

# COMMITTEE OF THE WHOLE

Council of the County of Maui

## MINUTES

August 20, 2009

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:01 a.m.

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Danny A. Mateo, Vice-Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Sol P. Kaho'ohalahala, Member (In 9:02 a.m.)  
Councilmember Wayne K. Nishiki, Member  
Councilmember Joseph Pontanilla, Member  
Councilmember Michael P. Victorino, Member

**EXCUSED:** Councilmember Bill Kauakea Medeiros, Member  
Councilmember Jo Anne Johnson, Member

**STAFF:** Kirstin Hamman, Legislative Analyst  
Camille Sakamoto, Committee Secretary

**ADMIN.:** Marian Feenstra, Executive Assistant, Office of the Mayor (Item No. 21)  
Cindy Y. Young, Executive Assistant, Office of the Mayor (Item No. 21)  
Traci Fujita Villarosa, First Deputy Corporation Counsel, Department of the Corporation Counsel (Item No. 3(2), 6(1))  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item No. 21)

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR MOLINA: . . .(*gavel*). . . The Committee of the Whole meeting for August 20, 2009 is now in session. For the record, we have in attendance the Vice-Chair and Council Chair Danny Mateo.

VICE-CHAIR MATEO: Good morning.

CHAIR MOLINA: Good morning, Mr. Chairman. And we have also Committee member Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR MOLINA: And Committee member Wayne Nishiki.

COUNCILMEMBER NISHIKI: Good morning.

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CHAIR MOLINA: And Committee member Mike Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR MOLINA: Good morning, Mr. Victorino. Excused are Members Johnson, Kaho`ohalahala, Medeiros, and Pontanilla. We have our Staff with us this morning; we have Kirstin Hamman as well as Committee Secretary Camille Sakamoto. And from the Corporation Counsel's office we have Traci Fujita Villarosa. Good morning, all. We have a somewhat light agenda today but I believe we can get through this in a very expedient manner. And joining us now we have Committee Member Pontanilla. Good morning Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CHAIR MOLINA: Three items are on our agenda, Committee of the Whole Item 3(2), Committee of the Whole Item 6(1), and Committee of the Whole Item 21. But before we proceed, we will first see if we have any members from the public who would like to give public testimony. Committee Secretary, do we have any sign ups for public testimony?

MS. SAKAMOTO: No, Mr. Chair.

CHAIR MOLINA: Okay, so far no sign ups. If there's any one in the gallery that would like to provide testimony on any of our three items, now is the time to approach. Seeing none, Members, seeing no one approaching if there are no objections, the Chair will close public testimony on all of our three items.

COUNCIL MEMBERS: No objections.

CHAIR MOLINA: Okay, so ordered by the Committee.

**ITEM NO. 3(2): HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2010 HSAC LEGISLATIVE PACKAGE) (C.C. No. 09-17)**

CHAIR MOLINA: All right. Let us start off with Committee of the Whole Item 3(2), which is the Hawaii Association of Counties 2010 HSAC Legislative Package. The Committee is in receipt of a correspondence dated August 7, 2009, from Councilmember Pontanilla transmitting the following proposed State bills and their corresponding justification sheets, and requesting the Committee's consideration of the bills for inclusion in the 2010 HSAC Legislative Package. First, a proposed State bill entitled "A BILL FOR AN ACT RELATING TO HOUSING". The purpose of the proposed bill is to extend the 45-day window for a legislative body to approve, approve with modifications, or disapprove an affordable housing project under Section 201H-38, Hawaii Revised Statutes, to 90 days. Two, a proposed State bill entitled "A BILL FOR AN ACT RELATING TO

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PROCUREMENT". The purpose of the proposed bill is to remove the requirement for local governments to comply with rules adopted by the policy board and to place the decision-making power to use cooperative contracts within the discretion of local governments. Now, Members, the Committee may consider whether to recommend that the proposed State bills and corresponding justification sheets be submitted to the HSAC Executive Committee for consideration as part of the 2010 HSAC Legislative Package. And the Committee may also consider other related action.

So, Members, before continuing on, the Chair would also like to recognize the presence of Committee Member Sol Kaho`ohalahala.

COUNCILMEMBER KAHO`OHALAHALA: Good morning, Chair.

CHAIR MOLINA: Good morning. All right. So with that said, the Chair will turn matters over to our Budget Chair Mr. Pontanilla for additional comments on this proposal.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. You know, for the last seven years we've been trying to get a Bill for an Act relating to Housing to extend the window for any 201G at the time, now it's 201H process -- extending the deadline from 45 days to at least 90 days. And the reason to that is that in order for this Council to make proper decisions because we're not experts in some of the things that we need to review like drainage, water issues, sewer issues, and this would give us ample time to make proper review and some proper recommendation in regards to the fast track housing process that the State has. Just for the Members' information, there are two bills -- one in the House and then another one in the Senate that keeps this bill alive. House Bill 221 as well as Senate Bill 98, and both bills have been deferred this past legislative session. And the focus, and the intent for this particular proposal is to keep the focus on, you know, with the State in regards to this two bills although it's still alive in the House as well as the Senate. So we need to lobby hard in trying to get this one package bill that has been in the legislative body for seven years.

The other one, a Bill for an Act relating to Procurement, and again, the purpose of the bill is to remove the requirements for local government to comply with rules adopted by policy board to place the decision-making power to use cooperative contracts within the direction [*sic*] of local governments. And basically, um, if we had the authority to purchase, you know, with our other local government agencies -- it could be the Big Island, City & County of Honolulu as well as Kauai, when we do purchase we could have a better result meaning savings. One of the schools in this State of Hawaii, Kamehameha Schools, do purchase through this procurement process and, you know, for a big school like that saving millions of dollars in purchases, you know, we, as a County, in fact, throughout the State, should at least take advantage of some cost savings. And that's the purpose of the two bills that is being proposed. And again, in this one here, the procurement, that also was deferred by the House and also public hearings were heard in

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the Senate but we still need to lobby hard for those two bills. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Pontanilla. And you, as our HSAC representative, we certainly appreciate all the extra time and effort that you put in to get our issues heard up at the State Legislature. Now, Members, I guess there are some . . . I guess we can consider two options with regards to action on these bills. Because these bills are already there, one option is we could defer this matter and then at the end of the term it could be filed. Or we could take action, and I guess some could say it's basically redundant if we do so again then of course it has to go through Council for I guess one or two readings. So I just kind of throw that out to you folks if it's the will of the body to formally take action or we can just defer because the bills are already there. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Again, you know, I think a note was sent down to see if anybody had any legislation that we would like to have introduced from this body to HSAC. I understand that the deadline for submittal to the State Legislature is January 27, 2010, so we do have a lot of time to add more bills that we think can support this County. So, we have till January 27, 2010.

CHAIR MOLINA: Okay, thank you. Thank you for making us aware of that as well, Mr. Pontanilla. Mr. Victorino?

COUNCILMEMBER VICTORINO: Mr. Chair, and with that information along with the fact that you know we have supported this for so many years and you know I would, and at your direction, I think I'd like to defer this matter so that we have an opportunity to add other concerns because I think some of us in this Chamber would like to put some things forward and with the rest of the Member's support send it down to the Legislature for their review and maybe even some enactments, yeah. So, I mean, that would be my take on this. I don't know what the rest of the body feels but these are being things we've discussed and I think we all . . . I mean, I don't want to speak for everybody but I agree with what's here. I think if we have to in 2010 may be sending us with Mr. Pontanilla's guidance some kind of deadline that we can get it to him so that we have time to work and send it down by January of 2010. So, I'll follow your direction, Chair, but that's my thought process as far as this is concerned, Chair.

CHAIR MOLINA: Yeah. Thank you, Mr. Victorino. You know, we have that option -- defer today, we can add some more, something else to it and, of course, the Committee will make sure that we do it in an expedient fashion because of the deadline that has been given to us by the State. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. I've never done any lobbying at the State Legislature but seven years to have a bill and not take action um . . . maybe Danny or Joe can fill me in on, is there resistance from the State that it's too long or is it within the Legislature that the resistance comes or is that . . . I don't know, is there an answer to that?

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CHAIR MOLINA: Either Mr. Pontanilla or Mr. Mateo, do you care to comment? Mr. Mateo?

VICE-CHAIR MATEO: Chairman, thank you very much and I will make an attempt to. I think one needs to understand that this, HSAC's proposal, the first one, on the extension from 45 to 90 days was really an attempt for the counties to be given ample time to review the so-called fast track processes. The biggest obstacle that stood in our way at the time perhaps was the development community that did not want the additional time because they wanted to continuously move their projects forward, and one needs to understand the strength of that lobbying force when it comes to the Legislators and the direct impact and involvement they have on those members. So, it did meet obstacles because some viewed this as slowing the process whereas the Councils throughout the counties saw it as giving the Councils the opportunity of better scrutiny and closer review and not just continuously fast-tracking because not all 201H projects are good projects. Some of them continuously need to be massaged and worked on. And this kind of extension gave us that opportunity to be more thorough. So, I hope I kind of in a roundabout way help you understand why it's taking so long, and the bottom line continues to be the strength of that other lobbying group that is very present in the State Legislature.

COUNCILMEMBER NISHIKI: Oh, okay. I never thought about that.

CHAIR MOLINA: Thank you, Member Mateo. And of course, with your prior experience as the Housing Chair you had very intimate knowledge with this proposal as well as Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Chairman, I'd just like to . . .

CHAIR MOLINA: Hang on, hang on. And now, Mr. Nishiki as our Housing Chair so, hopefully, the background that Mr. Mateo has given you can, you know, shed some light on why we run in such resistance. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. I'd just like to add that the Ways and Means Committee Chairman, Senator Kim, understood where the County was coming from because a lot of these 201H now are basically looking at a lot of land issue items. And she kind of supported this bill so I really appreciate Senator Kim for coming forward and saying that. The other thing that we all got to understand is, you know, because of the political game that goes on in our State Legislature, sometimes they add our proposals to other bills so that they can get their bills passed. So, there's chucking for positions, I guess, in trying to approve certain measures at the State Legislature. But I thought I'd just pass that because it seems unfair when they do that. So, Chairman, you know, my comments, thank you.

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

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CHAIR MOLINA: Thank you, Mr. Pontanilla. I guess the old proverbial horse trading and all kinds of things going up until the last minute. And Member Kaho`ohalahala is a former State Legislator, I'm sure and certainly appreciate what you said as well. Okay, Members, any other comments on either one of our two proposals before the Chair offers a recommendation?

COUNCILMEMBER VICTORINO: Recommendation.

CHAIR MOLINA: Okay, Chair's recommendation, Members, is to defer this matter. This will give any one of you the opportunity to submit anything else to the Legislative Package. And again, as the Committee Chair, I would ask that you get your proposal in as soon as possible so we can get it addressed and get it to the State Legislature by the January deadline. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Thank you, Chair. Just a brief question. On the HSAC Package, and maybe this is to Councilmember Pontanilla, when we decide and determine or support something to be included in the Package, who will be lobbying or advocating for the bill at the Legislature?

CHAIR MOLINA: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. When we had Mr. Kane as our lobbyists for the Council, he did all of the tracking, and he was pretty good at it. This time around, I think both Member Mateo and myself and I don't know who else in this Council lobby it for our proposal. So, this past session, basically Chairman Mateo and myself lobbied for our bills.

CHAIR MOLINA: Mr. Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Okay, then as an HSAC bill or package then you don't have the ability or there's no HSAC advocate to take the package because this would be included in other bills from the Counties of the State of Hawaii, correct?

COUNCILMEMBER PONTANILLA: Correct.

COUNCILMEMBER KAHO`OHALAHALA: So is there an organized entity that HSAC has that advocates for a package that comes from across the counties?

CHAIR MOLINA: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Um . . . no. We don't. Again, this is the first time this past session that each County did their own lobbying. Previous year when we had

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Councilmember Cachola because he's so familiar with the goings of our legislature, basically, he did the lobbying for HSAC being next door to the State of Hawaii, to the Capitol, actually. So, no, we haven't discussed anything like that in regards to hiring a lobbyist for HSAC.

CHAIR MOLINA: Is it because of funding issues as well . . . to hire a lobbyist?

COUNCILMEMBER PONTANILLA: Funding . . . well, basically, the idea came about but we just never pursued it.

CHAIR MOLINA: Mr. Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: I guess, Chair, I'm trying to understand this is an HSAC packaged kind of process. I would expect that HSAC itself would have someone who is coordinating this through the legislative processes. If not, then we're standing alone, and that, to me, defeats the purpose of having an entity like HSAC, which would be a coordinated County effort versus individual counties. And at this point, even if we label it as an HSAC package item, and we're ending up having to support it ourselves as an individual County it defeats that whole purpose of . . . it's in my view the strength of HSAC is to collaborate within the counties to support the package. That's the strength of I think . . .

COUNCILMEMBER PONTANILLA: Let me make one thing clear. When we have our package that we need to bring forward to our State Legislature, we do meet with the Senate as well as the House members in regards to the package that we have proposed. But to have a focal I don't think HSAC have the funds to hire someone to look at, you know, follow our bills, the HSAC bills. Maybe that's something that I can bring forward again at our HSAC meeting. But again, what would be the cost to HSAC, and if the counties are willing to coney [*sic*] up more in regards to hiring a lobbyist just for four bills or whatever number of bills that we have.

CHAIR MOLINA: I think what you bring up is interesting. I think, Member Kaho`ohalahala, I think it's worth the discussion at the HSAC level is like why package it as HSAC if they don't have the lobbyist to lobby on behalf of all the counties. So it seems . . . the labeling I think is the issue. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, Chair, we just talked about what the processes were at the legislative level and what some of the experiences are, and you know, just from my own experience being at the Legislature that it's best to have an organized effort to push any item through the Legislature and that requires a whole set of movements, and it's not just a one-time enter it and then it's suppose to take its own course on its own. But I think the strength in this is that if we could coordinate with the counties that would be very powerful in terms of presenting not just a bill at the

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Legislature but then following that with a coordinated effort to advocate the bill through the legislative process. And then maybe the success is yet to be found if we can find a method in which to do so. So I'm just hoping that, that's where we're steering our HSAC efforts so that we get the best support and collaboration Statewide for the counties.

CHAIR MOLINA: Okay. You make a good point, Member Kaho`ohalahala. I'm sure Member Pontanilla will certainly bring that up to his counterparts. Member Baisa?

COUNCILMEMBER BAISA: Uh, yes, thank you very much, Chair. I've been sitting back here listening to the discussion. Although I'm a newcomer here, I definitely have many, many years of lobbying experience at all levels of government, not only here and on Oahu, but in Washington. And for what it's worth one of the reasons why I did not particularly support a Maui County lobbyist was I thought that what we really need is an HSAC lobbyist. And that way, every County would pay its fair share to pay for the cost of that professional effort and receive benefits in relation to the investment. Because when we lobby for an HSAC benefit and others don't help us out, that's not fair because we all receive the benefit. Whereas, if we go ahead as an HSAC group and everybody pays a proportionate share of, a fairer proportionate share of what it costs to do that then that's, you know, how it's done. And of course that person is subject to direction from the entire HSAC group. You know I think that our fellows did a great job this past session. Danny and Joe were down there a lot and they did a great job based on short notice because we made that decision kind of late into the session. But they were down there doing the best they could for us. But maybe in preparation for this next time, HSAC might want to take a look at an alternative. It really is not that expensive when it's shared by everyone. And then there is a person who is the point person who is very familiar with the Legislators, is familiar with their Staff, is familiar with how things are done, can organize testimony, has the blast e-mails all set up and, you know, can relate with all of the constituents when you need 600 e-mails going to a Legislator's office. All they do is press the button because that's their job and they're paid to do that, and they do a very good job. They know how to get in and get out. I've had that experience. They are folks on Oahu who do that very, very well as well as in Washington, D.C., and it comes back. You know, I used to have to raise nongovernment money to help with our contributions to the lobbyists but it was well worth the money because they were onsite and they would help us a lot. So, you know, I'm not a senior in this organization in terms of HSAC but I do have that experience and my experience has been very positive.

CHAIR MOLINA: Thank you, Member Baisa, and you've had a vast amount of experience having been on the other side; now that you're a legislator, you've had the unique experience of seeing both sides. So, Member Pontanilla, I know your plate has now been added to so I'm sure . . .

COUNCILMEMBER PONTANILLA: Chairman, I'll take this back to our HSAC Committee. And like Member Baisa had mentioned, you know, there are good lobbyists on Oahu that

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can be hired but, you know, at what cost? And if all of the counties are willing to increase their dues then fine. But, you know, we'll bring it up for discussion.

CHAIR MOLINA: Very good. Okay. Thank you very much. If there are no other discussion, then again, the Chair's recommendation is to defer.

VICE-CHAIR MATEO: Mr. Chairman, I move to defer the item.

CHAIR MOLINA: Okay. It's been moved by Chairman Mateo to defer the item. Is there a second?

COUNCILMEMBER PONTANILLA: Mr. Chairman, second.

CHAIR MOLINA: Okay. It's been seconded by Member Pontanilla. Any discussion?

COUNCILMEMBER VICTORINO: Nope.

CHAIR MOLINA: Okay, seeing none, the Chair will call for the vote for deferral. All those in favor of deferral signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR MOLINA: All those opposed? Thank you. Chair marks it 7 ayes, 2 excusals - Members Medeiros and Johnson.

**VOTE: AYES: Councilmembers Baisa, Kaho'ohalahala, Nishiki, Pontanilla, Victorino, Vice-Chair Mateo, and Chair Molina.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Johnson and Medeiros.**

**MOTION CARRIED.**

**ACTION: Recommending DEFERRAL.**

CHAIR MOLINA: Very good, Members. Let's move on to Committee Whole 6(1).

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**ITEM NO. 6(1): AMENDMENTS TO THE RULES OF THE COUNCIL (MEETINGS OF THE COUNCIL) (C.C. No. 09-29)**

CHAIR MOLINA: Amendments to Rules of the Council. The Committee is receipt of a correspondence dated February 4, 2009, from the Council Chair, requesting consideration of a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO MEETINGS OF THE COUNCIL". The purpose of the proposed resolution is to amend the Rules of the Council to acknowledge that there may be times when it is infeasible to hold a regular Council meeting on the first and third Friday of the month, and to accommodate the rescheduling of a regular Council meeting by the Council Chair where circumstances dictate. Now, the Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions as well as consider other related action. So, for this matter, the Chair will turn matters over to Chairman Mateo to give additional comment on this particular issue. Mr. Mateo?

VICE-CHAIR MATEO: Thank you, Mr. Chair. And I believe the communication was really quite self-explanatory. I think the case-in-point was a while back when we had a scheduled Council meeting and we were hit with a weather condition that forced us to cancel the scheduled Council meeting from the original first and third Friday of the month. I think it became evident to us that there's nothing in our Rules that gives us now the opportunity to reschedule these meetings because the Rules are specific enough. And the reason for the amendment is to now give us that kind of flexibility that in the event of circumstances beyond our control that we have the opportunity to make those changes as the situation warrants them. And this is no rocket science involved here. All we're trying to do is provide the opportunity for us to, in fact, have that flexibility to deal with immediacy or changing moments that do provide handicaps for us in meeting our Council Rules. Thank you, Mr. Chair.

CHAIR MOLINA: All right, thank you, Mr. Mateo. Members, any other comments? Just for the record, I want it read into the record by Staff, if you could read the . . . I guess under the BE IT RESOLVED and just read the passages especially the areas that have been underscored with regards to the resolution. Ms. Hamman?

MS. HAMMAN: Thank you, Mr. Chair. Would you like me to start from right after the BE IT RESOLVED?

CHAIR MOLINA: Yes, please.

MS. HAMMAN: "BE IT RESOLVED by the Council of the County of Maui that Rule 2 of the Rules of the Council, relating to meetings of the Council, shall be amended as follows (with the new material underscored): A. Regular meetings. Regular meetings of the Council shall be held in the Council Chamber at the County Building, Wailuku, Hawaii, on every first and third Friday of each month, to the extent feasible. If the regular Friday meeting is a holiday or is in conflict with an important public event, the Chair may

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reschedule the regular meeting date either for the prior business day or for the second business day following such Friday. The Council or, in exceptional circumstances, the Chair may reschedule a regular meeting for a different time, date, and place within the same month.” Mr. Chair, there are no other changes through Sections B and C. Would you like for me to read those as well?

CHAIR MOLINA: Members, you want B and C read as well or is just Section A sufficient?

COUNCILMEMBER VICTORINO: No.

CHAIR MOLINA: That will be fine, Ms. Hamman. Members, additional comment on the proposed . . . Amending the Rules of the Council?

COUNCILMEMBER VICTORINO: No.

CHAIR MOLINA: If not, the Chair is ready to offer a recommendation?

COUNCILMEMBER VICTORINO: Recommendation?

CHAIR MOLINA: Okay. The Chair’s recommendation is to entertain a motion to adopt the proposed resolution amending the Rules of the Council relating to meetings of the Council.

VICE-CHAIR MATEO: Mr. Chairman, I move for the adoption of that proposed resolution as you have just mentioned.

CHAIR MOLINA: Okay.

COUNCILMEMBER PONTANILLA: Mr. Chairman, second.

CHAIR MOLINA: Thank you. It’s been moved by Chairman Mateo and seconded by Member Pontanilla to adopt the resolution to amending the Rules of the Council relating to meetings of the Council. Any discussion? Seeing none, all those in favor signify by saying “aye”.

COUNCIL MEMBERS: Aye.

CHAIR MOLINA: All those opposed? Thank you. The Chair marks it 7 ayes, 2 excusals - Members Johnson and Medeiros.

**VOTE: AYES: Councilmembers Baisa, Kaho’ohalahala, Nishiki, Pontanilla, Victorino, Vice-Chair Mateo, and Chair Molina.**

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**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** None.

**EXC.:** Councilmembers Johnson and Medeiros.

**MOTION CARRIED.**

**ACTION:** Recommending ADOPTION of resolution.

CHAIR MOLINA: Moving right along. We're now down to our last item for this morning, which is Committee of the Whole 21 - Membership of Committee on Status of Women.

**ITEM NO. 21: MEMBERSHIP OF COMMITTEE ON STATUS OF WOMEN**  
(C.C. No. 09-214)

CHAIR MOLINA: The Committee is in receipt of County Communication No. 09-214, from the Mayor, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.40, MAUI COUNTY CODE, PERTAINING TO THE COMMITTEE ON THE STATUS OF WOMEN". The purpose of the proposed bill is to establish that the Committee on the Status of Women shall consist of seven members. The Committee may consider whether to recommend adoption of the proposed resolution with or without revisions. The Committee may consider the filing of County Communication No. 09-214 and other related action. And Members, joining us we have from the Mayor's Office we have Marian Feenstra and Cindy Young. And from the Corporation Counsel's Office we have Jeffrey Ueoka. Good morning. All right, I will turn matters over to either Ms. Feenstra or Ms. Young to further expound and give us additional comment on this matter.

MS. YOUNG: Thank you, Mr. Chair and Members. Before you is a bill that would amend the Code to provide for a total membership on the Committee on Status of Women from nine members to seven members. The primary reason for this bill is the Committee has been experiencing for a significant period of time quorum issues because with nine members you do need five as a bare quorum. So there have been meetings that have had to be canceled because the Committee was not able to have quorum at certain meetings. There were a number of meetings also that had bare quorum in attendance. So that would be the primary reason for this bill. We have had I think in the last few years we have had trouble getting, establishing nine and keeping nine members on the Committee.

CHAIR MOLINA: Thank you, Ms. Young. Ms. Feenstra, do you have additional comments to add?

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MS. FEENSTRA: Uh, no. Good morning, Council members. It's pretty much as Cindy had indicated. As you know, it's difficult to find volunteers in these economic times and if just moving down the membership from nine to seven, I think would greatly improve our efforts in recruitment.

CHAIR MOLINA: Okay. Thank you, Ms. Feenstra. Committee members, questions? We'll start with Member Baisa followed by Member Victorino.

COUNCILMEMBER BAISA: Thank you very much, Chair. Of course it makes me sad that we are lowering the amount of people on the Committee on Status of Women. It appears there's much to be done but I am kind of curious. Can somebody outline what the primary responsibilities of this committee is?

CHAIR MOLINA: Ms. Young or Ms. Feenstra?

MS. YOUNG: Well, this is a Committee that is established primarily by State law, by Hawaii Revised Statutes, and they deal with . . . (*CHANGE TAPE - SIDE 1B*) . . . health issues. There's also a State Commission on the Status of Women that also has some initiatives that the County's Committee on Status of Women can also incorporate into their programs as well.

COUNCILMEMBER BAISA: Thank you, Ms. Young. When does this Committee meet? How often?

MS. YOUNG: They meet once a month. Typically it is the third Tuesday of the month. And typically it would be at 12 noon would be their regularly scheduled meeting.

COUNCILMEMBER BAISA: You know, as much as I feel sad to see their numbers having to go down, I do realize the realities of it and I think that a seven-member committee is probably adequate because it doesn't sound to me like the Committee has a tremendous amount of work and projects that they're doing. If they were, then I would say they need a bigger group because the more hands make light work to head committee and subcommittees and do different things. But I think I can be comfortable with the seven.

CHAIR MOLINA: Thank you, Member Baisa. Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you, Chair. I'll say I feel a little bit differently. I feel very uncomfortable when we start reducing numbers because I understand the reality of volunteerism and I understand that they are much more challenging times today than they may have been two, three years ago. My question to you because I'm reading here what the Committee on the Status of Women here, I just go on the webpage, develop information as a State Commission on Status of Women

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required or as a committee deemed advisable concerning the Status of Women within the County submits it to the State Commission and proposals affecting the Status of Women in the County. Well, I kind of call that very important. It doesn't seem to be a minor issue. To me, it's very important. Endeavors to secure the widest possible citizenship participation in its efforts and may utilize existing public or private organizations. It also sponsors the annual Women Conference, so all that seems very important. And to reduce it seems somewhat nebulous in the sense that I don't see it being a good thing to happen. My question first of all to you is, how long has this been existing? A year, two, three, how long has this problem, first of all, in filling the positions and secondly, getting quorum has existed?

CHAIR MOLINA: Okay. Ms. Feenstra or Ms. Young?

MS. FEENSTRA: Since I've been in this position, it has existed continually. If you look at the membership, generally speaking we have seven active members and we're recruiting two other ones due to resignation or just an inability to find members that are willing to serve on this particular committee, whether it's the time that the meeting is held at or just that the, you know, boss has to be willing to, if they're working individuals, or you're looking at retired folks. We do, we would like to have a variety of women or men . . . men are allowed to serve on this board, age group, ethnic group, different communities. If we have a seven-member committee, which is generally the membership we've been having the past 2 ½ years, we feel that they will be able to produce more work because they'll make their quorum.

COUNCILMEMBER VICTORINO: Well, and you hit another question I was going to ask is the time, noon, I guess that was decided because that's usually lunch hour for a lot of people so they can participate. But, however, I think if you have any what I call extensive material to cover one hour is not enough to conduct a meeting if I'm probably correct in asking, right?

MS. FEENSTRA: Yeah. It's a two-hour scheduled meeting.

COUNCILMEMBER VICTORINO: Two-hour scheduled meeting, right, okay. So, has the thought or has any discussion been covered as far as changing the time, which would make it more conducive? The only thing changing the time I'm not saying move it to 9 o'clock in the morning because that makes it even worse. Why not have it late in the afternoon? Now, I've heard this thing about, well, you know, we gotta pay overtime for whatever or whoever has to be there, Corp. Counsel or whomever. I don't know at this meeting who needs to be there at this meeting. However, to me, we need to expound the horizons and think out of the box. In other words, why do we have to have it at noon or one or nine? Why not have it at three, four, where people could participate? Maybe you might get more public participation. I don't know. I don't know if that will always work. But we seem to want to change things to make it easier instead of change things to make

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it more participatory and I guess that's what I'm trying to cover at this point. Has that been explored?

MS. FEENSTRA: Well, actually, the members have selected the day and time . . . what works best for them. So, I don't think we've explored doing it outside of County work hours or County work days. But the time of the meeting and the day of the meeting has been one that has been selected by the membership.

COUNCILMEMBER VICTORINO: And how long has this been in existence?

MS. FEENSTRA: That particular day?

COUNCILMEMBER VICTORINO: Day and time, yes.

MS. FEENSTRA: They've changed it occasionally because on the agenda, each month's agenda, there's a topic on the agenda for the next month's meeting. They try to keep it consistent so people can plan out their vacations and things like that. But if they do need to change it, they do have that opportunity on the agenda each month.

COUNCILMEMBER VICTORINO: Okay, thank you, Mr. Chair. There are a few more other questions but I'll let other Members ask, and if they're not asked, then I'll ask them. But thank you, Mr. Chairman.

CHAIR MOLINA: Thank you, Mr. Victorino. And Ms. Feenstra, it's interesting you brought up the issue that men can also join. And I guess maybe the title potentially could, people may just assume or men may assume well this is only for women. But, gentlemen, if you're out there, if you want to participate on a committee like this, it's open to you as well. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: We might have to increase the number. . . . *(chuckled)* . . . My only question is by reducing the number to nine *[sic]*, does that put any displacement for a Molokai or a Lanai participant?

MS. FEENSTRA: Actually, there are only seven members on the Board. So it would not displace any of the current members. We do not have a member from Molokai nor Lanai, no applicants.

COUNCILMEMBER KAHO`OHALAHALA: So at this point, by reducing it to seven then you would not have any vacancies available until when then?

MS. FEENSTRA: Let's see. There will be a vacancy in the next term which starts 04/01/2010.

COUNCILMEMBER KAHO`OHALAHALA: Okay, April 2010. Okay. I just wanted to make

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sure that the reduction in numbers don't exclude Lanai and Molokai in terms of participation. Thank you.

CHAIR MOLINA: Thank you, Ms. Feenstra. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. You know, kind of unusual that we don't have anyone from Molokai, Lanai or even Hana. But my question is, if we do have applicants that want to serve from either island - Molokai or Lanai, the County pays for their travel expense? And have we tried to advocate for some representative from either island?

CHAIR MOLINA: Ms. Feenstra?

MS. FEENSTRA: Well, we have our annual recruitment effort that we do every year the end of December, beginning of January, and we do continue with some except applications on a continuous basis and, unfortunately, it is difficult to get members from Lanai and Molokai community because they do have to travel. And a lot of them, it's difficult for them to travel or they don't have the time. So, instead of a two-hour day for them it is a full day experience. I'm thinking that that's probably the reason why it's difficult to find members for this particular Committee.

COUNCILMEMBER PONTANILLA: Do we advertise in the local newspaper or papers on both islands or just the *Maui News*?

MS. FEENSTRA: We do advertise in the local newspapers. We also post flyers at the libraries and at the community centers. And I've also posted them at swimming pools.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chairman.

CHAIR MOLINA: Okay, thank you, Member Pontanilla. Committee Members, additional questions? Member Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Just a follow-up because it just brought to mind. Where are your meetings normally held?

MS. FEENSTRA: The meetings are normally held in the County building -- either the Mayor's Conference Room, sometimes Liquor Commission's Conference Room, other times the Housing and Human Concerns' 4<sup>th</sup> floor Conference Room.

COUNCILMEMBER KAHO'OHALAHALA: Okay. And then are these sites have the ability to do any telecommunication?

MS. FEENSTRA: I don't believe so. I believe that we would have to locate, to oh, you mean,

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telecommunications, I was thinking video communications. Telecommunications I believe we do have that capability but I'll have Jeff answer the legal . . .

CHAIR MOLINA: Mr. Ueoka?

MR. UEOKA: Well, Sunshine Law requires video communication. It can't just be telephone. It has to be video.

COUNCILMEMBER KAHO`OHALAHALA: Okay. And just to clarify -- the question does mean video telecommunications. Okay. So do we have that capability at these sites?

CHAIR MOLINA: Ms. Young?

MS. YOUNG: I can't speak to the Liquor Conference Room because they haven't met their since I have been staffing them but I believe the Housing Conference Room does not have video conferencing. And the Mayor's Conference Room I think at this time does not have video conferencing as well.

COUNCILMEMBER KAHO`OHALAHALA: Okay. Chair, I was just thinking about you know more and more we're going to have to be faced with the reality that our County of islands need to somehow be linked up. And if it's not possible for them to travel because of the time involved or the expense, then we should be putting in place a video telecommunication system that allows participation from Molokai, Hana, or Lanai to be a member of a commission or a board that we offer and have participation using the technology. And it's time that we start considering such, you know. I know for a fact right now that the Lanai office is hooked up directly to my office through our own video telecommunication that's right here on the computer. And all you need is a computer with a camera and you can be there live and interactive. So, it's here within our County. I'm utilizing it right now. I can meet with a person on Lanai from the Lanai office directly here. Aside from that, there are skype opportunities that's available for free that can hook up any person that has Internet access and has a computer with a camera. So, those tools are available right now and it should not be limited, you know, in terms of having to physically move a person to participate in a Commission or a Board when we can provide these additional tools because we are a County of islands. So, I just kind of leave that thought for us.

CHAIR MOLINA: Thank you.

MS. YOUNG: Mr. Chair, if I may?

CHAIR MOLINA: Go ahead, Ms. Young?

MS. YOUNG: Regarding skyping in Members who may be off-. The one thing that we have

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been informed is that the law requires that the member that is being skyped in or video-conferenced in has to be at a site that's made available to the public. So that has been a concern. The members are aware that, that is the State of the law. They had inquired about that because they had that same thoughts that you have, Member Kaho`ohalahala but it was a concern because we did have members who were willing and offering to be available by skype but they weren't able to be video-conferenced in from a public site.

COUNCILMEMBER KAHO`OHALAHALA: Okay.

CHAIR MOLINA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Just a clarification. By public site you mean a facility at which a computer would be set up that would be skyping?

MS. YOUNG: That would be available to the public so the public could come in and be there, yes.

COUNCILMEMBER KAHO`OHALAHALA: So, we have County facilities. We have community centers, we have spaces that are available. And if there simply is a public area that needs to be located, then I don't know why we wouldn't look at coordinating a meeting that would include a neighbor island public site that maybe a County facility for that matter and then just have this set up there and allow people to participate by sitting in on the meeting too.

MS. YOUNG: And we can look at that further. That was a thought that they could be available at a community center or some other public venue.

COUNCILMEMBER KAHO`OHALAHALA: Okay, thank you., Chair.

CHAIR MOLINA: Okay. All right. Member Baisa followed by Member Pontanilla.

COUNCILMEMBER BAISA: Oh, yes, thank you very much, Chair. Just very recently I had brought up this same issue that Member Kaho`ohalahala is bringing up and had a PAF done so that we could look into it. And Kim Willenbrink in Council Services did the work. And she shared the results with me a couple of weeks ago and it's not a new idea. Of course others have thought about it before so they had some previous work done but she also followed up and looked at cost, looked at the availability of facilities that would meet the Sunshine Law and the legal requirements to have these kinds of meetings, and what we found was that it was very expensive to find facilities that would work and also that that the facilities that would meet the requirements were not adequate, particularly on the neighbor islands. You cannot have a public meeting where the teleconferencing equipment is on some of these smaller County offices. They just don't have the facilities; it's too small. But what I would like to do is if you could request that from Ms.

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Willenbrink I'm very sure we should circulate it probably to all the Members so that everybody can see the results of that. After I talked to her, I told her that it doesn't look like we can do this any time soon so just drop it. But I think it would be very good because we have the information to circulate it so that everybody can take a look at it. And Member Kaho`ohalahala has a lot of knowledge. He may see possibilities that I did not.

CHAIR MOLINA: Okay, thank you, Member Baisa. One, it is a cost issue but it's something worth looking into. You know, I apologize, I think I've been a little lenient on we've kind of gone beyond the agenda item here a little bit so but there is a tie in but I think for another time we could get into a deeper discussion on your accessibility to our neighbor islands when it comes to varies boards and commissions. So --

COUNCILMEMBER KAHO`OHALAHALA: Yeah . . .

CHAIR MOLINA: --if we could get back to the Status of Women. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: I was just going to offer an idea, you know, possibility of utilizing Maui Community College . . . I don't know what they call 'em -- sky box or whatever. It's a public facility and you do have classrooms that are big enough to handle public, you know, participation. I thought I'd just pass that idea. Thank you.

CHAIR MOLINA: Thank you. And I think we could have a deeper discussion on this because it's a monetary issue, maybe in your committee, Member Pontanilla, you know, for the future? . . . (*chuckled*) . . . Just food for thought.

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

CHAIR MOLINA: Mr. Kaho`ohalahala, questions on the membership on Committee on the Status . . .

COUNCILMEMBER KAHO`OHALAHALA: I wasn't trying to purposely move us off target but I only wanted to emphasize that since your presentation here for the reduction and the fact that you have no participants from Molokai and Lanai because of travel, because of distance, because of time, then I think those are legitimate reasons for us having to look for alternatives and this I was hoping will present you with an alternative that could be considered so that the participation is afforded to the neighbor islands within our County. So, that's all.

CHAIR MOLINA: Okay, thank you. Thank you, Mr. Kaho`ohalahala. But you know it's interesting because there was a tie in with you just bringing the subject up you know with Molokai and Lanai's participation. So, I sort of let you guys expound on it further so I take the full blame on that. But it is certainly definitely an issue worth discussing in the

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near future whether it be in this Committee or another Committee. So with that said, Members, the Chair is ready to offer a recommendation on Committee of the Whole 21.

COUNCILMEMBER VICTORINO: Recommendation?

CHAIR MOLINA: Okay, the Chair will entertain a motion to adopt the proposed resolution *[sic]* for a bill amending Chapter 2.40, Maui County Code, pertaining to the Committee on the Status of Women and the filing of the communication.

MS. HAMMAN: Mr. Chair, just to clarify --

CHAIR MOLINA: Staff

MS. HAMMAN: --it would be the Committee is considering a bill to be passed on first reading. So I think you said resolution.

CHAIR MOLINA: Oh, okay, excuse me. All right, let me restate the motion then. The Chair will entertain a motion to adopt the proposed resolution. Staff, is that acceptable? In a more broader sense . . .

MS. HAMMAN: I think the proper motion would be to pass the bill on first reading.

CHAIR MOLINA: Okay. The Chair would entertain a motion to pass the bill on first reading which is for an ordinance amending Chapter 2.40, Maui County Code, pertaining to the Committee on the Status of Women along with the filing of the communication.

VICE-CHAIR MATEO: Chairman, I move that the bill for an ordinance amending Chapter 2.40, Maui County Code, pertaining to the Committee on the Status of Women be passed on first reading.

COUNCILMEMBER PONTANILLA: Mr. Chairman, I second the motion.

CHAIR MOLINA: Okay, it's been moved by Chairman Mateo, seconded by Member Pontanilla. Discussion, Members? Member Pontanilla?

COUNCILMEMBER PONTANILLA: Does it include filing of the County Communication No. 09-214?

CHAIR MOLINA: Okay, thank you. That was the Chair's recommendation to include the filing of the communication.

COUNCILMEMBER PONTANILLA: Okay, fine, thank you.

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CHAIR MOLINA: And that was including your second as well. Okay, Mr. Victorino? Comments on this?

COUNCILMEMBER VICTORINO: Yeah, Mr. Chairman, I cannot support this one, okay. And it's not because, not with the rationale of not having participation and all that, and the lack of participation or lack of volunteers. I understand that is the real world we live in today, but I think when you go from nine to seven you start reducing opportunities. I think that makes it more difficult in the future because now you have to come back and add 'em back on. I agree that we should look at participation from Molokai and Lanai and Hana somehow, some way. Sometimes we just put these little ads or these little . . . what you've done and not enough of the right people see it. The other thing is, maybe some of the people that are on the Committee should be actively looking for others that they think could help. So by reducing it from nine to seven I cannot support that. It's not the idea and I understand the challenges that we face but in my heart once we start reducing numbers, we're moving in the wrong direction when you're talking participation. Yet there are other times when I wish there would be less participation so we can get our work done. But it's a darn if you do and darn if you don't kind of situation in this world we live in, isn't that correct? So, Mr. Chair, just for this point I'm not in favor of reduction at this time without all of the other options, like have been mentioned here, be looked into and especially Molokai and Lanai, our neighboring districts not being represented. Not that they didn't have the opportunity but I think I cannot support it for that purpose and that purpose only. Thank you, Mr. Chair.

CHAIR MOLINA: Okay, thank you, Mr. Victorino. Additional comments, Members, as it relates to the motion on the floor? Okay, seeing none, all those in favor signify by saying "aye"; all those "opposed".

COUNCILMEMBER VICTORINO: No.

CHAIR MOLINA: Okay, we have six ayes; one no - Member Victorino, and two excusals - Members Johnson and Medeiros. Very good.

**VOTE: AYES: Councilmembers Baisa, Kaho'ohalahala, Nishiki, Pontanilla, Vice-Chair Mateo, and Chair Molina.**

**NOES: Councilmember Victorino.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Johnson and Medeiros.**

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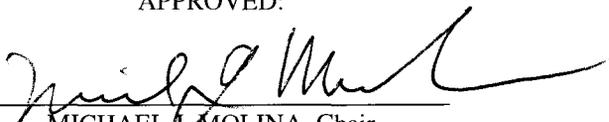
**MOTION CARRIED.**

**ACTION: Recommending FIRST READING of bill and FILING of communication.**

CHAIR MOLINA: All right, Members, I believe that concludes our business for the day. The Chair would like to thank the Administration as well as our hard working Staff, and you, most of all as well for showing up here to consider action on all of these agenda items that we had here today. The Chair appreciates all of your professionalism and dedication. It is 9:53 a.m.; today is August 20, 2009, this Committee of the Whole meeting is now adjourned.. .(*gavel*).. .

**ADJOURN:** 9:54 a.m.

APPROVED:

  
MICHAEL J. MOLINA, Chair  
Committee of the Whole

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Transcribed by: Jo-Ann C. Sato