

✓

**MINUTES**  
**COMMITTEE OF THE WHOLE**

**Council of the County of Maui**

**Council Chamber**

**December 4, 2001**

**CONVENE:** 1:34 p.m.

**PRESENT:** Councilmember Dain P. Kane, Chair  
Councilmember G. Riki Hokama, Vice-Chair  
Councilmember Alan M. Arakawa, Member  
Councilmember Robert Carroll, Member  
Councilmember Jo Anne Johnson, Member  
Councilmember Michael J. Molina, Member  
Councilmember Wayne K. Nishiki, Member  
Councilmember Charmaine Tavares, Member

**EXCUSED:** Councilmember Patrick S. Kawano, Member

**STAFF:** Richelle K. Kawasaki, Legislative Attorney  
Pauline Martins, Committee Secretary

Madelyn D'Erbeau, Executive Assistant to Councilmember Nishiki  
Michelle Anderson, Executive Assistant to Councilmember Nishiki  
James Johnson, Executive Assistant to Councilmember Johnson

**ADMIN.:** James Takayesu, Corporation Counsel, Department of the Corporation  
Counsel  
Wesley Lo, Director, Department of Finance (Item No. 41)  
Judith M. E. Williams, Deputy Corporation Counsel, Department of the  
Corporation Counsel (Item No. 11[1])  
Richard K. Minatoya, Deputy Corporation Counsel, Department of the  
Corporation Counsel (Item No. 11[12])

**OTHERS:** Kenneth Robbins, Esq., Robbins & Rhodes  
Plus (2) other people

**PRESS:** None.

-----

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

CHAIR KANE: The Council's Committee of the Whole will come to order. For the record, in attendance, we do have Members Arakawa, Carroll, Johnson, Molina, Nishiki and Tavares present. Excused from this meeting is the Vice-Chair of the Committee Riki Hokama as well as our Council Chair Patrick Kawano. (NOTE: Vice-Chair Hokama arrived) And let me make a change to that . . . present also is the Vice-Chair of the Committee Mr. Riki Hokama. We also have in attendance our staff from Corp. Counsel, including our lead Corp. Counsel Mr. Takayesu and Deputy Minatoya . . . and we have our committee staff. Good afternoon, members.

VICE-CHAIR HOKAMA: Good afternoon.

CHAIR KANE: We have three items on our agenda for this afternoon.

**COW-11(1) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [ARTHUR E. K. SEVIGNY'S CLAIM]**

CHAIR KANE: However, for some housekeeping measures, I'd like to ask you to consider COW-11(1). It's a settlement authorization of claims and lawsuits. There has been a request by Corp. Counsel for us to defer this matter. A situation has arisen where a subsequent claim has come in that's attached to this and before we proceed with that, we'd like to see how that's gonna work out. So with that being said, members, if there are no objections--

COUNCILMEMBER ARAKAWA: No objections.

COUNCILMEMBER CARROLL: No objections.

CHAIR KANE: --Chair would like to defer COW-11(1) on the Sevigny's claim.

COUNCILMEMBER ARAKAWA: No objection.

CHAIR KANE: No objections? So ordered.

**COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: ARAKAWA, CARROLL, JOHNSON, MOLINA, NISHIKI AND TAVARES, VICE-CHAIR HOKAMA, AND CHAIR KANE)**

**ACTION: DEFER.**

CHAIR KANE: Thank you.

COMMITTEE OF THE WHOLE  
Council of the County of Maui

December 4, 2001

---

**COW-41 PROPOSED ORDINANCE TO ACCEPT REAL PROPERTY ONLY WITH INSURABLE TITLE AND BY WARRANTY DEED**

CHAIR KANE: Members, if I can direct your attention to Item No. 41, the proposed ordinance to accept real property only with insurable title and by warranty deed. Before we proceed any further, members, the Chair would like to open it up to the public for testimony at this time. And seeing that we have no request for public testimony, the Chair will be closing the testimony phase of this meeting for this afternoon. At this point, I'd like to first allow Mr. Nishiki, who made the request by memo dated--if I'm not mistaken, Mr. Nishiki, it was . . . uh . . . December 3<sup>rd</sup> was your latest memo. But how about if we give you the floor, Mr. Nishiki, and then we'll also let Corporation Counsel comment before we open up for discussion. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Thank you. I think that the December 3<sup>rd</sup> letter to you, Mr. Chairman, and . . . um . . . what I have trans . . . sent to you is the reason for the ordinance that was drafted by our staff. Subsequently, Corporation Counsel sent back a revised ordinance and . . . um . . . I prefer ours. It's clean. It addresses the problems that we have had in accepting title. And I think that if this Council deems that it is the Council that should set policy in regards to the acceptance of land and that it should be, or it should have clear title then I think the ordinance drafted by our staff is . . . addresses the concern, unless Corporation Counsel has a problem.

COUNCILMEMBER ARAKAWA: Was that a motion?

CHAIR KANE: No, not yet . . . but thank you for your that, Mr. Arakawa. . . . (*chuckled*) . . . Mr. Takayesu or Mr. Minatoya. Again, the request by our Committee Member Nishiki is to, is for us to consider the original submitted draft ordinance and not the revised draft ordinance which was sent by your office. If we can have comment to that, please? And either one of you, no problem.

MR. TAKAYESU: Okay. I believe the version submitted by Councilmember Nishiki is better in the sense that it provides more flexibility. It is not a total prohibition but simply requires, I guess, a supermajority before the Council goes ahead and approves acquisition of property. In many cases, you are gonna be dealing with lands that do not have clear title. I guess one of the easiest examples is where the County might be attempting to acquire rights-of-ways for roads that transverse a lot of different parcels, where there may not be clear title but it's necessary to acquire that particular piece of land for a project. On a smaller scale, you might also have these . . . um . . . required dedications for road widening lots, where the adjacent landowner just doesn't have clear title yet it makes sense for public safety to acquire these additional lands so we can proceed with projects. So in terms of having a two-thirds vote, again, it's better because it just requires a higher standard as opposed to a total prohibition. A total prohibition would have made it difficult for the County to proceed on many good projects, where there was no question that it was a good project for the community. Again, in terms of

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

the "good title" . . . uh . . . I guess it's defined within this particular ordinance. So that "good title" normally would be, could be considered very ambiguous. But because you spell out the type of concerns you have and provide for the waiver of that requirement, it should not pose any major problems. But again, I'd like to emphasize that there are a lot of parcels in Hawaii and on Maui that you're just not gonna be able to get clear title.

CHAIR KANE: Mr. Nishiki, I'll allow you first . . . uh . . . first comment before we open it up for questions from the members.

COUNCILMEMBER NISHIKI: I think Jimmy brings out some concerns but I think that the ordinance does address those concerns, should there be just roadway titles or whatever that . . . uh . . . that may seem minor to the Council. But I think in **major** lands that we've experienced already, Mr. Chairman . . . uh . . . one is the senior citizen housing, in which we're still not going to deal with a portion of that development because of unclear title. I think that it does put the County in a precarious position and I think that all those decisions, again, should be made by this Council. Thank you.

CHAIR KANE: Thank you. And I apologize, members. We do have in attendance, Mr. Wes Lo, our Finance Director. Mr. Lo--would you like to add any to . . . uh . . . points to the discussion, at this point?

MR. LO: Not at this time. *(NOTE: He is speaking from the audience)*

CHAIR KANE: Thank you. Members, it's open for discussion. Mr. Carroll?

COUNCILMEMBER CARROLL: We're looking at the one in the last . . . uh . . . the last page in our binder?

CHAIR KANE: You know--and for clarification--thank you for that. Mr. Nishiki, are we to consider your December 3<sup>rd</sup> memo as the one that you would want us to consider for today's discussion?

COUNCILMEMBER NISHIKI: Yes.

COUNCILMEMBER CARROLL: All right.

CHAIR KANE: Okay. So the December 3<sup>rd</sup> memo from Mr. Nishiki to this committee.

COUNCILMEMBER CARROLL: All right. This one here, I think is appropriate. I've been having discussions already and we've had many concerns about **especially** setting aside right-of-ways for mass transit and other . . . uh . . . other right-of-ways for future use, and this would allow that. As long as there is a vehicle to accept lands without clear title, I will support it. Thank you.

COMMITTEE OF THE WHOLE  
Council of the County of Maui

December 4, 2001

---

CHAIR KANE: Thank you. Further discussion? Mr. Hokama followed by Mr. Arakawa.

COUNCILMEMBER ARAKAWA: . . . *(inaudible)* . . .

CHAIR KANE: Mr. Hokama?

VICE-CHAIR HOKAMA: Thank you. Jimmy, you know, what Mr. Carroll just said was real interesting. How is your office gonna look at asking Council--or this committee--to accept land with no "good title"? I mean if . . . 'cause my primary concer., belief is that "what you don't own, you cannot give". So if you don't have clear title, it means there's a question that really can convey it to the County. I don't care if you say you own it but if you can't prove it then how do we really accept something that we don't know if that person really owns it or not?

CHAIR KANE: Jimmy.

MR. TAKAYESU: Okay. Again you know, the process that would actually be followed is that if there was interest in acquiring land, we would, of course, go ahead and pay for a title search so we can go ahead and see what the problems may be. There . . . and in those types of situations, by just looking at the title search, you'll see what possible defects are there and then decide whether you want to proceed. There may be other situations where . . . um . . . the condition or the title is such that we would just go ahead and recommend that the County proceed to acquire the property by eminent domain. I mean if it was a situation where . . . um . . . we reviewed the title search and it just, you just can't determine who has ownership but it's necessary for us to acquire it. That way we are required to go ahead and do a, obtain a fair appraisal . . . uh . . . deposit in the court a sum that would constitute just compensation. So that when we do condemn property, we're not trying to . . . um . . . steal property from anyone and then go through this very long process of attempting to determine who may have a right to some of those proceeds.

VICE-CHAIR HOKAMA: Uh-huh.

MR. TAKAYESU: Again, if you look at it, we just cannot find . . .

VICE-CHAIR HOKAMA: And that can make sense for something that you know is for a . . . uh . . . a specific project that promotes some kind of safety or fulfills the requirement of some kind of maybe consent decree or judicial decision. Would you still ask Council to accept property or buy property . . . let's say, you know, we had some monies around, which I don't believe we have. But let's say we had money and you want to land bank a portion of land for future use, whatever that use is, you would . . . uh . . . recommend Council to follow through on a transaction on that kind of a situation?

MR. TAKAYESU: Again . . . you mean where somebody's offering to sell us property?

COMMITTEE OF THE WHOLE  
Council of the County of Maui

December 4, 2001

---

VICE-CHAIR HOKAMA: No. No. Somebody is not offering.

MR. TAKAYESU: Okay.

VICE-CHAIR HOKAMA: We're saying we're looking at this land for a future use--whether it be open space, park, a . . . uh . . . another airport, a major government building for future use--but we're not sure. But you know, we think it's a good site so we'll, we'll try to land bank it now . . . but then we find out we cannot get clear title. You would still recommend that we purch., go ahead and complete a transaction?

MR. TAKAYESU: In those types of situations, there is that benefit of doing condemnation. That way you . . . you've acquired the land through a judicial process and it can wipe out any of these doubts or clouds that you couldn't do otherwise.

VICE-CHAIR HOKAMA: Because what I'm driving at, Jimmy, is this.

MR. TAKAYESU: Okay.

VICE-CHAIR HOKAMA: Somewhere, there may be--although unknown to us as a government--a legitimate owner of the land. And for whatever reason, we may not be aware of it . . . but there may be a legitimate owner of that property. And I'm not too sure about this big brother approach that . . . um . . . we can go in and for whatever good purpose, we're gonna go and take somebody's land that we're not sure who owns it or what. That's just my general gut feeling about things that we're not sure about.

MR. TAKAYESU: Okay. Well you know, again, in a condemnation type proceeding, you know, the value of the land is not gonna change whether you know the owner or not . . . or you know only half . . . uh . . . the owner of 50 percent. But you would still have to put the same amount of money down and . . . um . . . I think what happens in some of these eminent domain cases is that someone who had no idea that great great great grandpa had had some kind of an interest in property . . . uh . . . after we do a title search and . . . um . . . check all the probate records, we actually will be notified, notifying them that "oh you actually, it appears you have an interest and you're entitled to some money". And had we not proceeded, these individuals would have never known that they had any type of claim in the property. Again, the system isn't designed to . . . um . . . steal land. I mean the whole idea is to comply with taking of property with just compensation.

VICE-CHAIR HOKAMA: That's an interesting term though "steal land" . . . part of our history.

COUNCILMEMBER NISHIKI: . . . *(chuckled)* . . .

VICE-CHAIR HOKAMA: Thank you, Chairman.

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

CHAIR KANE: Thank you, Mr. Hokama. Mr. Arakawa. I'm sorry . . . um . . . you stated that you're ready to vote, so I'll allow other people who have questions to proceed.

COUNCILMEMBER ARAKAWA: Yeah. I didn't have any questions.

CHAIR KANE: Okay, thank you. Ms. Johnson?

COUNCILMEMBER JOHNSON: Yes. Mr. Takayesu, when we have somebody who's coming in and they've cleared all the title--let's say, because of this legislation--for the land. Generally, when you have land that does not have any title issues with it, does it generally add more to the value of that land . . . as a general rule?

MR. TAKAYESU: If it has no problems with title? Okay.

COUNCILMEMBER JOHNSON: Let's say for example that you put the, you put the applicant--or let's say somebody wants to give us land for park . . . and it has a little kuleana parcel, and they have to clear that title. Isn't it true that when they transfer that property over to us, because they've gone through the process of clearing the title and releasing that--doesn't it have slightly higher value as a result of them taking that act?

MR. TAKAYESU: When you phrase it that way, it would. But when I start looking at value of property, I would just look at the square footage and see what the value of that property is, without any type of problems . . . and then, then you would deduct because there is a defect or cloud. When they remedy that, it just goes back to the full value.

COUNCILMEMBER JOHNSON: And that's why I'm raising the issue. Because when you look at the approach where we put the onus on the person or let's say the entity to clear the title prior to our acceptance of that land, there is a certain costs for them to do that. And if we took it with let's say a particular issue unresolved, like for example, we took the property--well, we didn't actually accept the little parcel, the tiny little sliver--but let's say, for example, that we had accepted all of it. We could have then beco., you know, becoming let's say in control of that property . . . as a government entity, we could have filed basically an action to condemn that and then set aside the money, as you stated. Which would mean that actually now because that's now a whole parcel, that would make it more--I guess--more attractive to us. Is that correct, in your mind?

MR. TAKAYESU: In terms of that specific piece of property and because of the size and location and even shape of that, I don't really think it makes that much difference. I think the cost of doing a quiet title action will probably cost more than those . . . that, that few feet, in that particular situation.

COMMITTEE OF THE WHOLE  
Council of the County of Maui

December 4, 2001

---

COUNCILMEMBER JOHNSON: Uh-huh. But I, I am just thinking that there would be some situations like you mentioned with roadway dedications, for example, where we may have a land that if we put the person who let's say owns most of it but maybe there is a little cloud in this area, like Amfac's land, for example. If we wanted to move the road more mauka, I'm sure there are title issues throughout that whole area. So my concern would be that by putting that on somebody who would be taking it from let's say Amfac and maybe they don't have clear title--wouldn't that add to the cost on their part and the length of time that it would take for them to do that as opposed to us going in and condemning and then doing it in that way?

MR. TAKAYESU: Yeah, condemnation would be a lot quicker 'cause, you know, some of these quiet title actions have taken decades.

COUNCILMEMBER JOHNSON: Now, that's . . .

MR. TAKAYESU: And if you want to move forward on a project that's needed for public safety, I don't think it's advisable to wait 20 years to clear title.

COUNCILMEMBER JOHNSON: Okay. Well that, Mr. Chair, would be my only concern about. I would like at least some flexibility built into this where we had the right to make that determination as to what would be the best way to go. Because if we have--I'll use West Maui for example. If we had to get a critical corridor right now, I know that there are tremendous numbers of little kuleana parcels that come down in there. And if we don't have that capability to accept that land--either from Amfac or anybody else--or to go in and do condemnation, I would be a little bit concerned about just, you know, making that rule. So, that's my only concern at this point is . . . it might not fit all situations.

MR. TAKAYESU: You're always gonna have a say. Anytime you're acquiring property, you come back to the Council. It's the Council's decision. If there are problems with the title then this would just simply require that the Council look at it even harder . . . and reach a higher threshold. So that--I guess--it's being, showing that the public is getting its money's worth when you're dealing with a property that has some problems with title. And then even when you're going for condemnation, that's **again** the Council's decision whether or not we will even proceed in that fashion. So . . . um . . . either way, you know, it's going to be the Council's decision and I'm sure it will be looked at on a case-by-case basis.

COUNCILMEMBER JOHNSON: I . . . I just, and we're talking about the version that you've got attached--your version? Is that correct, Jimmy?

MR. TAKAYESU: The version that's attached to the December 3<sup>rd</sup> letter from Councilmember Nishiki to the Chair.

CHAIR KANE: That's what we're considering in the discussion.



**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

COUNCILMEMBER JOHNSON: That's the one?

CHAIR KANE: Yeah.

COUNCILMEMBER JOHNSON: Okay. All right. That, that . . . I think it does provide some flexibility. All right, thank you.

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

COUNCILMEMBER TAVARES: No comments.

CHAIR KANE: Okay. Members, any further questions or comments? The Chair recommends approval of the proposed ordinance--

COUNCILMEMBER ARAKAWA: So moved.

CHAIR KANE: --by Mr. Nishiki and the filing of the communication.

COUNCILMEMBER ARAKAWA: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR KANE: It's been moved by Arakawa, seconded by Molina. Discussion? Mr. Arakawa?

COUNCILMEMBER ARAKAWA: I believe that this particular bill has been put together pretty well. It leaves flexibility but at the same time, it's requiring that whenever we have anything that we have any questions about, we're doing a little bit more scrutiny than we have in the past. And also, it sends a message to Administration that it's gonna be harder to get over these hurdles and they can't just assume that the Council isn't gonna be concerned about these flaws in acquisition of property. So, I think it does everything we need it to do. It sends the message that we are concerned about this area, allows some flexibility to be built in for adjustments as necessary and . . . um . . . therefore, I support this ordinance. I think we all should.

CHAIR KANE: Thank you, Mr. Arakawa. Mr. Hokama . . . followed by Mr. Molina.

VICE-CHAIR HOKAMA: I'll be in support of this motion. And I just . . . uh . . . in my questions, it was simply just to get a sense, again, about when we come out with these unique situations--and I thank Mr. Nishiki. I think he responded quite well to a situation that we had months ago regarding a . . . uh . . . acceptance of property on West Maui. And I believe this is a very good solution to help deal with future instances. So again, Mr. Nishiki, thank you for your initiative on this effort.

CHAIR KANE: Thank you, Mr. Hokama. Mr. Molina?

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. In terms of efficiency and practicality, I think this is a very solid bill. It provides the safeguards for the County and also saves taxpayers a lot of time and money with our Corporation Counsel. And I know they have other important issues to deal with and they're already burdened with a lot of work as it is. So, I think this is an excellent bill and I commend Mr. Nishiki for this. Thank you.

CHAIR KANE: Thank you. Any further comments? Discussion . . . uh . . . Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. I just want to say that it wasn't me. It was staff that helped draft it . . . and I did it on behalf of all of us.

CHAIR KANE: Right on. Thank you very much to our staff. And . . . uh . . . one, one clarification prior to calling for the vote--members--is to ask the question of Mr. Takayesu that because this was . . . this particular draft bill was drafted by staff of Council that you are willing to sign off on this?

MR. TAKAYESU: Yeah. I have no problem with this version--

CHAIR KANE: Okay.

MR. TAKAYESU: --of this particular bill.

CHAIR KANE: Okay. Thank you very much. Members, calling for the question. All in favor of the motion to approve the ordinance and file the communication, say "aye".

COUNCILMEMBER TAVARES: "Aye".

COUNCILMEMBER MOLINA: "Aye".

COUNCILMEMBER CARROLL: "Aye".

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

December 4, 2001

CHAIR KANE: Opposed?

**VOTE: AYES: Councilmembers Arakawa, Carroll, Johnson, Molina, Nishiki and Tavares, Vice-Chair Hokama, and Chair Kane.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Kawano.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF PROPOSED BILL AND FILING OF COMMUNICATION.**

CHAIR KANE: Carried. Thank you very much. Thank you, Mr. Minatoya, for your presence.

**COW-11(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [MUALLA ATAHAN, INDIVIDUALLY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160 (1)]**

CHAIR KANE: Members, direct your attention to Item No. 11(12), settlement authorization of claims and lawsuits. This is the Atahan, et al. versus County of Maui, Civil No. 95-0160 (1). We are here to discuss the possible settlement of a case alleging beach liability and we . . . uh . . . a prior Council's Committee of the Whole met on this matter three times without recommending settlement of the case and we are here. And if, Mr. Takayesu, you can open up and also . . . um . . . introduce the gentleman that's next to you--which we all know--but if a formal introduction can be done, we'd appreciate it. Jimmy?

MR. TAKAYESU: The gentleman to my right is Ken Robbins. He's our special counsel for this case. This is a beach liability case. The incident occurred at Big Beach. We requested to meet with the committee to discuss a possible settlement . . . uh . . . or for a possible settlement of this case and we'd like to meet with you in executive session.

CHAIR KANE: Thank you. Mr. Robbins, would you like to make any comments in open session prior to convening in executive session?

MR. ROBBINS: No.



**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

CHAIR KANE: Carried. Members, we will take a recess and we will reconvene at the conclusion of our executive session meeting. This meeting is in recess.

**RECESS: 2:00 p.m.**

**(THE COMMITTEE OF THE WHOLE MEETING ENTERED INTO EXECUTIVE SESSION AT 2:02 P.M. AND ENDED AT 2:22 P.M.)**

**RECONVENE: 2:24 p.m.**

CHAIR KANE: All right. Members, we would like to reconvene the Council's Committee of the Whole meeting for December 4, 2001.

**COW-11(12) SETTLEMENT AUTHORIZATION OF CLAIMS AND LAWSUITS [MUALLA ATAHAN, INDIVIDUALLY, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 95-0160 (1)]**

CHAIR KANE: Before us we have Item No. 11(12), the settlement authorization of claims and lawsuits in the Mualla Atahan, individually, et al. versus County of Maui, Civil No. 95-0160 (1). Members, the Chair's recommendation will be to accept the recommendation proposed to us by Corporation Counsel for settlement authorization.

COUNCILMEMBER ARAKAWA: So moved.

VICE-CHAIR HOKAMA: Second.

CHAIR KANE: It's been moved by Arakawa, seconded by Hokama. Any discussion? Mr. Arakawa?

COUNCILMEMBER ARAKAWA: No discussion.

CHAIR KANE: Thank you. Further discussion? Hearing none. Members, all in favor of the motion, say "aye".

VICE-CHAIR HOKAMA: "Aye".

COUNCILMEMBER TAVARES: "Aye".

COUNCILMEMBER NISHIKI: "Aye".

COUNCILMEMBER CARROLL: "Aye".

**COMMITTEE OF THE WHOLE**  
Council of the County of Maui

**December 4, 2001**

---

CHAIR KANE: Opposed?

**VOTE: AYES: Councilmembers Arakawa, Carroll, Johnson, Molina, Nishiki and Tavares, Vice-Chair Hokama, and Chair Kane.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Kawano.**

**MOTION CARRIED.**

**ACTION: ADOPT PROPOSED RESOLUTION.**

CHAIR KANE: Carried. Members, we have no other items on today's agenda. It is now 2:25. Thank you very much for your participation. This meeting is adjourned. Happy Holidays!

**ADJOURN: 2:24 p.m.**

APPROVED BY:



DAMEP. KANE, Chair  
Committee of the Whole

cow:min:011204:pm

Transcribed by: Pauline Martins