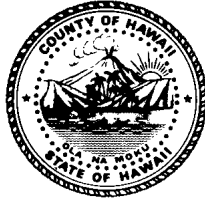


William P. Kenoi
Mayor



Guy Toyama
Chairman

Steven Burns
Vice-Chairman

County of Hawaii

DEPARTMENT OF RESEARCH AND DEVELOPMENT ENERGY ADVISORY COMMISSION

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REGULAR SESSION MINUTES AUGUST 20, 2009 OFFICE OF AGING CONFERENCE ROOM, HILO, HAWAII

COMMISSIONERS PRESENT

Hank Banquer, Curt Beck, Steve Burns, Rod Hinman, Mike Kaleikini, Julie Myhre, Guy Toyama, Tom Goya, Alex Woodbury

COMMISSIONERS EXCUSED/ABSENT

Jacqui Hoover - excused
A quorum was present.

ALSO PRESENT

Randy Kurohara, Director of the Dept. of Research & Development, Will Rolston, Energy Coordinator of the Dept. of Research & Development, Molly Lugo, Deputy Corporation Counsel, and Dot Botelho-Kaili, Commission Secretary

CALL TO ORDER

Meeting called to order at 10:03 a.m. by Director Randy Kurohara, in lieu of the yet identified Chair and Vice-Chair of this Commission.

Introduction made of Commissioner Alex Woodbury, making his 1st appearance on the Commission. Mr. Woodbury provided background on himself indicating that he has a family-owned and operated business out of Kailua-Kona, primarily involving building inspections, providing home and commercial energy evaluations, and that he is established as an Energy Star partner and LEED EAP, with contracts on mainland and within the State and County of Hawaii.

Director Kurohara prompts Commission to review the agenda.

STATEMENTS FROM THE PUBLIC

Director Kurohara notes that there are no public present.

Recess was taken at 10:09 a.m. to allow Commissioner Woodbury to be officially sworn-in as Commissioner of the Energy Advisory Commission.

Meeting re-convened at 10:24 a.m. with all Commissioners present and Commissioner Woodbury being officially sworn-in.

ELECTION OF CHAIR AND VICE-CHAIR

Director Kurohara opened floor for the election of the Chair and Vice-Chair of the Commission. Molly Lugo, Deputy Corporation Counsel briefly instructed Commissioners on procedures for nomination.

MOTION made by Commissioner Beck to nominate Commissioner Goya as Chair.

DISCUSSION: Commissioner Goya declines stating that he prefers for his input to be heard rather than conducting the meeting.

WITHDRAWAL OF MOTION by Commissioner Beck.

MOTION made by Commissioner Toyama to nominate Commissioner Burns as Chairman. SECONDED by Commissioner Kaleikini.

DISCUSSION: Commissioner Burns explains that being Chairman is not an appropriate role for him since he is a utility representative. He further states that although his presence with the Commission is not to represent the utility, perceptions are a big issue. Commissioner Burns is concerned that being employed by Hawaiian Electric, and in terms of how that may be viewed by the public or whomever looking at policy recommendations, that any progress made by Commission could be tainted by the perception that there may be self-interest or utility-interest or any inappropriate representation, noting that such a position could compromise the work of the Commission. Commissioner Burns specifically indicated that this is his perception and that it would not of value for him to be the Chair.

Commissioner Beck questions Commissioner Burns as to his position in reference to being the Vice-Chair vs. Chair.

DISCUSSION: Commissioner Burns stated that Vice-Chair would be a "fill-in" position and on occasion only. On that basis Commissioner Burns stated that being Vice-Chairman was acceptable as implications would not be the same in relation to public perception as it could being the Chair.

WITHDRAWAL OF MOTION by Commissioner Toyama in nominating Commissioner Burns as Chair.

MOTION made by Commissioner Toyama to nominate Commissioner Burns as Vice-Chairman. SECONDED by Commissioner Kaleikini. Further discussion; vote had to appoint Commissioner Burns as Vice-Chair; motion passed.

MOTION made by Vice-Chair Burns to nominate Commissioner Toyama as Chairman. SECONDED by Commissioner Beck.

DISCUSSION: Commissioner Goya indicated that a motion to appoint Commissioner Toyama as Chairman made by the newly approved Vice-Chairman (Commissioner Burns), whose own nomination came from Commissioner Toyama, may not be well received. Further discussion had indicating that nomination should be withdrawn solely on the basis of perception.

WITHDRAWAL OF MOTION by Vice-Chair Burns nominating Commissioner Toyama as Chairman.

MOTION made by Commissioner Hinman to nominate Commissioner Toyama as Chairman. SECONDED by Commissioner Goya. No discussion, vote taken; motion passed.

Chairman Guy Toyama takes over meeting.

APPROVAL OF MINUTES – JULY 31, 2009

Chairman Toyama instructs the Commission to take a few minutes to go over the minutes since they were not emailed prior.

Commissioner Banquer requests link to the Analysis and Recommendations for the Hawai'i County Sustainability Plan. Commission Secretary states that said link(s) will be emailed to all Commissioners.

DISCUSSION: Fellow Commissioners have concerns as to style of minutes presented – verbatim – and that it may be beneficial to capture essence vs. verbatim. Statements made for proper motion as to style of minutes from this meeting moving forward.

MOTION made by Commissioner Goya to approve the minutes 'as is'. SECONDED by Commissioner Beck.

DISCUSSION: Additional discussion had as to summary vs. verbatim; Sunshine law requires capturing 'essence' only; concerns raised that specific language in verbatim may not be exactly what meant or said, and vice versa. Consensus was for the minutes to be provided in 'summary style', capturing only the essence therein. Further discussion had and confirmed that the microcassette tape of the meeting would be available for future preview, if necessary.

Vote taken on motion to approve minutes 'as is'; no opposition, therefore motion passed.

Commissioner Goya made comment in relation to how detailed and complex minutes can be. Director Kurohara instructs Commission to speak louder and clearer as it can be quite difficult to decipher and transcribe otherwise.

MOTION made by Commissioner Beck that all future minutes, starting with the meeting of August 20, 2009, is prepared in summary style and that the Commission Secretary captures the essence only. **SECONDED** by Commissioner Banquer. No further discussion had, vote taken; motion carried.

UPDATES

Will Rolston, Energy Coordinator – presented two (2) page handouts entitled "Overview of County of Hawai'i Program Initiatives – August 20, 2009". Indications in blue are 'new information'. Updates will be made to the Commission at each meeting, and updates may also be made on specific tasks and/or assignments, i.e. LED retrofit program.

Inquiries by Commissioner Hinman at prior meeting were addressed regarding LEDs. No specific solution thus yet as to the determination between LEDs and the Low-Pressure Sodium Lamps. County Traffic Division is involved in testing to determine the desired choice. It was encouraged that Commissioner Hinman lend some expertise to this issue.

Mr. Rolston stressed that all inquiries and requests for information from the Commission will be taken seriously and brought up within to provide solutions, etc. Said updates will be made and reported to Commission at the beginning of every EAC meeting. It was further noted that there is a lot to be done and only a few years to keep the momentum that Hawai'i Clean Energy Initiative has captured.

Request made by Mr. Rolston to the Commissioners for lending their expertise to specific County projects and policies should the need arise.

Update on the West Hawai'i Civic Center:

County desires separate meters for the facility. Inquiry made to Commissioners employed by HELCO as to separate metering. County's position is that it be ideal to have separate meters for each building of the WHCC, for a variety of reasons, i.e. to put 100 kW PV up per meter, and for budgetary purposes wherein each department would be able to monitor, control and pay their own electricity bill, etc.

Commissioner Burns stated that it would be up to HELCO as to the final determination of separate meters, and that determination is based on having a need presented for separate meters and taking into consideration the concern of circumventing the energy metering law just to allow for larger sized systems.

Commissioner Beck stated that it may not be advisable for him to talk about issues between HELCO, its engineering and the County, yet further stated that there may be a possibility that specific limitations on separate metering have already been set or is being set.

Molly Lugo, Deputy Corporation reminded all that these proceedings were not confidential and that they were public record.

Commissioner Beck indicated that there is a statutory limit of a 100 kW for the size of a PV that can be net metered, yet the County's proposal is for a 400 kilowatt system, which is beyond that limit; discussions are on-going. Noted that presently there is an overall HELCO cap for these systems, yet as a Commission, attempts could be made to optimize those benefits for the County of Hawaii, i.e. putting more into larger systems like the County government, leaving less for the smaller systems like residents. It was also noted that a proposal is currently before the PUC for a program that would allow a limited number of larger than 100 PV host systems, but no ruling yet.

Commissioner Goya stressed the importance of weighing the factors involving PV which may be cost-prohibited.

Chair Toyama stressed that the more detailed discussions will come after the sub-committees are created.

Commissioner Myhre commented on the Waste Energy Treatment Audit and Workshop. EPA is offering a free energy audit and the County of Hawaii will take advantage of that; EPA will possibly be doing the audit on the Hilo Wastewater treatment plant. County of Hawaii will participate in putting an agenda together to discuss energy with the Dept. of Water Supply.

UNFINISHED BUSINESS

Review and Adoption of the Rules of Practice and Procedure of the Hawai`i County Energy Advisory Commission

Molly Lugo, Deputy Corporation Counsel stated that minor changes made to the 1st draft, adding in section 5.1 a provision relating to the ex officio member. Verbal clarification made that an ex officio member may vote – as opposed to indication made at prior meeting wherein Commission was told ex officio holds no voting rights.

Noted that under the Parliamentary Rules, an ex officio member does have all the same rights of the regular member, however, the rules of this Commission was specific in that the ex officio was not to have those rights, thereby limiting the ex officio in the voting privileges, which was the original intent and expectation of this Commission.

Rules were updated to indicate that Julie Myhre be the ex officio and that she would not have any voting rights, most notably because she is a County of Hawai`i employee and a representative of the Green Team.

MOTION made by Commissioner Kaleikini to adopt the Rules of Practice and Procedure of the Hawai`i County Energy Advisory Commission.
SECONDED by Commissioner Hinman.

DISCUSSION: Commissioner Burns notes clarification needed in the contexts of Rule 3 and Rule 4 prior to adoption.

Rule 3 refers to the Hawaii County Energy Sustainability Plan, however, the preference is to refer to this document as the *Analysis and Recommendations for the Hawaii County Energy Sustainability Plan* dated October 3, 2007, as the author intended.

See page ES-1, 5th paragraph “The report contained herein, *Analysis and Recommendations for the Hawaii County Energy Sustainability Plan*, represents the preliminary findings to support this County goal.”

Indications prove that the authors did not intend for this to be 'The Sustainability Plan', but rather recommendations to be considered in the formation of an Energy Sustainability Plan, which is not yet adopted nor acknowledged. Basing the intent of the author, these recommendations gives the Commission much more leeway as to what actually should go into a plan, i.e. milestones and rule of law, etc. which are crucial in implementing a plan to get to a specific goal.

Desire made to have the "Purpose" of the *Rules of Practice and Procedure of the Hawai`i County Energy Advisory Commission* be modified to provide a more accurate statement and to include the following:

"The purpose of the Hawai`i County Energy Advisory Commission is to advise the Mayor on the development and the implementation of a Hawaii County Energy Sustainability Plan".

Director Randy Kurohara indicated that a request was made to our Mayor on his clarifications on the "Purpose" and "Duties" of the Commission and he is yet to provide that clarification. However, the Mayor did provide his vision verbally during the first Energy Commission meeting.

WITHDRAWAL OF MOTION made by Commissioner Kaleikini to adopt the Rules of Practice and Procedure of the Hawai`i County Energy Advisory Commission.

MOTION made by Commissioner Goya to defer agenda item entitled "Review and Adoption of the Rules of Practice and Procedure of the Hawai`i County Energy Advisory Commission" until Mayor Kenoi can provide final clarification on the duties. SECONDED by Vice-Chair Burns. No further discussion; vote taken, motion passed.

NEW BUSINESS

Sunshine Law:

Molly Lugo, Deputy Corporation Counsel specifically addressed Commissioner Woodbury as to brief overview. Both agreed in addressing any questions or concerns Commissioner Woodbury might have outside of the meeting.

County of Hawaii Green Team presentation:

Alex Frost, Economic Development Specialist with the Department of Research and Development, and Commissioner Julie Myhre, of the Department of Water Supply, presented a power point to the Commission as an overview of the volunteer Green Team. The team's objectives and goals were presented relating to County government in reducing energy use and the aim toward sustainability within the government as a whole. Discussion had between presenters and Commissioners on various topics involving the Green Team.

Discussion on sub-committee formation/goals:

Commissioner Burns states that clarification from Mayor needed regarding purpose and how to go about activities, which will affect the creation of sub-committees at the present time.

Chair Toyama inquired as to quantity of members for committees, without violating the Sunshine Law. Molly Lugo clarified that an "investigative committee" would be no more than four (4) members, but that the role of that committee would need to be specifically defined. Once investigation complete, said committee reports and makes recommendations to Commission, and subsequently said investigative committee is dissolved.

Investigative committee is different from a sub-committee which would be charged with a general topic area.

Chair Toyama identified the need for sub-committees or standing committees on general topics in addition to special ad-hoc investigative committees, which will come up from time to time, during which specific purposes will be specifically defined.

Commissioner Burns stated that prior Commission had five (5) members and the sub-committees had two (2) members, each appointing their own Chair and Vice-Chair. Past Commission identified and outlined specific subject areas for sub-committees which covered all terrain of that subject matter. Suggestion made to Commissioners, that by next meeting, they have identified specific areas of sub-committee structures, i.e. transportation, water supply, utilities, etc. Consensus was that prior Commission's sub-committees were ideal as an example.

MOTION made by Commissioner Beck to defer the discussion of sub-committee formations/goals until next meeting. SECONDED by Vice Chair Burns.

No further discussion; vote taken, 2 opposed, motion carried.

Recess taken at 12:20 p.m. for lunch. Meeting reconvened at 12:30 p.m.

Review and discussion on the key elements of the *Analysis and Recommendations for the Hawai`i County Energy Sustainability Plan; Examine strategies:*

Will Rolston indicated that this study was done by consultants who are now Clean Energy Initiative members, and that due to this report Kauai County was provided funds by the Department of Energy to create such a plan, which is being headed by Maurice Kaya. Some of those same consultants are going to each island and there are some consistencies throughout the Hawaii Clean Energy Initiative on model buildings and recommendations.

Chair Toyama provided that once the Rules and Practices of Procedures are adopted, with the purpose identified, we will be able to create our sub-committees, do investigations and ultimately make recommendations to the Mayor in efforts to create a Hawai`i County Energy Sustainability Plan. At current, we need to identify what works and what doesn't for our County, as well as identifying the urgencies at present.

Commissioner Goya inquired as to what will be used as a target population, i.e. low, medium, high. Need clarification and need Mayor's plan on sustainability as to where he wants Commission to go in planning and implementing. Commission needs broader picture; needs background data and projections. Indications made for the review of any Community Development Plans prior in order to make sure efforts are fruitful.

Chair Toyama instructs Commission to use the Analysis and Recommendations for the Hawai`i County Energy Sustainability Plan as a reference manual only. Request made by Chair Toyama for the Mayor's identification of the Purpose and Duties of the Commission as well as top three (3) or five (5) priorities to start with as a whole. Suggestion that Mayor review prior Commission's final report as a reference.

Commissioner Myhre inquired if the Green Team is to be providing the priorities for the Mayor, or if the Mayor would provide that directly.

Commissioner Burns reiterated Mayor Kenoi's answer to his question on where to focus; big picture perspective as well as the picking of low-hanging fruit. See Minutes dated July 31, 2009.

Review and Discussion on Mayor's Energy Advisory Commission Final Report to Mayor Harry Kim (undated)

Chair Toyama stresses that this report shall be used as a reference only and that we will not be adopting this report, yet will work from it.

Commissioner Woodbury indicated that some of the information in this report has changed, i.e. LEED, neighborhood programs, more complexity, etc.

Chair Toyama instructs Commission as homework to read this report and come back at next meeting with a list/outline of top priorities, etc.

Chair Toyama requests that Commissioner Myhre obtain the full Green Team presentation, in further detail, as Alex Frost indicated that his presentation was just a summary; looking for specific data, etc.

Discussion on possible locations and coordination of travel for future meetings; lunch options:

Commissioner Burns indicated the need to look at best economic point based on travel reimbursement as well as locations for public participation. Chair Toyama stated that the Commission should rotate meetings between Hilo, Kona and Waimea which shall provide public participation as well as be best economically for the Commissioners.

Discussion had on public awareness of agenda posting and what is required by the Sunshine Law. Option provided for a standing meeting date for these Commission meetings, i.e. 2nd Monday of the month.

Chair Toyama requested that the location be the Chair's prerogative based on the agenda for that month's meeting. He also questioned the sense of urgency as to getting Commission on track and plans being implemented, etc.

Chair Toyama instructed that next meeting shall be held in Kona.
Commission Secretary will secure location.

Lunch Options: Commission Secretary to put out a menu prior, orders taken, paid for prior and food delivered.

ANNOUNCEMENTS:

Date and Time of Next Meeting:

Next Energy Advisory Commission meeting is set for Monday, September 14, 2009 at 10:00 a.m. in Kona at a location to be determined.

Agenda for next meeting: Basic welcome, agenda review, public info

- Update from Will Rolston
- Update from Green Team via Commissioner Myhre

Unfinished business:

- Coordination of future meeting locations and dates
- Review and Adoption of Rules of Practices and Procedures of the Hawai`i County Energy Advisory Commission
- Discussion on sub-committee formation/goals

New business:

- Discussion of the development of a Hawai`i County Energy Sustainability Plan
- Discussion on County of Hawai`i's performance contracting and third-party procurement procedures
- Discussion on summaries of County of Hawai`i Community Development Plans

MOTION made by Commissioner Beck to adjourn meeting; **SECONDED** by Commissioner Goya. Vote taken, motion carried.

Meeting adjourned at 1:20 p.m.

Respectfully submitted by:



DORTHI L. BOTELHO-KAILI
Commission Secretary