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NEIGHBORHOOD COMM  
08/03/09 3:16

**PROCEDURES GOVERNING HEARINGS  
CONDUCTED BY THE NEIGHBORHOOD COMMISSION  
COMPLAINT FORM**

**2009 AUG -3 PM 3: 16**

**1. COMPLAINT**

Print Name: Creighton Ualani Mattoon supported by Dee Dee Letts

Residence Address: 53-392 Kamehameha, Hau'ula HI 96717

Mailing Address: Same

Phone: (R) 293-5612 (B) same (C) None

**Please check below, as applicable:**

I am a member  resident \_\_\_ of Neighborhood Board Ko'olauloa NB #28

**2. ALLEGATION**

Ko'olauloa Neighborhood Board No. 28

**Please complete the following:**

\*Note: Complaint must be filed within forty-five days from date of alleged violations (Sec. 1-10.4 NP)

\* \_\_\_ Regular Meeting. Date: \_\_\_\_\_ Time: \_\_\_\_\_

\*  Special Meeting. Date: July 30, 2009 Time: 7:00 to 10:15

\* \_\_\_ Other (specify) \_\_\_\_\_

**Violation of the following: (Complete below as applicable)**

Sunshine Law, Chapter 92, Section \_\_\_\_\_

Meeting rule procedure Motion made and entertained prior to receiving all testimony/comments as required by Sunshine- questions raised by public not responded to by presenter or Board and no opportunity for questions of presenter by Neighborhood board members

Procedure requirement to obtain neighborhood consensus.

Revised Neighborhood Plan, Section 2-13-105(a) (3) Conflicts of Interest

Other (specify) \_\_\_\_\_

**3. Specifics (Describe alleged violation - what occurred, how, when and where)**

Sunshine Violation: Persons attending the meeting were required to sign up to testify. There were 47 individuals signed up - the agenda allocated 1 hour to public testimony. After 50 minutes only 22 persons had testified. The chair asked that Board make a motion to extend the public testimony time

by 10 minutes as the presenter had taken 10 more minutes than allocated – some Board members voiced concern that under Sunshine all wishing to speak must be given the opportunity to speak one time. A motion was made to extend for 10 minutes, at the end of the ten minutes 21 people were still signed up to speak. At this point the Board chair moved to cut off testimony and have anyone waiting to testify submit their comments in writing to be forwarded to Envision La'ie. At this point a motion was made by a Board member employed by HRI to support Envision La'ie. An employee of BYUH seconded the motion. Several Board members commented that the motion was out of order as the Board had not allowed everyone wanting to speak to speak and that sunshine requires this. The Chair faced with this issue asked that the motion be withdrawn and that a motion be made to continue with the public testimony. The motion was withdrawn and the motion to continue with public testimony passed unanimously. However there were persons present who wanted to speak who had not been able to sign up, as the sign up sheets were not available. The Chair asked no question as to whether anyone that came late and was unable to sign up or hadn't spoken wanted to speak. This I feel is a clear violation of sunshine and should render the motion null and void. It also should be void, as it did not get the required votes necessary if those that disclosed a conflict of interest had followed the Neighborhood Plan – see next allegation.

Neighborhood Plan Section 2-13-105 (a) (3)

The Envision La'ie Plan was presented by BYUH, HRI and PCC all of whom are proponents of the plan. When the final motion was made I distributed to all board members section 2-13-105 Conflicts of interest. The following board Members disclosed: Norm Kalubiokalani works for BYUH, Kela Miller works for HRI, Les Stewart works for PCC, John Elkington works for BYUH and Moana Kaluau works for BYUH. Richard Fale disclosed that he had previously worked for BYUH and HRI. The motion passed 7 to 4 with Norman Kalubiokalani, Kela Miller, Les Stewart, and John Elkington voting in favor of the motion rather than recuse themselves as their employment "tends to impair the independence of judgment in the performance of the member's official duties". Had these 4 recused themselves then the motion would not have carried and thus the motion did not pass the Neighborhood Board.

Both events happened on July 31, 2009 between 7 and 10:15 PM at a Special Meeting of the Ko'olauloa Neighborhood Board #28 at La'ie Elementary School.

FILED BY: Crington Watson

Dee Dee Letts

Complainants

DATE: August 3, 2009

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## KOOLAULOA NEIGHBORHOOD BOARD NO. 28

### **SPECIAL MEETING AGENDA**

Thursday, July 30, 2009

La'ie Elementary School Cafeteria

55-109 Kulanui Street

7:00 p.m. to 9:00 p.m.

### **ENVISION LA'IE**

**Rules of Speaking:** Anyone wishing to speak is asked to raise their hand, and when recognized by the Chair, to address comments to the Chair. Speakers are encouraged to keep their comments under 3 minutes. Please silence all electronic devices.

**Note:** The Board may take action on any agenda item. As required by the State Sunshine Law (HRS 92), specific issues not noted on this agenda cannot be voted on, unless added to the agenda.

- I. CALL TO ORDER: Chair Junior Primacio
  - a. Chair to Introduce Board Officers
    - i. Vice Chair Richard Fale
    - ii. Secretary Kela Miller
    - iii. Treasurer Moana Kalua'u
  - b. Explanation of Protocol
  - c. Turn meeting over to Vice Chair Richard Fale
- II. PRESENTATION OF ENVISION LA'IE (45 Minutes)
- III. COMMENTS, QUESTION AND ANSWER PERIOD (1 Hour)
- IV. MEETING RETURNED BACK TO THE CHAIR (15 Minutes)
  - a. Board Discussion, Comments, and/or Motion
- V. ADJOURNMENT

A mailing list is maintained for interested persons and agencies to receive this Board's agenda and minutes. Additions, corrections, and deletions to the mailing list may be directed to the Neighborhood Commission Office (NCO), Honolulu Hale, 530 South King Street, Room 406, Honolulu, Hawaii 96813; Telephone (808) 768-3710 or Fax (808) 768-3711; or call Neighborhood Assistant Leland Ribac at 768-3790. Agendas and minutes are also available on the internet at [www.honolulu.gov/nco](http://www.honolulu.gov/nco).

Any individual wishing to attend a Neighborhood Board meeting who has questions about accommodations for a physical disability or a special physical need should call the NCO at 768-3710 between 8:00 a.m. and 4:00 p.m., at least 24-hours before the scheduled meeting.

Friday, July 24, 2009

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