

MINUTES

COMMITTEE OF THE WHOLE

Council of the County of Maui

Helene Hall, Hana

April 4, 2001

CONVENE: 5:03 p.m.

PRESENT: Councilmember Dain P. Kane, Chair
Councilmember G. Riki Hokama, Vice-Chair
Councilmember Robert Carroll, Member
Councilmember Patrick S. Kawano, Member
Councilmember Michael J. Molina, Member
Councilmember Charmaine Tavares, Member

EXCUSED: Councilmember Alan M. Arakawa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Wayne K. Nishiki, Member

STAFF: Ken Fukuoka, Director
Richelle K. Kawasaki, Legislative Attorney
Pauline Martins, Committee Secretary

Marni Aina, Council Aide, Hana Council Office

ADMIN.: Myles Inokuma, Executive Assistant to the Mayor (Item No. 2[3])
Judith Williams, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 2[3])

OTHERS: Makahinu Cockett
Jimmy Perry
Plus (7) other people

PRESS: None.

CHAIR KANE: Committee of the Whole will come to order. Let the record show that we have Councilmembers Molina, Kawano, Hokama and Kane and Carroll present.

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

COUNCILMEMBER KAWANO: Tavares.

CHAIR KANE: Oh--excuse me--and Tavares. Excuse me. Sorry, Charmaine. . . . (*chuckled*) . . .

MEMBERS: . . . (*chuckled*) . . .

CHAIR KANE: We have Corp. Counsel here as well as committee staff. Members, direct your ten., attention--oh, also, I'm sorry--we have . . . um . . . from the Mayor's Office, Administration, Myles Inokuma. Members, we have one item on the agenda today. Excuse me.

VICE-CHAIR HOKAMA: Two items.

CHAIR KANE: Two items on the agenda today.

COW-2(3) NOMINATIONS TO BOARDS AND COMMISSIONS (CHARTER COMMISSION)

CHAIR KANE: We have nominations to boards and commissions, Item No. 2(3) . . . if I can direct your attention to that. This is for the nominations to boards and commissions, and we're talking about Mr. William Fuhrmann to the Charter Commission, pursuant to Section 14-3 of the Charter of the County of Maui. At this time, I'll be accepting public testimony . . . and let me see if I have a list here. No public testimony?

MR. COCKETT: I do.

MR. FUHRMANN: Right there. (*NOTE: He is pointing to Mr. Cockett*)

COUNCILMEMBER KAWANO: . . . (*inaudible*) . . .

CHAIR KANE: Okay. We'll go ahead and . . . uh . . . get that. In the meantime, while we're waiting for that, we do have some . . . uh . . . written testimony that's been turned in. (*NOTE: Mr. Cockett's testimony form was handed to Dain*) Thank you. We have one testifier, at this time, Makahinu Cockett. Makahinu, come forward please. State your name for the record and . . . uh . . . let's see . . .

VICE-CHAIR HOKAMA: You gotta speak loud . . . (*inaudible*) . . .

CHAIR KANE: So if you can stand right over here because we get microphone over here so we can . . . uh . . . get what you're saying in . . . uh . . . on record.

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

... BEGIN PUBLIC TESTIMONY ...

MR. COCKETT: Can practice?

COUNCILMEMBER KAWANO: You can say in Hawaiian.

MR. COCKETT: Aloha, my name is Makahinu Cockett. I reside in Hana. And . . . um . . . I speak on behalf of myself and . . . um . . . I, I really believe that the . . . um . . . anytime we have support that can give our community a better opportunity to be represented and not be alienated from, you know, being able to have a voice that . . . um . . . I know there's a lot of good people in, in our community. And maybe at, at the present moment, I believe we're kind of, you know, short-staffed or if I can use that word and . . . um . . . I feel, I feel confident that Mr. Fuhrmann will be able to carry out the, the means to represent our community. You know, I really believe that, that . . . um . . . if all given a chance, you know, we can only be allowed to have that much . . . um . . . that opportunity for the good of our community and . . . uh . . . I wish Mr. Furhmann good luck.

CHAIR KANE: Thank you very much. Any questions? Seeing none, next to testify . . . I'm sorry . . . uh . . .

?: Jimmy.

CHAIR KANE: Oh, Jimmy.

COUNCILMEMBER TAVARES: Jimmy Perry. . . . *(chuckled)* . . .

CHAIR KANE: Sorry, Jimmy. . . . *(chuckled)* . . .

MEMBERS: . . . *(chuckled)* . . .

CHAIR KANE: Get that script inside, yeah? . . . *(chuckled)* . . . Jimmy Perry. Jimmy, if you can, again, state your name for the record and move forward. Go ahead.

MR. PERRY: Okay. My name is Jim Perry and I'm the District Supervisor for the County. I've been with the County for 33 years and I'm here to ask you to please support Bill Fuhrmann in, as a Charter Commission member. I've known Bill for over 30 years. I worked with him in . . . uh . . . in a lotta committees . . . uh . . . in the Hana Community Plan. I've been with union and Bill is a very intelligent and smart man and I feel he would represent our community and the whole Maui County very well.

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

CHAIR KANE: Thank you very much, Mr. Perry. Members, questions? Hearing none, any other testifiers this evening? Seeing none, testimony is now closed for this particular item.

... END OF PUBLIC TESTIMONY ...

CHAIR KANE: Members, open for discussion. Any comments? Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you. When . . . uh . . . we sent this back to committee and decided to have the hearing in Hana, I thought it was important. At that time, we had one speaker against Mr. Fuhrmann and there was really no way for the committee to know how Hana people perceived him. And I felt--as I said at this time--that, at that time, the district had chance, where the committee would have a chance to really evaluate the feelings of the people of Hana who, Mr. Fuhrmann. Everybody got this over here? I checked all these signatures and I know everybody on here. These aren't . . . uh . . . school kids. These are all members of the community. These are all members of the community that are involved with the community--most of them born and raised in Hana. I think that, if nothing else, that this exercise vindicates Mr. Fuhrmann from the charges that . . . uh . . . were brought against him in large part. Now, everybody in community service--including the Council members over here--has people that don't like some of the things that they've done. It comes with the territory. But ideally, this shows that the community over here supports Mr. Fuhrmann and I support the community and I will be making the motion, if I'm given the chance to . . . uh . . . confirm him on the Charter Commission. Thank you.

CHAIR KANE: Thank you, Mr. Carroll. Any other comments or questions? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Kane. Bill, I appreciate you applying for this commission and I know you realize what responsibilities and time that . . . uh . . . being on this commission involves. And I believe that any individual--who wants to be part of this commission--should be one willing to work with the group and . . . uh . . . even though opinions may differ . . . uh . . . you know, you have the willingness to work out your personal differences. And . . . uh . . . although I don't know you as long as Mr. Carroll has or any of the other members here, you know, I'll give you the benefit of the doubt and I believe you'll do your best to work cooperatively with the others on the Charter report commission. So . . . uh . . . therefore, I'll give you my support for your nomination on this commission.

CHAIR KANE: Thank you, Mr. Molina. Ms. Tavares?

COUNCILMEMBER TAVARES: Yes. Can I ask Mr. Fuhrmann to come forward?

CHAIR KANE: Any objections by the members?

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

COUNCILMEMBER KAWANO: No objection.

VICE-CHAIR HOKAMA: No objection.

CHAIR KANE: Mr. Fuhrmann, if you can step forward, please. State your name for the record and . . . uh . . . Ms. Tavares will be addressing some questions to you.

MR. FUHRMANN: Bill Fuhrmann.

COUNCILMEMBER TAVARES: Bill, you know, this has been kind of a difficult process for you to go through and for you to . . . uh . . . come back and have to rally support from the community. Can you share with us what you might have learned through this whole process from, you know, the both sides, from the, both the critique side of you or criticism of you and from your ability to get support from so many members of the community?

MR. FUHRMANN: The only criticism I considered valid . . . and it's more of the perception--

COUNCILMEMBER TAVARES: Uh-huh.

MR. FUHRMANN: --of what occurred during the CAC process, was Elaine Wender's perception of how I conducted the meetings and Marc Hodges. The other two--Terry Lynch's comment states that they were gonna make a presentation and they couldn't. The reason was we had students on there, we were running like 10 o'clock at night. I asked them if they could come back. *(NOTE: A fire engine drove up and parked right outside Helene Hall with the engine running. The sound of the fire engine interferes with the recording of these minutes.)* The next meeting we'll do it and they agreed and then this letter comes forward that I denied them the opportunity. So, it kinda misrepresents . . . uh . . . the facts of that . . . *(inaudible)* . . . issue. With Elaine, and I can really appreciate her compassion for the issues. My comment goes to you, I want to know what the problem is and let's create the solution, rather than listen to what the solution is and trying to figure out how this works. And seize one that will . . . *(inaudible)* . . . and I'm one who . . . *(inaudible)* . . . testify with County and see how we look back a solution that's workable for everybody. And I know on the CAC, we had consensus. And, and a lot of it's driven by me going back and reworking the language so everybody felt comfortable with whatever we came up. So if, I know there's some people that think, well it's not strong enough. It was the strongest thing on it. It may have failed. It may not have passed. And I also considered . . . the Council members would have to decide on it. One issue very clearly was, the issue of stream down on the property owners and those who are very strong and compassionate about it said, leave the water in Hana. Right on. And what happens to HC&S? What happens to Central Maui? We've got to find the middle ground. And if we had that language in there, I know it wouldn't have passed the Council. So, I said,

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

we gotta put in a language that's a little bit more modern and we came up with language to give us what our needs are. Let's have a study to, to determine what those needs are. And this is where Elaine and I differ. Okay. I'm trying to find the middle ground that I know would, would pass the political body and everybody else and still be a statement from Hana, rather than a strong statement of what Hana wants or doesn't want that may not pass . . . and, in my mind, there'd be no statement in there at all. With Marc, he's, he's an Aquatic Biologist. He was very strongly a . . . *(inaudible)* . . . the daily expectation of water. For a personal side, you know--and I'll just put on the record--at that time, my mother was dying of cancer. Okay. So, there I am trying to run these meetings and she's in Hilo. So, I was trying to get . . . *(inaudible)* . . . do my best job and trying to figure out what I gotta do. So, maybe I was stressed out, maybe I did come off too heavy. The other day and, and Riki really, Riki understands the, the CAC process. We were one of the first groups to have the CAC process. The thing was presentation, presentation, presentation. CAC doesn't want to have public comment and here's the public wanting to talk and interact, but that wasn't the format. And . . . uh . . . I, I, I can sense their frustration. I even said I was frustrated at times. When do we talk? And that, and that's the way the process was set up. Hopefully, it doesn't work . . . *(inaudible)* . . .

COUNCILMEMBER TAVARES: Thank you.

CHAIR KANE: Thank you. Any other questions from the members?

COUNCILMEMBER KAWANO: I have a comment, Chairman.

CHAIR KANE: Yeah. Please, Mr. Kawano.

COUNCILMEMBER KAWANO: Bill, as soon as Mr. Carroll--the Councilman from Hana--make a motion, I'll be supporting it 'cause I know you from way back. We go way back. We had, we had some dis., dislike and stuff like that but it's part of the system that we work in. But I respect you for many a things that you do for Hana and I think you would do a good job in representing Hana on this committee here. So, good luck.

MR. FUHRMANN: Thank you.

COUNCILMEMBER KAWANO: Thank you.

CHAIR KANE: Thank you, Mr. Kawano. Thank you, Mr. Fuhrmann. Any other questions or comments? Before I move forward with the recommendation, members, we do have written testimony from Harry Hasegawa . . . and he is writing in support of Mr. Fuhrmann. We also have, members, being submitted to the body . . . uh . . . a petition for support of 300 signatures with printed as well as signature's names. If no objections, we accept that into the record?

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

VICE-CHAIR HOKAMA: No objections.

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER KAWANO: No objection.

CHAIR KANE: Thank you very much. Members, at this time, the Chair does recommend the approval of Bill Fuhrmann to the Charter Commission. Mr. Carroll?

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR KANE: It's been moved and seconded by Carroll and Molina. Discussion?

COUNCILMEMBER CARROLL: . . . uh . . .

CHAIR KANE: Mr. Carroll?

COUNCILMEMBER CARROLL: . . . (*inaudible*) . . . nature of a statement. I think this really is a good example of how important it is to get into the communities that are directly affected when we are looking for people, because that's where we can really get a good feel. If we only went by the information it had at the Council Chambers on that day, I think we would be in a much different situation right now. So, I think this shows the importance of coming back to the community which is why I supported it at that time.

CHAIR KANE: Thank you, Mr. Carroll. Any other comments or questions from members? Hearing none, I'll put it to a vote. All the members in favor of the motion to accept Mr. Carroll as a recommendation to the Charter--excuse me--Mr. Fuhrmann to the Charter Commission, say "aye".

COUNCILMEMBER TAVARES: "Aye".

COUNCILMEMBER CARROLL: "Aye".

COUNCILMEMBER MOLINA: "Aye".

COUNCILMEMBER KAWANO: "Aye".

VICE-CHAIR HOKAMA: "Aye".

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

CHAIR KANE: Any opposition?

VOTE: AYES: Councilmembers Carroll, Kawano, Molina, and Tavares, Vice-Chair Hokama, and Chair Kane.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Johnson and Nishiki.

MOTION CARRIED.

ACTION: APPROVE THE NOMINATION OF WILLIAM (BILL) FUHRMANN TO THE CHARTER COMMISSION.

CHAIR KANE: Hearing none, motion passes--a unanimous vote--as a recommendation on to the full Council. Thank you.

COW-1(1) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC FY 2001-2002 BUDGET)

CHAIR KANE: Members, if you can direct your attention to Item No. 1(1), this is Hawaii State Association Of Counties . . . uh . . . the HSAC FY 20002, 2001-2002 Budget. Members, we don't have anybody here to testify on this particular item. This is a transmittal from the Kauai County. Members, if you've already taken the time to review this, any questions or comments from the members? Mr. Hokama?

VICE-CHAIR HOKAMA: Just for . . . uh . . . our newer members, you will notice under . . . uh . . . part of the expenditures that NACo dues are \$21,215. This is not equally divided by Mau., all the counties. There is a formula whereby for Maui County, it's . . . \$1,900 is our share. The City & County of Honolulu maintains the large share by formula of \$1,600. So, it's not like each county is paying 5 . . . 5,000-plus as an equal . . . uh . . . membership by county. So, that is Maui County's requirements and . . . uh . . . I would speak in favor of supporting this budget. I think Mr. Kou., Council Chair Kouchi of Kauai has . . . uh . . . been very frugal and if you notice, we continue to have reasonable fund balances brought forward every year. And one of the reasons that I am happy to toot my horn today is that when the County of Maui holds HSAC events, I believe our County does a very good job whereby the net . . . uh . . . balance

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

of our functions have been a large contributor to the fund balance. So, it's . . . uh . . . part of the recognition of our Council's dedicated efforts and attendance to those functions, and I thank Chair Kawano for allowing the members to have maximum participation. Thank you, Chairman.

CHAIR KANE: Thank you, Mr. Hokama. Any other comments, questions? Members, the recommendation of the Chair is to approve the HSAC--

COUNCILMEMBER KAWANO: Move.

CHAIR KANE: --FY 2001-2002 budget.

COUNCILMEMBER TAVARES: So moved.

CHAIR KANE: Well it's been moved.

COUNCILMEMBER KAWANO: Second.

CHAIR KANE: It was moved by Kawano.

COUNCILMEMBER TAVARES: Oh, moved. Second.

CHAIR KANE: Moved by Kawano, seconded by Tavares. Any further discussion? Hearing none, all in favor of the motion, say "aye".

VICE-CHAIR HOKAMA: "Aye".

COUNCILMEMBER KAWANO: "Aye".

COUNCILMEMBER MOLINA: "Aye".

COUNCILMEMBER CARROLL: "Aye".

COUNCILMEMBER TAVARES: "Aye".

COMMITTEE OF THE WHOLE
Council of the County of Maui

Helene Hall, Hana

April 4, 2001

CHAIR KANE: Opposed?

VOTE: AYES: Councilmembers Carroll, Kawano, Molina, and Tavares, Vice-Chair Hokama, and Chair Kane.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Arakawa, Johnson and Nishiki.

MOTION CARRIED.

**ACTION: APPROVE THE HAWAII STATE ASSOCIATION OF COUNTIES
FY 2001-2002 BUDGET.**

CHAIR KANE: It's been carried--a unanimous vote--on to the full Council for recommendation. Members, there are no other items on the agenda for this evening. Under announcements, we will be starting the next meeting . . . uh . . . Chaired by Riki Hokama, Budget and Finance Committee, at 6 o'clock. Hearing no other announcements, this meeting is adjourned.

ADJOURN: 5:19 p.m.

APPROVED BY:



DAN R. KANE, Chair
Committee of the Whole

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Transcribed by: Pauline Martins