

Mauna Kea Management Board
Regular Meeting
Tuesday, October 24, 2000
Multipurpose Room
Student Services Building, #379
Hawai`i Community College
1175 Manono Street
Hilo, Hawai`i 96720

Minutes of Regular Meeting

Members Present: Arthur Hoke, Chair; Robert Pacheco, Vice Chair; Barry Taniguchi, 2nd Vice Chair/Secretary; Harry Yada; Barbara Robertson.

Interim OMKM Present: Stephanie Nagata, Assistant Director; Moses Haia, Resource Specialist; Arnold Hiura, Communication/Community Outreach.

Others Present: Ron Koehler, Ed Stevens

I. CALL TO ORDER

Chair Arthur Hoke called the Mauna Kea Management Board (MKMB) Meeting to order on October 24, 2000, at 10:05 am.

II. APPROVAL OF MINUTES

Barry Taniguchi pointed out that the words “at Hilo” in the last section of ANNOUNCEMENTS should be omitted.

Harry Yada moved that the October 10, 2000 minutes be accepted as corrected. Barry Taniguchi seconded the motion. The motion was carried and the minutes were unanimously accepted.

III. DIRECTOR’S REPORT

Assistant Director Stephanie Nagata reported for Director Walter Heen in his absence.

Staff Committee Assignments:

Walter Heen and Moses Haia: Hawaiian Culture and Administrative Rules Committees;
Stephanie Nagata: Environment, Public Safety, and Budget Committees;
Arnold Hiura: Astronomy Education Committee. (Although the newsletter is not a committee, Arnold will be in charge of preparing and publishing the newsletter.)

Meeting Room – Our permanent meeting room will be Room #1 in Building 393 at Hawai`i Community College as soon as it is adequately furnished.

Extension of interim appointments – Appointments of Walter Heen and Moses Haia have been extended until the end of December.

Administrative Rules – Moses Haia has been working on the draft and will report later in the meeting under New Business.

Newsletter – Arnold Hiura has been working on creating a newsletter and it is anticipated that the first issue will be published in November.

October 19th Board Of Regents (“BOR”) meeting – Chancellor Rose Tseng presented a progress report and the proposed budget for the OMKM.

The biennium budget request of \$4 million, as well as the \$250,000 CIP request, were approved by the BOR and has been included in the University’s overall budget.

BOR Chairperson Lily Yao emphasized the importance of seeking funding support from outside the University community.

Design Review Committee – Deferred to Old Business.

IV. OLD BUSINESS

- A. Moses Haia requested deferring action on the Kahu Kupuna Council guidelines until the next meeting. Guidelines for the Council have not been finalized yet.

Based on the Master Plan, the Kahu Kupuna Council is being formed to assist in the deliberation of cultural and community values. The Council will be comprised of members of Native Hawaiian organizations, and individuals recognized for their specialized knowledge of the Hawaiian culture and Mauna Kea’s significance to Hawaiians.

Staff continues to work with members of the Hawaiian community who were involved with the Master Plan process to develop guidelines for the establishment of this Council. Appropriate guidelines will soon be developed for presentation to the MKMB for review.

Staff suggested Chair Hoke send a letter to the group asking them to submit their plan for the establishment of the Kahu Kupuna Council for review and action at the next scheduled MKMB meeting. Staff can prepare this letter for the Chair’s approval and signature.

Mr. Pacheco moved to defer action on the Kahu Kupuna Council to the next meeting and to direct Staff to draft a letter for the Chair’s approval and signature addressed to the group currently working on establishing guidelines for the Council. Mr. Yada seconded the motion. The motion was carried unanimously.

B. Design Review Committee. Based on the Master Plan, the Design Review Committee (DRC) should have been appointed with the adoption of the Plan. That has not taken place and therefore the OMKM has taken the initiative to begin establishment of this Committee and its guidelines. Stephanie Nagata presented a draft of some design committee guidelines.

Mr. Pacheco asked at what point during the entire process does the DRC come into play.

Moses Haia clarified the DRC is involved in all “major” projects and decisions throughout the term of a project, but not if the project is deemed “minor”. An example of a “minor” project (as given in the Master Plan) is repainting a facility.

Chair Hoke requested that OMKM staff further investigate the exact role of the DRC in all projects, whether they are major or minor projects, and the possibility of amending the wording in the Master Plan regarding this issue to clarify it.

Mr. Yada asked whether the DRC will function much like the MKMB with regard to making decisions and will it have to comply with the Sunshine Law.

Staff’s interpretation is that the DRC is merely a professional review committee where the individuals within the DRC will be asked to render their professional opinions regarding their specific area of expertise and will not be making decisions. The DRC will provide its recommendations to the UH President and the BOR as to whether the project is structurally, architecturally, chemically, and environmentally sound. The President and/or BOR shall be the final decision maker(s) of the project.

A major concern of MKMB members is whether MKMB will be kept informed of the professional opinions rendered by the DRC at every step of the project. Based on the Master Plan, the DRC reports directly to the President and the BOR, not to the MKMB. Staff’s recommendation of having a MKMB member sit in on the DRC was to ensure continuous feedback.

Mr. Yada suggested the removal of the phrase “including the expansion of the DRC” as stated in the last paragraph of the draft of the Design Review Committee: *Background* report. The word ‘expansion’ could be misconstrued to mean a major change to the Master Plan, which requires a formal amendment process.

Mr. Taniguchi suggested that the service terms of DRC members have definite start and end dates (e.g. July 1 to June 30) rather than trying to keep track of each individual member’s term for two-years from date of appointment (i.e. April 15th to April 14th).

Mr. Taniguchi also suggested instituting staggered terms for members of the DRC to alleviate the problem of having a complete changeover of all members at the same time. Another point to consider is what would happen if a project continued beyond the terms of any of the individuals currently appointed. Keeping continuity would mean extending the current members’ terms to completion of the active project.

Another suggestion given by Staff was to have a separate DRC for each project. The DRC members could work on a project by project basis, rather than be bound by term lengths. This would also alleviate the problem of DRC members having to recuse themselves on certain projects due to a conflict of interest.

Another suggestion given by Mr. Taniguchi was to have a pool of core professionals from which DRC members can be selected to serve on a project by project basis. This could also alleviate the problem of potential conflicts of interest. DRC members are not limited to serving on only one project at a time, provided that there are no conflicts of interest involved. The non-professional members (Kahu Kupuna Representative, MKMB member, OMKM Director or representative), will remain constants on all projects.

Mr. Yada wondered whether compensation of DRC members for their time and service would be affected by procurement policies even though the applicant through fees would make the payments. Chair Hoke suggested Staff investigate the impact of the State Procurement Laws on the retention and compensation of professional DRC members.

Moses Haia mentioned that on page XI-XII of the Master Plan, the DRC is given the authorization to approve construction documents. This authority needs to be examined because it might be enough decision making power to require the DRC to comply with the Sunshine Law.

Mr. Pacheco pointed out that the DRC really should be placed earlier in the approval process of each project. He felt that the technical aspects of each project should be approved before the applicant comes into contact with the environmental, cultural, and ethical Boards and Councils.

It was pointed out that the OMKM and the MKMB play a part in determining whether a project is classified as major or minor. This ensures the continuous involvement in the recommendation and approval processes from the beginning of any proposed project. OMKM and MKMB should always be kept informed and "in the loop". Accordingly, OMKM and MKMB may not want to get involved with the DRC because the purpose for the DRC is strictly based on technical professional diagnoses.

Community member Ed Stevens suggested the DRC should be limited to professionals only. The inclusion of an Environmentalist/Conservationist, Kahu Kupuna Council representative, member of the MKMB, and the OMKM Director or representative only complicates things. These additional groups and offices have opportunities to impact decision making elsewhere in the process of each project.

After extensive discussion and review of the draft guidelines, Mr. Yada moved to send the DRC guidelines back to the OMKM Staff to determine exactly what the MKMB and the OMKM roles are in this process. The Staff should be ready to report findings at the next meeting and have a revised draft of the DRC guidelines, if it is deemed appropriate and necessary. Mr. Taniguchi seconded the motion and the motion was carried unanimously.

C. Committee Reports

Hawaiian Culture – no report.

Astronomy Education – no report.

Environment – Rob Pacheco reported that the committee has been working on a list of possible community members to include in the committee.

Public Safety and Conduct – no report.

Administrative Rules – Moses Haia distributed the latest draft of the Administrative Rules for both the OMKM and the MKMB. Included with the draft were regulations for the use, management, government and protection of persons, property, natural and cultural resources within the science reserve.

A complete draft of the Administrative Rules as a whole will be provided to each of the committees for their review, as well as regulations that apply directly to their specific committee. Recommendations and comments will be greatly appreciated.

This is just a draft and changes will be made based on further review and feedback. Please submit any comments or recommendations to Moses Haia regarding the draft, specifically, what you feel the duties and powers should be of the MKMB and OMKM.

Approval of Budget – Harry Yada moved and Barry Taniguchi seconded to approve the budget submitted to and accepted by the BOR on October 19th. The motion was carried unanimously. (See Director's Report for details).

V. NEW BUSINESS

- A. **Letterhead** – Arnold Hiura presented examples of possible letterhead designs to the Board for opinions/preferences. The letterhead will be used by the Office of Mauna Kea Management and will be printed in small quantities at a time due to the high possibility of a change in addresses and/or phone numbers. Staff is searching for a printing company.
- B. **Newsletter** – Arnold Hiura presented a sample layout of the newsletter including sample topics and stories. It will be in traditional newsletter style (8 pages, two 11" x 17" sheets folded in half). The staff is still searching for the most competitive printing and bulk mailing prices and hopes to get the first newsletter out sometime in November. The staff is coordinating with Group 70 in compiling a mailing list.
- C. **By-Laws** – Moses Haia recommends that the MKMB adopt by-laws as soon as possible. Amendments to the by-laws can always be made in the future. The Board decided to defer action on the by-laws until to the next meeting.

VI. ANNOUNCEMENTS

There were no announcements.

VII. DATE OF NEXT MEETING

The next MKM Board Meeting will be held on Tuesday, November 14, 2000 at 10:00 am.
Location is still to be announced.

VIII. ADJOURNMENT

Chair Arthur Hoke adjourned the meeting at 12:14 p.m.

Respectfully Submitted,

Signed by Barry K. Taniguchi

Barry Taniguchi, Secretary, MKMB

Date: 11/14/2000