it  
11 because there are a lot of cracks at it -- it comes  
12 to the planning commission where they go back out  
13 into the community, comes back to the planning.  
14 Then from there it gets vetted by the council.

15 So I just staying, I'd rather have it done  
16 within the community, like so you can just -- we're  
17 not Oahu. We can go Maui, you're in Lahaina, it's  
18 going to be hell in Lahaina. Vet it and you still  
19 get cracks at it at the commission and cracks at it  
20 the county council.

21 So I think the process of vetting it is  
22 way better per any community if it's done in your  
23 community, and the decisions are made by community  
24 members.

25 So I would advise your friends to be

1 active and maybe be a part of the community process  
2 by vetting his or her properties. And, again, I like  
3 the part that you right, important AG and  
4 conservation to my understanding -- am I wrong --  
5 can't be changed. Correct me if I'm wrong.

6 CHAIRMAN GIOVANNI: That's correct.  
7 Quoting the -- Director, IAL and Conservation cannot  
8 be changed by this. So, thank you Commissioner U'u.

9 I'm going to take a short recess now, and  
10 when we return, we'll go all the way to 12:30, and  
11 then we'll take a lunch break for planning purposes,  
12 for Commissioner Kamakea-'Ohelo. So, we'll take a  
13 break. It's now 11:30. Come back 11:35, and then  
14 we'll go to 12:30 and take lunch.

15 (A recess was taken.)

16 CHAIRMAN GIOVANNI: 10:38 back in session  
17 on agenda item 3, which is this Legislative Bill,  
18 which now has a number HB1015 and SB1334.

19 So I'd like to take public testimony at  
20 this time. Do you have anybody that wants to  
21 provide oral testimony?

22 MS. KWAN: Yes. Kenneth Church indicated  
23 he would like to give testimony on agenda item 3. I  
24 will promote him to panelists now.

25 CHAIRMAN GIOVANNI: Thank you. Ku'ike

1 came. Can you do a mic check please.

2 COMMISSIONER KAMAKEA-'OHELO: Aloha, Chair.  
3 Kala mai from my ke'ena, so -- mic check.

4 CHAIRMAN GIOVANNI: Thank you.

5 MS. KWAN: Mr. Church, can you do a mic  
6 check and a video check. Mr. Church, can you hear  
7 us?

8 CHAIRMAN GIOVANNI: Mr. Church, you're  
9 muted.

10 MR. CHUCH: I'm sorry. Can you hear me  
11 now?

12 CHAIRMAN GIOVANNI: Yes. Do you have  
13 video capability today or only audio?

14 MR. CHURCH: Audio and it has been a  
15 little intermittent while I was listening to you, so  
16 I hope it doesn't disconnect in the middle. If so,  
17 it usually resumes within about 10 seconds.

18 CHAIRMAN GIOVANNI: Okay. So please state  
19 your name and address, and then I'll swear you in.

20 MR. CHURCH: My name is Kenneth Church. I  
21 live in -- on the island of Hawaii in the Hakalau  
22 area.

23 CHAIRMAN GIOVANNI: And do you swear the  
24 testimony today will be the truth?

25 MR. CHURCH: I do.

1           CHAIRMAN GIOVANNI: Please proceed. You  
2 have two minutes.

3           MR. CHURCH: The problem that you just  
4 described here, for example, the county zoning of  
5 land versus the Land Use Commission being in  
6 conflict or potentially --

7           CHAIRMAN GIOVANNI: Please speak -- please  
8 speak as -- a little bit louder and directly into  
9 your microphone.

10          MR. CHURCH: Excuse me. The problem that  
11 you've described here, county zoning of land versus  
12 the LUC, is already in conflict and it has been for  
13 years. Example is that when the LUC districted  
14 Shoreline and other lands into conservation  
15 districts, property still remained AG in the county  
16 system. To this day, the DLNR continues to strongly  
17 resist continued use of conservation land for AG  
18 even though nonconforming use is clearly allowed in  
19 the State's regulations.

20           I know because I've spent the last seven  
21 years writing over 90 letters back and forth with  
22 the DLNR without any success trying to get them to  
23 recognize my rights, my land for AG.

24           That is my testimony.

25          CHAIRMAN GIOVANNI: Thank you very much.



1 Commissioners, any questions for Mr. Church? Seeing  
2 none. Thank you very much, Mr. Church.

3 Mr. Derrickson, did you have anything to  
4 offer on this bill at this time, additional?

5 MR. DERRICKSON: (No audible response.)

6 CHAIRMAN GIOVANNI: Thank you. Ariana,  
7 one final time, anybody else providing public  
8 testimony?

9 MS. KWAN: Seeing none in the Q&A feature  
10 for agenda item 3.

11 CHAIRMAN GIOVANNI: Okay. So let me  
12 provide a brief summary, if I may. This is a bill  
13 that is being sponsored by -- is part of the  
14 Governor's Administrative Package emanating from  
15 DBEDT and OPSD. We've got an overview of it today  
16 and how it might work. We've also heard from our  
17 Executive Officer that the staff has reviewed it and  
18 have some concerns. And so this bill will be  
19 agendized for our February 5th meeting for a more  
20 detailed discussion and potentially for this  
21 Commission to take a position on this bill. Okay.

22 We are going to continue now to 12:30. I  
23 had a little question and make sure we have a quorum  
24 after that. So we're going to lose Ku'ike at 12:30,  
25 and we're going to lose Commissioner Hayashida at

1 12:30. Everybody else, the other seven  
2 Commissioners, will be able to continue; is that  
3 correct Ms. Kwan?

4 MS. KWAN: That is correct, Chair.

5 CHAIRMAN GIOVANNI: Okay. Very good.

6 Okay. We're going to proceed to the next  
7 order of business, which is agenda item to discuss  
8 Hawaii legislative bills that potentially impact the  
9 LUC, and there were three that were identified. And  
10 we will take them in order.

11 And let me ask staff to provide an  
12 overview of them first on SB 36 relating to the Land  
13 Use Commission. Mr. Derrickson.

14 MR. DERRICKSON: Aloha kakou. Scott  
15 Derrickson, Chief Planner, Land Use Commission.

16 So Senate Bill 36 titled "Relating to the  
17 Land Use Commission" would amend HRS 205 to allow  
18 counties to request the LUC to reclassify lands not  
19 currently in the urban district but which are  
20 designated for urban growth in a county general plan  
21 or community or development plan.

22 This bill says that before a request can  
23 be submitted, required analysis needs to be done by  
24 the county. It require metes and bounds description  
25 and a map. The LUC would then have 90 days to

1 update the boundaries and notify the county of the  
2 update. And it also directs the LUC to adopt rules  
3 to implement this.

4 So that's my summary of Senate Bill 36.

5 CHAIRMAN GIOVANNI: So if I understand  
6 what you said, Senate Bill 36 is similar to the one  
7 we just discussed. But it would be -- the  
8 reclassification would occur before the LUC.

9 MR. DERRICKSON: That's correct. In  
10 contrast to the previous bill we were discussing,  
11 this would be an application from the county to the  
12 Land Use Commission.

13 So it would cover the same types of lands.  
14 Those lands that were already in a county urban  
15 growth area but was not currently in the State urban  
16 district. So it would be a request for a  
17 reclassification.

18 CHAIRMAN GIOVANNI: And that's brought  
19 forth not by the landowner but by the county.

20 MR. DERRICKSON: That would be county  
21 initiated, that's correct. Not from the landowner.

22 CHAIRMAN GIOVANNI: Does staff see this to  
23 have a material concern that we need to agendaize  
24 this bill and discuss it?

25 MR. ORODENKER: Yes, Mr. Chair. I think

1 my concern is the word "shall." It doesn't provide  
2 the Commission with any leeway if someone comes in  
3 and says, you know, I don't want my piece of  
4 property urbanized. And -- and that's my main  
5 concern.

6 CHAIRMAN GIOVANNI: So the answer is yes,  
7 you want to discuss it.

8 MR. ORODENKER: Oh, I'm sorry. Yes, I  
9 would bring it in front of this Commission for  
10 discussion.

11 CHAIRMAN GIOVANNI: Okay.

12 Commissioners, any questions on this Bill  
13 to Mr. Derrickson or Mr. Orodenker?

14 Hearing none. Do I have any requests for  
15 -- yeah.

16 MS. KWAN: We have one person online who  
17 would like to give testimony on all three bills.

18 CHAIRMAN GIOVANNI: Okay. So we'll hear  
19 the other two, and then we'll --

20 MS. KWAN: Yes.

21 CHAIRMAN GIOVANNI: Okay. And so -- but  
22 let me say that based on what I heard from staff,  
23 let's plan on agendizing this bill on our February  
24 5th Meeting for the Commission to discuss and take a  
25 decision on a position on this bill.

1           Okay. SB 28 Relating to Land Use  
2 Commission, Mr. Derrickson.

3           MR. DERRICKSON: Okay. Senate Bill 28  
4 Relating to the Land Use Commission. It would  
5 change voting requirements from the present to a  
6 simple majority to those present at a meeting.

7           So it's not just a simple majority of the  
8 total membership of the Commission. It's a simple  
9 majority of those present at a meeting. To do that,  
10 it amends Section 205-1, and that's the basic  
11 outline of this proposal.

12           CHAIRMAN GIOVANNI: So in other words in  
13 only 3 Commissioners were present, 2 out of the 3  
14 could vote for a district boundary amendment. Yeah.  
15 That's my question.

16           MR. DERRICKSON: Well, it's -- it's not  
17 clear whether an amendment such as this to Chapter  
18 205 would then override requirement of quorum.

19           The change -- the change here would be  
20 directed at Chapter 205, and it does appear to  
21 change the quorum requirements.

22           CHAIRMAN GIOVANNI: Commissioners,  
23 questions/concerns?

24           COMMISSIONER U'U: I got a question.

25           CHAIRMAN GIOVANNI: Commissioner U'u.

1 COMMISSIONER U'U: Why -- why was it at 6?  
2 I'm just curious. The -- the -- I -- I know it said  
3 instead of -- normally, it's at 6 votes, correct? To  
4 get --

5 CHAIRMAN GIOVANNI: Mr. Orodenker, why  
6 does the DBA require 6 votes?

7 COMMISSIONER U'U: Instead of 5, if you  
8 got 9 members.

9 CHAIRMAN GIOVANNI: So Mr. Derrickson, do  
10 you have an answer?

11 MR. DERRICKSON: Yeah, I'll -- yes. Chief  
12 Planner Scott Derrickson.

13 Article 11 Section 3 of the State  
14 Constitution requires 6 affirmative votes for any  
15 changes from important agricultural lands into  
16 another district.

17 CHAIRMAN GIOVANNI: Am I -- my AL --

18 MR. DERRICKSON: So that was in the  
19 Constitution prior to the IAL statute in being  
20 approved. But the term "Important Agricultural  
21 Lands" was used in the Constitution. So general  
22 practice of the Commission has been that any time  
23 we're considering agricultural lands  
24 reclassification that the Commission does it by at  
25 least the 6 - 6 vote margin.

1 MR. ORODENKER: It's also in Chapter 205.  
2 And Chapter 205 has mirrored the Constitution for  
3 many years. And it -- actually, I think it was part  
4 of the initial drafting in 1965, so I'm not -- I  
5 can't speak to it -- the thinking behind it, but --  
6 I mean, there is some concern that this is  
7 unconstitutional.

8 COMMISSIONER U'U: Well, I -- I guess -- I  
9 guess my mana'o is 1965 and 2025 is a big  
10 difference, and the challenges we facing in 2025 is  
11 definitely different from what we was facing in '65.  
12 So I think change are good sometimes, or change is  
13 needed. My two cents. Thank you.

14 CHAIRMAN GIOVANNI: So would -- would this  
15 bill change 205? Would it change the Constitution?

16 MR. ORODENKER: Thank you, Mr. Chair. It  
17 can't change the Constitution, but it can change  
18 Chapter 205.

19 CHAIRMAN GIOVANNI: Okay. So is this a  
20 bill that you would recommend that we discuss and  
21 take a position on because of your concerns or were  
22 you comfortable recommending to the Commission that  
23 you could handle it independently?

24 MR. ORODENKER: I don't know how to answer  
25 that. The Bill has died early in both of the last

1 two legislative sessions. This Bill is submitted on  
2 behalf of the Grassroot Institute year in, year out.  
3 And it just doesn't get anywhere.

4 CHAIRMAN GIOVANNI: Do we have time to  
5 wait to decide whether we want to see if it has  
6 legs.

7 MR. ORODENKER: I believe so.

8 CHAIRMAN GIOVANNI: Okay.

9 COMMISSIONER CARR SMITH: Chair.

10 CHAIRMAN GIOVANNI: Where is that? Oh,  
11 Commissioner Carr Smith.

12 COMMISSIONER CARR SMITH: I'd like for  
13 this Bill to be put on our list for next meeting.  
14 Thank you.

15 CHAIRMAN GIOVANNI: Could you -- I -- I  
16 appreciate that. Could you explain why. I mean,  
17 you just heard of why it wasn't necessary. But why  
18 would you think --

19 COMMISSIONER CARR SMITH: I just think  
20 there needs to be more discussion about it and a  
21 little more detail provided. I think it's clear  
22 that the staff probably doesn't support it. But I'd  
23 like to understand a little bit more clearly why and  
24 just to make sure -- make sure we're thinking of  
25 everything before we take a position. I don't want



1 to automatically say no.

2 CHAIRMAN GIOVANNI: Well, we didn't say  
3 no. I said we have time to decide to put it on and  
4 time before it's decided at this Legislature.

5 COMMISSIONER CARR SMITH: Okay. I wasn't  
6 sure why we wait, but --

7 MR. ORODENKER: Yeah. I -- I -- I have to  
8 say that in the past, we did not testimony on the  
9 initial hearing on this Bill and waited to see if it  
10 had legs.

11 CHAIRMAN GIOVANNI: Commissioner U'u, were  
12 you moving -- there you are. Commissioner U'u.

13 COMMISSIONER U'U: Yeah. And even for me,  
14 I think if it has legs, it would garner some  
15 attention than if it didn't. So that's my mana'o on  
16 that.

17 CHAIRMAN GIOVANNI: Let us talk  
18 calendaring, Commissioner -- I mean Mr. Orodenker.  
19 Would you be able to tell us at our February 5th  
20 meeting whether or not you -- at that time whether  
21 you think it survived where we need to talk about it  
22 at the next meeting, or what?

23 MR. ORODENKER: Scott, what's -- I'm not  
24 that familiar with the legislative calendar. Mine  
25 is first lateral.

1 MR. DERRICKSON: Yeah. Commissioner  
2 Lee is correct. March -- March 14th.

3 MR. ORODENKER: Yeah. So we would, in  
4 fact, have until the end of February to make a  
5 decision on this. If it doesn't get scheduled by  
6 the end of February, beginning of March, it's  
7 probably not going anywhere. If it does get  
8 scheduled for initial hearing and passes that --

9 CHAIRMAN GIOVANNI: Wait, wait, wait, let  
10 him -- let him finish.

11 MR. ORODENKER: On February 14th. Okay.  
12 Thank you for --

13 CHAIRMAN GIOVANNI: First lateral is  
14 February 14, not March 14.

15 MR. ORODENKER: Well, we -- we will --  
16 then, it's how likely we will know by our next  
17 meeting whether or not it's going to go. It's  
18 appointed to multiple committees, which it has been  
19 in the past. Whether or not it will be heard by  
20 that first committee.

21 CHAIRMAN GIOVANNI: What are you  
22 recommending?

23 MR. ORODENKER: I -- I think it's -- we  
24 can -- I guess if the Commission wants to weigh in  
25 on this, we should schedule it for our next hearing.

1 CHAIRMAN GIOVANNI: February 5th. Okay.

2 COMMISSIONER CARR SMITH: I'm sorry. One  
3 more comment, pretty please.

4 CHAIRMAN GIOVANNI: You don't have to say  
5 pretty please. All you got to do is raise your  
6 hand.

7 COMMISSIONER CARR SMITH: I'm happy to.  
8 I'm still learning. So Dano, at what point would  
9 you testify on this Bill if you were going to?  
10 Maybe it will help me understand when we need to --

11 MR. ORODENKER: Okay. So a little bit of  
12 the process is that -- usually what happens is the  
13 bills are sent to at least two committees. It's  
14 very rare for it to be sent to one committee.  
15 Sometimes they're sent to three subject matter  
16 committees. If the first committee it's sent to or  
17 the committee that has to hear it first does not  
18 hear it, it doesn't go anywhere.

19 If the first committee hears it and passes  
20 it out for further reading, then it would go before  
21 the second committee, and that is when we would  
22 probably weigh in on this measure.

23 COMMISSIONER CARR SMITH: And based on the  
24 first lateral, when would that be?

25 MR. ORODENKER: Well, we don't know.

1 COMMISSIONER CARR SMITH: Oh. Okay.

2 MR. ORODENKER: Committee chair's do some  
3 pretty crazy things to each other. We've seen  
4 committee chairs schedule, you know,  
5 meetings/hearings two days before first lateral and  
6 then tell the other committee that they only have  
7 two days to hear it, you know. I mean, it's -- it's  
8 a little bit of a shell game up there, so --

9 CHAIRMAN GIOVANNI: So based on  
10 Commissioner Carr Smith's interest in Executive  
11 Officer's recommendation, we'll schedule it for an  
12 update and discussion at our next, February 5th  
13 meeting as an agenda item.

14 And let me ask that you put these as  
15 individual agenda items and not lump them, so that  
16 we can shuffle as we see fit.

17 MS. KWAN: Understood, Chair.

18 CHAIRMAN GIOVANNI: Anything further on  
19 this one? Okay.

20 SB 26 Relating to Affordable Housing. Mr.  
21 Derrickson.

22 MR. DERRICKSON: Thank you, Chair. So  
23 Senate Bill 26 relating to affordable housing  
24 establishes an affordable housing land inventory  
25 taskforce under the Hawaii Community Development

1 Authority, HCDA, that would proceed up until January  
2 of 2026, with a report to the next legislative  
3 session.

4 The reason it was flagged, it's because of  
5 one of the members of this affordable housing land  
6 inventory task force would be the LUC executive  
7 officer.

8 MR. ORODENKER: This is one of those Bills  
9 that we were talking about earlier that we probably  
10 won't testify on. I mean it names us in the Bill,  
11 but staff would not recommend we even testify on it.  
12 This is not something that impacts Chapter 205 or  
13 anything that this Commission does. It just  
14 involves us in a discussion. And so we would not  
15 recommend testifying on this one.

16 CHAIRMAN GIOVANNI: Commissions, questions  
17 for staff? Unless somebody feels otherwise, we will  
18 not have this agendized at the February 5th meeting.

19 COMMISSIONER CARR SMITH: Oh. Carr Smith,  
20 my apology. I didn't see you guys raise your hand.  
21 Commissioner Carr Smith.

22 COMMISSIONER CARR SMITH: So would the  
23 executive officer generally comment? Or you're just  
24 -- you wouldn't say anything about this? I mean,  
25 don't we want everyone to know that we're supportive

1 of housing -- affordable housing as a general  
2 statement, at least?

3 MR. ORODENKER: I mean, we would -- okay.  
4 So the position that we have taken in the past is  
5 that if this is policy, this is a purely policy  
6 situation, that the Legislature is entitled to make  
7 policy.

8 We do -- we implement what the Legislature  
9 tells us to do. And so a case like this where it  
10 would be not impacting our operations, we would not  
11 submit testimony. And we've submitted a lot of  
12 testimony in the past to all the committee chairs --  
13 all the committees stating that we are in support of  
14 affordable housing. So that's not something that  
15 they -- that would be news to them.

16 I mean, if we were going to testify on  
17 this, we would just say we're in support of  
18 affordable housing, which really doesn't do  
19 anything. It doesn't help the legislators, which  
20 like I say we have plenty to do. So you know, we  
21 don't need to draft another set of testimony for  
22 something that really doesn't impact us.

23 CHAIRMAN GIOVANNI: Commissioner U'u.

24 COMMISSIONER U'U: (No audible response.)

25 CHAIRMAN GIOVANNI: Commissioner U'u,

1 you're muted, please.

2 COMMISSIONER U'U: Sorry. Thank you.

3 Thank you. I like where it says, "inventories of  
4 stateman suitable and available for affordable  
5 housing development." And I regard that as --  
6 similar to the important AG lands -- like so we  
7 understand that there's important AG lands that we  
8 need to save for AG. And this part will be similar  
9 but something that we need to at least address that  
10 could be potential -- for a good spot for affordable  
11 housing.

12 This is what I see as -- as I look at it  
13 and as I read it, so -- that's it. That's my  
14 mana'o.

15 CHAIRMAN GIOVANNI: Thank you. So the  
16 question I have, and I'm open to suggestions, is do  
17 we want to bring this, an update, on February 5th,  
18 or can we proceed as recommended just to watch it  
19 and not comment on it?

20 Then we will not include this one, but if  
21 something changes and becomes a concern, we may ask  
22 the executive officer to bring it to our attention.  
23 Okay.

24 Now, yeah. Do we have testimony from the  
25 --

1 MS. KWAN: Yes, Mr. Chair. We have Janice  
2 on the Zoom who I promoted to panelist.

3 Janice, can you do a mic check?

4 MS. PALMA-GLENNIE: Hi, can you hear me?

5 CHAIRMAN GIOVANNI: Yes. Please state  
6 your name and your address, and then I'll swear you  
7 in.

8 MS. PALMA-GLENNIE: My name is Janice  
9 Palma-Glennie, and I reside in Kailua-Kona.

10 CHAIRMAN GIOVANNI: Thank you very much.  
11 Do you swear the testimony you're about to give will  
12 be the truth?

13 MS. PALMA-GLENNIE: Yes, I do.

14 CHAIRMAN GIOVANNI: Please proceed. You  
15 have two minutes.

16 CHAIRMAN GIOVANNI: Thank you. Aloha,  
17 Commissioners and Mahalo to the Chair for offering  
18 to read my testimony out loud if I had to leave.

19 There are several concerns regarding the  
20 proposal by the State Legislature to require the  
21 State Land Use Commission to reclassify lands that  
22 are designated for urban growth under a county  
23 general plan or county development plan as being in  
24 the urban district at the request of the county.

25 This gives the county authority to do a



1 major reclassification from state AG or conservation  
2 to state urban districts of all of the land within  
3 the general plan's exceptionally large urban  
4 boundary.

5           As trustees of public trust resources in  
6 Hawaii, the first duty of a trustee is loyalty to  
7 the trust. The Land Use Commissions' review and  
8 decision-making actions in many land use proposals  
9 are critical to guaranteeing a layer of protection  
10 for those special cultural and environmental  
11 features.

12           In fact, your actions can either make or  
13 break a lot of places, like 100 costal acres at  
14 'O'oma, which the LUC protected from becoming an  
15 urban development in west Hawaii.

16           You must, therefore, be very cautious if  
17 you're advocating for actions which would harm  
18 public trust resources or give them away, which is a  
19 violation of your duties.

20           A thorough review may not be possible if  
21 blanket changes are made. In north Kona, for  
22 example, there are a lot more places beside 'O'oma  
23 in the urban growth boundary with important  
24 resources. And the county general plan and the  
25 regional plans don't have detailed analysis of how

1 they'd be impacted if placed in the urban district.

2           Although it may seem logical at first  
3 glance, one issue of concern is how would cultural  
4 and environmental impact studies be required?

5 Currently, if a private landowner wants to  
6 reclassify from state AG or conservation to state  
7 urban, they'd need to do an EIS and a cultural  
8 site's inventory. That's the main reason a law  
9 shouldn't be passed to reclassify all state AG or  
10 conservation lands to state urban within the county  
11 general plan, urban boundary with a stroke of a pen.

12           Mahalo for your attention and dedication  
13 to helping to protect our public trust resources by  
14 encouraging as much public participation as possible  
15 through necessary layers of democratic processes.

16           CHAIRMAN GIOVANNI: Thank you very much  
17 and thank you for changing your schedule to  
18 accommodate oral testimony today. I appreciate it.

19           MS. PALMA-GLENNIE: Important. Thank you  
20 very much for your service.

21           CHAIRMAN GIOVANNI: Please stand by for  
22 questions. Commissioners, any questions for this  
23 community witness?

24           Hearing none. Don't see any. Thank you  
25 very much.

1 Anybody else, Ms. Kwan?

2 MS. KWAN: Nobody else has used the Q&A  
3 feature for testimony.

4 CHAIRMAN GIOVANNI: Nobody in the room?

5 MS. KWAN: Nobody in the room, Chair.

6 CHAIRMAN GIOVANNI: Mary Alice, did you  
7 guys want to testify? Okay. So we're clear on how  
8 you'll proceed from agendizing the first two but not  
9 the third. Okay.

10 MS. KWAN: Understood, Chair.

11 CHAIRMAN GIOVANNI: Okay. It is now  
12 12:06. We got 24 minutes to go before we take a  
13 lunch break or see where we end up.

14 Next agenda item is to authorize the  
15 executive officer to advocate for reinstatement of  
16 funding for an unbudgeted position (Position number  
17 125210) at the 2025 Legislature.

18 My understanding is that the position  
19 remains in the -- in existence as an approved  
20 position, but funding not. And that's the issue.

21 So first, I would like to recognize public  
22 testimony on this matter. Has there been any  
23 written testimony on this item?

24 MS. KWAN: No, Mr. Chair.

25 CHAIRMAN GIOVANNI: Anybody, members of

1 the public wish to testify?

2 MS. KWAN: Nobody has used the Q&A feature  
3 to indicate they would like to provide testimony.

4 CHAIRMAN GIOVANNI: Nobody in the room?

5 MS. KWAN: Nobody in the room, Chair.

6 CHAIRMAN GIOVANNI: Okay. So Mr.  
7 Orodenker, can you kind of provide additional  
8 background on this item?

9 MR. ORODENKER: Yes. This position is on  
10 Arnold Wong's position, which for lack of a better  
11 word is what we call a development concierge. Arnold  
12 has been working on revitalizing developments that  
13 are on our books that have not been moving. And he's  
14 been very, very successful. A significant number of  
15 units have been put back on track over the next  
16 three years.

17 When I originally requested this position  
18 from the Legislature, I requested it as a temporary  
19 position. This was long before we even thought  
20 Arnold was going to be involved because I didn't  
21 know if it was going to work. That's why it was  
22 temporary and not permanent.

23 It's proven to be more successful than  
24 even I thought it was going to be. The  
25 Administration did not put the funding in the

1 budget. I understand that part of the reason for  
2 that, even though the position still exists, is an  
3 attempt to do across-the-board budget reductions.

4 We have the ability -- we have had the  
5 ability in the past to ask the Legislature to, you  
6 know, reassess, and they have done so. But I wanted  
7 to be sure that the Commission was in agreement that  
8 this was a good idea.

9 CHAIRMAN GIOVANNI: Questions or comments  
10 based on Mr. Orodener's --

11 COMMISSIONER KAHELE: I got a questions.  
12 So where is it currently with the legislators? I  
13 mean, who made that decision not to budget?

14 MR. ORODENKER: That was an administration  
15 decision.

16 COMMISSIONER KAHELE: So where is it at  
17 now?

18 MR. ORODENKER: It's part of the  
19 administration's budget that's being submitted to  
20 the Legislature.

21 COMMISSIONER KAHELE: Thank you.

22 CHAIRMAN GIOVANNI: So if you were to  
23 advocate, who would you talk to? How does that  
24 work?

25 MR. ORODENKER: I would discuss it with

1 the Budget and Finance Chair and the Ways and Means  
2 Chair. COMMISSIONER LEE: Chair.

3 CHAIRMAN GIOVANNI: Commissioner Lee.

4 COMMISSIONER LEE: Mr. Orodenger, would  
5 this request be for a permanent funding or another  
6 temporary one-year or two-year position?

7 MR. ORODENER: That would have to be part  
8 of the discussion with the chairs. I mean, I would  
9 like to see it as permanent. I think it -- it's  
10 very successful. But you know the Legislature holds  
11 the purse strings.

12 COMMISSIONER KAHELE: One more question.  
13 So are you going to be updating us as far as a  
14 status?

15 MR. ORODENER: I -- I can update you on my  
16 discussions. But the fact of the matter is, is that  
17 we really don't know what's going to happen until  
18 the very last day when the budget tables come out.

19 CHAIRMAN GIOVANNI: Commissioner Yamane --  
20 oh.

21 COMMISSIONER KAHELE: One more question.  
22 So you are currently budgeted to keep on them for a  
23 month, a year --

24 MR. ORODENER: His funding ends at the  
25 end of this fiscal year.

1 COMMISSIONER KAHELE: That would be --

2 CHAIRMAN GIOVANNI: It's June 30th.

3 COMMISSIONER KAHELE: -- June?

4 MR. ORODENKER: Yes.

5 COMMISSIONER KAHELE: Ending in June.

6 MR. ORODENKER: Mm-hmm.

7 COMMISSIONER KAHELE: Thank you.

8 CHAIRMAN GIOVANNI: Commissioner Yamane.

9 COMMISSIONER LEE: Would you be able to  
10 keep on the log using other unexpended funds from  
11 the unfulfilled positions after June 30th?

12 MR. ORODENKER: Theoretically, yes.  
13 Although that puts us in a very difficult position  
14 because the position that we're trying to fill that  
15 could cover that would be our Planner V position.

16 COMMISSIONER LEE: Thank you.

17 CHAIRMAN GIOVANNI: I also recall Director  
18 Phil Gilca he wanted to put an end to that type of  
19 funding.

20 COMMISSIONER YAMANE: Mr. Chair.

21 CHAIRMAN GIOVANNI: Commissioner Yamane.

22 COMMISSIONER YAMANE: Mr. Orodenker, do  
23 you believe this position is necessary?

24 MR. ORODENKER: I mean, you have to  
25 qualify necessary. I mean, we

1 COMMISSIONER YAMANE: Do you want --

2 MR. ORODENKER: Yeah. Put it through,  
3 yes. I think it's -- it is very successful  
4 position. I think that we have contributed  
5 significantly to a number of units or that this  
6 position has contributed significantly to the number  
7 of units that are being built in the next three  
8 years. Is it necessary for the functions of the  
9 Land Use Commission as a regulatory body? No. But  
10 in terms of the efforts that we are engaged in to  
11 promote housing and affordable housing; I think that  
12 it is very important.

13 COMMISSIONER YAMANE: Do you want it  
14 enough, notwithstanding authorization, would you  
15 still try to pursue getting funding for this  
16 position?

17 MR. ORODENKER: If this Commission decides  
18 it doesn't want me to pursue it.

19 COMMISSIONER YAMANE: I didn't ask if we  
20 decided not to. Should you not have this  
21 authorization to pursue it, would you -- like, we're  
22 not saying, no, don't pursue it but just no  
23 authorization, otherwise we make no action on this -  
24 - would you still pursue it?

25 MR. ORODENKER: I don't know how to answer



1 that.

2           COMMISSIONER YAMANE: I guess -- I guess  
3 my concern is: Is it within the review of this  
4 Commission to authorize him to do something  
5 regarding staffing. That's why I asked the  
6 question. In other words, if we don't push you to  
7 do it, you're saying you're not going to do it. And  
8 by authorizing, you are going to do it.

9           MR. ORODENKER: Let me put it to you this  
10 way. If you don't authorize me to do this, the  
11 first thing I would do would call up the Director of  
12 the Department of Budget and Finance and see how he  
13 feels about it.

14           Because, you know, erythema often the  
15 Governor's decisions -- I mean, he's got a lot of  
16 stuff that he's got to look at. And it may not have  
17 been brought to his attention what he was doing --  
18 what -- what -- what the implications of this were.  
19 And I have a very good relationship with Luis  
20 Salaveria. We used to work together when he was  
21 director of DBEDT. And I can ask him, you know,  
22 "Luis, what do you think I should do?"

23           And as a matter of fact, it was Luis'  
24 support that got us the position in the first place  
25 even though it wasn't in the Governor's budget two

1 years ago. Luis actually said, you know, I'm going  
2 to tell Donovan Dela Cruz that we're in support of  
3 this.

4 COMMISSIONER YAMANE: Right. So I guess  
5 if this wasn't a line item on the agenda --

6 MR. ORODENKER: Yeah.

7 COMMISSIONER YAMANE: What I'm hearing is  
8 you'd still seek avenues, whether it's discussions  
9 with budget and finance, with --

10 MR. ORODENKER: Yes.

11 COMMISSIONER YAMANE: -- director to try  
12 and see if you can get this position --

13 MR. ORODENKER: I put this item on the --  
14 or I suggested this item be put on the agenda  
15 because this Commission has indicated that it wants  
16 to be more involved in the budget process. And  
17 that's why it's on the agenda.

18 COMMISSIONER YAMANE: Yeah. I guess my  
19 concern, Mr. Chair, is that from a Commission  
20 standpoint, we seem to be getting into management.  
21 I mean, we have manageable oversight over the  
22 director, but what he does, what he's staffing, how  
23 he pursues his staffing, that's kind of his  
24 decision, so that's why I bring it up. So thank  
25 you, Mr. Chair.

1 CHAIRMAN GIOVANNI: Yeah. I think that's  
2 a valid question. So I don't know how it works  
3 here, but -- I mean at the state level. But if the  
4 Legislature appropriates funds for this position,  
5 can the Governor veto -- line-item veto those funds?

6 MR. ORODENKER: I suppose so.

7 CHAIRMAN GIOVANNI: You suppose. So you  
8 don't -- you don't -- I mean, does he have a line-  
9 item veto?

10 MR. ORODENKER: Yes, he does.

11 CHAIRMAN GIOVANNI: Then he can.

12 MR. ORODENKER: Yeah, he can.

13 CHAIRMAN GIOVANNI: Okay. Second round of  
14 public testimony, anybody?

15 COMMISSIONER KAHELE: I got one more.

16 CHAIRMAN GIOVANNI: Wait. We got to --  
17 I'll come back to you, just got to --

18 MS. KWAN: Seeing none, Chair.

19 CHAIRMAN GIOVANNI: Okay. So  
20 Commissioners, further discussion and then we got to  
21 take a little --

22 COMMISSIONER KAHELE: You know, Dan, so  
23 it's an action item on the agenda. So with what you  
24 stated earlier about how important Arnold is and  
25 what -- all the accomplishments he's accomplished so

1 far, wouldn't you have more of -- wouldn't you be  
2 more of a stronger advocate by getting this funding  
3 reinstated if we took a vote and get the  
4 Commissioners to vote on it.

5 MR. ORODENKER: Yes, I -- I -- if the  
6 Commission authorizes me, it gives me more support  
7 at the -- or more weight at the Legislature.

8 COMMISSIONER KAHELE: When you stay  
9 advocate for reinstatement, who you going to be  
10 meeting with, I mean the Director for DBEDT?

11 MR. ORODENKER: Well, I --

12 COMMISSIONER KAHELE? The Governor?

13 MR. ORODENKER: The director at DBEDT and  
14 I have discussed this. The -- my next step would be  
15 to call Luis Salaveria, the Director of Department  
16 of Budge and Finance, and find out what his position  
17 is on it and, you know, what a comfort level he was  
18 me pursuing it. If he is comfortable with it, I  
19 will then go to the Chairs of both House/Finance and  
20 Ways and Means.

21 COMMISSIONER KAHELE: Thank you.

22 CHAIRMAN GIOVANNI: So the way that's in  
23 the agenda, our vote is to whether we want to give  
24 support to him and authorize him to go to the Leg.  
25 Those other internal departmental discussions,

1 that's not on the agenda. Commissioner Carr Smith.

2 COMMISSIONER CARR SMITH: Thank you,  
3 Chair. Dan, I was just wondering based on your  
4 experience, do you think the fact that you have two  
5 funded vacant positions, do you think that has  
6 anything to do with being denied? I'm just curious.

7 MR. ORODENKER: No, I don't believe so  
8 because we are in recruitment for both of those  
9 positions. If we weren't trying to recruit for  
10 those positions, that would make a difference. But  
11 we have gone through list after list after list of  
12 applicants trying to get -- find the right person  
13 and find someone who is willing to work for the  
14 state.

15 CHAIRMAN GIOVANNI: So my view is that  
16 this position has been filled with Arnold is making  
17 real time positive results in the realm of getting  
18 houses built or housing built. It's a slow process,  
19 but it's helping. It's a worthwhile investment, and  
20 I would support it. And so -- and I do think this  
21 Commission can throw weight behind the advocacy.

22 So Commissioners, what's your pleasure?  
23 Do I have a motion?

24 COMMISSIONER KAHELE: I want to make a  
25 motion that we authorize the executive officer to

1 advocate for the reinstatement of funding.

2 CHAIRMAN GIOVANNI: To the Leg.

3 COMMISSIONER KAHELE: To the Leg.

4 CHAIRMAN GIOVANNI: Do I have a second?

5 COMMISSIONER U'U: Second.

6 CHAIRMAN GIOVANNI: Second by Commissioner

7 U'u. Any further discussion or questions?

8 Commissioner Miyasato.

9 COMMISSIONER MIYASATO: Yeah. Real quick.

10 Thank you, Chair. You know, I want to agree with

11 Commission Yamane that as far as staffing, you need

12 -- you know, the Director needs to do what he needs

13 to do to be successful. That's his call, his

14 decision. But if this is being put forward to add

15 weight to the request, then I can support that.

16 CHAIRMAN GIOVANNI: Yeah. That's where

17 I'm at. That's my comment. My comment is I would

18 support it for the very reasons that Commission

19 Miyasato suggested. I really do defer to the

20 executive officer to manage his staff and do the

21 hiring and firing of that staff. But if we can lend

22 weight to getting Arnold full time and paid for.

23 If Arnold wants to do it for free, that's

24 okay too.

25 MR. ORODENKER: I think he works for

1 meat. Thank you, Chair.

2 CHAIRMAN GIOVANNI: Yeah, Commissioner  
3 Lee.

4 COMMISSIONER LEE: Yeah, I guess, like I  
5 have to first make a disclaimer that I probably know  
6 Arnold longer than anyone here, so I'm still not  
7 going to hold that against him, although fellow  
8 Commissioner (inaudible) has worked the closest with  
9 him in recent years.

10 I guess the desire or the position that  
11 you want someone like Arnold sort of contradicts a  
12 little bit what Commissioner Yamane said, that we  
13 shouldn't be doing anything policy wise. So I just  
14 wanted to say that it's not always a clear-cut  
15 thing, you know, so -- I'm going to support that,  
16 but I'm going to really be cognizant that Arnold,  
17 and maybe it's the executive officer needs to show  
18 us the -- the results. The -- for us to support  
19 his, I mean, we all have fiduciary duties, and money  
20 will probably be tight, so we don't want to just  
21 give a blanket thing. But if Arnold can be put in  
22 the best light and show results, I think that would  
23 be very helpful for our future. Thank you.

24 CHAIRMAN GIOVANNI: Yeah. So position is  
25 not Arnold. I mean, you're going to have to pay for

1 the position, right.

2 MR. ORODENKER: Regardless -- regardless  
3 of who is in it. I mean, we ended up hiring Arnold  
4 because after going through a round of interviews,  
5 he was the only one who really understood the  
6 process and could immediately -- because we only get  
7 a year and a half. We don't get 2 years. You get a  
8 year and a half to get this -- this position up and  
9 running and to have an impact. And Arnold was the  
10 one who could do that the most quickly.

11 So we're not really talking about Arnold.  
12 We're talking about the position. Arnold may decide  
13 to retire next year, who knows. But the position  
14 has been protected, so --

15 COMMISSIONER YAMANE: Yeah, I can support  
16 the intent of this authorization. Just wanted to  
17 caveat that my concern is that more and more this  
18 Commission is going to have to authorize everything  
19 you do, which is, to me -- we're not a management  
20 board here. So to a certain degree, you need to do  
21 what you need to do to make sure you fulfill your  
22 job and fulfill it to this Commission.

23 So I don't want to keep having agenda  
24 items authorized you to, you know, go buy a coffee  
25 machine or things like that, so -- that's my



1 concerns. Fully support the intent of this bill and  
2 what you're trying to do but trying to avoid any  
3 precedent we're setting here. Thank you, Mr. Chair.

4 CHAIRMAN GIOVANNI: Thank you. Okay, last  
5 round of comments before we do a vote. Seeing none  
6 on the --

7 MS. KWAN: Seeing none.

8 CHAIRMAN GIOVANNI: Okay. Mr. Orodenger,  
9 please take a roll-call vote.

10 MR. ORODENKER: Thank you, Mr. Chair. The  
11 motion is to authorize the executive officer to  
12 advocate for reinstatement of funding for unbudgeted  
13 position number 125210 at the 2025 Legislature.

14 Commissioner Kahele?

15 COMMISSIONER KAHELE: Aye.

16 MR. ORODENKER: Commissioner U'u?

17 COMMISSIONER U'U: Aye.

18 MR. ORODENKER: Commissioner Yamane?

19 COMMISSIONER YAMANE: Aye.

20 MR. ORODENKER: Commissioner Miyasato?

21 COMMISSIONER MIYASATO: Aye.

22 MR. ORODENKER: Commissioner Lee?

23 COMMISSIONER LEE: Aye.

24 MR. ORODENKER: Commissioner Kamakea-

25 'Ohelo?

1 COMMISSIONER KAMAKEA-'OHELO: Aye.

2 MR. ORODENKER: Commissioner Hayashida?

3 COMMISSIONER HAYASHIDA: Aye.

4 MR. ORODENKER: Commissioner Carr Smith?

5 COMMISSIONER CARR SMITH: Aye.

6 MR. ORODENKER: Chair Giovanni.

7 CHAIRMAN GIOVANNI: Aye.

8 MR. ORODENKER: Thank you, Mr. Chair. The  
9 motion passes unanimously.

10 CHAIRMAN GIOVANNI: Thank you. I think we  
11 can do this next one in seven minutes.

12 Our next order of business is a decision  
13 to withdraw the 2023 Proposed Administrative Rule  
14 amendments. So, Mister -- well, first of all is  
15 there any public testimony on this item?

16 MS. KWAN: We have Ken Church on the Zoom  
17 who would like to provide testimony on this item.

18 CHAIRMAN GIOVANNI: Okay. Let's advance  
19 him to.

20 MS. KWAN: Mr. Church, can you test your  
21 microphone for us?

22 CHAIRMAN GIOVANNI: Mr. Church, please  
23 state your name and affiliation again.

24 MR. CHURCH: Ken Church. I live on the  
25 Big Island, Hakalau community.

1           CHAIRMAN GIOVANNI: Okay. You're still  
2 under oath, so please proceed. You have two  
3 minutes.

4           MR. CHURCH: My testimony is that your  
5 existing rules are highly deficient, confusing, and  
6 improperly applied by both the LUC staff, your  
7 executive officer, and this panel. You've been  
8 advised of this by your executive officer at one of  
9 your public meetings more than a year ago, and here  
10 we are today still talking about it without you  
11 making badly needed correctives.

12           Thankfully, it is my belief that your  
13 executive officer is arrogant. He's overstepping of  
14 his authority and improperly making unauthorized  
15 representation to the Governor. In this panelist,  
16 we have his dereliction of duties and  
17 responsibilities to both this panel and the  
18 community at large are the cause of these  
19 unnecessary delays.

20           I have direct and hard evidence of this,  
21 and I'm prepared to submit it writing to this panel  
22 if you request it. If you not interested in me  
23 providing you with hard evidence, then it's my  
24 position that you become complicit in his  
25 incompetence and his dereliction of duties.

1           In summary, it is my opinion that this  
2 panel needs to seriously reconsider his continuing  
3 employment at the LUC. The LUC should move forward  
4 with peace to withdraw the proposed rule amendments  
5 because the existing situation has led to several  
6 court challenges in regards to flood boundary  
7 interpretations and result in declaratory orders.  
8 (Inaudible) town yet remain in process today. They  
9 are expensive and a big waste of time. These  
10 appeals, which were driven by the executive  
11 officer's incompetence and dereliction of his duties  
12 burdening your staff, this panel, the state, and its  
13 attorney general, the state citizens, and the  
14 state's courts.

15           That is my testimony.

16           CHAIRMAN GIOVANNI: Thank you, sir. Any  
17 questions for Mr. Church from the Commissioners. No  
18 questions. Thank you for your testimony. Mr.  
19 Orodenker, would you please -- well, Ariana, there's  
20 nobody else, right?

21           MS. KWAN: Nobody else has used the Q&A  
22 feature for this agenda item.

23           CHAIRMAN GIOVANNI: Okay. Great. So Mr.  
24 Orodenker, would you please provide an overview to  
25 this Commission on and your recommendation on a

1 decision or not to withdraw the 2023 Proposed Rule  
2 Amendments.

3 MR. ORODENKER: Thank you, Mr. Chair. We  
4 -- as you may recall Proposed Rule Amendments and  
5 then after the initial discussion with the  
6 Commission, we then went and discussed the Proposed  
7 Rule Amendments with everyone who had a desire to do  
8 so. We discussed them with Cal Chipchase who was  
9 one of the ones who provided testimony. David  
10 Arakawa never responded to our requests for further  
11 clarification of his statements.

12 And the Office of Planning and Sustainable  
13 Development -- by the way I forgot to mention  
14 Commission on Water Resource Management, which  
15 you've heard from -- we've heard from.

16 The Office of Planning and Sustainable  
17 Development met with us several months ago, and we  
18 discussed the matter with them, and then they  
19 submitted comments, which were basically concerns  
20 with almost all of the proposed amendments that we  
21 were making. Things became uncertain for us with  
22 regard to how to proceed. And now that Katia  
23 Balassiano has left the Office of Planning and  
24 Sustainable Development, it our opinion that we  
25 should wait until they have a new person in charge

1 of LUD and give them some time to understand what's  
2 happening and then discuss it with them.

3 So this is only a temporary, sort of,  
4 withdrawal. We just didn't want to hang it --  
5 having it hanging out there and the Commissioners  
6 asking us, well what ever happened to the rule  
7 amendments.

8 We will once we have discussed it further  
9 with OPSD return to the Commission probably a new  
10 set of proposed changes.

11 CHAIRMAN GIOVANNI: So, are you  
12 recommending that you withdraw these or that we  
13 table these?

14 MR. ORODENKER: I think it's a distinction  
15 without a difference. I mean we could just table  
16 these. Commission doesn't have to take any action,  
17 and we would just table them. But the rule  
18 amendments that we come with are probably going to  
19 be -- look much different after we've come to some  
20 consensus with OPSD.

21 CHAIRMAN GIOVANNI: Okay. So your intent  
22 is to work collaboratively with OPSD to update the  
23 rules, and they may look different than the ones  
24 that were put forth a year and a half ago.

25 MR. ORODENKER: That is correct, and

1 that's why we are proposing a withdrawal because it  
2 may not even resemble what we originally submitted.

3 CHAIRMAN GIOVANNI: Commissioners,  
4 question for Mr. Orodenger? Commissioner Lee.

5 COMMISSIONER LEE: In the interest of  
6 time, I think it's pretty clear, so I'm going to  
7 motion that we approve the withdrawal of the  
8 proposed administrative rule amendments.

9 CHAIRMAN GIOVANNI: Do I have a second.

10 COMMISSIONER YAMANE: I second.

11 CHAIRMAN GIOVANNI: I saw Ms. Carr Smith's  
12 hand first. So I'm going to give her the privilege.  
13 And seconded by Ms. Carr Smith. Any further  
14 discussion on this one?

15 Will you please do a roll-call vote. And  
16 the motion is to withdraw the 2023 Proposed Rule  
17 Amendments.

18 MR. ORODENKER: Thank you, Mr. Chair.  
19 Commissioner Lee?

20 COMMISSIONER LEE: Aye.

21 MR. ORODENKER: Commissioner Carr Smith?

22 COMMISSIONER CARR SMITH: Aye.

23 MR. ORODENKER: Commissioner Hayashida?

24 COMMISSIONER HIYASHIDA: Aye.

25 MR. ORODENKER: Commissioner Kahele?

1 COMMISSIONER KAHELE: Aye.

2 MR. ORODENKER: Commissioner Kamakea-  
3 'Ohelo?

4 COMMISSIONER KAMAKEA-'OHELO: Aye.

5 MR. ORODENKER: Commissioner Miyasato?

6 COMMISSIONER MIYASATO: Aye.

7 MR. ORODENKER: Commissioner U'u?

8 COMMISSIONER U'U: Aye.

9 MR. ORODENKER: Commissioner Yamane?

10 COMMISSIONER YAMANE: Aye.

11 MR. ORODENKER: Chair Giovanni?

12 CHAIRMAN GIOVANNI: Aye.

13 MR. ORODENKER: Thank you, Mr. Chair. The  
14 motion passes unanimously.

15 CHAIRMAN GIOVANNI: So it's now 12:32.

16 Let me thank Commissioner Kamakea-'Ohelo,  
17 Commissioner Hayashida this morning. We're going to  
18 take a break, and we will resume without them  
19 present. We'll have a quorum of seven present.

20 So how much time do we need for lunch?

21 Any suggestions? Nothing? Okay. 1:30 return. We  
22 are recessed until 1:30.

23 COMMISSIONER KAMAKEA-'OHELO: Mahalo,  
24 Chair. Mahalo, Commission.

25 CHAIRMAN GIOVANNI: Mahalo.



1 (A recess was taken)

2 CHAIRMAN GIOVANNI: Okay. We're back in  
3 session at 1:32. Our next order of business is an  
4 update on LUC staff participation for the State of  
5 Hawaii Office of Planning and Sustainable  
6 Development (OPSD) soil classification systems and  
7 use in regulating agricultural land study.

8 I'll now recognize any public testimony  
9 submitted on this matter.

10 MS. KWAN: There's been no written  
11 testimony and nobody using the Q&A feature for  
12 testimony.

13 CHAIRMAN GIOVANNI: Okay. Any -- any  
14 public testimony? Thank you. I'll now call on  
15 Chief Planner Scott Derrickson. Please proceed with  
16 a presentation on this item.

17 MR. DERRICKSON: Aloha kakou,  
18 Commissioners. Scott Derrickson. So this process  
19 has been going on since July of 2022 based on an Act  
20 passed by the Legislature. Really, our  
21 participation started in roughly July 2023, when  
22 there was a work plan developed by OPSD and their  
23 consultants, and we were in on the review of that.

24 Then in July through August of 2023, there  
25 were questions from consultants, so informal

1 meetings. October 3rd and 5th in 2023, there were  
2 initial focus groups that OPSD and the consultant  
3 had, and myself and Martina participated in one of  
4 the focus groups.

5 November 2023 to March 2024, we had  
6 periodic contacts with the consultants on questions  
7 that came up. Between March and April of 2024,  
8 there were additional focus group meetings. Again,  
9 Martina and I both participated.

10 In May 2024, there was a meeting to review  
11 the summary memo that was put together by OPSD and  
12 their consultants. Between May and June 2024, again  
13 periodic informal contacts to discuss  
14 recommendations by phone, by email, by Zoom. And  
15 then in 2024, December, there was a final report to  
16 the Legislature that OPSD filed. And so, we have  
17 been participating for about a year and a half,  
18 approximately, in this and providing review and  
19 comments.

20 And I think -- I am open to questions that  
21 you might have. We did link two of the OPSD soil  
22 study on OPSD's website. There is an interim  
23 report, and there is also the final report up there.  
24 There is also a pretty extensive slide deck showing  
25 what has been presented within the past and more

1 recently by the consultants. So I am open to  
2 questions.

3 CHAIRMAN GIOVANNI: Thank you, Scott.  
4 Commissioners, questions for Scott. Commissioner  
5 Miyasato.

6 COMMISSIONER MIYASATO: Yep. Thank you,  
7 Scott. I just breezed through this, but I just had  
8 a question if there was any type of study done on  
9 forestry?

10 MR. DERRICKSON: Okay. I will point out  
11 that we do have representatives from OPSD here that  
12 may be able to answer some questions more  
13 specifically than I.

14 But -- so my understanding, and they can  
15 correct me if I'm wrong, this did not do any new  
16 studies. This didn't do a new soil classification.  
17 This didn't do a new forestry study.

18 They reviewed -- they did an extensive  
19 review of existing literature and existing studies.  
20 So my answer to yours will be, no, there wasn't a  
21 forestry study. Forest resources are someone  
22 embedded in the soil classification system,  
23 historically.

24 COMMISSIONER MIYASATO: Okay. Now just  
25 because on Big Island we have an abundance of

1 forests that been there over 25 years, which nothing  
2 --

3 MR. DERRICKSON: Those eucalyptus forests  
4 postdate the land study bureau's classifications.

5 COMMISSIONER MIYASATO: Okay. Thank you.

6 MR. DERRICKSON: And that is -- that is  
7 something that was acknowledged and raised  
8 throughout this process. Is that those land study  
9 bureau classifications are a point in time or  
10 actually based on history but also a point in time,  
11 and they have not been updated since that point in  
12 time.

13 CHAIRMAN GIOVANNI: So, Scott. What's the  
14 -- what's the next step. Or maybe that's a question  
15 to OPSD, as well. What's the next -- where -- you  
16 submitted the report to Legislature. What does that  
17 say?

18 MR. DERRICKSON: So I'm going to call up  
19 Mary Alice Evans.

20 MS. EVANS: Have I got it adjusted  
21 correctly? Thank you. Chair, may I add some  
22 additional information to --

23 CHAIRMAN GIOVANNI: Please do, and you are  
24 still under oath.

25 MS. EVANS: The Commissioners, Chair, one of

1 the Admin bills that was introduced to the Legislature  
2 yesterday now has bill number HB1012 and Senate Bill  
3 1331, is a bill to update the soil data used by the  
4 Land Study Bureau of Soil Rating System with current  
5 data and approaches and appropriates funds.

6 And so we have proposed, and it's been  
7 included in the Governor's Package, and of course,  
8 that doesn't mean that the Legislature will agree  
9 with it. We've requested \$400,000 or so much as  
10 their may be necessary for the fiscal year 2025-26,  
11 for the Office of Planning and Sustainable  
12 Development to conduct the work required by this  
13 bill.

14 Oh maybe I could add a little bit more.

15 CHAIRMAN GIOVANNI: Yeah, a little more  
16 would be great.

17 MS. EVANS: So I think -- I think enough  
18 has been said about, you know, how old the data was  
19 -- current study for the Land Study Bureau Data.  
20 What we are asking is to update -- to keep the Land  
21 Study Bureau because it's a part of 205 rather than  
22 starting a new soil rating system. That was one of  
23 the questions that was posed to -- through to our  
24 consultant to the focus groups. But we think that  
25 the least disruptive, most seamless thing would be

1 to keep the Land Study Bureau system but to update  
2 using the latest United States Department of  
3 Agriculture Natural Resource Conservation Services  
4 soil data for the state and soil data from other  
5 soil rating systems used in the state.

6 The U.S. Department of Agriculture's  
7 Natural Resource Conservation Service Soil Data  
8 updates creating detailed digital maps that show the  
9 soils across the state and then drafting statutory  
10 and ordinance changes that may be necessary to align  
11 the state and county governments with the updated  
12 soil data by using the Land Study Bureau Soil Rating  
13 System.

14 So, that's -- that's the plan if the  
15 Legislature agrees.

16 CHAIRMAN GIOVANNI: So I'm trying to get  
17 my hands round this thing might land. I know you're  
18 going to stay with the basic same A, B, Cs structure  
19 of the rating system. But I recall a lot of the  
20 recommendations had to do with -- to recognize the  
21 permissible uses in each classification need to be  
22 updated in some respect. Is that within the scope,  
23 do you think?

24 MS. EVANS: No, I think this is just the  
25 soil rating system itself. Not amending the

1 permissible uses in 205 but looking at whether there  
2 may be changes in the capability of the soils based  
3 on maybe the old plantation water system are no  
4 longer functional, and therefore, lands that were  
5 capable of producing commercial amounts of sugar and  
6 pine are no longer able to do that, but may be  
7 suitable for something else that doesn't require the  
8 amount of water that, at least, sugar did. That  
9 kind of thing.

10 CHAIRMAN GIOVANNI: Okay. So if a parcel  
11 is, hypothetically, no longer suited for what it  
12 originally was classified and becomes classified for  
13 a different category, is the anticipation is that  
14 different category would accommodate the uses that  
15 are more applicable for that land?

16 MS. EVANS: I'm going to ask Aaron  
17 Setogowa, one of our senior planners, worked closely  
18 on this study, if you would permit, Chair. I'd like  
19 to have him answer that.

20 CHAIRMAN GIOVANNI: Aaron, I need to swear  
21 you in. Just state your name and job -- your job  
22 title.

23 MR. SETOGOWA: Aaron Setogowa, Land Use  
24 Planner with the Office of Planning and Sustainable  
25 Development.

1 CHAIRMAN GIOVANNI: Do you swear the  
2 testimony you give will be the truth?

3 MR. SETOGOWA: I do.

4 CHAIRMAN GIOVANNI: Okay. Please proceed.

5 MR. SETOGOWA: So what the bill is doing  
6 is asking more money from the Legislature so that we  
7 can produce a new model. We're not -- we wouldn't  
8 be actually replacing LSB because that takes a lot  
9 of regulatory changes.

10 One of the findings of the study is that  
11 the LSB is one of the soil complication, reference  
12 in state and county statues and laws and  
13 regulations, that is the predominant one, which  
14 would be LSB.

15 So in able to actually change it -- to  
16 implement all the changes would require a lot bigger  
17 process. The study is just to create a new model  
18 with updated data and establish a process for  
19 continuing updates as the years go by, produce  
20 digital maps so that people can see -- all  
21 stakeholders can see what their property would look  
22 like with the updated model.

23 A lot of concern was expressed through our  
24 outreach that -- well what if somebody one land use  
25 because their property was rated E, and now you come



1 back, and the new thing finds it A rated. You know,  
2 what happens to my land?

3 So we wanted to make sure to see what  
4 would be the actual impact on peoples parcels. And  
5 it wouldn't be parts of a parcel. It would be a  
6 general mapping, and that would be -- it would be a  
7 process of public outreach, you know, and there'd be  
8 a lot of discussion about that. And it would be to  
9 confirm the valuablility (sic) of new model, what it  
10 would look like, and how we would commit to it. The  
11 next step after that, if it was decided to implement  
12 this, then you start getting into, you know,  
13 statutory changes and so forth.

14 CHAIRMAN GIOVANNI: Okay. I think I get  
15 it. Commissioners, anything further? Okay. Thank  
16 you. Thanks, Scott.

17 Last round for public testimony.  
18 Anything?

19 MS. KWAN: Seeing none in the Q&A feature  
20 and seeing none in the room, Chair.

21 CHAIRMAN GIOVANNI: Okay. This was an  
22 informational update. There is no action required  
23 by the Commission. Thank you very much. Thank you,  
24 Aaron. Thank you, Mary Alice

25 Our next order of business is the adoption

1 of minutes from our meeting of January 8th and 9th,  
2 2025.

3 Ms. Kwan, has there been any written  
4 testimony on this item?

5 MS. KWAN: No, Mr. Chair.

6 CHAIRMAN GIOVANNI: Any members of the  
7 public wanting to testify?

8 MS. KWAN: Seeing none, Chair.

9 CHAIRMAN GIOVANNI: Are there any  
10 corrections or additions or comments on the minutes?  
11 If not, do I have a motion to adopt the minutes from  
12 January 8th and 9th, 2025?

13 COMMISSIONER YAMANE: Sir, Chair, I move  
14 to approve.

15 CHAIRMAN GIOVANNI: Commissioner Yamane  
16 moves to approve of it. Do I have a second on the  
17 minutes?

18 COMMISSIONER MIYASATO: Second.

19 CHAIRMAN GIOVANNI: I think Myles go in  
20 under the wire there. So Commissioner Miyasato is  
21 the second. All in favor of the adoption of  
22 minutes, please indicate by saying "Aye."

23 Any opposed? Hearing none, the minutes  
24 are adopted. Thank you.

25 COMMISSIONER MIYASATO: I have a question

1 on the approved, adopted minutes.

2 CHAIRMAN GIOVANNI: Sure.

3 COMMISSIONER MIYASATO: Thank you. On the  
4 minutes, there was an item from the last -- previous  
5 meeting on a request for election officers. And so  
6 I just wanted to ask the Deputy General on the --  
7 your reasoning to withdraw that item on the agenda.

8 CHAIRMAN GIOVANNI: Ms. Steed, are you  
9 prepared to respond?

10 MS. STEED: So if you'd like to ask about  
11 that to me, it would need to be an Executive  
12 Session.

13 COMMISSIONER MIYASATO: Okay. I guess I  
14 make a motion to move into Executive Session to  
15 consult with our legal counsel on questions and  
16 issues pertaining to the Board's powers, duties,  
17 privileges, immunities, and liabilities.

18 CHAIRMAN GIOVANNI: Seconded by --

19 COMMISSIONER LEE: I'll second.

20 CHAIRMAN GIOVANNI: Commissioner Lee. All  
21 in favor say "aye." Any opposed? No. So we'll  
22 now go into Executive Session. Will you set that  
23 up, Ariana.

24 It's now 1:49, we'll take a recess until  
25 you're back in session.

1 (LUC Commission entered Executive  
2 Session.)

3 CHAIRMAN GIOVANNI: So the next agenda  
4 item is the tentative schedule. Mr. Orodenker.

5 CHAIRMAN GIOVANNI: Thank you, Mr. Chair.  
6 Our next meetings will be on February 5th and 6th.  
7 Those will be hybrid meetings due to administrative  
8 glitches that won't allow us to have the meeting in-  
9 person.

10 COMMISSIONER CARR SMITH: I can't hear what  
11 Dan -- Dan Ho is --

12 MR. ORODENKER: Okay. Our understanding  
13 is that the P-cards, which is what we use to book  
14 travel and lodging and everything else are not  
15 lodging, but to book travel, have been frozen  
16 because all of the P-cards at Department of Business  
17 and Economic Development and Tourism are linked to  
18 one account. And one of our sister agencies has  
19 been recalcitrant in paying their bills. '

20 So all of the P-cards are frozen, which  
21 means that we don't have the ability to book travel.  
22 As a result, we're going to have to have at least  
23 the February 5th and 6th meetings hybrid.

24 CHAIRMAN GIOVANNI: One second. So hybrid  
25 means there's a choice.

1 MR. ORODENKER: Yes.

2 CHAIRMAN GIOVANNI: How do we choose to  
3 travel if -- if there's

4 MR. ORODENKER: No. What I'm saying if  
5 you choose to travel on your own dime, that's fine.  
6 But we have several O'hau Commissioners that could  
7 come here if they wanted to.

8 CHAIRMAN GIOVANNI: Ah. Very good. Okay.

9 MS. KWAN: Members of the Commission.

10 CHAIRMAN GIOVANNI: Neighbor island  
11 commissioners. Well, what if I make a motion to  
12 have the meeting on Kauai.

13 COMMISSIONER LEE: If we paid out of our  
14 own pocket, let's say, would we be reimbursed?

15 MR. ORODENKER: I have no idea.

16 MS. KWAN: I can process reimbursement if  
17 Commissioners want to pay out of pocket for flights  
18 for February 5th and 6th.

19 COMMISSIONER YAMANE: I think that's a  
20 great idea. I will do that. That's what -- I would  
21 want to meet in person. Not two days of Zoom.

22 CHAIRMAN GIOVANNI: Yeah. I agree. I  
23 don't want to chair a meeting ever again by Zoom.

24 COMMISSIONER U'U: I agree, and I'm not  
25 even there.

1 MR. ORODENKER: Okay. Well, I mean if  
2 Commissioners decide that they want to come in  
3 person, if we get everybody to agree including  
4 Commissioner Carr Smith, Commissioner U'u, and the  
5 Kauai -- Commissioner Yamane and Commissioner  
6 Giovanni and Commissioner Miyasato, then we can hold  
7 the meeting as in-person. Ariana is going to know  
8 fairly quickly.

9 CHAIRMAN GIOVANNI: Well, I think still  
10 schedule it as hybrid but with the option that  
11 anybody can use their own money to show up with the  
12 expectation of being fully reimbursed.

13 MR. ORODENKER: We can do that. We  
14 believe that there are going to be enough bills to  
15 discuss on that agenda so that we're anticipating  
16 two days, the 5th and the 6th for that meeting.  
17 Meeting will, once again, be here. We'll also be  
18 getting updates Haseko and from Arnold Wong on his  
19 work as well.

20 On February 19th will be, hopefully, will  
21 be.

22 CHAIRMAN GIOVANNI: The Haseko update is  
23 on whether or not -- same Haseko that we had  
24 questions about. Are they going to do the  
25 infrastructure?

1 MR. ORODENKER: Martina, can you speak to  
2 that?

3 MS. SEGURA: That matter that's scheduled  
4 on February 5th is the Haseko Hoakalei job credits  
5 motion to amend.

6 CHAIRMAN GIOVANNI: It's not then. It's  
7 got nothing to do with --

8 MS. SEGURA: It's not Halekua.

9 CHAIRMAN GIOVANNI: It's not Halekua.

10 MR. ORODENKER: No, it's not Halekua. The  
11 19th -- on February 19th, we'll be on Maui,  
12 hopefully, for the Emanuel Lutheran status report.  
13 The 20th is currently open. We have March 5th & 6th  
14 currently open, as we do the 19th and 20th, and  
15 April the same.

16 CHAIRMAN GIOVANNI: I will not be here  
17 March 5th and 6th. Those are open right now.

18 CHAIRMAN GIOVANNI: Those are open, so  
19 keep them open.

20 MR. ORODENKER: Okay.

21 CHAIRMAN GIOVANNI: If you can.

22 MR. ORODENKER: Thank you, Chair.

23 CHAIRMAN GIOVANNI: So what was the dates  
24 for the last part of February?

25 MR. ORODENKER: 19th and 20th.

1 CHAIRMAN GIOVANNI: Let's schedule it for  
2 that.

3 MR. ORODENKER: Emanuel Lutheran status  
4 report is on the 19th. We may not need to hold a  
5 hearing on the 20th.

6 CHAIRMAN GIOVANNI: Maui?

7 MR. ORODENKER: Yes, that's correct.

8 March and April are open, currently. But  
9 you know enough we're going to get an SP or  
10 something that has a 45-day deadline on it, so --  
11 we'll update the Commissions at the next meeting.

12 CHAIRMAN GIOVANNI: Questions.

13 COMMISSIONER YAMANE: Since you're on, so  
14 the 6th right now on the calendar is showing blank,  
15 so that's a new development -- to meet on the 6th,  
16 correct?

17 MS. KWAN: Yeah, it was decided today  
18 after we had determined to add Leg Bills to the  
19 next agenda item. We think it'll take two days.

20 CHAIRMAN GIOVANNI: Any other questions  
21 on the calendar? Commissioner Carr Smith.

22 COMMISSIONER CARR SMITH: So has the  
23 frozen P-card thing happened before? I mean, does  
24 this -- is it froze for a couple of days and so you  
25 don't want to commit, or is --



1 MR. ORODENKER: I believe in my combined  
2 almost 20 years with the state, not just this but my  
3 previous life at the state, I've never seen this  
4 happen before.

5 COMMISSIONER CARR SMITH: So it could  
6 change any day. So at what point, Ariana, do we go  
7 ahead and make our own flight reservations and  
8 lodging reservations?

9 MS. KWAN: I will be communication with  
10 the Commissioners regarding that.

11 COMMISSIONER CARR SMITH: Okay. All  
12 right. And then, Chair, I wanted to ask if we could  
13 have lunch provided on those two days, please, so we  
14 don't have to waste an hour.

15 CHAIRMAN GIOVANNI: I agree, and I have it  
16 in my notes. And let me apologize for not making  
17 that request for today, because I knew it would be a  
18 long meeting. So staff, I mean -- do we have to  
19 vote on this.

20 MR. ORODENKER: No we do not. But there  
21 is a little -- did we use the P-card. That's the  
22 problem. We'll do what we can.

23 COMMISSIONER CARR SMITH: Won't you  
24 (inaudible) submitting reimbursements, too? I mean,  
25 you must be spending money that you don't have.

1 MR. ORODENKER: I was going to say the  
2 worst-case scenario is that we will circulate a menu  
3 from a local establishment and the Commissioners can  
4 pay out of their pockets. We'll figure it out.

5 CHAIRMAN GIOVANNI: Okay. That would be  
6 for both days if we meet on both days, right.

7 COMMISSIONER CARR SMITH: Chair, I have  
8 one more comment.

9 CHAIRMAN GIOVANNI: Please, Commissioner  
10 Carr Smith.

11 COMMISSIONER CARR SMITH: I just wanted to  
12 thank the staff for putting together the  
13 informational items today. I'm sure it was a lot,  
14 and the ones that they've done in the past, I just  
15 appreciate it. So, thank you.

16 CHAIRMAN GIOVANNI: Yeah. Thank you.  
17 Yeah, I found the links to the Hawaii P stuff very  
18 useful, as well -- as well as the other links. So,  
19 thank you for that.

20 Any other business? Anybody? Another  
21 requests? Going once, twice. This meeting is  
22 adjourned.

23 (The meeting concluded at 2:21.)  
24  
25

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 11th day of February, 2025.



Ann Walker