

MINUTES FOR THE
MEETING OF THE
PUBLIC LANDS DEVELOPMENT CORPORATION

DATE: TUESDAY, OCTOBER 11, 2011
TIME: 2:30 P.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM #132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

MEMBERS

Guy H. Kaulukukui, First Deputy, Department of Land and Natural Resources
Kalbert Young, Director, Department of Budget and Finance
Mary Alice Evans for Richard Lim, Director, Department of Business Economic
Development & Tourism
Robert Bunda, House Designee
Duane Kurisu, Senate Designee

STAFF

Linda Chow, Deputy Attorney General, Department of the Attorney General
Claire Kodama, Secretary, Department of Land and Natural Resources

I. CALL TO ORDER/ROLL CALL

1. Chairperson Kalbert Young called the meeting to order at 2:40 p.m.

Vice Chair Kurisu moved to add the approval of the minutes of the last meeting of Monday, August 29, 2011 to the agenda. Mary Alice seconded the motion. The motion carried unanimously.

Roll Call. Kalbert Young acknowledged that all members were present.

Chair Young introduced Mary Alice Evans, Deputy Director of the Department of Business, Economic Development & Tourism as designee for member Richard Lim.

Member Kurisu moved to approve the minutes of the Monday, August 29, 2011 meeting; Mary Alice seconded the motion. The motion carried unanimously.

II. ESTABLISHMENT OF CRITERIA FOR REVIEWING, EVALUATING, AND
HIRING THE PUBLIC LAND DEVELOPMENT CORPORATION EXECUTIVE
DIRECTOR

Member Kaulukukui stated that a list of criteria for hiring a candidate for the Executive Director position was made available for the members and audience members. He requested feedback regarding the criteria and weights.

Public testimony was open for anyone willing to provide oral or written testimony on this issue.

Henry Curtis, Executive Director of Life of the Land voiced his concern over a public folder, which is available at all Board of Land and Natural Resources meetings and feels that the public should be able to review the public folder for the Public Land Development Corporation (PLDC) prior to providing testimony on an issue that he has not seen.

Kat Brady, Justice Advocate of the Community and a member of Life of the Land and other community groups stated that missing from the criteria was anything about the community due to the Corporation being about public land since it is lands in trust for native Hawaiians and the general public. She would like to know that the Executive Director has public experience. She would like to have added to the criteria a commitment to the community. Member Kurisu said it's under public relations and the ability to communicate to the general public. Kat would like to have someone able to speak English and not in advertising terms. Member Bunda asked Kat what percentage of weight she would like added. She would like 25%.

Shannon Wood, President and Co-Founder of the Windward Ahupua'a Alliance stated that she had not seen the criteria sheet previously but was aware of the legislation. She stated that the first thing she noticed is real estate experience and agrees with Kat that the Executive Director should be able to communicate to the public and to increase the percentage for real estate experience as well as have someone with a lot of community outreach experience. She urged the Board to keep some real estate experience but not 30% and add it into community outreach and experiences as an Executive Director of the public policy organization.

Member Bunda asked Shannon if she saw the difference between development experience and real estate experience. Shannon stated that there is a difference between the two primarily because one is motivated.

Chair Young asked if there were any other questions. There were none.

Michelle Mattson, member of the Diamond Head Citizens Advisory Committee, Diamond Head Neighborhood Board, and Waikiki Area Resident's Association stated that the criteria appears to be development-driven and development-oriented without the sensitivity toward our land and natural resources that we must protect. She feels the profile reflects another Hawaii Community Development Association.

Marti Townsend, of KAHEA, the Hawaiian Environment Alliance stated that she agrees to some of the comments reiterated. She feels the criteria is the development of land as opposed to the management of real estate and is concerned with the modernizing of public lands without sufficient standards. The criteria for the appropriate applicant should be familiarity of land use laws and expertise in public process. The Executive Director should also be an expert with the Sunshine Laws. She expressed the importance for the Executive Director to have respect and an involvement with the community.

Member Kaulukukui asked Marti how she would propose to change the wording for the "ability to communicate with government agencies and general public" under the second criteria, "Government & Public Relations" to address her concerns. She feels it's one way

for a public relations person and said suggested someone who knows how to approach a community, engage with them, see what they want accomplished then seek to implement that. She does not see that as addressing sunshine law requirements and reflecting expertise in land use laws.

Member Kurisu asked Marti what if the wording read, "Community Relations" rather than "Public Relations" and she suggested having a number 2 included to say, "demonstrated community involvement" so the applicant can demonstrate the involvement they had with the community and look at the community that is involved with projects that the PLDC is involved in:

Member Kurisu mentioned that when he looks at #1, "Real Estate Experience" the Board looks at someone who has land use experience. Marti suggested placing that in #1 or in #2 that says, "land use." From her experience with realtors, they don't necessarily have expertise in land use. Member Kurisu agreed with Marti that there is a difference between a realtor and developer.

Member Bunda asked Marti where development is concerned whether developers understand land use laws in the context of land development. She suggested looking at someone who has demonstrated experience with land laws.

Sterling Wong, Senior Public Policy Advocate of the Office of Hawaiian Affairs suggested including the criteria that looks for someone with cultural knowledge.

Robert Harris, Director of the Sierra Club, Hawaii Chapter stated that there is different models of development such as First Wind on Maui which had a lot of community engagement and public support vs. the Superferry Development who had a much different approach. He suggested looking at a candidate that qualifies for all the criteria because looking at a pure numerical number may mean selecting someone who is imbalanced.

Member Young asked if there were anyone else willing to share their comments on the criteria form or on any other topic. Hearing none, the Board began their discussion.

Member Kaulukukui expressed his appreciation for the comments shared relating to the evaluation form and asked Board Members to consider adding a second item under "Real Estate" experience that asks for "demonstrated expertise in land use regulations" and add another item under "Government & Public Relations" and to amend the first item to read, "Ability to Communicate with Government agencies". The second item would read, "Ability to engage the community." He suggested the changes without changing the weights.

Member Young asked if there were other questions.

Member Young asked about the aspect of cultural sensitivity? Member Designee Evans agreed that since the criteria is in the law that it should be included under "Government & Public Relations" as a third item, "Demonstrated experience..."

Chair Young asked what if it was its own criteria? Member Designee Evans suggested "An understanding of cultural issues."

Member Bunda asked Member Designee Evans whether the Board should change the weights or leave the weight and add the category? She suggested make the real estate experience category 20% and add the 10% to "Government, Public, and Cultural Awareness". Chair Young asked if there should be 3 points? Member Designee Evans suggested making the criteria "Communications, and Cultural Awareness." Member Kurisu suggested rather than changing the weights to insert it in a category and if she wanted to add more weight to add it under "Real Estate Experience" for someone who is culturally sensitive rather than having to re-do everything. Chair Young liked the idea of having it explicitly demonstrated on the cultural aspect and land use familiarity with land use laws. He did not have a problem with rebalancing the weights or adding another criteria. Member Bunda agreed with Chair Young and that understanding the community should be categorized or include another weight, as long as what's added captures a lot of the comments that were made.

Chair Young called a 5-minute recess at 3:09 to reconvene at 3:15 p.m. for members to gather their thoughts on their newly proposed evaluation sheet.

At 3:15 p.m., Chairperson Young called the meeting back to order.

Member Bunda moved to change the criteria and recommend that on the first criteria, change "Real Estate" to "Development" and leave the weight as is at 30%; leave "Government & Public Relations" and weight as is at 15%. Change "Strategic Thinking" to 10% and leave the criteria as is; and leave "Project Management" at 10%; change; "Administration" from 25-15% and include a new criteria, which is "Familiarity with Sunshine Requirements"; establish a new category weight of 20% and a new category criteria, "Community and Cultural Sensitivity at 20%." Member Designee Evans seconded the motion.

Discussion ensued.

Member Kaulukukui asked for clarification purposes whether "Cultural Sensitivity" meant Hawaiian cultural sensitivity. Member Bunda affirmed. Member Kaulukukui suggested the new criteria be "Community and Hawaiian Cultural Sensitivity." Member Bunda agreed to the change in the criteria title. Member Designee Evans agreed to the clarification.

Chairperson Young stated that the statutory definition of cultural sensitivity does not necessarily isolate it to mean Hawaiians but for the Board to be sensitive to all cultures that comprise the diverse landscape of Hawaii and to be sensitive to that. He asked whether member Kaulukukui would be open to specify cultural sensitivity to include the host culture and any relevant stakeholder or language along those lines. Member Kaulukui asked for the clarification to align it with the statute, which mentions Hawaiian cultural sensitivity. He was corrected by Deputy Attorney General Chow who stated that the statute says, "culturally sensitive." Member Kaulukui was okay without the qualifier.

Chair Young asked about the land use aspect. Member Bunda said to include the understanding of land use laws in subcategory 2.

Chair Young asked member Bunda about Government & Public Relations, and if there were any language relative to fostering community discussion, facilitate community outreach, etc. Member Bunda agreed that those points should be included in the new category under "Community & Cultural Sensitivity".

Chair Young suggested including, "Demonstrated ability and/or experience in facilitating community discussion, and/or outreach" or "Engaging community outreach programs". Members Bunda and Designee Evans were in agreement with the change. Chair Young further suggested "Demonstrated experience in advocacy of cultural issues". Members Bunda and Designee Evans agreed to the change. It was further clarified that the changes suggested by Chair Young were in addition to the criteria already stated.

Clarification of the changes were as follows: Strike out "Real Estate" and include "Development" at 30%; "Government & Public Relations" at 15% with the first category to include "Understanding of land use laws" to include the Chairs new criteria; "Government & Public Relations" at 15%; "Strategic Thinking" 10%; "Project Management" 10%; "Administration" 15%; "Community & Cultural Sensitivity" 20%. Member Bunda also clarified that "familiarity with sunshine requirements" would fall under "Administration."

Chair Young reiterated his changes under "Community Relations & Cultural Sensitivity" to read: 1) "Demonstrated ability and/or experience in facilitating community discussion and/or outreach;" 2) "Experience in engaging community outreach programs; 3) "Demonstrated experience and/or advocacy of cultural issues".

Member Bunda added comments on the sunshine law requirements and said that transparency is key to community support, which would help the Boards' processes to help make it a successful organization.

Chair Young moved to amend the motion to include items discussed. Member Kurisu seconded the motion. Member Bunda informed the Chair that the motion to dispense the original motion would need to be voted upon. The motion to amend the original motion carried unanimously.

Chair Young mentioned that member Bunda's amendments incorporated many aspects of what the testifiers touched upon. He appreciated member Bunda's thoughtfulness on the changes. Member Bunda thanked the testifiers for coming forth with their suggestions and thoughts on the process.

Hearing no further discussion on the distributed criteria list as proposed with amendments, the motion carried unanimously.

The Board recessed at 3:25 p.m. to implement the changes made to the criteria list.

Chair Young called the meeting back to order at 3:40 p.m. Chair Young thanked Claire and Member Kaulukukui for drafting the criteria and scoring sheets. He was satisfied on the updated list. There were no further questions.

Chair Young stated that it was the Chair's intention for the Board to go into Executive Session to go over the list of candidates for the Executive Director position. There were no further discussions on the item.

Member Kurisu asked for an amendment to the agenda to add a proposed schedule for future meetings. Member Kaulukukui seconded the motion. Member Kurisu read the following proposed list for all meetings to start at 2 p.m. on the following Thursdays:

November 17, 2011	December 15, 2011	January 19, 2012
February 16, 2012	March 15, 2012	April 19, 2012
May 17, 2012	June 21, 2012	July 19, 2012
August 16, 2012	September 20, 2012	October 18, 2012
November 15, 2012	December 20, 2012	

Member Kurisu stated that meetings may be held intermittently in between the scheduled meetings, as needed.

Chair Young stated that the proposed list sets a regular meeting schedule for meetings once per month on a Thursday, causes members to be mindful of their individual calendars, and communicates to the public about a regular meeting schedule. He thanked Member Kurisu for proposing the dates. Chair Young was agreeable to the dates listed.

Chair Young asked the dates be posted in accordance with DLNR protocol for future meetings.

Member Designee Evans moved for the Board to go into Executive Session to discuss the perusal of applicants for the Executive Director position. Member Kaulukukui seconded the motion.

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Chair Young informed the audience that when the Executive Session concludes that the Board members would come back into the meeting room and go straight into adjournment but that the public is welcome to wait.

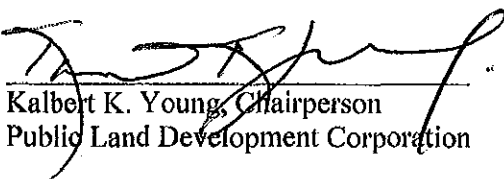
The motion carried unanimously.

The Executive Session lasted from 3:46-4:39 p.m.


Member Designee Evans moved to adjourn the meeting. Member Bunda seconded the motion. The motion carried unanimously.

The meeting was adjourned at 4:40 p.m.

Approved for Submittal:


Kalbert K. Young, Chairperson
Public Land Development Corporation

Respectfully submitted,


Claire Kodama
Acting PLDC Secretary