

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

KAPIOLANI PARK TRUST

John Henry Felix, Chair
Duke Bainum, Vice-Chair
John DeSoto, Trustee
Mufi Hannemann, Trustee
Steve Holmes, Trustee
Donna Mercado Kim, Trustee
Rene Mansho, Trustee
Andy Mirikitani, Trustee
Jon C. Yoshimura, Trustee

MINUTES

**KAPIOLANI PARK TRUST MEETING
WEDNESDAY, MAY 3, 2000**

**COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813**

CALL TO ORDER

The meeting of the Kapiolani Park Trust was called to order by Trust Chair John Henry Felix at 12:02 p.m. with Trustees Bainum, Hannemann, Kim, and Yoshimura present. Trustees DeSoto, Holmes, Mansho and Mirikitani were not present at this meeting.

STAFF PRESENT

Ronald Boyer, Senior Advisor to Trust Chair Felix
Stan Kuniyuki, Attorney, Office of Council Services
Natalie Hiu, Deputy, Department of the Corporation Counsel assigned to the Trust

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Kapiolani Park Trust meeting on January 12, 2000 were approved as circulated.

AYES: FELIX (Chair), BAINUM, HANNEMANN, KIM, YOSHIMURA - 5.
NOES: None.
ABSENT: DESOTO, HOLMES, MANSHO, MIRIKITANI - 4.

1. INFORMATIONAL BRIEFING ON KAPIOLANI PARK TRUSTEES DUTIES AND RESPONSIBILITIES (COMMUNICATIONS D-307 AND CC-116)

The following individuals testified on this matter:

Michelle Matson, Kapiolani Park Advisory Council
Don Bremner, Kapiolani Park Preservation Society

Ms. Matson agreed to submit the questions she raised in her testimony in writing as suggested by the Chair.

Ms. Hiu provided the trustees with a brief history of the Kapiolani Park Trust:

- The Kapiolani Park Trust was originally created in 1896 with broad powers.
- In 1913 the property was turned over to the City with no trustees designated.
- By Court order in 1991, the scope of the duties of the trustees was defined and the City councilmembers were designated as trustees with duties limited to "insuring and enforcing the provisions of the Trust to insure that those portions of Kapiolani Park which are part of the Trust are kept within the Trust in perpetuity and used only for park purposes within the terms of the Trust." Prior to designation of councilmembers as trustees, oversight was by the City's Department of Parks and Recreation and when councilmembers were designated trustees, the Court limited their duties in order to avoid conflict between the two roles.

Ms. Hiu explained that, based on the Court's order, there are two questions: 1) is this an issue of the Trust lands not being in the Trust or is it an issue of a conveyance or a lease of the Trust; and 2) is this an issue of the lands not being used for park purposes. If the answer is no to both questions, then the issue is outside the scope of duties of the Trustees.

Stan Kuniyuki of the Office of Council Services concurred with the foregoing analysis and agreed with the basic duties outlined by Ms. Hiu, however, it was

his opinion that there is an oversight role of councilmembers both as trustees and councilmembers. He also noted that the Court order requires a report by the Trust every three years with the next one due in 2001.

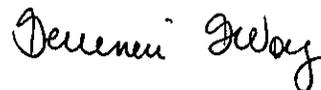
Regarding liability, Ms. Hiu reported that as a charitable trust, the trustees' liability is limited and if anyone wishes to take action, either to force the trustees to do something or prevent them from doing something they would have to file an injunction, probably in Circuit Court. There does not, however, seem to be monetary remedies for damages. According to Mr. Kuniyuki, he checked with the City's Risk Manager in the past, and his recollection is that the Risk Manager indicated that the trustees are covered for liability. He suggested that the Chair contact the Risk Manager to update this information.

The foregoing information was noted for the record.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:23 p.m.

Respectfully submitted,



GENEVIEVE G. WONG
City Clerk

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DATE APPROVED:

October 23, 2000