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BUDGET AND FINANCE COMMITTEE  
Council of the County of Maui  
MINUTES  
MARCH 25, 2009  
Council Chamber, 8th Floor

APPROVED:



Committee Chair

1       CONVENE: 9:06 a.m.

2       PRESENT: Councilmember Joseph Pontanilla, Chair  
3               Councilmember Gladys C. Baisa, Member  
4               Councilmember Jo Anne Johnson, Member (in 9:24 a.m.)  
5               Councilmember Sol P. Kaho'ohalahala, Member  
6               (In 9:11 a.m.)  
7               Councilmember Bill Kauakea Medeiros, Member  
8               Councilmember Michael J. Molina, Member  
9               Councilmember Wayne K. Nishiki, Member  
10              Councilmember Michael P. Victorino, Member  
11              (In 9:06 a.m.)

12       EXCUSED: Councilmember Danny A. Mateo, Vice Chair

13       STAFF: Gail Revels, Legislative Analyst  
14              Lance Taguchi, Legislative Analyst  
15              Yvette Bouthillier, Committee Secretary

16       ADMIN.: Frederick Pablo, Budget Director, Office of the  
17              Mayor  
18              Cheryl K. Okuma, Director, Department of  
19              Environmental Management  
20              Benjamin M. Acob, Prosecuting Attorney, Department  
21              of the Prosecuting Attorney  
22              Lena Lorenzo, Victim Witness Director, Department of  
23              the Prosecuting Attorney  
24              Wayne Steele, Administrative Officer, Department  
25              of the Prosecuting Attorney  
26              Brian T. Moto, Corporation Counsel, Department of  
27              the Corporation Counsel  
28              Traci Fujita Villarosa, First Deputy Corporation  
29              Counsel, Department of the Corporation Counsel

30       Others: Item 1: Fred Ruge  
31              Charles Takahashi  
32              Paul Laub  
33              Jan Dapitan, Director, Keep the Hawaiian  
34              Islands Beautiful  
35              Michael Covich

36       PRESS: Akaku: Maui Community Television, Inc.

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1 CHAIR PONTANILLA: (Gavel.) Good morning,  
2 Members. The Budget and Finance Committee meeting --  
3 meeting March 25th, 2009 is now in session. The time is  
4 9:06. At this time the Chair would like to recognize the  
5 members that are here this morning. We do have Member  
6 Molina, Baisa.

7 COUNCILMEMBER BAISA: Good morning.

8 CHAIR PONTANILLA: Good morning.

9 Member Medeiros, --

10 COUNCILMEMBER MEDEIROS: Good morning.

11 CHAIR PONTANILLA: --as well as Member Nishiki.

12 COUNCILMEMBER NISHIKI: Good morning.

13 CHAIR PONTANILLA: Good morning, guys.

14 Excused at this time are Members Johnson,  
15 Kaho'ohalahala, our Council Chair Mateo and Mr. Victorino.

16 Up front from the Administration, again, we do  
17 have the Budget Director, Mr. Pablo, as well as our First  
18 Deputy Corporation Counsel, Traci Fujita Villarosa.  
19 Supporting the committee we do have our Committee  
20 Secretary, Yvette Bouthillier, as well as our Legal  
21 Analysts -- or Legislative Analysts, Ms. Gayle Revels, as  
22 well as Mr. Lance Taguchi.

23 Members, I -- I just want to thank you for  
24 enduring the four-hour testimony that we did last night in  
25 Kahului.

1 And I just want to thank the people for coming up and  
2 providing us with their testimony in regards to the 2010  
3 budget as proposed by the Mayor of our County.

4 Members, this morning we do have some people signed  
5 up for public testimony, but before we take public testimony,  
6 the Chair would like to ask that every one of us turn off our  
7 cell phones or put it on the silent mode. Thank you.

8 For those that are providing public testimony this  
9 morning, the rules are you'll be given three minutes to  
10 provide public testimony. And if you can state your name and  
11 organization that you represent, the Chair and the Committee  
12 would appreciate that.

13 So the first person signed up for public testimony  
14 is Fred Ruge. Good morning, Fred.

15 ...BEGIN PUBLIC TESTIMONY...

16 MR. RUGE: Good morning. My name is Fred Ruge. And  
17 I would like to thank the Council for giving me the privilege  
18 of speaking today. I want to speak on the budget.

19 We humbly present a proposal that will honor and  
20 give thanks to our Maui County citizens that have put their  
21 personal self-interests aside for the greater good of our  
22 county and our country by serving in our military. We propose  
23 that the County of Maui set aside and create a special fund of  
24 \$1 million that will be used to provide much needed assistance  
25 to our returning soldiers. We propose the fund to be entitled

1 "The Maui County Appreciation Fund."

2 The intent of the fund would be to provide financial  
3 assistance to citizens of Maui County that have served our  
4 country in combat and have returned to Maui County to resume  
5 their civilian lives. The individual amount per combat  
6 veteran would be approximately \$1,500.

7 By supporting this proposal, the County of Maui  
8 would be the first county in the nation to express our  
9 gratitude in this way by honoring Maui's veterans who serve in  
10 combat in Iraq and Afghanistan. I humbly ask for your support  
11 of this most noble and unselfish proposal that will send a  
12 strong message to our returning combat veterans: A message of  
13 gratitude, a message of deep appreciation, and more,  
14 importantly, a message that we are here for them as they have  
15 been here for us.

16 And I couldn't sleep last night. I -- I was  
17 thinking about the war on freedom, and then it came to me:  
18 The kids that we watched playing Little League baseball in the  
19 Maui parks are now the adults that are in the war and they're  
20 defending the freedom so the other kids can continue to play  
21 baseball on our parks and on our playing fields.

22 Thank you very much.

23 CHAIR PONTANILLA: Thank you, Mr. Ruge.

24 Members, any questions for the testifier? Member  
25 Medeiros, followed by Member Baisa.

1 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

2 And mahalo, Mr. Ruge, for your testimony and for  
3 your suggestion. Was there any thought put into who might  
4 administer a fund like this?

5 MR. RUGE: Well, I -- I was thinking there might be  
6 a -- a County agency, but I'm sure that we could get some of  
7 the veterans organizations to volunteer to do all the  
8 paperwork and get everything ready to qualify the people.  
9 And, of course, this is just for the people that lived on Maui  
10 and went to combat. It's not for people that -- that moved  
11 here after. They -- they had to go to combat from Maui.  
12 And --

13 COUNCILMEMBER MEDEIROS: Okay. And so this would be  
14 at this part of the initial thinking to be for veterans that  
15 have combat -- had combat duties and are returning?

16 MR. RUGE: That had combat duty and -- and risked  
17 their lives for us.

18 COUNCILMEMBER MEDEIROS: Okay.

19 MR. RUGE: And they're going to come back with  
20 higher rents and food costs and everything, and this would  
21 help them out to reenter civilian life.

22 COUNCILMEMBER MEDEIROS: Uh-huh (affirmative  
23 response). And the combat veterans that would qualify for  
24 this would be those returning after a fund like this was  
25 established?

1           MR. RUGE: Yeah. It would be -- It would be for all  
2 the -- the veterans that -- that even came back before the  
3 fund was established. And I talked to the State Veterans  
4 Office yesterday, and they said that -- that some day next  
5 week they can give us an accurate count of everybody that --  
6 that went from Maui.

7           I'm retired now, but when I worked at Costco I think  
8 we had five employees there that were called up by the  
9 National Guard and -- and went to Iraq. But if the -- say  
10 they went to Iraq or -- or either country, if they went more  
11 than once, they'd still only get one bonus. They wouldn't get  
12 a bonus for going two or three times.

13           COUNCILMEMBER MEDEIROS: Okay. So -- so you're  
14 suggesting that it be retroactive for combat veterans that  
15 even served prior to an establishment of a fund like this.  
16 And is there any direction on what -- what combat duty or  
17 conflicts that this would include? Is it specified or is it  
18 just any combat?

19           MR. RUGE: Well, that would be on their military  
20 record that if they were actually considered to be in a combat  
21 zone, they would be eligible for it.

22           COUNCILMEMBER MEDEIROS: Okay. So this is taking it  
23 back how far? To what --

24           MR. RUGE: I guess from the start of the -- of the  
25 war.

1 COUNCILMEMBER MEDEIROS: Okay. You're referring to  
2 what war?

3 MR. RUGE: To the -- to the Iraq War.

4 COUNCILMEMBER MEDEIROS: Okay. So just the Middle  
5 East conflicts?

6 MR. RUGE: Yeah. Just the Middle East contact [sic],  
7 because we couldn't go back to --

8 COUNCILMEMBER MEDEIROS: Right.

9 MR. RUGE: -- the other wars.

10 COUNCILMEMBER MEDEIROS: Right. Okay. And I think  
11 this is a noble suggestion on behalf of the veterans and, you  
12 know, thank you for bringing this forward, Mr. Ruge.

13 MR. RUGE: Okay.

14 CHAIR PONTANILLA: Thank you.

15 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chair.

16 CHAIR PONTANILLA: Member Baisa.

17 COUNCILMEMBER BAISA: Thank you very much, Chair.

18 Thank you, Mr. Ruge, for coming today. And thank  
19 you again. We can never pay this debt of gratitude. I have a  
20 couple of questions and I realize that at this point there may  
21 be many things that aren't clear because this is a new idea, a  
22 wonderful idea, and we may not have fleshed out all of the  
23 details. Because, you know, like everything else, the devil's  
24 in the details.

25 But what I was wondering was when you talk about



1 approximately the individual dollar amount per combat veteran  
2 of \$1,500, were you thinking that this would be some kind of a  
3 needs-based payment, or would this just be you apply for it  
4 and you get it, everybody gets it? Or did you have some idea  
5 like a veteran comes home and maybe he needs help to get into  
6 a home and he needs a rental deposit or -- you know what I'm  
7 saying? I'm trying to figure out how you -- what your idea  
8 was when you thought about this.

9 MR. RUGE: Well, I think it -- that everybody that's  
10 eligible could apply for it, but I know when I came back from  
11 Korea, there were a lot of Korean veterans, we didn't want the  
12 government to do anything for us, so we wouldn't accept  
13 anything. So there's going to be a lot of veterans that won't  
14 accept it. But my whole idea was that the price of gas went  
15 up, food went up, rent went up, and these people come back to  
16 their civilian life and it's hard to reenter.

17 Like the -- the ones at Costco were lucky because --  
18 I can't remember, but Costco even gave the -- the wives their  
19 pay while they were gone. But they were one of the few  
20 companies that I think did that.

21 COUNCILMEMBER BAISA: So your -- your concept is  
22 more or less a flat payment of no more than to everybody?

23 MR. RUGE: Yeah. That -- that everybody would be  
24 eligible and -- and we -- I could get together with the --  
25 maybe the Veterans Council or someone and we could give you

1 the criteria that we think would work. And I could probably  
2 get one of the organizations to volunteer to help administrate  
3 it or something.

4 COUNCILMEMBER BAISA: I think, you know, whenever we  
5 consider something like this -- you know, I had this  
6 experience years ago when I was at MEO and we created a help  
7 fund to help people who were affected by 9/11. And 'cause for  
8 a while there were a lot of people that were without jobs  
9 because hotels closed down and airlines closed down and, you  
10 know, as a result, restaurants closed down. And it just  
11 ripples through the community. But we had a fund that was  
12 based on you applying and saying, you know, this is my  
13 particular situation. I can't pay my car insurance or I can't  
14 pay my car payment, whatever it is. So we were able to  
15 stretch the fund.

16 MR. RUGE: Okay.

17 COUNCILMEMBER BAISA: But, you know, that's just an  
18 idea and maybe what you're talking about is something else,  
19 but I just wanted to bring it up to kind of get more of an  
20 idea of what you were thinking about. So thank you.

21 MR. RUGE: Yeah. I could submit more detail later.

22 COUNCILMEMBER BAISA: That might be a good thing to  
23 think about if -- if you could spend some time, you know. You  
24 know we're in a very tough year here, but if it can go  
25 anywhere, then it would be nice to have a little bit more

1 information because at that time it would be important.

2 MR. RUGE: Yeah. Because the reason I appeared  
3 today is I don't know -- I don't think you were on the Council  
4 then, but a couple years ago I made this proposal and the  
5 Council said, you came too late in the budget hearing.

6 COUNCILMEMBER BAISA: You came early this time.

7 MR. RUGE: And this time I came early and that's  
8 why I -- I didn't want to go to the effort -- there's 11,000  
9 veterans here. I could probably get somebody to sit in every  
10 one of those chairs. But I think the cause itself -- I don't  
11 want to turn veterans into beggars.

12 COUNCILMEMBER BAISA: Well, I don't think that  
13 should be the case. But thank you very much.

14 MR. RUGE: Okay. You're welcome.

15 CHAIR PONTANILLA: Thank you.

16 Members, any more questions?

17 COUNCILMEMBER VICTORINO: Mr. Chair?

18 CHAIR PONTANILLA: Member Victorino.

19 COUNCILMEMBER VICTORINO: Thank you.

20 Thank you, Mr. Ruge, for being here this morning.

21 Just for clarification and -- and I know there's a lot of  
22 thought process that needs to be -- be put into this, but  
23 you're basically talking about all our veterans coming back  
24 to -- from combat that basically resided or lived here prior  
25 to being called up to the conflicts in Iraq and Afghanistan?

1 Is that kind of --

2 MR. RUGE: That's correct. Yeah.

3 COUNCILMEMBER VICTORINO: Okay. So that's what  
4 you'd like to do. And they would be returning from combat  
5 zones no matter -- if -- if, for example, they were stationed  
6 in Germany that they --

7 MR. RUGE: They wouldn't be eligible.

8 COUNCILMEMBER VICTORINO: -- would not be qualified.  
9 Right, right, right. So you're just talking the combat zone.  
10 And would combat zones -- and if I'm not mistaken, combat  
11 zones are still considered Kuwait and some of these other  
12 countries within the vicinity of Iraq and Afghanistan. If  
13 troops are sent there, they're still considered in harm's way.  
14 Would that be qualified, also?

15 MR. RUGE: Well, I -- I hadn't intended on that, no.

16 COUNCILMEMBER VICTORINO: Okay.

17 MR. RUGE: I intended just the two countries where  
18 they were really exposed to it, because --

19 COUNCILMEMBER VICTORINO: Okay.

20 MR. RUGE: -- I've talked to veterans that came from  
21 Kuwait, and they said they weren't in any danger at all.

22 COUNCILMEMBER VICTORINO: Okay.

23 MR. RUGE: So --

24 COUNCILMEMBER VICTORINO: Okay. That -- Thank you,  
25 Mr. Ruge. I just wanted clarification. And I think this is

1 something noble and something we should do. How we can do it  
2 is -- it would be another question. But maybe some details  
3 might help us refine this.

4 But thank you, Fred. We've talked about this  
5 many times before and I --

6 MR. RUGE: Okay.

7 COUNCILMEMBER VICTORINO: -- really believe this is  
8 a good time to look at it. Thank you, Fred.

9 MR. RUGE: All right. Thank you.

10 CHAIR PONTANILLA: Thank you.

11 Members, any more questions for the testifier?

12 Fred, I just want to provide you some comments.  
13 Several years ago as a Council during our budget deliberations  
14 we had afforded, you know, people serving in conflict or  
15 supporting our troops in conflict with some tax relief. And  
16 maybe one of our analysts, Mr. Taguchi, can expound on the  
17 relief that we provided for people -- you know, our troops  
18 serving in and supporting the wars in different foreign  
19 countries.

20 Mr. Taguchi. I know it's a surprise.

21 MR. TAGUCHI: I believe the Council -- previous  
22 Council passed a bill to exempt from real property tax active  
23 duty military that served in combat zones for the year, so  
24 they're -- they would not be required to pay real property  
25 taxes, I believe, on their primary residence.

1 CHAIR PONTANILLA: Yeah. Thank you. So several  
2 years ago we had approved that measure so that we could help  
3 our troops in combat or supporting troops in combat from  
4 Hawaii -- from Maui. So thank you. I thought I'd pass you  
5 that comment.

6 MR. RUGE: Okay. Thank you.

7 CHAIR PONTANILLA: Okay. Next testifier is  
8 Mr. Takahashi.

9 Before Mr. Takahashi gives his testimony, I would  
10 like to welcome Councilmember Kaho'ohalahala as well as  
11 Councilmember Victorino. Good morning.

12 COUNCILMEMBER VICTORINO: Thank you, Chair.

13 COUNCILMEMBER KAHO'OHALAHALA: Thank you, Chair.

14 CHAIR PONTANILLA: Go ahead, Charlie.

15 MR. TAKAHASHI: I would like to also speak in favor  
16 of the proposal that Fred just made. Joe, you, Bill and Mike,  
17 you guys are all veterans, yeah? This proposal that we have,  
18 I know it's -- we're in a recession and it's going to be  
19 really tough for you guys to decide whether, you know, we  
20 should pass this proposal or not, but the million dollars that  
21 we have -- we're proposing, we really don't need it  
22 immediately. We probably have maybe about -- maybe 50 guys or  
23 100 guys who came back so far, so the amount wouldn't be that  
24 much. So probably maybe the million dollars, maybe about five  
25 years from now, ten years from now, you might need that. By

1 then we'll be out of the recession.

2           Okay. Now let's get back to this -- the reason why  
3 we need this. It's a small token -- it's \$1,500. It's a  
4 small token of appreciation for being in combat, being in  
5 harm's way. And I think that would make these guys who come  
6 back feel appreciated. Now, how -- this is -- I guess is in  
7 comparison to the guys who came back from Vietnam. When they  
8 came back, they weren't appreciated. But these guys from  
9 Maui, when they come back, it's a small way -- a special small  
10 token of appreciation. And it won't be that much in the  
11 beginning. Two years from now, three years from now, we'll be  
12 out of the recession, you know, we'll be able to more afford  
13 it.

14           Now, let me get back to combat. Combat, we're  
15 talking about combat veterans. Those in Iraq. Those in  
16 Afghanistan. My father was Suguru Takahashi. He was one of  
17 the -- he fought in one of the ten major battles in US  
18 history, the rescue of the Texas Lost Battalion. They started  
19 off with 205 guys, and he was one of the eight guys that  
20 survived it.

21           And this is what he said. This is combat. Okay.  
22 Combat veteran, this is what he went through. I asked him,  
23 "Hey, hey, Dad. You know these guys in Iraq, these guys who  
24 go door-to-door in Fallujah. Remember when they had to go  
25 door to door in Fallujah? It wasn't as bad, you know, in

1 the -- in the Texas -- the rescue of the Texas Lost Battalion.

2 He said, yeah, he can imagine what these guys are  
3 going through.

4 Now, let me read you what he said, his quote about  
5 combat. He said, "The 442 and the 100, the fighting that we  
6 did, you'll never find another outfit like us. Never. War is  
7 a scary thing. You know, these terrorists who go shoot -- who  
8 go shoot at unarmed people, they are cowards, you know. If a  
9 guy is armed and you are armed, okay, then okay. It takes a  
10 lot of guts to go and fight somebody who is just as well armed  
11 as you are. Yeah, but I think the 442nd and the 100, you  
12 know, showed a lot of guts. And I think" --

13 MS. REVELS: Three minutes.

14 MR. TAKAHASHI: "And I think we gained a lot of  
15 respect because out of the -- out on the line, on the front  
16 line, we didn't run away from the enemy. We lost a lot of  
17 men, but too bad. We lost a lot of men, but if you want to  
18 accomplish something, you have to get out of your foxhole and  
19 charge, and not go withdraw 300 yards and go dig another  
20 hole."

21 A tourist, a Texan from the Lost Battalion said,  
22 "Those guys, the 442, were crazy to do that. You had to be  
23 crazy to go into the forest and attack the Germans when the  
24 entire Seventh Army couldn't do it."

25 So I'm giving an example to empathize with the



1 combat veterans who are coming back from Iraq and Afghanistan.  
2 And this is just a small token of appreciation, and it won't  
3 cost us very much in the beginning. That's all I have to say.

4 CHAIR PONTANILLA: Thank you.

5 Members, any questions for Mr. Takahashi?

6 MR. TAKAHASHI: Thank you.

7 CHAIR PONTANILLA: Seeing none, thank you, again,  
8 Charlie.

9 Next testifier, Members, is Paul Laub.

10 MR. LAUB: Aloha mai kakou. (Spoke in Hawaiian.) And  
11 I wanted to bring to your attention a little bit about how we  
12 could get some money in. I think perhaps we shouldn't just  
13 leave it to the Fed to do the stimulus, that there's things  
14 that we can do to make money. And so I wanted to talk a  
15 little bit about TVR.

16 And in my case in the last year that we were allowed  
17 to operate we spent \$10,000 in property tax and \$10,000 in GE  
18 and TAT tax. And there's 60 applications in for conditional  
19 permits that have not been processed that have been in for  
20 years. If you multiply those amounts and take off -- Our  
21 property tax went down by half because it went from improved  
22 residential to a homeowner. If you multiply that 5,000 by 60,  
23 you've got \$300,000 in property tax. If you do the GET tax at  
24 10,000 times 60, it's \$600,000. We're talking \$900,000 taxes.

25 For local employment, we spent \$6,000 in maid

1 service. If you multiply that by 60, that's \$360,000 into the  
2 economy. For maintenance, we spent another \$6,000. That's  
3 another \$360,000 into the economy. For gardening, we spent  
4 2,400. That's \$144,000 into the economy. So those 60  
5 people -- those 60 applications that are in could provide  
6 right now \$1,764,000, of which 900,000 would go into taxes and  
7 the remainder would go into the economy.

8 Now, the B & B has had a -- been allowed a new  
9 allowance for B & B's; however, in that period of time, which  
10 I think is about five months since that passed, only five B &  
11 B's have been allowed to be processed. So there's a  
12 bottleneck that's going to tie this up. My recommendation  
13 here is that we grandfather in those 60 applications so we get  
14 them back online or put in a -- there was a grace period that  
15 the Planning Department had allowed. It was a six-month grace  
16 period. Re-institute the grace period until we can get a new  
17 ordinance and -- and get the processes happening.

18 And like I say, it's not just up to the Fed. The --  
19 The Great Depression lasted from '29 to '41, that's 12 years.  
20 Twelve years. We can do stuff. And it's up to us. We're the  
21 guys to do stuff. So that was my thought. So thank you very  
22 kindly.

23 CHAIR PONTANILLA: Thank you, Mr. Laub.

24 Members, any questions for Mr. Laub? Member  
25 Medeiros.

1 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

2 Mr. Laub, thank you for being here and for sharing  
3 that information. The information you shared initially, that  
4 was from your operations?

5 MR. LAUB: That's my -- that's my house.

6 COUNCILMEMBER MEDEIROS: And was that an annual cost  
7 or contribution as far as what the property contributed to  
8 taxes and so forth?

9 MR. LAUB: That is correct. And there was actually  
10 more spent on other things, but these are just really direct.

11 COUNCILMEMBER MEDEIROS: I see. Okay. Thank you  
12 for sharing that information and for your suggestions.

13 MR. LAUB: Thank you kindly.

14 CHAIR PONTANILLA: Thank you.

15 Members, any more questions for the testifier?  
16 Seeing none, thank you.

17 The next testifier is Jan Dapitan. Jan. Jan  
18 Dapitan.

19 MS. DAPITAN: Good morning, Chairman Pontanilla and  
20 Committee Members. My name is Jan Dapitan. I'm representing  
21 Keep the Hawaiian Islands Beautiful, the new name of the state  
22 affiliate for the Keep America Beautiful affiliates throughout  
23 the state including Maui County. Four affiliates in Maui  
24 County: Community Workday, Molokai, Lanai and Kalawao County.  
25 Although that is an independent county, it is now a pre-

1 certified affiliate of Keep America Beautiful. And Molokai  
2 and Kalawao County are anticipating after October a change in  
3 visits and so forth by the public, and they are gearing up  
4 already for Aloha Aina.

5 I have submitted a handout today that includes a  
6 budget request that we made to Mayor Tavares and a letter that  
7 we sent to her in November trying to explain again that we had  
8 been a combined state affiliate/local affiliate, and that the  
9 funding provided by Maui County had stayed in Maui County.  
10 But that funding also helps in the matching of funds and the  
11 grants that did provide special projects such as the EPA grant  
12 for the Old Maui High School cleanup, the Kanaha Beach Park  
13 Federal grants for the vehicle barrier and cleanups, and also  
14 AmeriCorp, the team that came to Maui on a continual basis for  
15 over six years.

16 The other parts of the handout include things that  
17 would hopefully keep -- keep this in mind, is that in August  
18 it just suddenly became apparent that the local program in  
19 Maui County wanted to stay a local program. And that would  
20 not have been an issue had we had a transition period where we  
21 could have worked it like we did in Waianae and like we did in  
22 Big Island where those local affiliates got their own number  
23 and became independent still on the umbrella of the state  
24 affiliate.

25 But, actually, the Community Workday Program still

1 has the state affiliate IRS number. So since August a  
2 committee has been putting together the new Keep the Hawaiian  
3 Islands Beautiful under the auspices of Keep America  
4 Beautiful. And getting that 501(c)3 is a tedious task and  
5 been a long time since I had done that.

6 MS. REVELS: Three minutes.

7 MS. DAPITAN: We have other things in the handout  
8 that you can read. Hopefully, will -- this picture will start  
9 to get clearer and clearer and you will know that Keep America  
10 Beautiful in Hawaii stands ready to proceed with the program  
11 as designed by the national. Thank you.

12 CHAIR PONTANILLA: Thank you.

13 Members, any questions for --

14 Jan, you do -- Jan, you -- question from Member  
15 Johnson.

16 COUNCILMEMBER JOHNSON: Thank you, Jan, for being  
17 here. Because you presented the handout or this similar thing  
18 to the Mayor, can you tell me, without us having to look it  
19 up, was there a specific line item identified in the budget  
20 that would provide for your program, or was it not  
21 acknowledged?

22 MS. DAPITAN: It was not acknowledged. The only  
23 line item that we can find is the continuation of the local  
24 program, which we fully support.

25 COUNCILMEMBER JOHNSON: Okay. And -- and the amount

1 of money that you were asking for?

2 MS. DAPITAN: We were asking for a -- I think we put  
3 for the mayor \$100,000. You see before you a modification to  
4 90,000. And right now it's more important that we have  
5 acknowledgment by Maui County in terms of planning the -- the  
6 future for Keep the Hawaiian Islands Beautiful.

7 COUNCILMEMBER JOHNSON: Okay. Thanks very much,  
8 Jan.

9 COUNCILMEMBER VICTORINO: Mr. Chair?

10 MS. DAPITAN: Thank you.

11 COUNCILMEMBER VICTORINO: Mr. Chair?

12 CHAIR PONTANILLA: Member Victorino.  
13 Jan.

14 MS. DAPITAN: Yes, sir.

15 CHAIR PONTANILLA: One more question.

16 MS. DAPITAN: Okay.

17 COUNCILMEMBER VICTORINO: You keep trying to run  
18 away Jan. Hang on.

19 MS. DAPITAN: Yeah.

20 COUNCILMEMBER VICTORINO: My question to you is very  
21 simple: Are you working in concert with Community Workday?  
22 Are you a separate -- are you going to be a separate  
23 organization? Are you going to be competitors? I guess  
24 that's the question I have for you.

25 MS. DAPITAN: I think that's why I'm trying to clear

1 this up. We are not competitors. We are supporters of the --  
2 our -- our mandate as a state affiliate is to support the  
3 local. Everything that we do will be geared to local  
4 affiliates. And you have a table of organization there that  
5 shows who those local affiliates are. And all of them are  
6 given training to -- so that they can write grants and work.  
7 They're given program materials. They're given a series  
8 of Laulima. We use the theme Laulima, working together. That  
9 is our theme and that's how we will work.

10 We are one of 38 states that have a state affiliate.  
11 If we eliminate the state affiliate, then everyone is on their  
12 own. They would not disappear. They would just be without  
13 the coordination that the national program wants to see in  
14 each state. The national program wants to communicate with  
15 the state affiliate, and the state affiliate then disperse the  
16 information and materials and opportunities for grants and so  
17 on to the local affiliates. So it's a different role. It's  
18 not necessarily -- it's not eliminating the planning of  
19 cleanup projects, but it is not the -- the local cleanup  
20 schedule that is run by Community Workday. We totally  
21 appreciate and -- and founded Community Workday, so we would  
22 never want to in any way look competitive. We will work  
23 cooperatively.

24 COUNCILMEMBER VICTORINO: Okay. So Keeping the  
25 Hawaiian Islands Beautiful is like the state organization

1       which I see Dan Goodfellow, et cetera, et cetera, are the  
2       board. And then Community Workday falls under them?

3               MS. DAPITAN: That's right.

4               COUNCILMEMBER VICTORINO: And they use your number  
5       as a 501(c)?

6               MS. DAPITAN: Well, that's the issue. And we're not  
7       making an issue of it. The -- the 501(c)3 was the state  
8       number.

9               COUNCILMEMBER VICTORINO: Right.

10              MS. DAPITAN: And because Community Workday kept  
11       that number, they -- the task force that became the board will  
12       just get another number. We have another number.

13              COUNCILMEMBER VICTORINO: Okay. All right. Thank  
14       you for that clarification, Jan. Appreciate it.

15              MS. DAPITAN: Okay.

16              COUNCILMEMBER VICTORINO: Thank you for all your  
17       help --

18              MS. DAPITAN: Thank you.

19              COUNCILMEMBER VICTORINO: -- in this community.

20              CHAIR PONTANILLA: Thank you, Mr. Victorino.  
21       Mr. Medeiros.

22              COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

23              Ms. Dapitan, being a part of the national  
24       organization of Keep America Beautiful, you did say they do  
25       make grants available to state affiliations?



1 MS. DAPITAN: Yes, they do.

2 COUNCILMEMBER MEDEIROS: Does their funding come  
3 from the Federal government, fund-raising, how does the  
4 national organization --

5 MS. DAPITAN: The national program has, basically,  
6 national sponsors. And many of those sponsors are Pepsi Cola,  
7 the Waste Management, many of -- Troy-Bilt, you know, big  
8 companies. And they, in turn, offer grants. And then the  
9 national office works with the organization and the national  
10 office now will be coming to Hawaii this year to certify new  
11 affiliates that were a part of the grant in aid. We will have  
12 a new affiliate called Keep Honolulu Beautiful, which includes  
13 the Northwest -- western Islands, and Keep Kalawao County  
14 Beautiful and possibly Keep Kauai Beautiful. They -- Bernard  
15 is working hard over there with one of his executive assistants  
16 to bring them -- they have been a pre-certified affiliate since  
17 Iniki, so they've been operating anyway.

18 COUNCILMEMBER MEDEIROS: So, Ms. Dapitan, the  
19 national organization, does it share any of their funding with  
20 the state affiliations, or is it only through applications of  
21 grants?

22 MS. DAPITAN: They share their -- they have a staff  
23 that actually trains boards and trains -- and works with  
24 certification processes. And they attended our -- and spoke  
25 at our state leadership. We had a state conference last year

1 at the Ala Moana Hotel and we had three representatives that  
2 were paid for and brought in by Keep America Beautiful.

3 COUNCILMEMBER MEDEIROS: Okay. Yeah. My question  
4 is: Does the national organization share funding -- not  
5 necessarily resources, but funding from the national  
6 organization? Do they allocate funding from their fund to  
7 state affiliations?

8 MS. DAPITAN: They -- they do. We -- we have not  
9 applied other than for technical assistance and for things  
10 like that.

11 COUNCILMEMBER MEDEIROS: Okay. Thank you, Ms.  
12 Dapitan.

13 Mahalo, Mr. Chairman.

14 CHAIR PONTANILLA: Thank you.

15 Mr. Kaho'ohalahala.

16 COUNCILMEMBER KAHO'OHALAHALA: Thank you.

17 Jan, just to clarify for me, then. When you say  
18 that Keep Honolulu Beautiful will become the affiliate on Oahu  
19 and it's going to include the Papahanaumokuakea, the Northwest  
20 Islands, then Hawaii Island has its own affiliate. And is  
21 that Keep Hawaii Beautiful?

22 MS. DAPITAN: The -- would you repeat that?

23 COUNCILMEMBER KAHO'OHALAHALA: I'm looking at -- I'm  
24 looking at your table of organizations.

25 MS. DAPITAN: Yeah.

1 COUNCILMEMBER KAHO'OHALAHALA: Yeah. So if Oahu has  
2 a --

3 MS. DAPITAN: They have two affiliates.

4 COUNCILMEMBER KAHO'OHALAHALA: Two affiliates. And  
5 then Hawaii Island has one that's --

6 MS. DAPITAN: Has one affiliate.

7 COUNCILMEMBER KAHO'OHALAHALA: Okay. And then would  
8 Maui now become the Community Workday would be an affiliate,  
9 then?

10 MS. DAPITAN: That -- it has been an affiliate all  
11 along.

12 COUNCILMEMBER KAHO'OHALAHALA: Okay. So it would be  
13 like the Keep Maui Beautiful, but this is --

14 MS. DAPITAN: That's right. They just -- they kept  
15 the name because they had the number. The --

16 COUNCILMEMBER KAHO'OHALAHALA: 501(c)3.

17 MS. DAPITAN: The state affiliate was Community  
18 Workday. And we've never changed that. It's been difficult  
19 because the branding nationally wanted us to change earlier,  
20 but Community Workday had established the name of the state  
21 affiliate and we kept that. And they allowed us to keep  
22 Community Workday.

23 COUNCILMEMBER KAHO'OHALAHALA: Okay. So the  
24 Community Workday, then, would be eligible, then, to seek  
25 funding then from Keep America Beautiful, then?

1 MS. DAPITAN: Through -- yes.

2 COUNCILMEMBER KAHO'OHALAHALA: Yeah. As -- as a  
3 nonprofit and in applying to you as also a nonprofit at a --  
4 at a state and national level, then?

5 MS. DAPITAN: Right.

6 COUNCILMEMBER KAHO'OHALAHALA: Is that how it would  
7 work?

8 MS. DAPITAN: Well, it would work, for example,  
9 there is -- if the local program decided they wanted a grant  
10 to do a particular initiative, such as cigarette litter, they  
11 could apply directly for that funding. They could apply --  
12 there are certain fundings for local affiliates, and then  
13 there's funding for a state affiliate, which is more in terms  
14 of training, building the technology and the reporting and the  
15 system, the -- keeping the system going.

16 COUNCILMEMBER KAHO'OHALAHALA: Okay. Now, for Maui  
17 County, Community Workday has had its participation on the  
18 islands of Lanai and Molokai as well?

19 MS. DAPITAN: Uh-huh (affirmative response).

20 COUNCILMEMBER KAHO'OHALAHALA: So in moving forward  
21 to the Keep America Beautiful program, then, does Lanai or  
22 Molokai now become their own affiliates?

23 MS. DAPITAN: That is one of the requests from Keep  
24 America Beautiful, is that more communities do assume their  
25 own organization. Right now Molokai and Lanai are represented

1 by either individuals or a committee. And they have not moved  
2 to the point where they are seeking their own affiliate. And  
3 part of -- part of my job is to introduce that to more  
4 communities.

5 COUNCILMEMBER KAHO'OHALAHALA: Okay. And then that  
6 affiliate status would mean that they would need to obtain  
7 their own 501(c)3?

8 MS. DAPITAN: The -- the advantage of that --

9 COUNCILMEMBER KAHO'OHALAHALA: My question is: Does  
10 Molokai and Lanai now have to seek their own status --

11 MS. DAPITAN: No. They do not have to. No one has  
12 to.

13 COUNCILMEMBER KAHO'OHALAHALA: So they would fall  
14 under your status as --

15 MS. DAPITAN: Or under Community Workday.

16 COUNCILMEMBER KAHO'OHALAHALA: Or --

17 MS. DAPITAN: Right now they're being supported by  
18 both.

19 COUNCILMEMBER KAHO'OHALAHALA: Okay. Just trying to  
20 clarify how -- how it's all going to kind of integrate, you  
21 know.

22 MS. DAPITAN: Uh-huh (affirmative response). It's  
23 not as rigid as some other organizations. It's not a -- it's  
24 not at all to -- hierarchy type thing. It's more of a -- the  
25 state affiliate is a support system.

1 COUNCILMEMBER KAHO'OHALAHALA: Okay.

2 Okay. Thank you, Chair.

3 CHAIR PONTANILLA: Thank you.

4 Members, any more questions for the testifier?

5 Seeing none, thank you again.

6 MS. DAPITAN: Thank you so much. Thank you.

7 CHAIR PONTANILLA: The final testifier that had  
8 signed up prior to the meeting is Michael Covich.

9 MR. COVICH: Good morning, Council. Thank you for  
10 the privilege of speaking. I'm going to speak on two issues.  
11 The first one I'll get out of the way quickly. I support some  
12 kind of changes in the TRV [sic] rules so that we do stimulate  
13 the economy. Small business is the heart of America.

14 As a member of the Vietnam Veterans of the County  
15 and the Vice President, we support this veterans issue for the  
16 \$1,500. There's many reasons why this would be beneficial.  
17 When you come back and you want to do something, if you're  
18 discharging, you want that extra rent to make your down  
19 payment on a -- on a rental unit, whatever. You might come  
20 back and you might want to just go take that \$1,500 and go  
21 down to hotel and blow it all sitting on the beach in one of  
22 the nice hotels for a week or two weeks. That's okay with me.

23 The issue should really say combat zone, not combat  
24 veterans, because there is a difference. And you're in harm's  
25 way, you've chosen to serve. Everybody that's there is

1 willing, is there to make the same sacrifices whether you're  
2 in combat or driving down the road and you're bothered by an  
3 IUD or whatever.

4 I believe it's imperative for this County to pass  
5 this issue to, hopefully, inspire other counties in the  
6 country and in the state to do the same thing. Thank you.

7 CHAIR PONTANILLA: Thank you.

8 Members, any questions for the testifier? Member  
9 Medeiros.

10 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

11 Thank you for being here and to add your suggestions  
12 to what's been suggested by Mr. Ruge. And you identified more  
13 specifically combat zone, okay, as far as veterans. And --  
14 But those combat zones are still identified as Afghanistan and  
15 Iraq; is that --

16 MR. COVICH: That's correct.

17 COUNCILMEMBER MEDEIROS: Okay. I just wanted to be  
18 sure on that. Thank you very much.

19 CHAIR PONTANILLA: Thank you.

20 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

21 CHAIR PONTANILLA: Thank you.

22 Members, any more questions for the testifier?  
23 Seeing none, thank you again for being here.

24 MR. COVICH: Thank you.

25 ...END OF PUBLIC TESTIMONY...

1 CHAIR PONTANILLA: The Chair would like to recognize  
2 the presence of Member Johnson. Good morning.

3 COUNCILMEMBER JOHNSON: Good morning.

4 ITEM NO. 1: PROPOSED BUDGET FOR FISCAL YEAR 2010 FOR THE  
5 COUNTY OF MAUI (CC 09-59)

6 CHAIR PONTANILLA: Okay. Members, we're going to  
7 start our review on the 2010 budget for the Corporation  
8 Counsel Department. Coming forward is our Corporation  
9 Counsel, Mr. Brian Moto. But before I call on Mr. Moto, I  
10 would like to call on Mr. Pablo for comments.

11 MR. PABLO: Thank you, Chair Pontanilla. And good  
12 morning, Members. We have the Corporation Counsel budget  
13 before you. You should have an attachment -- it's one page.  
14 The Corporation Counsel consists of one program called the  
15 legal services program. It is paid out of the General Fund.

16 In front of you you'll see that the -- the breakdown  
17 by salaries, operations and equipment. And salaries and wages  
18 you'll have the authorized EP count and there's a request for  
19 a point one position. In the operations what we've done is  
20 shown you the major changes from Fiscal Year '10 compared to  
21 the Council adopted Fiscal Year '09 budget.

22 The major change in the operation is for an increase  
23 in professional services. Part of that 100,000 is for  
24 services to be provided for legal counsel to the Department of  
25 Environmental Management. Cheryl Okuma is here and could



1 provide a background on that, which I would recommend. She  
2 does have a meeting that she has to go to at 10 o'clock.

3 And then the last item is for equipment, which the  
4 Department will be able to explain. Thank you.

5 CHAIR PONTANILLA: Thank you.

6 Members, for your information, on the proposed bill  
7 it's on page 2, on the Program Budget it starts with page 4-1,  
8 and on the Budget Details starts at 2 -- page 2-1.

9 At this time the Chair would like to call on  
10 Mr. Moto.

11 MR. MOTO: Good morning, Mr. Chairman and Members.

12 COUNCILMEMBER MEDEIROS: Good morning.

13 MR. MOTO: I'll try to keep this very short. If  
14 you look at the -- I guess it would be page 4-5 of the Fiscal  
15 Year 2010 proposed budget, you'll see a summary. Essentially  
16 in -- in this fiscal year, in Fiscal Year 2009, our total  
17 budget was \$2.688 million. For the next fiscal year there is  
18 a proposed budget of \$2.708 million proposed.

19 Actually, our budget would have gone down. We would  
20 be asking for less money in 2010 than we have this year. The  
21 only reason why it went up modestly is because \$100,000 was  
22 added to our budget because the Department of Environmental  
23 Management wants to work on a gas to energy project for the  
24 Central Maui Landfill. And, in fact, I've been told that they  
25 have already built a portion of a gas collection system

1 collecting methane gas that's emitted from the landfill. And  
2 they have already hired a -- a technical consultant to produce  
3 a request for proposals, an RFP for a potential gas to energy  
4 project.

5           When Department of Environmental Management was  
6 working on this, they believe that it might be necessary to  
7 obtain specialized legal advice in order to make a gas to  
8 energy collection project work. In particular, it might be  
9 necessary to hire special counsel to advise on public  
10 utilities law in order to -- relating to the sale and  
11 generation of electricity. They estimated the cost of that  
12 special counsel to be approximately \$100,000, and that amount  
13 was added to our Department's budget, not to Department of  
14 Environmental Management's budget.

15           So other than that, I really cannot speak more to  
16 the project because I don't know all of its details. I would  
17 defer to Director Okuma and her representatives about that.

18           CHAIR PONTANILLA: Thank you, Mr. Moto.

19           We do have Ms. Okuma over here. If you could come  
20 forward just in case, you know, someone has questions for you.  
21 And then we'll start off with Mr. Victorino.

22           COUNCILMEMBER VICTORINO: Thank you, Chair. And I  
23 guess the question, the \$100,000 question is: Ms. Okuma, what  
24 is this all about? I understand about the gasification and  
25 the movement, but what is this 100,000 and what does it meant --

1 mean to us --

2 MS. OKUMA: Yes.

3 COUNCILMEMBER VICTORINO: -- as a people?

4 MS. OKUMA: Yes. Thank you. And I just want to  
5 perhaps add to what Mr. Moto has just indicated. We are  
6 currently with a technical consultant who's in the process of  
7 collecting and evaluating the data. This gas flare system  
8 actually started the summer of last year and went through a  
9 start-up period. And it's necessary to basically work through  
10 a process whereby data is collected and analyzed for the  
11 purpose of working towards a request for proposal.

12 We believe that it would be in the best interests of  
13 the County to have special counsel available to Corp. Counsel  
14 to rely upon because we also know that we're looking at  
15 potentially a public-private type of scenario. And our  
16 understanding in terms of that is these types of projects are  
17 incentivized through various State and Federal credits, of  
18 which we're not really familiar with, in addition to public  
19 utility laws and dealing with power agreements, if that so be  
20 the case.

21 And so it seemed that since this could be a  
22 long-term contract for us, we want to be sure that we're doing  
23 it right, as right as we can, and so it appeared that it would  
24 be in the best interests of the County to also have available  
25 to Corp. Counsel, who would be managing that contract,

1 specialized legal help.

2 COUNCILMEMBER VICTORINO: So this -- this person or  
3 firm or whomever would specialize in environmental law,  
4 contractor law and --

5 MS. OKUMA: And -- and potentially have experience  
6 in gas to energy projects.

7 COUNCILMEMBER VICTORINO: Gas to energy. In other  
8 words, a specialty in that respect?

9 MS. OKUMA: A specialty in public utility gas to  
10 energy, yes.

11 COUNCILMEMBER VICTORINO: Okay. Okay. Okay. That  
12 makes sense. I mean, you know, I think that that makes a lot  
13 of sense.

14 Let me ask you one question, Mr. Moto, going to  
15 you -- well, I'll let others talk because I guess we can go  
16 back to Mr. Moto afterwards, Mr. Chair, so -- because Ms.  
17 Okuma has to --

18 CHAIR PONTANILLA: Yeah.

19 COUNCILMEMBER VICTORINO: -- go to another meeting  
20 or something. So I'll hold my question --

21 CHAIR PONTANILLA: Okay. Fine.

22 COUNCILMEMBER VICTORINO: -- until we finish with  
23 Ms. Okuma.

24 CHAIR PONTANILLA: Okay. Mr. Nishiki, question for  
25 Ms. Okuma?

1           COUNCILMEMBER NISHIKI: Yeah. Have you had this  
2 conversation with our Corporation Counsel and have they told  
3 you that it is better that a special counsel is hired?

4           MS. OKUMA: I have had discussion with Corp.  
5 Counsel's office. We do have a Deputy Corp. Counsel who is  
6 assigned. We've been in discussion with the Deputy and I,  
7 myself, have touched base also with Mr. Moto on this issue.

8           COUNCILMEMBER NISHIKI: And their feeling --

9           MS. OKUMA: I can't --

10          COUNCILMEMBER NISHIKI: -- or policy?

11          MS. OKUMA: I can't speak to Mr. Moto's -- I'm going  
12 to defer that question to him.

13          CHAIR PONTANILLA: Mr. Moto.

14          MR. MOTO: Mr. Chairman, yes, we have discussed it  
15 on a couple of occasions. If the gas to energy project ends  
16 up being a kind of utility project where the County develops,  
17 essentially, a kind of mini plant that generates electricity  
18 and then sells that electricity to customers or a customer,  
19 then that probably would end up requiring experience and  
20 knowledge that none of my attorneys have.

21                 And in that case, we would come down to Council with  
22 a resolution asking you to authorize retention of special  
23 counsel. We have not started a process of -- of identifying  
24 that special counsel yet because the -- the project is still  
25 too early for us to know what specific legal needs there might

1 be.

2 COUNCILMEMBER NISHIKI: Okay. And -- and that's my  
3 concern.

4 This data collection that you're talking about,  
5 Mrs. Okuma, how long is that project intended to take?

6 MS. OKUMA: I think we're anticipating that we  
7 should be ready to move towards an RFP sometime towards --  
8 sometime in this calendar year. That -- that is our goal. So  
9 I suspect the third and fourth -- I'm sorry, the -- sometime  
10 the first quarter of the new fiscal year, first or second  
11 quarter.

12 COUNCILMEMBER NISHIKI: And, Brian or -- or lady,  
13 when do you anticipate some special counsel to come on board  
14 in this process?

15 MS. OKUMA: Okay. I think based on our timeline we  
16 would like to see that special counsel determined by the first  
17 and -- or second quarter of the new fiscal year. Because the  
18 special counsel would be working with our technical person;  
19 that's basically the team, is the technical expertise, as well  
20 as the legal help and expertise from Corp. Counsel.

21 COUNCILMEMBER NISHIKI: Okay. And -- and let me ask  
22 you this: What do you think that that special counsel would  
23 have to know in -- in regards to dealing with legal matters?  
24 What is this person special --

25 MS. OKUMA: I think it would be helpful for them to

1 know gas to energy projects and the potential for entering  
2 into power agreements with utility companies. I think it  
3 would be helpful for them to be familiar with Federal and  
4 State laws that create incentive credits, I believe. That's  
5 highly specialized. The reason why that's important is  
6 because it motivates private sector to come in and actually  
7 perhaps finance -- finance the construction of these  
8 facilities.

9 COUNCILMEMBER NISHIKI: What is the -- what is the  
10 job and -- of your consultant, then?

11 MS. OKUMA: Our -- our consultant, they're technical  
12 engineers, and so they're familiar with gas to energy  
13 projects. The data collection that they produce -- I  
14 mean, that they are analyzing will help to determine what the  
15 potential output could be. I think all this information will  
16 be helpful and useful in the preparation of an RFP.

17 COUNCILMEMBER NISHIKI: Thank you.

18 CHAIR PONTANILLA: Thank you.

19 Member Medeiros.

20 COUNCILMEMBER MEDEIROS: Mr. Chairman, no questions  
21 at this time. Thank you.

22 CHAIR PONTANILLA: Thank you.

23 Member Kaho'ohalahala.

24 COUNCILMEMBER KAHO'OHALAHALA: No questions.

25 CHAIR PONTANILLA: Member Johnson.

1 COUNCILMEMBER JOHNSON: No questions.

2 CHAIR PONTANILLA: Member Baisa.

3 COUNCILMEMBER BAISA: No questions.

4 CHAIR PONTANILLA: Member Molina.

5 COUNCILMEMBER MOLINA: Thank you, Chair. Really, no  
6 questions, but just for me at this point it's -- it's pretty  
7 difficult because of the questions in terms of, you know, what  
8 will be the return, the benefit. Because, you know, we're  
9 doling out 100 -- well, considering doling out \$100,000 and  
10 what will our return be? Maybe it's just the timing of  
11 things, too, with the state of our economy right now and, you  
12 know, when would this project be finished and, you know, so  
13 I -- it's obviously a long-term thing, but for us to come up  
14 with a 100,000 right now, you know, I'm really on the fence  
15 with this. It's -- it's certainly a difficult decision. So  
16 just my thoughts, Chair.

17 CHAIR PONTANILLA: Thank you.

18 I would just like to provide my comments. You know,  
19 we've all talked about, you know, waste to energy and, you  
20 know, the opportunity is now being presented to this  
21 Committee -- well, this Council as well as this County, you  
22 know. We need to take some action in regards to if we -- we  
23 say we want to go to waste to energy and I -- all indication,  
24 you know, with the Integrated Solid Waste Plan indicates that.  
25 So, you know, this is a small step going forward.



1           And I understand what Ms. Okuma is saying in regards  
2 to specialized counseling, you know. Although I -- you know,  
3 I came from a private sector that deals with public utilities,  
4 you know. Whenever we went for any rate increase in regards  
5 to public utilities, we do hire specialized counsel to move  
6 our request forward.

7           So, Members, any more questions for Ms. Okuma at  
8 this time?

9           COUNCILMEMBER MEDEIROS: Question?

10          CHAIR PONTANILLA: Member Medeiros.

11          COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

12          Director Okuma, is the consultant that did our  
13 management plan, GBB, are they still retained under the  
14 contract?

15          MS. OKUMA: Just to be clear, they're not retained  
16 under the contract regarding gas to energy. That's not the --

17          COUNCILMEMBER MEDEIROS: No.

18          MS. OKUMA: They're still retained for the solid  
19 waste plan.

20          COUNCILMEMBER MEDEIROS: Their contract as a  
21 consultant?

22          MS. OKUMA: Yes.

23          COUNCILMEMBER MEDEIROS: Okay.

24          MS. OKUMA: Currently, yes.

25          COUNCILMEMBER MEDEIROS: Okay. Did you consult with

1       them, since we're paying them, as far as what their ideas  
2       would be in considering waste to energy? What they would  
3       recommend, if it would require legal advice or if they already  
4       have the experience from being a consultant and dealing with  
5       things like that?

6               MS. OKUMA: Yes. Not on the gas to energy, 'cause  
7       gas to energy was not the recommendation out of the waste  
8       management plan. It was waste to energy.

9               COUNCILMEMBER MEDEIROS: Right.

10              MS. OKUMA: But our specialized technical  
11       consultant, A-Mehr, who is on contract for purposes of our  
12       landfills and this gas to energy data analysis, has certainly  
13       recommended that we get the specialized legal counsel, yes.

14              COUNCILMEMBER MEDEIROS: And did they recommend from  
15       their experience a particular law firm?

16              MS. OKUMA: They were able to get us a name of  
17       someone who specifically specialized in gas to energy  
18       projects.

19              COUNCILMEMBER MEDEIROS: And is it a law firm in  
20       Hawaii?

21              MS. OKUMA: No.

22              COUNCILMEMBER MEDEIROS: So it would be a law firm  
23       from another state?

24              MS. OKUMA: I -- you know, that -- I think that's  
25       really -- I'm going to defer to Mr. Moto on that, because that

1 would be a decision in terms of hiring outside counsel and who  
2 that would be.

3 CHAIR PONTANILLA: Mr. Moto, if you could answer  
4 that. I know that we do have an RFP process that we follow.

5 MR. MOTO: When it comes to the selection of special  
6 counsel, we would go through the normal process. We have a --  
7 the Department of the Corporation Counsel has a selection  
8 committee that reviews the firm resumes and applications of  
9 various law firms and comes up with a recommendation. That  
10 may or may not be the lawyer or law firm that was recommended  
11 by this outside consultant.

12 COUNCILMEMBER MEDEIROS: Right.

13 MR. MOTO: And then ultimately, actually, the  
14 Council will make the final decision, because you will have to  
15 vote to approve or disapprove the resolution to hire a special  
16 counsel.

17 COUNCILMEMBER MEDEIROS: Well, I'm just wondering in  
18 consideration of this budget funding specifically for outside  
19 counsel, if there's been any research done if we, indeed, do  
20 have qualified people or law firms in Hawaii. Because it will  
21 drive the cost up to get someone from another state or even  
22 another island.

23 MR. MOTO: Mr. Chairman, it is quite possible that  
24 there may be law firms here in Hawaii that could handle the  
25 task. Again, it's a little difficult for me to make a

1 judgment at this point because until and unless this technical  
2 report is done first and we find out what its recommendations  
3 are and exactly what kind of project they're suggesting that  
4 the County of Maui consider, it's hard for me to know what the  
5 legal needs are going to be exactly. If it turns out to be  
6 a -- basically where the County establishes its own power  
7 utility, a mini utility, where we take gas, waste gas and  
8 generate electricity and try to sell it; then, yes, I do think  
9 in that case we probably would need specialized legal help.

10 COUNCILMEMBER MEDEIROS: Okay. And I just want to  
11 be sure that the thinking is in the process about what it will  
12 cost if it requires outside counsel, especially from outside  
13 of the islands. So thank you for your responses, Mr. Moto and  
14 Director Okuma.

15 Mahalo, Mr. Chairman.

16 CHAIR PONTANILLA: Members, any more questions?

17 COUNCILMEMBER NISHIKI: Yes.

18 CHAIR PONTANILLA: Member Nishiki, followed by  
19 Member Kaho'ohalahala.

20 COUNCILMEMBER NISHIKI: How did you reach \$100,000?

21 MS. OKUMA: All I can say, it was just an estimate.  
22 I mean, I don't really know what it might end up costing. I  
23 mean, just based on what the rates could be, it's just an  
24 estimate.

25 COUNCILMEMBER NISHIKI: This estimate was given to

1 you by your consultant?

2 MS. OKUMA: I think, as I recall, we might have  
3 discussed what this could potentially be, but I think in the  
4 end I just guesstimated what it could be.

5 COUNCILMEMBER NISHIKI: Thank you.

6 CHAIR PONTANILLA: Member Kaho'ohalahala.

7 COUNCILMEMBER KAHO'OHALAHALA: Thank you, Chair.

8 Brian, I think, Mr. Moto, that you answered a part  
9 of the question by saying that you're not real sure yet  
10 whether or not you would be in your Department able to -- to  
11 support this until some decision comes about with the -- I  
12 guess the design and the -- of the project itself. So that  
13 was going to be my initial question, is that: Was there any  
14 way within your Department you would have the capacity to --  
15 to deal with this particular issue? But, you know --

16 MR. MOTO: Mr. Chairman, there -- in -- in many ways  
17 we are -- we are able to provide the legal services for the  
18 Department of Environmental Management. It's just that from  
19 what I'm hearing from that Department, if this project  
20 develops the way it sounds like it where it requires  
21 establishing a kind of a utility that probably will be -- end  
22 up being treated under State law as a regulated utility, so  
23 then, yes, we would need -- that's -- that's a kind of  
24 expertise and experience that we don't have internally.

25 Also, if the project involves participation by

1 private equity, investment with private companies in  
2 establishing this kind of venture, then that may also -- that  
3 may also be a case where we would turn to outside counsel for  
4 help, because we don't normally handle -- our office -- handle  
5 those kinds of private-public ventures where we establish a --  
6 a new utility.

7 COUNCILMEMBER KAHO'OHALAHALA: So the complexity of  
8 it makes it necessary, in your view --

9 MR. MOTO: Yes.

10 COUNCILMEMBER KAHO'OHALAHALA: -- to seek outside --

11 MR. MOTO: Yes.

12 COUNCILMEMBER KAHO'OHALAHALA: -- outside counsel  
13 and support?

14 MR. MOTO: Yes.

15 COUNCILMEMBER KAHO'OHALAHALA: Then I guess, Chair,  
16 the only other question I would have would be the similar  
17 questions as other Council Members about whether or not your  
18 proposed \$100,000 was -- is an appropriate amount, you know,  
19 just speaking of the -- do you think that that -- that that is  
20 sufficient at this time to embark in this direction and --  
21 because, otherwise, we're going to be dealing with having to  
22 revisit this and how to continue to -- to amend or fund this,  
23 you know.

24 CHAIR PONTANILLA: Department.

25 MR. MOTO: Yeah. I -- At this time \$100,000,

1 that -- that's probably the best guesstimate that I have  
2 available at this time. I -- I understand your question. I'm  
3 sorry, I just -- I just don't know at this time based on the  
4 information I have. I don't have a better estimate.

5 COUNCILMEMBER KAHO'OHALAHALA: Okay. I mean,  
6 because, you know, we're trying to come to some kind of  
7 decision all -- you know, across all -- all, you know, all  
8 concerns, but it is our hope that you give us, you know, your  
9 best support in your -- your request so -- so that we can make  
10 the proper decisions and -- so I guess that's why I'm asking  
11 that, along with others, about the 100,000. So --

12 CHAIR PONTANILLA: Okay. Thank you.

13 Members, any more questions for Ms. Okuma at this  
14 time?

15 COUNCILMEMBER NISHIKI: Yeah. Just a statement.

16 CHAIR PONTANILLA: Go ahead.

17 COUNCILMEMBER NISHIKI: Yeah. I don't think any of  
18 us are against the project, Mr. Chairman.

19 CHAIR PONTANILLA: Uh-huh (affirmative response).

20 COUNCILMEMBER NISHIKI: And I don't know if that was  
21 your statement when you said, you know, we've been pushing  
22 this type of project. I don't think any of us are against it.

23 I think the lack of information even from the people  
24 asking for this money concerns me. It's like pulling it out  
25 of the sky. There is -- they have not justified the \$100,000.

1 So I don't think they have spoken to any -- if it is a special  
2 counsel, what their rates are and -- and a general effort to  
3 find out what it is going to take.

4 They mention the fact that a mainland firm was,  
5 "perhaps the one that has this knowledge", but why not  
6 take the next step of going and talking to this firm to see  
7 what the ballpark figure would be? And that concerns me. And  
8 I think that they have the time to go and get this researched  
9 rather than saying, I thought that this may be the appropriate  
10 figure. Based on what? Based on what?

11 CHAIR PONTANILLA: Thank you, Mr. Nishiki, for your  
12 comments. And -- and the Chair's comment was not to say that,  
13 you know, none of you -- you know, thinking that this is not  
14 an important project. But when you look at our budget, all  
15 the numbers that you see except for a few, those are all  
16 estimates. And to come out and say that you -- you know, you  
17 want a solid number, you know, I'm looking at all of the  
18 departments and -- and if we're going to ask this question,  
19 hey, you know, Planning Department, Waterworks Department,  
20 give me solid numbers so that we can come out with a very good  
21 budget that we can move this County forward. I -- I don't  
22 think any of the departments can provide us with that kind of  
23 information.

24 So, Members, if you do have any questions regarding  
25 the \$100,000 that is being set aside for special counsel to



1 support the gas to energy that the Environmental Management  
2 Department is looking at as well as, you know, what Mr. Moto  
3 has explained, I'm -- you know, we do have a counsel that will  
4 support the Environmental Management group in this case here.  
5 If you do have any more questions, if you can put it in  
6 writing, the Chair will just want to move on.

7 COUNCILMEMBER VICTORINO: Mr. Chair?

8 COUNCILMEMBER NISHIKI: Yeah, just one last statement.

9 COUNCILMEMBER VICTORINO: Before my -- Mr. Chair?

10 CHAIR PONTANILLA: I'm going to excuse Ms. Okuma at  
11 this time.

12 COUNCILMEMBER VICTORINO: Yeah. Thank you.

13 CHAIR PONTANILLA: And if you have any questions for  
14 Mr. Moto, fine, we'll, you know, ask questions of the  
15 Department. Thank you.

16 MEMBER MOLINA: Mr. Chair?

17 CHAIR PONTANILLA: Mr. Molina.

18 COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair.

19 Just basically a request from Director Okuma I guess  
20 as she's walking out. If she could provide the Committee some  
21 information about gas to energy projects in other  
22 municipalities and what process they went through and, I  
23 guess, the special -- whatever counsel that was needed for  
24 putting -- implementing projects in those municipalities, I  
25 think that will help us so we can -- you know, help us make a

1 fully informed decision if we do decide to allocate this  
2 \$100,000 for this purpose.

3 CHAIR PONTANILLA: We can do that. Thank you.

4 COUNCILMEMBER MOLINA: Thank you, Chair.

5 CHAIR PONTANILLA: Member Victorino, followed by  
6 Mr. Nishiki.

7 COUNCILMEMBER VICTORINO: Thank you. And my  
8 question was along that lines. And I just wanted to add one  
9 more -- one more request to both Mr. Moto and Ms. Okuma. If  
10 we could have a list of various firms both here and in the  
11 mainland, wherever they might be, who are experts or at least  
12 deal with this issue all the time.

13 Because I agree with the Chair that we can  
14 second-guess a lot of things and monies are put in, like we  
15 did for other things, with the idea that this may happen and  
16 so that the Department doesn't have to come back for a budget  
17 amendment or emergency appropriation. That's the primary  
18 reason. It doesn't necessitate them using it all. Hopefully,  
19 they will be wiser than that.

20 But if the -- our members are -- have questions in  
21 that area, Mr. Moto, would you be able to come up with some  
22 answers and put it in writing so we have at least an idea on  
23 what this process would take and what kind of firms would  
24 be -- that could deal with it both locally -- when I say  
25 "locally," here in the state -- and wherever else we may have

1 to go for this type of expertise in this type of law. If that  
2 could be requested, Mr. Chair. Thank you.

3 CHAIR PONTANILLA: Thank you.

4 Mr. Nishiki.

5 COUNCILMEMBER NISHIKI: Yeah. And it is not that I  
6 don't think the 100,000 is sufficient or not. I think judged  
7 by answers that -- the questions that we asked and the answers  
8 that we got, they have no idea. And my -- my thinking is when  
9 I asked her when this process of this data collection would  
10 occur, she said, I think, the second quarter of the year, this  
11 calendar year. And then I think, well, if legal advice is to  
12 come and us going out for an RFP or whatever, that's a -- that  
13 that takes another amount of time, Mr. Chairman. And so I'm  
14 saying, hey, even if it was 50,000, whatever, I'm sure that all  
15 of us here in this tight budget, Mr. Chairman, can find 50,000 to  
16 give to -- and I'm not saying who, but I know that nonprofits  
17 are coming to these hearings and asking for money. And so  
18 this is where personally myself I want to squeeze as much  
19 as -- information as I can to give them a good amount.  
20 Because if we give them 50,000, then we've got another 50,000 to  
21 share for other needs. And that's why I am pushing for answers,  
22 Mr. Chairman.

23 CHAIR PONTANILLA: Thank you.

24 Members, any more questions for Mr. Moto at this  
25 time regarding their Department's budget?

1 COUNCILMEMBER MEDEIROS: Chair?

2 CHAIR PONTANILLA: Member Medeiros.

3 COUNCILMEMBER MEDEIROS: Okay. So we can ask on any  
4 part of the budget for --

5 CHAIR PONTANILLA: For Corporation Counsel.

6 COUNCILMEMBER MEDEIROS: Right.

7 CHAIR PONTANILLA: Yeah.

8 COUNCILMEMBER MEDEIROS: Okay. Mr. Moto, what is  
9 the difference -- because there's a request for an expansion  
10 position Law Clerk I, what is the difference between a Law  
11 Clerk and a Legal Clerk.

12 MR. MOTO: Oh. The Law Clerk point one that's our  
13 summer law clerk position.

14 COUNCILMEMBER MEDEIROS: Oh, okay.

15 MR. MOTO: The Legal Clerk position is a secretarial  
16 position. I know that these terms, they all kind of sound  
17 alike and they get confused. But the Law Clerk is the summer  
18 law clerk program. And the reason why we asked for the point  
19 one increase was back some months ago when we were working on  
20 these proposed budgets and while we were reviewing our summer  
21 law clerk program, we -- we wanted to provide more  
22 opportunities for young people to work in our office.

23 Traditionally, the most we ever hired at any time  
24 was one clerk to work during the summer. And usually they  
25 worked so they could fit in -- within their schedules. We

1 thought it would be better to be able to hire two students  
2 instead rather than just one so that they could work with each  
3 other and help each other and keep each other company while  
4 they were here. We thought it would make for a better  
5 experience.

6           Having said -- and so that's why we went from point  
7 three to point four, that's the -- that point one is to increase  
8 it to point four total. The idea would be we would split that  
9 with -- among two people. But having said all of that, I have  
10 to say that because of the budget saving measures and because  
11 our Department did try to trim spending, we actually did not  
12 have our summer law clerk program in 2008 and we -- we won't  
13 have one in 2009. So even though we're asking for this EP  
14 count adjustment, we're not going to be having it because  
15 we're trying to save money. And the hope is that one day when  
16 things are better, we will reinstitute the summer law clerk  
17 program.

18           COUNCILMEMBER MEDEIROS: So you're saying that  
19 you're not going to have -- you said 2009. So you're not  
20 having it in 2010, either? Because that's the budget we're  
21 working on.

22           MR. MOTO: Oh, I'm sorry. I was thinking calendar  
23 year 2009.

24           COUNCILMEMBER MEDEIROS: Oh.

25           MR. MOTO: Yeah. This coming summer, which is the

1 start of the Fiscal Year 2010.

2 COUNCILMEMBER MEDEIROS: Right.

3 MR. MOTO: We're not going to be hiring --

4 COUNCILMEMBER MEDEIROS: Okay.

5 MR. MOTO: -- because we're trying to save money.

6 COUNCILMEMBER MEDEIROS: What does point one Law  
7 Clerk equate to?

8 MR. MOTO: Oh, I -- about -- about five weeks, I  
9 guess.

10 COUNCILMEMBER MEDEIROS: Okay. Okay. Well, I -- I  
11 would encourage you to, you know, reestablish that, those  
12 positions because I think it's important for those in college  
13 to be able to come and apply what they have learned on their  
14 way to a law degree.

15 MR. MOTO: Yes.

16 COUNCILMEMBER MEDEIROS: So I would encourage that.

17 MR. MOTO: Mr. Chairman. I agree that it is an  
18 important program. I just want the Council to know that, you  
19 know, when departments were asked to trim spending by  
20 approximately 16 percent, if you look at the department's --  
21 my Department's budget, if you put aside everything devoted to  
22 salaries and things like that, basically all that we have left  
23 is about 16 percent of the budget. So the only way we could  
24 have made the target would have been to eliminate all spending  
25 for everything except for salaries, and that's just not

1 possible.

2 COUNCILMEMBER MEDEIROS: Okay. Thank you for that.

3 On your performance measures --

4 MR. MOTO: Yes.

5 COUNCILMEMBER MEDEIROS: -- which is on 4-3 of the  
6 budget proposal binder, you give us the numbers of advisory  
7 opinions, requests for legal services and so forth. I realize  
8 that Corp. Counsel represents both the Administration and the  
9 Legislative body, the County Council. Is there a breakdown on  
10 how many requests are for Administration, how many requests  
11 are for Council?

12 CHAIR PONTANILLA: Department.

13 MR. MOTO: Not in this report. I think we -- we  
14 could probably try to do that. I'd have to ask my secretarial  
15 staff to go through that. I mean, we might be able to -- I'm  
16 not sure we'd be able to do it in all circumstances, but we  
17 could probably make a -- arrive at a guesstimate.

18 COUNCILMEMBER MEDEIROS: Mr. Chairman, under your  
19 signature or request, could we ask for that? Because I think  
20 it would be helpful to the Council to know the breakdown,  
21 approximately, and which is maybe sometimes difficult to  
22 determine whether it's Administrative or Council. But I think  
23 a general report of how many requests for legal services are  
24 for Administration, how many from the Council would be helpful  
25 to us.

1 CHAIR PONTANILLA: We'll send a letter to the  
2 Department.

3 COUNCILMEMBER MEDEIROS: Thank you, Mr. Chairman.

4 And then on your B account, which is on page 2-5 in  
5 the Details under Services, which is sub-object code 6112,  
6 Contractual Services, you reduced yours by \$8,000. Is that  
7 because you no longer require certain contractual services?

8 MR. MOTO: It was all intended to try to save as  
9 much money as possible, so we trimmed where we could.  
10 That's -- that's what happened.

11 COUNCILMEMBER MEDEIROS: Okay. Well, I think it's  
12 honorable of you to do so to reduce your budget. And then  
13 finally under the same Services, under Professional Services,  
14 6132, it was increased by 70,000. What would require the  
15 additional 70,000 that you project?

16 MR. MOTO: Okay. That's where that 100,000 for  
17 Department of Environmental Management comes in.

18 COUNCILMEMBER MEDEIROS: Oh, I see. Okay.

19 MR. MOTO: You see, bottom line is our budget for  
20 next year would have been smaller. We would have actually  
21 shrunk. The only reason why it got larger was because of the  
22 \$100,000 that's needed for the Environmental Management  
23 project.

24 COUNCILMEMBER MEDEIROS: Okay. Thank you, Mr. Moto,  
25 for that clarification.



1 Mahalo, Mr. Chairman.

2 CHAIR PONTANILLA: Thank you.

3 Member Baisa.

4 COUNCILMEMBER BAISA: Thank you very much, Chair. I  
5 have a question, and it's in regard to page 2.2 of the Budget  
6 Details for Corporation Counsel. And that's the page that  
7 lists all of the Deputy Corporation Counsel and their  
8 salaries. And I noticed that underneath that there is a line  
9 for premium pay and there is zero dollars. My question is:  
10 Do any of these folks not receive premium pay?

11 Because the observation that I want to make is I  
12 participated, as you know, at length in the GPAC process, and  
13 there were many, many requests from the GPAC members over and  
14 over and over to have counsel there at all of the meetings.  
15 And I don't know if it's a budget issue that we don't have any  
16 money so they can be there or if it's a manpower issue that  
17 there aren't people available. But if there is -- I mean,  
18 there's a need. Because when groups like this meet, they  
19 often need legal advice and -- and they want it and it's  
20 frustrating for them not to have somebody there. So I'm kind  
21 of worried about seeing a zero on that line.

22 CHAIR PONTANILLA: Good point.

23 Mr. Moto.

24 MR. MOTO: The premium pay is zero on that line,  
25 Mr. Chairman, because none of the lawyers ever get paid overtime.

1 We don't qualify. So we just get our salary and that's it.

2 COUNCILMEMBER BAISA: But that's a concern, Mr. Moto,  
3 because when the assistance is needed, there is no one  
4 there. So I think that, you know, if -- if this is necessary,  
5 then we ought to take a look at this. I am much more  
6 interested in giving or putting money for something like this,  
7 because this is a need.

8 CHAIR PONTANILLA: Mr. Moto, if you can respond.

9 MR. MOTO: Yeah. I think the -- well, specifically  
10 addressing the issue of GPAC's, Mr. Chairman, I think it comes  
11 down to -- it's a difficult time management and resource  
12 management issue because when the GPAC's were created, it  
13 greatly increased the number of meetings and entities to  
14 follow and to attend. We would send a Deputy or Deputies to  
15 these meetings. Most of the time they would just sit there,  
16 according to the reports I got.

17 And it was very hard for them personally, because,  
18 you know, the meetings go on for hours and it also would be on  
19 weekends. And we would encourage as much as possible if  
20 the -- the committees could identify questions ahead of time.  
21 We put our attorneys on call and everything like that. But it  
22 got to the point where we decided that it really was kind of  
23 both demoralizing to the attorney and -- and too -- too  
24 consuming in terms of time to put them there all -- at every  
25 single meeting. That it just wasn't accomplishing a whole

1 lot.

2 And then what it also would do is it would so  
3 exhaust the attorneys involved that when they were to come  
4 back to the office and work on everybody else's job, they --  
5 they would just be blown. I mean, it just -- it just wasn't  
6 going to be working. So it started to affect other clients'  
7 work as well.

8 COUNCILMEMBER BAISA: I -- I hear what you're  
9 saying. And, believe me, I was just as exhausted sitting through  
10 those hours and hours and hours. But every now and then a  
11 very sticky legal point would come up and everybody would say,  
12 where is the attorney? And we'd have to say, sorry, but  
13 there's nobody here. And I'm wondering maybe we could set up  
14 some kind of a -- of money so that when we need people to be  
15 there, we would have. I mean, I don't expect anybody to work  
16 for free. I mean, I understand that. But not having any  
17 money set aside, to me, is a slippery slope. Because the way  
18 you get people to be where you need them is you pay them, like  
19 everybody else. I mean, people who show up, most people,  
20 expect to be paid. Of course, there are people who show up  
21 and are paid nothing extra, but most people expect to be paid  
22 if they're asked to infringe on their free time.

23 So it kind of worries me that we're starting out  
24 with no money available in this budget for that. That's just  
25 my comment. And it -- I use the GPAC as a recent example

1 because it was top of mind and, you know, I happened to sit  
2 through a lot of it. But I have -- I also know there are  
3 other instances when we are not -- when we don't have somebody  
4 there and it would be very nice to have someone.

5 I just think it -- it's like stopping trouble at the  
6 pass, you know, if somebody can say, no, that's not legal.  
7 That's not in our charter. You can't do that. We have a law.  
8 Otherwise, people get all excited, spend many hours discussing  
9 something only to find out that they made a bad decision later  
10 on. So it's preventive medicine.

11 But I certainly understand your staffing situation.

12 CHAIR PONTANILLA: Thank you.

13 Members, I'm going to move on. If you have any more  
14 questions regarding the Department, if you can send it to the  
15 Chairman, we'll get it -- questions answered by the  
16 Department.

17 At this time the Chair would like to thank Mr. Moto  
18 for being here this morning.

19 MR. MOTO: Thank you, Mr. Chairman and -- and  
20 Members.

21 CHAIR PONTANILLA: Members, the Chair is going to  
22 call our mid-morning break. We'll return at 10:40. And when  
23 we return, we'll be taking up the Prosecuting Attorney's  
24 Office. This meeting is in recess. (Gavel.)

25 RECESS: 10:25 a.m.

1 RECONVENE: 10:42 a.m.

2 CHAIR PONTANILLA: (Gavel.) The Budget and Finance  
3 Committee meeting is now reconvened. At this time the  
4 department that we're going to be reviewing for their 2010  
5 budget is the Prosecuting Attorney's Office. Let's see. You  
6 can locate the -- on your proposed bill page 10, Program  
7 Budget starting on page 18-1, and on the Budget Details  
8 starting at 16-1.

9 This morning we do have Mr. Benjamin Acob, who is  
10 the Prosecutor for the County of Maui. And at this time the  
11 Chairman would like to call on our Budget Director, Mr. Pablo,  
12 to provide us with some opening comments.

13 MR. PABLO: Thank you, Chair Pontanilla.

14 You should have a three-page handout which we have  
15 summarized the -- the budget for the Department of Prosecuting  
16 Attorneys. And on the first page is an overview of the two  
17 programs that they have. Both programs are funded out of the  
18 General Fund. They have an administration program, and you'll  
19 see that their budget request for this year is 840,000,  
20 representing a 38,000 increase over the prior year at 4.8  
21 percent. They also have a general prosecution program, and  
22 this is where we'll probably spend quite a -- quite a lot of  
23 time on discussion and it's for 4.5 million, a 234,000  
24 increase. The Department is requesting for six expansion  
25 positions and these will be in the general prosecution

1 program.

2           On page 2 is an overview of the administration  
3 program. You can see that they have authorized equivalent  
4 personnel of seven. And there is an operation expense change  
5 of roughly 29,000. What we've done on these summaries is we  
6 base it on the Fiscal Year '09 budget, which was Council adopted,  
7 and if there is any change of plus or minus \$5,000, we have  
8 indicated it there. And that sort of pretty much ties in with  
9 the increase for the year. It sort of gives a -- a better  
10 macro overview of -- of that program.

11           The third page is the general prosecution program.  
12 And Ben Acob will go in detail on this particular program.  
13 This is a program where they're requesting six positions.  
14 These were previously grandfathered positions. The monies  
15 have run out and they'll be seeking General Fund funding for  
16 this.

17           I would like to point out that even though the  
18 increase in the EP count -- I mean, EP salaries is 406,000,  
19 the Department was very earnest in trying to find ways to cut  
20 operation expenses to sort of bring the overall costs down.  
21 And you can see they have done that by decreasing their  
22 operations cost by 331, so the net change for the Department  
23 of is 234,000.

24           I would like to also point out that the Department  
25 is presently seeking stimulus funds under the American

1 Recovery and Reinvestment Act. We're presently putting the  
2 details together right now. Ben Acob will give you an  
3 overview of what they're looking into, and we hope to get  
4 something in writing to this Committee as soon as we can get  
5 the numbers finalized.

6 Thank you, Chair.

7 CHAIR PONTANILLA: Thank you, Mr. Pablo, for that  
8 information.

9 At this time the Chair would like to call on  
10 Mr. Acob.

11 MR. ACOB: Thank you, Mr. Chair Pontanilla.

12 CHAIR PONTANILLA: Opening comments only, and then  
13 we'll take each program separately.

14 MR. ACOB: Good morning. What I'll do, then, is --  
15 is talk about the possible funding, Federal funding that we  
16 are seeking at this point for possibly additional positions.  
17 As you know, there's a stimulus package out there from the  
18 Federal government. There's a lot of money. And we are  
19 seeking for a -- a Deputy Prosecuting Attorney that handles  
20 juvenile cases, as well as a Legal Clerk. And we're also  
21 seeking a Crime Prevention Coordinator for a third.

22 Now, I know that none of these funds are guaranteed,  
23 but we intend to aggressively apply for these funds for our  
24 share so that we can have these positions. And I know that  
25 the concept is -- is difficult in these economic times, but we

1 all know that these -- these positions are going to be  
2 temporary. Whoever is going to apply for these positions will  
3 be told that they are temporary. They know because these  
4 funds have to be spent within four years. So the most that  
5 these positions could be held would be four years.

6 We do not intend at this point to have the County  
7 pick up those positions later on, because at this point the  
8 intention of the stimulus package is to create jobs at this  
9 point in time. That's what I would like to say about that.  
10 And if you have any further questions, I can answer that  
11 later.

12 Mr. Pablo had made opening remarks about the -- our  
13 programs, and I can answer some of the questions that you have  
14 right now.

15 CHAIR PONTANILLA: Okay. Members, we're going to go  
16 on page 2 on the administration program.

17 Mr. Acob, we'll start off with Member Molina.

18 COUNCILMEMBER MOLINA: Hi. Thank you very much,  
19 Mr. Chairman.

20 And thank you, Mr. Acob, for that overview. So just  
21 so I can get it clarified again, so these positions you're  
22 looking at a maximum of temporary, I guess, for four years,  
23 and the intent at this point is not to seek for the County  
24 after the four years to pick up these positions and -- okay.  
25 So the justification in terms of this -- these are, again, is



1 to promote what -- what programs -- or not programs, but what  
2 areas of litigation that you're looking at to accomplish these  
3 positions?

4 MR. ACOB: Okay. One was for a Deputy Prosecuting  
5 Attorney for juvenile cases. We can -- if we can look at our  
6 budget performance right now, we need to improve the way we  
7 handle those cases. We are trying to get to the cases within  
8 two weeks that we receive the cases because --

9 COUNCILMEMBER MOLINA: Oh.

10 MR. ACOB: -- many times the juveniles come of age  
11 18, and by then it's -- it's too late.

12 COUNCILMEMBER MOLINA: So it's just more to expedite  
13 the processing of the juveniles.

14 MR. ACOB: That is correct.

15 COUNCILMEMBER MOLINA: And you are currently having  
16 a lot of -- an overload case -- a case overload?

17 MR. ACOB: Yes. We only have one person doing  
18 juvenile cases at this point.

19 COUNCILMEMBER MOLINA: Okay.

20 MR. ACOB: Now, the positions I was talking about  
21 are those we intend to -- to fill if we get the Federal funds  
22 that we are going to apply for. Not the six positions. I  
23 just want to make sure that you're not getting confused with  
24 the six positions.

25 COUNCILMEMBER MOLINA: Oh, okay. Thank you.

1 MR. ACOB: That --

2 COUNCILMEMBER MOLINA: So if we don't get the  
3 Federal funding, then --

4 MR. ACOB: Then we would not be able.

5 COUNCILMEMBER MOLINA: -- you will not be seeking  
6 County -- County funding, then, for these positions?

7 MR. ACOB: Right.

8 COUNCILMEMBER MOLINA: Okay. All right. That helps  
9 out a lot more.

10 No further questions at this point, Mr. Chair.  
11 Thank you.

12 CHAIR PONTANILLA: Thank you.

13 Just a fast question, Mr. Acob. So this is like a  
14 four-year time limit, but in -- in the process, though, if you  
15 see attritions happening in your Department, can we move some  
16 of the temporary position -- temporary hires into those  
17 permanent positions? And the reason is, you know, that, you  
18 know, because of the -- I guess the tenure, although it's only  
19 four years, you will gain -- or they will gain that knowledge  
20 to support the County of Maui.

21 MR. ACOB: Mr. Chair, that is correct. And that  
22 would be an excellent strategy.

23 CHAIR PONTANILLA: Thank you.

24 Member Baisa.

25 COUNCILMEMBER BAISA: Thank you very much, Chair.

1           Thank you, Mr. Acob, for being here. And we  
2 certainly admire the suit. You look wonderful.

3           Wanted to ask you -- you made a remark about  
4 reducing a lot of your expenses. Can you tell us where some  
5 of those major cuts you made and why and what they involve?

6           MR. ACOB: Well, actually, if you look at the second  
7 page --

8           COUNCILMEMBER BAISA: Uh-huh (affirmative response).

9           MR. ACOB: -- the only saving that we made there is  
10 publications and subscriptions. We cut \$6,000 worth there.  
11 And on the next page --

12           COUNCILMEMBER BAISA: What about the per diem on  
13 that page?

14           MR. ACOB: That -- there is a small -- a small  
15 savings there. If you look at 2009 budget, it's 17,588 for  
16 per diem nonreportable. And in 2010 it was a housekeeping  
17 matter that we had to do to separate what was per diem  
18 nonreportable and per diem reportable.

19           COUNCILMEMBER BAISA: So you rearranged the numbers?

20           MR. ACOB: Yes.

21           COUNCILMEMBER BAISA: Okay.

22           MR. ACOB: To actually reflect. But if you add the  
23 8 and 5, that only adds to 13 and -- as opposed to 17.5, so  
24 that there is a slight saving there.

25           COUNCILMEMBER BAISA: You don't intend to be

1 traveling as much?

2 MR. ACOB: We -- we cut back a lot of our traveling,  
3 a lot of our travels, yes.

4 COUNCILMEMBER BAISA: Is this travel, what, to like  
5 Molokai or is this mainland travel or --

6 MR. ACOB: Mainland travels.

7 COUNCILMEMBER BAISA: Mainland. I see. So I think  
8 everybody will be looking seriously at travel budgets this  
9 year. Good.

10 Okay. And the -- the general prosecution.

11 MR. ACOB: General prosecution, the -- the biggest  
12 savings that we have there --

13 CHAIR PONTANILLA: Excuse me, Mr. Acob. We'll --

14 COUNCILMEMBER BAISA: We didn't get to that yet.

15 CHAIR PONTANILLA: Yeah. We'll complete the  
16 administration --

17 COUNCILMEMBER BAISA: Okay. We'll wait.

18 CHAIR PONTANILLA: Yeah. Because I think there's  
19 going to be a lot of questions on that page.

20 COUNCILMEMBER BAISA: All right. Okay. I'll wait.

21 CHAIR PONTANILLA: Thank you, Member Baisa.

22 COUNCILMEMBER BAISA: Thank you.

23 CHAIR PONTANILLA: Member Johnson.

24 COUNCILMEMBER JOHNSON: Mr. Acob, on the -- I guess  
25 it would be your operations under administration, you have no

1 equipment, so I'm assuming that you already are using the  
2 existing equipment that you have. Is that correct?

3 MR. ACOB: That's correct.

4 COUNCILMEMBER JOHNSON: All right. And the amount,  
5 it went up in operations roughly \$30,000 in salaries and  
6 wages, you know, the 8900, but the operations, that increase,  
7 is that principally due to the shortfall in the monies that  
8 you were not -- or that you are not going to be receiving or  
9 that you wouldn't anticipate receiving as -- at this point in  
10 time?

11 MR. ACOB: No. That is a result of having a  
12 division of our office move from the Old Courthouse into 2103.  
13 We have about 15 people at 2103 and the 29,000 represents  
14 electricity at that building.

15 COUNCILMEMBER JOHNSON: Oh, okay. So that's --  
16 that's the increase. So then you must have -- all right. I  
17 see what you're saying. So in the old building, had you all  
18 been able to stay under one roof, that wouldn't be an  
19 additional expense, then?

20 MR. ACOB: That's correct. Yes.

21 COUNCILMEMBER JOHNSON: Okay. And with regard to  
22 the six or seven positions, I guess, that would not help one  
23 way or the other? I mean, even if, let's say, you had seven  
24 people less, you would still have that second location?

25 MR. ACOB: Yes. Because we have 15 there right now

1 and 15 minus seven, we still would have to fit eight more,  
2 seven, eight more into our building and that -- that would be  
3 almost impossible. It's possible, but we'd be really cramped.

4 COUNCILMEMBER JOHNSON: Yeah. And I was just -- you  
5 know, 'cause as you stated, we're not sure about funding or  
6 the potential funding for these positions, so we have to --  
7 You know, I'm trying to gauge -- the expense is still going to  
8 be there anyway, regardless of whether those are funded or  
9 able to be funded or not funded.

10 MR. ACOB: Okay.

11 COUNCILMEMBER JOHNSON: So, you know, you answered  
12 my question.

13 MR. ACOB: Yeah. I said it's not impossible, but  
14 just -- just bear in mind we already have attorneys in  
15 cubicles that's about six by five working in those kind of  
16 environments, so --

17 COUNCILMEMBER JOHNSON: Okay. And there -- there  
18 would be no possibility, then, let's say, if your staff did --  
19 you know, if we could not find the money to enable the  
20 positions that were previously funded through the grants, if  
21 for some reason, you know, we weren't able to do that, would  
22 you be able to make do with a smaller space which would cut  
23 down on any of these expenses, you know? So if you had a  
24 rental space somewhere else.

25 MR. ACOB: That would be a possibility. Of course,

1       there would be less people using utilities and so there would  
2       be a savings from that, also. I hope that's not going to be  
3       the direction we go to.

4               COUNCILMEMBER JOHNSON: Yeah, yeah. And I -- and I  
5       don't know, either, so I'm just throwing out worst case  
6       scenario if that's the situation.

7               MR. ACOB: Yes.

8               COUNCILMEMBER JOHNSON: Okay. Thank you.

9               CHAIR PONTANILLA: Thank you, Member Johnson.  
10       Member Kaho'ohalahala.

11              COUNCILMEMBER KAHO'OHALAHALA: No questions.

12              CHAIR PONTANILLA: Member Medeiros.

13              COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

14              And, Mr. Acob, on your administration program,  
15       Performance Measures, which is on page 18-3 of the budget  
16       proposal binder -- And let me know when you're there.

17              MR. ACOB: Yes.

18              COUNCILMEMBER MEDEIROS: Okay. My question is: On  
19       the trainings, is this for new employees, refreshers, updates,  
20       employee developments? What are the trainings involved?

21              MR. ACOB: This is mostly employee developments.  
22       And I would like to point out that most of these -- a lot of  
23       these trainings include going to trainings that are done in  
24       the County of Maui, in the State, and then those people going  
25       to those trainings, coming back to our office and sharing with

1 others the things that they learned. We would -- we would  
2 include that. We included those trainings in -- in these  
3 numbers.

4 COUNCILMEMBER MEDEIROS: Okay.

5 MR. ACOB: So when they come back and, say, train  
6 ten people, we count that, too.

7 COUNCILMEMBER MEDEIROS: So the employees attending  
8 these trainings are a mixture of attorneys as well as support  
9 staff?

10 MR. ACOB: I'm going to say majority is attorneys,  
11 but there's -- there would be a few staff.

12 COUNCILMEMBER MEDEIROS: Okay. Okay. Then going to  
13 the Budget Details on 16-3, under Other Costs, sub-object code  
14 6235, there was an increase of almost \$13,000 for rentals.  
15 These are rentals of -- of what kind of facilities or  
16 equipment?

17 MR. ACOB: This is the rental for the 2103 building  
18 that I mentioned earlier. If you look at the FY '08, we had  
19 63,000.

20 COUNCILMEMBER MEDEIROS: Correct.

21 MR. ACOB: That was rental at the One Main Plaza  
22 where we had 900 square feet of space and housing seven --  
23 seven employees. Yes. We doubled that amount, however.  
24 We -- the amount of people that we could put in this 3,000  
25 square feet space now is 15, so --



1 COUNCILMEMBER MEDEIROS: So you have available to  
2 you now 3,000 feet, square feet office space?

3 MR. ACOB: At the 2103.

4 COUNCILMEMBER MEDEIROS: 2103.

5 MR. ACOB: Wells.

6 COUNCILMEMBER MEDEIROS: Okay. Okay. Thank you,  
7 Mr. Acob.

8 Thank you, Mr. Chairman.

9 CHAIR PONTANILLA: Thank you, Member Medeiros.  
10 Member Nishiki.

11 COUNCILMEMBER NISHIKI: No.

12 CHAIR PONTANILLA: Member Victorino.

13 COUNCILMEMBER VICTORINO: No questions at this time.

14 CHAIR PONTANILLA: Thank you.

15 Members, if you have any questions regarding the  
16 administration program, if you can forward it to the Chair and  
17 we'll get the Department to respond to us.

18 Next we'll go into the general prosecution program,  
19 and we'll start off with Member Molina.

20 COUNCILMEMBER MOLINA: I'll pass on this for now,  
21 Mr. Chair. Thank you.

22 CHAIR PONTANILLA: Thank you.

23 Member Baisa.

24 COUNCILMEMBER BAISA: Now I can ask my question  
25 about those reductions, Mr. Acob, please.

1           MR. ACOB: Yes. If you look at the bottom of the  
2 page on that third page, there's a contractual service from 43  
3 to 20,000. That is the on-call fee that we pay to a doctor  
4 that does the examination in sexual assault cases. This  
5 doctor is already getting paid half the amount of his -- of  
6 his counterpart in Honolulu for the 43.

7           Now, it was in anticipation -- when we were asked  
8 to -- to do some savings, I had anticipated that I would be  
9 able to convince the doctor to reduce it to 20,000. And it  
10 ended up that he wasn't able to. He told me that if that was  
11 going to be the case, he can't provide the service. And so at  
12 this point, even though it shows that we -- we show a savings  
13 of 23,680, we still can consider that a savings because -- You  
14 can leave that alone. We'll try and find -- find the money  
15 somewhere else because I've -- I've committed, I made a  
16 commitment or indication to -- to my attorneys that we will  
17 have a pay freeze unless required by ordinance, so --

18           And then on the other services, there's a reduction  
19 from 22,300 to 2,300, that was for archiving services. And we  
20 are now doing our own scanning of our files, so we don't need  
21 that service anymore.

22           On the airfare and transportation, there's a  
23 reduction of 7,000. That's a reflection of the less traveling  
24 that -- that we are doing.

25           And then the County matching funds, there's a

1 279,348 that we are saving. This -- this was the amount that  
2 the County provided last year for matching funds for the  
3 Victim Witness and Career Criminal Unit programs. But because  
4 we are asking that these -- these positions be taken as  
5 general funded positions, then we don't have to do the County  
6 matching funds. But the fact that we are -- we are doing  
7 that, we -- we are increasing the amount that the County  
8 would -- would need to -- would need to pay.

9 Now, I would -- I would like to mention to you that  
10 these people that are in these positions are not new or just a  
11 few years in -- in those positions. I have one that's been  
12 with the -- in the positions or with the County for 18 years,  
13 one 11, one 12 years -- 12 years, one 24 years, one 17 years,  
14 one 21 years. So we have employees that -- that have been  
15 dedicated and devoted to the County that are in these  
16 positions that we are asking for -- for the County to -- to  
17 pick up.

18 Expansion, the word expansion alone is -- I know  
19 is -- is dirty in these economic times, but it's -- it's not  
20 the usual expansion that we -- we talk about. There's --  
21 we're not talking about additional bodies here. We're talking  
22 about bodies that we've had for so many years, tens of years,  
23 that the County is picking up. Thank you.

24 COUNCILMEMBER BAISA: Thank you very much. That's a  
25 good -- good explanation. Thank you.

1 CHAIR PONTANILLA: Thank you.

2 Member Johnson.

3 COUNCILMEMBER JOHNSON: Just in regard to the -- you  
4 know, because of the savings, I guess you're looking at County  
5 matching funds that's less money, so, you know, I guess what  
6 you'd be doing is you'd be saying that instead of us matching  
7 what was put in by the -- through the grant, that now we'd be  
8 converting a portion of that into actual salary expenses and  
9 operations. Is that correct?

10 MR. ACOB: That is correct.

11 COUNCILMEMBER JOHNSON: Yeah. And do you have any  
12 idea when you would know whether or not the funds that have  
13 become available at the Federal level would actually be  
14 granted to you?

15 MR. ACOB: Well, the funds that would become  
16 available would be -- I don't think we should be taking that  
17 into account to possibly fund these positions for the reason  
18 that they're not guaranteed in the first place. We don't know  
19 how much we're going to get. And there might be a question  
20 of -- of supplanting if we're going to use those -- those  
21 funds later to fund these positions.

22 COUNCILMEMBER JOHNSON: Okay. So what you're  
23 anticipating, then, is the grant money would actually be used  
24 to basically, I guess, be the match to what we would have had  
25 in the past?

1           MR. ACOB: No. The grant funds that we anticipate  
2 to apply for would be used for additional temporary positions,  
3 because the main idea for the stimulus package is to create  
4 new jobs. That's the intention, and that would be what --  
5 what we would be doing; what I mentioned earlier about the  
6 Deputy Prosecuting Attorney handling juvenile cases, Legal  
7 Clerk and Crime Prevention Program Director.

8           COUNCILMEMBER JOHNSON: Yeah. And -- and I guess,  
9 you know, because then what you're doing -- you know, and this  
10 bothers me. Not what you're doing, but I mean about the  
11 stimulus monies, Mr. Chair. Because either, yes, we're  
12 creating jobs, but we should also be looking at it as saving  
13 jobs so that these people now don't fall into the other  
14 category of either being unemployed or having to take early  
15 retirement.

16           One question that I have -- Of course, the County  
17 matching funds has consistently been paid. I don't have, you  
18 know, the whole history, but, obviously, you've alluded to the  
19 fact that these are not new employees, they've been in these  
20 positions for years and years. And the traditional source of  
21 funding, if I'm hearing you correctly, has been that money  
22 that was coming from the grant program under Victim Witness or  
23 under this program for all of those years?

24           MR. ACOB: Yes. The career -- Career Criminal  
25 Prosecution Program and the Victim Witness Program, those are

1 the programs that are affected throughout the years. Within  
2 the last ten years the funding for those programs have been  
3 getting smaller and smaller. So at the same time during all  
4 those years the County was picking up the rest. The County  
5 was supplementing those programs. Now it has come to the  
6 point where the County has said or -- or it's justified that  
7 since the County is paying so much anyway, we should make them  
8 County positions because that is actually the case. The  
9 County is -- is providing for these positions.

10 COUNCILMEMBER JOHNSON: And -- and my assumption is,  
11 then, these have been, what, temporary? Have they been viewed  
12 as temporary positions dependent on whether the grant funding  
13 was there, or have they been civil service positions  
14 protected?

15 MR. ACOB: My understanding is they haven't been  
16 viewed as temporary. And that is why I'm -- I'm  
17 overemphasizing that whenever we have new positions funded by  
18 grants from this point on, including the possible positions  
19 that's going to be funded by the stimulus package, they're  
20 going to be -- we're going to make sure that people know  
21 they're temporary. But historically, you are correct that --  
22 well, my understanding is they have not been viewed as  
23 temporary or the people that were in there were not told that  
24 they were temporary.

25 COUNCILMEMBER JOHNSON: Okay. And they've been --

1 and they're, of course, covered by insurance, they're covered  
2 under the retirement program and all the benefits as any  
3 normal employee of the County would be?

4 MR. ACOB: That's correct.

5 COUNCILMEMBER JOHNSON: Okay. So, yeah, it's  
6 difficult, you know, because it's not fair to the employees.  
7 But it's also -- many times when these programs are created,  
8 the hope is that, yes, I will have gainful employment and  
9 eventually it will become a permanent position. But, you  
10 know, these are the things that over the years, it's very  
11 difficult for the County to now just look at -- and it's not  
12 just the cost of the salaries. It's -- it's the 76 cents on  
13 the dollar or 70 plus cents on the dollar for all of the  
14 benefits. And we're already, as we learned the other day, in  
15 the hole on that. So I hope we can find some way to continue  
16 to fund these positions and the benefits that go along with  
17 them.

18 But thank you. Thanks for explaining at least, you  
19 know, doing the best you can under the circumstances.

20 MR. ACOB: Thank you.

21 CHAIR PONTANILLA: Thank you, Member Johnson.

22 And thank you, Mr. Acob, for sharing that with us.  
23 Whenever you seek positions from the stimulus package, that  
24 employees are told up front that, you know, it is a temporary  
25 position. And, you know, as discussed earlier, if any full

1 position, full-time position open up, that maybe some of these  
2 temporary hires could move into those positions.

3 And, Member Johnson, you're right, you know, the  
4 stimulus package, you know, be it -- even the Police  
5 Department has a program, and the program is only for three  
6 years. So it seems like, you know, we want to hire people  
7 through a stimulus package, but it's all time limit. So  
8 that's what I've seen so far.

9 Member Kaho'ohalahala.

10 COUNCILMEMBER KAHO'OHALAHALA: Yeah. Thank you,  
11 Chair.

12 Mr. Acob, on the Budget Details and I'm looking at  
13 16-4 to 16-5 and then 16-6, help me to understand that. In  
14 your Budget Details for the general prosecution program, on  
15 the change amounts for those positions I see some of the  
16 percentages of change are quite substantial. So can you  
17 elaborate on -- on that for the salary changes?

18 MR. ACOB: Okay. This -- Mr. Chair.

19 CHAIR PONTANILLA: Mr. Acob.

20 MR. ACOB: This happens when we have a vacancy, when  
21 somebody leaves, somebody with a lower paying position leaves  
22 the position and we end up hiring somebody with -- with more  
23 experience because that's all we can find. Sometimes when we  
24 have a vacancy and it's budget time, we ask for the higher  
25 amount because we have no idea who we are going to -- who we



1 are going to get. And if we are going to get somebody who is  
2 new, then whatever savings there will be, will be ended up  
3 returning -- being returned to the General Fund.

4 COUNCILMEMBER KAHO'OHALAHALA: Okay. So as I look  
5 at that then, and starting at the top, then, of your spread  
6 for positions, that if I look at item No. 3 on that, the  
7 62,410 increases to 104. And are you saying that the person  
8 in that position, then, was paid at the 62 amount?

9 MR. ACOB: Yes.

10 COUNCILMEMBER KAHO'OHALAHALA: And then that that  
11 position is now vacant?

12 MR. ACOB: You know, this PA-0004, I'm not sure  
13 which particular DPA that actually pertains to, so, I'm sorry,  
14 I can't -- I can't answer that. But what I think is happening  
15 here is that since we have -- we have two vacancies right now.  
16 I don't know if this is one of them. I'm sorry, I can't.

17 But one scenario would be when we have a person that  
18 had only a few years of experience that was in that position  
19 and we already -- we hired somebody with nine plus years, the  
20 person with nine plus years will have this amount allocated to  
21 that, to that position.

22 I don't know -- I don't think Mr. Steele would be  
23 able to know from his memory who is PA-0004, so I -- no. He's  
24 shaking his head.

25 COUNCILMEMBER KAHO'OHALAHALA: Well, what I

1 understand is that because you are moving to make those  
2 changes and you're increasing them by 67 percent, almost 70  
3 percent, and in -- and you mentioned earlier that you were  
4 bringing those vacant positions up to -- to par and so you're  
5 asking for the maximum amount. So by that explanation, then,  
6 I'm -- I'm looking at what you have here. So are you saying  
7 that, then, that -- that's my question, that that's a vacant  
8 position that you're now going to put up to -- to the 210  
9 amount of 104?

10 Because if you look at that -- that entire column,  
11 then you have percentage increases up to -- in one case 80,  
12 85.7 percent. Yeah? So I just want to know, is that a -- is  
13 that a person that's currently in that position in this fiscal  
14 year and that they're going to be increased to -- by 87 or 86  
15 percent?

16 MR. ACOB: 86 percent. Okay. Here. 56. The 85.7.

17 COUNCILMEMBER KAHO'OHALAHALA: Yeah. I'm just  
18 trying to understand --

19 MR. ACOB: Yeah.

20 COUNCILMEMBER KAHO'OHALAHALA: -- how this is all  
21 working out and what --

22 MR. ACOB: Yeah. Yeah. What's the number again?

23 (Inaudible.)

24 UNIDENTIFIED SPEAKER: (Inaudible.)

25 MR. ACOB: Okay. This position is not vacant, so

1 it's -- what's -- what happened here is that there was a -- an  
2 attorney with few years experience that was allocated at  
3 56,000 or around there. And after that person left, we hired  
4 a new Deputy that required to be paid this amount or to be  
5 allocated this amount, and that is why we're asking for --  
6 we're asking for that amount.

7 COUNCILMEMBER KAHO'OHALAHALA: Okay. So, again, my  
8 question then: Those sections with those major differences in  
9 percentage increases -- you have 67 percent, 42 percent, 85  
10 percent, 50 percent, 55 percent. All of those positions in  
11 your -- are you saying, then, that they are now or were vacant  
12 and, therefore, now you're proposing to increase them in the  
13 010 fiscal year?

14 CHAIR PONTANILLA: Mr. Kaho'ohalahala, I noticed the  
15 big numbers myself. Maybe you can put it in writing and so  
16 that Mr. Acob has the appropriate time to review those numbers  
17 and provide us with that information.

18 COUNCILMEMBER KAHO'OHALAHALA: Okay. And then I  
19 just wanted to know that because -- are you saying that  
20 they're currently filled positions, but they're going to  
21 increase their salaries by that percentage? So that's why I  
22 wanted some explanation about what that --

23 MR. ACOB: Yeah.

24 COUNCILMEMBER KAHO'OHALAHALA: -- the differences in  
25 percentages are.

1 MR. ACOB: Okay. Well, first of all, we just can't  
2 increase anybody's position to a certain amount. The -- the  
3 salaries are set by the ordinance. If an attorney has nine  
4 plus years of experience, the allocated amount will be the  
5 104,772. If a person has zero, zero years experience, the  
6 allocated amount will be I believe about \$50,000.

7 COUNCILMEMBER KAHO'OHALAHALA: So with that  
8 explanation, Chair, then if a person were currently at 56,000  
9 and they're moving into their ninth year, then are you saying,  
10 then, that in their ninth year they jump up to 104,000?

11 MR. ACOB: No. First of all, that person would not  
12 be getting paid 56,000 if they had eight years, because the  
13 eight years require -- requires that they are paid I believe  
14 90 something thousand.

15 COUNCILMEMBER KAHO'OHALAHALA: Okay. Then -- then I  
16 need some explanation about what these changes are in -- in  
17 this spread here.

18 MR. ACOB: Okay.

19 CHAIR PONTANILLA: Okay. We'll get that  
20 information. That's half the raises if you --

21 COUNCILMEMBER KAHO'OHALAHALA: Yeah. I like those  
22 raises.

23 (Inaudible comments from the Council Members.)

24 COUNCILMEMBER KAHO'OHALAHALA: Okay. And that would be  
25 the only question I have, Chair.

1 CHAIR PONTANILLA: Okay. Thank you.

2 Member Medeiros.

3 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

4 Mr. Acob, looking at the budget proposal on page  
5 18-5, which is your performance measures, in general has your  
6 Department experienced a decrease in crime? Because, you  
7 know, I'm looking at this and there were like 16 categories  
8 that went down and about 11 categories that went up. Of  
9 course, the ones that went up are very serious crimes like  
10 domestic abuse, fraud, homicide, identity theft and negligent  
11 homicide/injury.

12 MR. ACOB: And robbery, also.

13 COUNCILMEMBER MEDEIROS: Yeah. So is it a general  
14 correct feeling that crime has gone down a bit?

15 MR. ACOB: No. These are projections. FY '09  
16 projection and FY '10 projection.

17 COUNCILMEMBER MEDEIROS: I see.

18 MR. ACOB: We -- the FY '09 projection was made  
19 based on the number of cases we've had at that time when we  
20 made this --

21 COUNCILMEMBER MEDEIROS: I see.

22 MR. ACOB: -- this document.

23 COUNCILMEMBER MEDEIROS: Okay. Thank you for that  
24 clarification.

25 And then on the following page, 18-6, under

1 Accomplishments, I just want to commend you and your  
2 Department and staff for those accomplishments as far as  
3 doubling the number of felony information which led to more  
4 felony criminal cases going to the judicial system and large  
5 drug bust and asset forfeiture actions. So I think those are  
6 very commendable accomplishments for you and your Department.

7 On the Budget Details on page 16-7 -- and I know you  
8 somewhat answered a part of this, but I just need some  
9 clarification on it. Under Budget Expenditures, which is at  
10 the very bottom, and under sub-object code 6316, County  
11 Matching Funds, which you explained, I believe, to Member  
12 Baisa; but what are we matching funds with? State or Federal  
13 money or both? Who are we matching?

14 MR. ACOB: We -- right now I should state that we  
15 still receive domestic -- Victim Witness funds, as well as  
16 Career Criminal Prosecution funds. We are still receiving --  
17 the Victim Witness funds require matching funds, and that --  
18 that's the -- that's what it is.

19 COUNCILMEMBER MEDEIROS: So if we receive a certain  
20 amount from that, then we have to have County matching funds  
21 for that?

22 MR. ACOB: Yes.

23 COUNCILMEMBER MEDEIROS: That's a requirement?

24 MR. ACOB: Yes.

25 COUNCILMEMBER MEDEIROS: So is it clear to

1 understand that because we went from '09, 310,843 down to the  
2 projection for 2010 of 31,000, that many of these funds are  
3 not available anymore for us to match up with?

4 MR. ACOB: That is correct. The -- and the 310,  
5 you'd have to understand, it's not only matching funds. That  
6 includes the supplemental for the shortage that we've had in  
7 '09. As I've indicated earlier, we've got the numbers -- the  
8 number's getting smaller and smaller every year. So on top of  
9 the true matching funds, we've had to make the shortfall, make  
10 up for the shortfall. And that -- that's what is represented  
11 in that 310.

12 COUNCILMEMBER MEDEIROS: Okay, Mr. Acob. Thank you  
13 for the explanations on these.

14 Mahalo, Mr. Chairman.

15 CHAIR PONTANILLA: Thank you.

16 Mr. Acob, coming back to Mr. Medeiros's questions on  
17 performance measurements in -- on page 18-6, the last four  
18 items you say percent of -- the first one, percent of felony  
19 cases with charging decisions made within 60 days of receipt,  
20 and you show percentage as far as how many percent you met for  
21 those type of cases. I'm looking at the percentage in regards  
22 to being met. Is the indication -- I look at this and I tell  
23 myself, you know, 49 percent, which was the actual for Fiscal  
24 Year '08, 49 percent was based probably on the manpower that  
25 you had to cover those cases.

1           MR. ACOB: That is correct. And I have to also  
2 state that the bar that we've set for ourselves, the  
3 standards, are pretty high. To charge felony cases within 60  
4 days of receipt, that's -- that's -- in other jurisdictions, I  
5 think that's -- that's -- they don't do it that much. In the  
6 past I can say that our division, our Department have not met  
7 the 60 days, you know, have not met the 49 or the -- the  
8 percentage was much less than that. So we've been increasing.

9           CHAIR PONTANILLA: Okay.

10          MR. ACOB: So we try to do our best.

11          CHAIR PONTANILLA: And all of these are based on the  
12 manpower you have to cover these cases that we have.

13          MR. ACOB: Yes.

14          CHAIR PONTANILLA: Thank you. And, you know, what I  
15 see here is pretty meaningful, you know, that can tell you  
16 almost that in order to increase those percentages, you know,  
17 you may have to increase your manpower requirements.

18          Member Nishiki.

19          COUNCILMEMBER NISHIKI: No.

20          CHAIR PONTANILLA: Member Victorino.

21          COUNCILMEMBER VICTORINO: Yeah. Thank you,  
22 Mr. Chair.

23                 So, Mr. Acob, basically you feel that this budget  
24 you've presented to us with the cutbacks, the additional or  
25 expansion positions for which we now, you know, kind of



1       encumbered from other areas that was funded by other means, do  
2       you feel that you can do the job that the people of Maui  
3       County need? Because why I ask that question is very simple:  
4       If you're going to have to come back in six months, a year, for  
5       expenditures or budget amendments for shortfalls, that -- that  
6       sometimes may be underestimating what you really need to do.  
7       But do you truly feel comfortable or like in this case, you've  
8       been kind of told to do this and that's the way it's going to  
9       be?

10               MR. ACOB: No, I -- we would be able to do our  
11       function with this budget. The possible Federal-funded  
12       positions that I open up with, that would be just to be even  
13       more effective. But we are -- we're going to be effective to  
14       the point where we're going to be confident that, you know, we  
15       are able to provide safety to our community.

16               COUNCILMEMBER VICTORINO: The other question I had,  
17       you know, of these -- the number of attorneys you have on  
18       staff, what's the general length of time experience-wise as  
19       far as your attorneys are concerned, their number of years of  
20       experience?

21               MR. ACOB: We have 32 right now including myself and  
22       the First Deputy. And I would say that half of the 32 would  
23       have at least seven years plus, and the other half I would --  
24       I would estimate would have less than seven. But we do have  
25       people with zero years experience, they just started out of

1 law school.

2 COUNCILMEMBER VICTORINO: Uh-huh (affirmative  
3 response).

4 MR. ACOB: We have people that started with us  
5 that's been with us for about two, three years now, so --

6 COUNCILMEMBER VICTORINO: So and as each year goes  
7 on, they get step increases as far as number of years of  
8 experience?

9 MR. ACOB: As provided by the ordinance.

10 COUNCILMEMBER VICTORINO: That's what you tried to  
11 explain earlier as far as how this all works?

12 MR. ACOB: That is correct.

13 COUNCILMEMBER VICTORINO: So if you hire somebody  
14 that had two years of experience, they leave you and you  
15 rehire somebody else who has nine years experience, that pay  
16 goes from that two year to that nine year level and that's --  
17 that's what you were explaining earlier?

18 MR. ACOB: That's correct.

19 COUNCILMEMBER VICTORINO: Okay. I thought I got the  
20 picture, but I was -- I wasn't certain, so -- okay. I'm glad  
21 for that, then. Thank you, Mr. Acob, for your candid answers.

22 MR. ACOB: Thank you.

23 COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

24 CHAIR PONTANILLA: Thank you.

25 Members, if you have any more questions regarding

1 the general prosecution program, if you can forward it to the  
2 Chairman and we'll get the answers for you from the  
3 Department.

4 Members, you know, that's going to be it for today.  
5 The Liquor Department, if you do have any questions regarding  
6 the Liquor Control Department, if you can also forward those  
7 questions to the Chair and, you know, we'll get those answers  
8 from the Liquor Control Department.

9 Members, at this time the Chairman would like to  
10 close public testimony if there's no objection.

11 COUNCIL MEMBERS: No objections.

12 CHAIR PONTANILLA: Thank you very much.

13 Okay. Members, again, you know, this is it for this  
14 morning. Tonight we'll be at the Molokai High School  
15 Cafeteria to receive public testimony on the Mayor's Proposed  
16 Fiscal Year 2010 Budget. And then we'll see you back here on  
17 Friday, March 27, and we'll take up the Department of  
18 Environmental Management.

19 And for, you know, Members that brought up a lot of  
20 questions regarding the specialized counsel, we'll try to get  
21 more information from the Department on Friday.

22 So, Members, have a good trip going to Molokai.

23 This meeting is now adjourned. (Gavel.)

24 ACTION: DEFER pending further discussion.

25 ADJOURN: 11:31 a.m.

1 C E R T I F I C A T E

2 STATE OF HAWAII )

3 ) SS.

4 CITY AND COUNTY OF MAUI )

5

6 I, Sandra J. Gran, Certified Shorthand Reporter for the State  
7 of Hawaii, hereby certify that the proceedings were taken  
8 down by me in machine shorthand and was thereafter reduced to  
9 typewritten form under my supervision; that the foregoing  
10 represents to the best of my ability, a true and correct  
11 transcript of the proceedings had in the foregoing matter.

12

13 I further certify that I am not attorney for any of the  
14 parties hereto, nor in any way concerned with the cause.

15

16 DATED this 10th day of April, 2009, in Maui, Hawaii.

17

18

19 Sandra J. Gran

20 Sandra J. Gran  
21 Hawaii CSR 424  
22 Notary Public for Hawaii  
Commission No. 200-198  
My Commission Expires: 5/14/12

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