



NEIGHBORHOOD COMMISSION

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DRAFT REGULAR MEETING MINUTES

MONDAY, JUNE 22, 2020

KAPĀLAMA HALE FIRST FLOOR CONFERENCE ROOM

925 DILLINGHAM BOULEVARD, ROOM 153

CALL TO ORDER – Chair **Tyler Dos Santos-Tam** called the meeting to order at **6:00 p.m.** and welcomed everyone to the Monday, June 22, 2020 meeting of the Neighborhood Commission (NC).

Members Present – Bryan Choe, Tyler Dos Santos-Tam, Steven Melendrez, Richard Oshiro, Kevin Rathbun, and Claire Tamamoto.

Members Absent – Jon Ching, Joby North, and Robert Stubbs.

Vacancies – There were no vacancies on the Commission.

Guests – Li Li (Department of the Corporation Counsel); Bob Finley (Waikīki Neighborhood Board No. 9, Chair); Kevin McDonald and Chair Kevin Lye (Downtown/Chinatown Neighborhood Board No. 13); Flora Obayashi and Ken LeVasseur (Kahalu‘u Neighborhood Board No. 29), and Executive Secretary James Skizewski and K. Russell Ho, Neighborhood Assistant (Neighborhood Commission Office).

ROLL CALL OF COMMISSIONERS/ ESTABLISHMENT OF QUORUM – **A roll call of commissioners established a quorum with six (6) Commissioners present.** (Note – This nine (9)-member Commission requires five (5) members to establish quorum and to take official Commission action.)

APPROVAL OF MINUTES

Regular Meeting Minutes – Monday, February 24, 2020 – **Choe moved and Oshiro seconded that the Neighborhood Commission approve the Monday, February 24, 2020 Regular Meeting Minutes, as written. As there were no objections, the Neighborhood Commission ADOPTED the motion by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).**

Special Meeting Minutes – Monday, February 24, 2020 – **Choe moved and Oshiro seconded that the Neighborhood Commission approve the Monday, February 24, 2020 Special Meeting Minutes, as written. As there were no objections, the Neighborhood Commission ADOPTED the motion by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).**

PUBLIC CONCERNS – There were none.

EXECUTIVE SECRETARY’S REPORT

Neighborhood Commission Office (NCO) Update – Executive Secretary James Skizewski reported the following:

- **Assisting the City** – The Neighborhood Commission Office (NCO) staff has been assisting the City and the private sector with the Emergency Call Center, COVID-19 testing sites, and Food Drives.
- **Staffing** – Harry Cho, formerly the Community Relations Specialist, departed for another City position. The NCO is looking to hire another staff member.
- **Re-opening of Neighborhood Boards** – As of Monday, June 1, 2020 Mayor Kirk Caldwell has allowed the Neighborhood Boards to re-open. However, the Department of Education (DOE) has closed the schools and Public Libraries since mid-March 2020 and the Department of Parks and Recreation (DPR) has closed their facilities and will have Summer Fun in July 2020. The NCO is having difficulty finding meeting locations. Some Boards have decided to recess through July 2020, which the NCO will excuse.

- Virtual Meetings – The Kāne'ohe Neighborhood Board No. 30 is experimenting with having a virtual meeting. However, there are requirements in the Neighborhood Plan (NP) about having a public meeting location, where the public may present testimonies.

COMMISSION BUSINESS

Adoption of Policies in Response to COVID-19 Pandemic: §2-14-109 Meetings. (a) Unless otherwise established by the commission a board shall hold a regular meeting on a pre-established day of the month in not less than nine (9) of the twelve months within a one (1) year period, beginning July 1 and ending June 30, provided that at no time shall more than two (2) consecutive months elapse between regular meetings.

Chair Dos Santos-Tam noted that the current COVID-19 pandemic has affected these two (2) sections of the Neighborhood Plan (NP) – the nine (9) meetings minimum and no two (2) consecutive months without having a regular monthly meeting, which the NCO has already excused. However, Chair Dos Santos-Tam felt that the Neighborhood Commission needed to also look at these two (2) sections to "cover our bases." He listed the two (2) items on the agenda for consideration.

- Permitting boards to meet for less than nine (9) of the twelve months between July 1, 2019 to Tuesday, June 30, 2020, and between Wednesday, July 1, 2020 to Wednesday, June 30, 2021, if an emergency condition exists and
- Permitting boards to allow more than two (2) consecutive months between regular meetings, if an emergency condition exists.

Chair Dos Santos-Tam asked for discussion from commissioners, who were Board members and he was aware that Melendrez had a difficult time finding meeting locations.

Comments followed:

1. Extenuating Circumstances – Ken LeVasseur asked if "extenuating circumstances" was in the Neighborhood Plan (NP) to cancel Neighborhood Board meetings. Bob Finley did not think it was in the NP, but recommended to make the changes to the NP, which is under the City Charter, as the current crisis was unforeseen in the last 40+ years. Changes would prevent people from filing complaints and save the Department of the Corporation Counsel (COR)'s time defending the Neighborhood Commission. Finley appreciated the Mayor's Orders and that the NCO provided the information. Finley acknowledged that Rathbun's Neighborhood Plan (NP) Committee will look into further changes. LeVasseur deferred to Finley. Chair Dos Santos-Tam said the NP was about ending of a meeting, currently under way, due to an emergency and did not pertain to canceling future meetings. Melendrez suggested that the NP should include a section on exceptions to "Meeting Scheduling," due to a crisis, a policy statement. As he is having difficulty finding a meeting location, he hopes to meet next month. Rathbun agreed that everything should be spelled out in "black and white." LeVasseur added that there should be two (2) scenarios, one (1) for individual Board(s) – for example, on the Windward side three (3) Neighborhood Boards could be shut down, due to the closing of a highway in a hurricane and one (1) for the whole island, like now. Tamamoto was concerned about the minimum number of meetings and to have virtual meetings. Now, that Mayor Kirk Caldwell has opened up the Neighborhood Board meetings, the lack of meeting locations has to be taken into consideration.
2. Virtual Meetings – Executive Secretary Skizewski was concern about the new technology and getting more participation and public access, using zoom or Webex. Finley was concerned about submitting testimony online with 400 participants and having seniors staying at home. Melendrez wanted Executive Secretary Skizewski to come back next month and report on using technology for virtual meetings and to make suggestions on changes in the Neighborhood Plan (NP) to increase participation by having virtual meetings in additional to regular meetings. Chair Dos Santos-Tam asked if he had a motion to table until next month. No response. Rathbun stated there were two (2) issues – changes to the Neighborhood Plan (NP) and recesses and a pilot project to demonstrate a report on the virtual meetings, cost, and security issues.

Oshiro noted that already some Neighborhood Boards have already accumulated three (3) recesses. Chair Dos Santos-Tam hoped to find a way to satisfy the "Sunshine Law" with virtual meetings.

Oshiro moved and Melendrez seconded that the Neighborhood Commission adopt agenda items V.A.i and ii. More discussion followed. Rathbun wanted to see the language from the Neighborhood Commission Office (NCO) next meeting and was open to public hearings on the virtual meetings, if it works "across the board." Executive Secretary Skizewski noted that changes to the NP has a public hearing

process, which we just went through. Executive Secretary Skizewski noted if the meeting went longer than two (2) hours, then the Board must use a "Premium Zoom." If there are four (4) meetings on a single night, then the NCO will need four (4) accounts and cost was a factor. He would have a more extensive report next month. Oshiro added that other organizations are using other technologies and we could learn from them. Rathbun added that State Laws prohibit Home Owners Associations (HOA) from having a virtual annual meeting. Melendrez is using another technology. Executive Secretary Skizewski has reached out to the Department of Commerce and Consumer Affairs (DCCA), which stated that if a virtual connection was lost, then the whole meeting would end. Executive Secretary Skizewski needs to work more with Office of Information Practices (OIP).

As there was no further discussion, the Neighborhood Commission ADOPTED the motion by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).

Final Comment: LeVasseur reminded the NC that the Kāne'ohē Neighborhood Board No. 30 was a willing volunteer for a pilot project.

COMMISSION BUSINESS (Continued)

Set Hearing Date(s) and/or Appoint a Hearings Officer(s) for six (6) Complaints, relating to Downtown-Chinatown Neighborhood Board No. 13:

Complaint 2019-08 – McDonald v. Shubert Kwock, Citing a violation of §2-14-117 Order and Decorum. Executive Secretary Skizewski noted that the hearing was previously scheduled in February 2020, but there were issues about the complainant's address and him not getting the notices, so Executive Secretary Skizewski recommended that the hearing not go forward.

Complaint 2019-12 – Matusow v. Downtown-Chinatown, Citing a violation of §2-14-118 Discussion, §2-14-126 Parliamentary Authority, Sunshine Law Section 92-3 Open Meetings and Sunshine Law Section 92-3.5 Meetings by Interactive Technology; Notice; Quorum. Chair Dos Santos-Tam mentioned that it was the same situation as 2019-08. Executive Secretary Skizewski noted that the hearing was previously scheduled in February 2020, but there issues about the complainant's address and him not getting the notices, so Executive Secretary Skizewski recommended that the hearing not go forward.

Complaint 2020-01 – Matusow v. Downtown-Chinatown Citing a violation of §2-14-111, Meeting Notice and Agenda. Executive Secretary Skizewski said this was a new complaint. Complainant Matusow watched the meeting on 'Ōlelo and noticed that the public was not given proper notice of changes to the agenda. Executive Secretary Skizewski recommends to get more details from Matusow before scheduling a hearing.

Complaint 2020-02 – Churchfield v. Shubert Kwock Citing a violation of §2-13-104 Standards of Conduct, Complaint 2020-03 – Churchfield v. Shubert Kwock Citing a violation of 2-13-107 Representative capacity of board members, and Complaint 2020-04 – Churchfield v. Shubert Kwock Citing a violation of 2-13-104 Standards of Conduct.

Responses by Executive Secretary Skizewski:

Complaint 2020-02 – Churchfield filed a complaint against Shubert Kwock for making "insensitive comments" about members of the public and posted their pictures on Facebook. Executive Secretary Skizewski upon review felt these were personal remarks and not related to the Neighborhood Board.

Complaint 2020-03 – Churchfield filed a complaint against Shubert Kwock for remarks by the Chinatown Business & Community Association (CBCA). Executive Secretary Skizewski noted that while Shubert Kwock is a member of the CBCA and it is not clear if she is responsible for the account and if taking pictures of houseless people in public is slander, Executive Secretary Skizewski recommends dismissal of the complaint.

Complaint 2020-04 – Again, Churchfield filed a complaint against Shubert Kwock for remarks by the Chinatown Business & Community Association (CBCA). Shubert Kwock claimed that she was making the remarks not as a Neighborhood Board member. Executive Secretary Skizewski will notify Shubert Kwock that she cannot take off her "Neighborhood Board hat." Again, Executive Secretary Skizewski recommended dismissal of the complaint.

Further Comments: Kevin McDonald of the Downtown-Chinatown Neighborhood Board No. 13 added to Complaint 2020-02 and Complaint 2020-04. He noted that Shubert Kwock was the person responsible for the CBCA website and she mentioned other members of Downtown-Chinatown Neighborhood Board No. 13. She cannot take off her

Neighborhood Board hat. Kevin Lye noted that 2020-01 was filed by a member of the public, who did not attend the meeting, but watched the meeting on 'Ōlelo. While the complaint went informally to the Office of Information Practices (OIP), Lye felt the NC should not devote further time to it. McDonald added that he was available to provide details on the Downtown/Chinatown Neighborhood Board No. 13 complaints. Commissioners Tamamoto, Rathbun, and Melendrez had concerns about Board members' conduct during and outside of Neighborhood Board meetings and that Board members were Board members 24 hours a day/ seven (7) days a week.

Chair Dos Santos-Tam noted that there was a recommendation by Executive Secretary Skizewski to dismiss Complaint 2020-02, Complaint 2020-03, and Complaint 2020-04. Rathbun moved and Melendrez seconded that the Neighborhood Commission dismiss the complaints. As there were no objections, the Neighborhood Commission ADOPTED the motion to dismiss by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).

Set Hearing Date(S) and/or Appoint a Hearings Officer(s) for Complaints, Relating to Downtown/Chinatown Neighborhood Board No. 13:

Complaint 2019-08 – McDonald v. Shubert Kwock Citing a violation of §2-14-117 Order and Decorum.
Complaint 2019-12 – Matusow v. Downtown-Chinatown Citing a violation of 2-14-118 Discussion, §2-14-126 Parliamentary Authority, Sunshine Law Section 92-3 Open Meetings and Sunshine Law Section 92-3.5 Meetings by Interactive Technology; Notice; Quorum.

Chair Dos Santos-Tam asked when the next meeting dates were. Executive Secretary Skizewski responded Monday, July 27, 2020 and Monday, August 24, 2020. **Rathbun suggested Monday, July 27, 2020 at 6:30 p.m. for Complaint 2019-08 and Complaint 2019-12. Melendrez seconded.** Discussion followed. Two (2) members from the public had already stated their concerns. Chair Dos Santos-Tam stated that the NC had already scheduled the hearings earlier in the year. **As there was no further discussion, the Neighborhood Commission ADOPTED the motion to hear Complaint 2019-08 and Complaint 2019-12 on Monday, July 27, 2020 at 6:30 p.m., 5-0-1 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, and Rathbun; NAY: None; ABSTAIN: Tamamoto).**

Complaint 2020-01 – Matusow v. Downtown-Chinatown Citing a violation of 2-14-111. Chair Lai was excused from this complaint, as he was not named, specifically, on the Complaint, but was on Complaint 2019-12.

Set Hearing Date and/or Appoint a Hearings Officer for 2019-13: Cullen v. Guerrero, Citing a violation of §2-13-104 Standards of Conduct. Executive Secretary Skizewski said that this involving an e-mail sent after a meeting and recommended dismissal. Tamamoto moved and Melendrez seconded that the NC dismiss the complaint. Discussion followed. Tamamoto stated that the complaint was outside a Neighborhood Board meeting. **As there were no objections, the Neighborhood Commission ADOPTED the motion to dismiss by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).**

Chair Dos Santos-Tam noted that the next set of complaints, were a request by complainant Ken LeVasseur for the NC to reconsider Complaint 2019-03, Complaint 2019-04, Complaint 2019-05, Complaint 2019-07, and Complaint 2019-10. Executive Secretary Skizewski said that Complaint 2019-03 and Complaint 2019-10 alleged that there was a violation of the OIP's "Sunshine Law." After listening to the audio recordings, Executive Secretary Skizewski added that in Complaint 2019-04 and Complaint 2019-05, two (2) Neighborhood Board members did not disrupted a June 2019 meeting. The complaints were dismissed by the NC. Chair Dos Santos-Tam noted that the NC already heard Complaints 2019-07 and Complaint 2019-10. Complainant LeVasseur disputed Executive Secretary Skizewski's interpretation and requested that the Commissioners listen to the audio themselves. Chair Dos Santos-Tam asked if there were additional information. There was none. Choe moved and Rathbun seconded to dismiss Complaint 2019-04, Complaint 2019-05, Complaint 2019-07, and Complaint 2019-10. **As there were no objections, the Neighborhood Commission ADOPTED the motion to dismiss by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).**

Complaint 2019-03 – Executive Secretary Skizewski mentioned that after the NC heard Complaint 2019-03, it was send to Office of Information Practices (OIP), which sent a reply. Tamamoto moved to have the sanctions hearing on Monday, July 27, 2020 after Complaint 2019-08 and Complaint 2019-12. **After further discussion, Tamamoto moved and Melendrez seconded to hold a sanctions hearing on Monday, August 24, 2020 at 6:30 p.m. As there were no objections, the Neighborhood Commission ADOPTED the motion to hold a sanctions hearing**

on Monday, August 24, 2020 at 6:30 p.m. by UNANIMOUS CONSENT, 6-0-0 (AYE: Choe, Dos Santos-Tam, Melendrez, Oshiro, Rathbun, and Tamamoto; NAY: None; ABSTAIN: None).

Committee Reports

Survey Committee – Chair Steven Melendrez, Members: Kevin Rathbun, Jon Ching, Bryan Choe, and Tyler Dos Santos-Tam (ex-officio). Chair Melendrez saw that Governor David Ige carried over funds from Fiscal Year (FY) 2020 to FY 2021 and asked if the NCO could ask Mayor Kirk Caldwell for the Neighborhood Boards to retain any unused funds due to the COVID-19 shutdown. Melendrez wants to survey NB Chairs before the Conference of Chairs on Saturday, June 27, 2020. Tamamoto asked for more funds for smaller Boards to pay for room rentals and COVID-19 supplies. Melendrez and Chair Dos Santos-Tam will work with Executive Secretary Skizewski on the budgets.

Elections Committee – Chair Richard Oshiro, Members: Jon Ching, Claire Tamamoto, and Tyler Dos Santos-Tam (ex-officio). Chair Richard Oshiro had no report.

Neighborhood Plan Committee – Chair Kevin Rathbun, Members: Richard Oshiro, Robert Stubbs, and Tyler Dos Santos-Tam (ex-officio). Chair Kevin Rathbun will schedule hearings to discuss amendments mentioned tonight.

FINAL COMMENTS – Questions by First-Time Attendee – A community member asked legal questions about the NP about Rules of Evidence, the Complaints Procedure, and role of the Neighborhood Commission. Chair Dos Santos-Tam responded.

ANNOUNCEMENTS

- Conference of Chairs – Executive Secretary Skizewski mentioned that there will be a virtual Conference of Chair this Saturday June 27, 2020 at 9:00 a.m. Topics include Chairs discussing how to run an effective elections meeting, Chair Tam of the Ala Moana/Kaka'ako Neighborhood Board No. 11 on how to re-district his Neighborhood Board, and how the Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18 expanded to the Airport area. More information will be distributed later in the week. There were questions about the "Sunshine Law" and attendance.
- Next NC Meeting – Chair Dos Santos-Tam announced that the next NC meeting was on Monday, July 27, 2020 at 6:00 p.m.

ADJOURNMENT – As there was no further business before the Commission, Chair Dos Santos-Tam adjourned the meeting at 7:23 p.m.

Submitted by: K. Russell Ho, Neighborhood Assistant

Reviewed by: Chris Naylon, Community Relations Specialist or Jackson Coley, Public Relations Specialist

Final Review by: Tyler Dos Santos-Tam, Neighborhood Commission Chair