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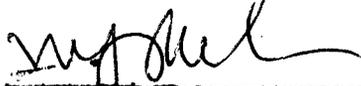
COMMITTEE OF THE WHOLE  
COUNCIL OF THE COUNTY OF MAUI

MINUTES

September 3, 2009

Council Chamber, 8th Floor

APPROVED:

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Committee Chair

REPORTED BY: CAMMIE GILLETT, RPR, CSR #438

1 CONVENE: 9:06 a.m.

2 PRESENT: Councilmember Michael J. Molina, Chair  
3 Councilmember Danny A. Mateo, Vice-Chair  
4 Councilmember Gladys C. Baisa, Member  
5 Councilmember Sol P. Kaho'ohalahala, Member  
6 (In 9:10 a.m.)  
7 Councilmember Bill Kauakea Medeiros, Member  
8 Councilmember Wayne K. Nishiki, Member  
9 Councilmember Joseph Pontanilla, Member  
10 (In 10:01 a.m.)  
11 Councilmember Michael P. Victorino, Member  
12 (In 9:47 a.m.)

13 EXCUSED: Councilmember Jo Anne Johnson, Member

14 STAFF: Kirstin Hamman, Legislative Analyst  
15 Scott Kaneshina, Legislative Analyst  
16 Camille Sakamoto, Committee Secretary

17 ADMIN: Kalbert Young, Director, Department of Finance  
18 (Item Nos. 16 and 19)  
19 Tamara Horcajo, Director, Department of Parks and  
20 Recreation (Item No. 19)  
21 Marian Feenstra, Executive Assistant, Office of the  
22 Mayor (Item No. 19)  
23 Lisa Almeida, Special Events Coordinator,  
24 Department of Parks and Recreation  
25 (Item No. 19)  
26 Traci Fujita Villarosa, First Deputy Corporation  
27 Counsel, Department of the Corporation Counsel  
28 (Item Nos. 16 and 19)

29 Seated in the Gallery:

30 Marian Feenstra, Executive Assistant,

31 PRESS: Akaku: Maui Community Television, Inc.

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33 CHAIR MOLINA: ...(gavel)... the Committee of the  
34 Whole meeting for September 3rd, 2009, is now in session.  
35 For the record, we have in attendance Committee Vice-Chair  
36 and Council Member Danny Mateo. And we have Committee  
37 Member Gladys Baisa and Committee Member Bill Medeiros and

1 Committee Member Wayne Nishiki. Good morning, everyone.

2 Excused, we have Committee Members Jo Anne Johnson,  
3 Sol Kaho'ohalahala, Joseph Pontanilla and Michael Victorino.

4 And from the Corporation Counsel's office, we have  
5 Traci Fujita Villarosa. And from the Finance Department, we  
6 have Mr. Kalbert Young. And we are ably assisted today by  
7 our staff, Members. We have Committee Analyst Kirstin  
8 Hamman. And we welcome to the 7th Floor Council Services,  
9 our newest analyst, Mr. Scott Kaneshina. Good morning. And  
10 our secretary this morning is Camille Sakamoto. Good  
11 morning. And chairing this morning's meeting, for the  
12 record, is the Committee Chair Mike Molina.

13 Members, we have a somewhat light agenda, but we do  
14 have some business that is certainly interesting, to say the  
15 least. But before we do that, Committee Secretary, do we  
16 have any sign-ups for public testimony?

17 MS. SAKAMOTO: No, Mr. Chair.

18 CHAIR MOLINA: Okay. Thank you. And the Chair is  
19 looking in the gallery to see if there is anyone approaching  
20 the front for testimony.

21 Seeing none, Members and Chair will close public  
22 testimony for today.

23 Any objections?

24 COUNCIL MEMBERS: No objections.

25 CHAIR MOLINA: Thank you. So ordered by the Committee.

1           **ITEM NO. 16: GENERAL PROCEDURES FOR DISPOSITION OF**  
2 **REAL PROPERTY (C.C. No. 08-292).**

3           CHAIR MOLINA: Let us just get right into business.  
4 We have Committee of the Whole Item 16, entitled "General  
5 Procedures for Disposition of Real Property."

6           Before the Committee is a proposed bill entitled,  
7 "A Bill for an Ordinance Repealing Chapter 3.44, Maui County  
8 Code, and Amending Title 3, Maui County Code, Pertaining to  
9 Acquisition and Disposition of Real Property." The purpose  
10 of the proposed bill is to clarify the procedures for the  
11 acquisition and disposition of real property.

12           Members, in your binders is a memorandum dated  
13 November 14th, 2005, from the Corporation Counsel's office.  
14 That provides legal advice on the disposition of County real  
15 property and also discusses certain provisions of the law  
16 that are vague and in need of clarification. This  
17 correspondence was the impetus for the bill that is before  
18 you today and should assist you with understanding the  
19 reasons for the changes proposed.

20           And as I mentioned earlier, today we have Finance  
21 Director Young. And he'll just give us a brief overview of  
22 the current process for the acquisition and disposition of  
23 real property. And we, of course, have Corporation Counsel  
24 Ms. Fujita Villarosa to also add some additional comments, if she  
25 chooses to.

1 Good morning, Mr. Young. You have the floor.

2 MR. YOUNG: Good morning, Mr. Chair. Morning  
3 Members.

4 The proposed ordinance before you for the new 3.44A  
5 Section is, in practice, I think, largely very similar to  
6 the current practice for the acquisition and disposition of  
7 real property under the current Chapter 3.44. There are  
8 some areas that it makes more explicitly clear, the process,  
9 and puts some requirements that, in my opinion, are not  
10 different from the actual practice that occurs under the  
11 current ordinance.

12

13 For the acquisition of real property in recent  
14 years, the County, as you know, has been going through a  
15 number of significant acquisitions. And the new ordinance  
16 doesn't really change anything related to the acquisition.  
17 In -- I'll go through the process just briefly.

18 When a property is identified for acquisition, the  
19 County, either in the Mayor's Office or delegated to the  
20 proposed administrative department that will be responsible  
21 for the real property, identifies it; establishes the  
22 identification of the owner; and then, in coordination with  
23 the Department of Finance, undertakes the effort to solicit  
24 the legislative requirements to pursue the acquisition. And  
25 that is always coupled with an appraisal done through either

1 the County solicited and contracted, or provided by --  
2 through some arrangement of -- of the parties.

3           The legislative process is by a resolution to  
4 pursue the acquisition. And then typically, at that point,  
5 the contract and the sales agreement are executed and --  
6 through acquisition to closing. The process generally can  
7 take -- not including the legislative requirements, just the  
8 negotiation and the appraisal process and up until closing,  
9 typically will take in excess of 90 days just because of the  
10 nature of the type of due diligence documents that are  
11 required. And that doesn't include whatever efforts are  
12 required on the part of Council.

13           For the nature of disposition of properties,  
14 though, currently in practice, the County Code defaults that  
15 disposition of County real property should be by auction.  
16 However, during my tenure as Finance Director, I cannot  
17 recall an instance where the County has actually disposed of  
18 property by auction. Instead, the process in practice has  
19 been to come to the Council for authorization for some other  
20 means of disposition, usually either through negotiation  
21 and, uh -- sale through -- I can't -- I can't  
22 recall a specific instance of sealed bids. But those are  
23 generally the more, in practice, preferable processes for  
24 disposition of real property.

25           The new ordinance -- or the proposed new ordinance

1 does have an added section in it that is of note. And that  
2 is the disposition of County highway property to abutters.  
3 In practice currently -- this section doesn't currently  
4 exist in the existing Code. But in practice, this is the  
5 typical process that we have employed in the County, as far  
6 as I know under my tenure anyway. And that is specifically,  
7 in the proposed ordinance it's 3.44A.080, where any properties  
8 which are road -- remnant lots owned by the County to be  
9 offered for sale to the abutting or adjoining properties  
10 first, or to see if any of those adjoining properties are  
11 actually interested in acquiring the road remnant lots.

12 That's the practice actually currently in play. It  
13 doesn't occur very often that we part with road remnant  
14 lots. Actually, usually what happens is one of the  
15 adjoining property owners usually solicits interests from  
16 the County, whether or not we would be interested in parting  
17 with the remnant lot. And then under the County Disposition  
18 Code, we, of course, have to open it up to general bidding  
19 by the public. And that usually, primarily is targeted  
20 towards the adjoining lots.

21 So in summation, Mr. Chair, I would say that the  
22 proposed ordinance isn't really significantly different from  
23 the existing Code or in -- or from the actual practice that  
24 is in play by the County, but it is good in the sense that  
25 it does make more clear and explicit certain requirements

1 that could be more beneficial and I think is to the  
2 expectation of the Council previously on other dispositions  
3 and acquisitions, as well as provides better guidance for  
4 the Administration in terms of executing these transactions.  
5 Thank you.

6 CHAIR MOLINA: Okay. Thank you, Mr. Director. Before the  
7 Chair recognizes First Deputy Corporation Counsel Fujita  
8 Villarosa, the Chair would like to recognize Committee  
9 Member Kaho'ohalahala to our proceedings this morning.

10 COUNCILMEMBER KAHO'OHALAHALA: Good morning, Chair.

11 CHAIR MOLINA: Good morning.

12 Ms. Fujita Villarosa, before I recognize Member Baisa  
13 for questions, do you have any additional comments to make on this?

14 MS. FUJITA VILLAROSA: Um, I looked back at our  
15 office files on this matter because it's been a while since  
16 we worked on it. But I do recall working on this matter at  
17 the request of Riki Hokama. And I worked closely with  
18 Richelle Kawasaki at that time on the actual bill itself.  
19 So our office had gone back and forth several times with the  
20 bill. And we -- their goal, I believe was to basically try  
21 to clarify some of the ambiguity that currently exists in  
22 the Code. So that was the purpose for -- for the new bill.

23 CHAIR MOLINA: Okay. Thank you.

24 Member Baisa, followed by Member Nishiki.

25 COUNCILMEMBER BAISA: Thank you very much, Chair.

1 And thank you for bringing this forward. I think it's very  
2 good that we have clear direction so that we know what we're  
3 doing and try to get rid of ambiguity. And in regard to  
4 ambiguities, I tried to review this as -- with as much time  
5 as was available to me. And I could not find in the  
6 ordinance -- and it may be there. Because, again, I'm  
7 confessing that I skimmed over this because I didn't have  
8 time to read it word-by-word.

9 I was looking for guidance in the situation that  
10 has arisen, kind of recently, with the Council. And that is  
11 where real property is available and there is a request for  
12 donation of the property. How is that handled? I didn't  
13 see it in the section about negotiation. I think it was  
14 more to negotiating a price rather than how do we donate  
15 stuff.

16 CHAIR MOLINA: Okay. I guess, Mr. Director?

17 MR. YOUNG: Yes, Mr. Chair, Ms. Baisa. If --  
18 currently in the existing Code, 3.44, there is a section for  
19 receiving gifts of real property -- or receiving real  
20 property as a gift or donation to the County. And I believe  
21 it's -- sorry, I have to find my previous notes.

22 COUNCILMEMBER BAISA: Mr. Chair, I'm looking for us  
23 giving it. Like when we have a piece of property, which we  
24 do now, and a nonprofit comes and says "I want it," how do  
25 we do that? That's where I'm going.

1 CHAIR MOLINA: Okay. Mr. Director, does that add some  
2 more clarity?

3 MR. YOUNG: Yes, okay. That -- that practice,  
4 which does actually occur through the leasing process, is  
5 not related to 3.44, I believe. But in practice, what we  
6 have done is under the grants -- the grants process to  
7 the granting of real property in the form of a lease. It's  
8 Section 3.36.090 of the County Code, 3.36.090. And the  
9 granting of real property require -- does require Council  
10 approval through the resolution process, I believe.

11 COUNCILMEMBER BAISA: So the resolution, then,  
12 would be that if we wanted to give that property to a  
13 nonprofit, the only remedy that is in the law right now is  
14 the lease, a long-term lease, or a lease of some kind? We  
15 couldn't just donate it to that entity so they we have  
16 ownership of it?

17 MR. YOUNG: I believe we, I believe the Code does allow  
18 for the -- the ownership transfer by way of the grant process  
19 to another entity from the County.

20 COUNCILMEMBER BAISA: So we could just -- actually,  
21 what I'm trying to say, we can give it to them, but we don't  
22 necessarily have to put it on a lease basis?

23 The reason I'm asking these questions is because  
24 it's a real situation that's here before us. And that is the  
25 Montana Beach property. You know, we've had people come and say,

1 "Well, give it to us." Well, how do you do that? I was  
2 looking for that in this law, but I didn't see it. So  
3 that's why I'm questioning.

4 MR. YOUNG: Uh-huh.

5 CHAIR MOLINA: Okay. Thank you, Member Baisa.  
6 Member Nishiki?

7 COUNCILMEMBER NISHIKI: Yeah. Um, my concern is  
8 clear title, in which Council after Council after Council  
9 has never been addressed. I was looking at 3.44A.020. And, and it,  
10 this kind of talks about various ways of acquisition,  
11 purchase, exchange, gift, devise, which is -- I don't know  
12 devise -- eminent domain or otherwise shall be accomplished  
13 in the accordance with the provisions of this chapter. And  
14 then it says, "Acquisition of property may be initiated by  
15 either the Council the Mayor."

16 Um, I think the most important thing -- because we  
17 constantly have it, whether it was 670, Makena. We  
18 constantly run into these circumstances when we accept land,  
19 say, Waihee for an affordable or whatever. You know, if  
20 that -- or if this project should come to fruition or  
21 whatever. There have been claims by people, and they've  
22 come into our offices and everything else.

23 I think the Council has to -- from here on in,  
24 Mr. Chairman, whatever we do with property and whatever or  
25 however we negotiate, whether it be a gift or whatever, I

1 think we need to make sure that that property has clear  
2 title. It's just like even with Milton doing that watershed  
3 project and, you know, us getting that property. And, and from  
4 that group that we did by -- what's that process we did? Eminent domain.

5 CHAIR MOLINA: Uh-huh.

6 COUNCILMEMBER NISHIKI: You know, there was one  
7 with Sol's committee that accepted a -- I don't know, a public  
8 use to go put a pipeline on or whatever. What was that called?  
9 called?

10 CHAIR MOLINA: Maui Lani issue?

11 COUNCILMEMBER NISHIKI: No, no. What's that called  
12 where you --

13 CHAIR MOLINA: Oh.

14 COUNCILMEMBER NISHIKI: -- the County gets  
15 permission to go purchase easements?

16 MS. FUJITA VILLAROSA: (inaudible).

17 CHAIR MOLINA: Easements, yeah (inaudible).

18 COUNCILMEMBER NISHIKI: We purchase easements and  
19 stuff like this. All of that. You know in it, when you read it,  
20 if you got Royal Patent or whatever. And so it's like we need to  
21 clear title, period. Otherwise, I don't feel comfortable  
22 that Government's doing something. Does this deal with that  
23 circumstance?

24 CHAIR MOLINA: Mr. Director?

25 MR. YOUNG: The -- Mr. Nishiki, to what you're

1 describing, no, actually. The current -- the 3.44A.020,  
2 really is pretty much the same as the existing Code, 3.44.  
3 But in practice, as far as I know, all of the transactions  
4 that the County has worked on that -- that I've seen, or as  
5 long as I've been here, have included, in addition to  
6 appraisal, title reports, which identify any issues related  
7 to the title. But the County acquiring the properties  
8 haven't cleared any title clouds. We've instead just relied  
9 on the title reports so that we are -- we've done our due  
10 diligence to know that if we are acquiring these properties  
11 and there are issues related to the title, that we're basically just  
12 purchasing and assuming that -- you know, we  
13 are aware that we're purchasing property with issues.

14           There's a couple of large property transactions  
15 that come to mind in the recent years. But this code  
16 doesn't -- first of all, 3.44.02 makes no reference to the  
17 requirement of a title report. But in practice, one is  
18 provided. Because typical land transactions, your due  
19 diligence, whether you're buying it personal or for  
20 business, you know, you want to ensure a title report.

21           So although it doesn't require in practice, the  
22 Council has always had the benefit of a title report on  
23 land transactions.

24           COUNCILMEMBER NISHIKI: Okay. So -- so rather than  
25 speculate, Mr. Chairman, whether or not this is going to

1 be done, where would we address the County receiving gifts  
2 or doing all these other activities, that we do it with a  
3 bill saying that a title has to be cleared. This is not  
4 an area that we can put any language in, Corporation  
5 Counsel (inaudible)?

6 CHAIR MOLINA: Let me ask Corporation Counsel if  
7 they have any suggestions. Okay.

8 MS. FUJITA VILLAROSA: We can put in the  
9 requirement that the County obtain a title report. Like  
10 Kalbert mentioned, that is our normal practice. And our  
11 office would advise Council if we saw any, you know,  
12 deficiencies in the title report. So that, that's an easy  
13 requirement to add in, in the section.

14 COUNCILMEMBER NISHIKI: Okay. When you say that it  
15 requires a title report, is that the same as saying that the  
16 title should be clear from all encumbrances?

17 MS. FUJITA VILLAROSA: Well, that determination  
18 would be made by Council. We would provide you the  
19 information, you know, from the title report. We would  
20 report back that the title report shows that title is clear.  
21 If there were problems with the title, we would report that  
22 as well. And then Council would make that decision; whether  
23 or not to accept it as is, or whether or not they wanted the  
24 deficiencies corrected.

25 I will say that for eminent domain, it's a little

1 different. Because when the County acquires property by  
2 eminent domain, title is cleared at the same time. So that  
3 one we're okay with.

4 COUNCILMEMBER NISHIKI: Okay.

5 MS. FUJITA VILLAROSA: It's just the other ones.

6 COUNCILMEMBER NISHIKI: The other ones such as accepting--

7 MS. FUJITA VILLAROSA: The other -- the other types of  
8 acquisitions.

9 COUNCILMEMBER NISHIKI: Land for affordable housing  
10 from developers?

11 MS. FUJITA VILLAROSA: Right. If someone were to  
12 donate property or if we were to purchase property.

13 COUNCILMEMBER NISHIKI: This is covered in --  
14 in -- in it, then, this area?

15 MS. FUJITA VILLAROSA: Yeah, right.

16 COUNCILMEMBER NISHIKI: This is the area we should  
17 put it down?

18 MS. FUJITA VILLAROSA: Right. In this section.

19 COUNCILMEMBER NISHIKI: Okay. Anyway,  
20 Mr. Chairman, I would hope that, um -- that clear title

21 would be addressed when we pass this out somehow--

22 CHAIR MOLINA: Okay. All right. Thank you.

23 COUNCILMEMBER NISHIKI: --whether the language is  
24 from the Corporation Counsel giving us some legal area to do  
25 this.

1 CHAIR MOLINA: Okay. We can -- we'll consult  
2 with the Corporation Counsel if there's some additional  
3 language you can insert in there for our consideration.

4 Committee Members, additional questions on this bill?

5 The Chair would like to just consult with  
6 Corporation Counsel, as a suggestion. Looking at 3.44A.020,  
7 after the word "gift" -- Members, I'm working off the  
8 ordinance attached to the December 11th, 2008 letter.

9 Should that word "gift" be included? Because it's  
10 already in Chapter 3.56, would it just be redundant?

11 Should we, you know, just basically delete "gift" out of there?

12 MS. FUJITA VILLAROSA: Yes, we could --

13 CHAIR MOLINA: Is it necessary?

14 MS. FUJITA VILLAROSA: We could -- we could delete  
15 the reference to "gift" and maybe just insert another sentence - I'm  
16 not sure exactly where, but just referencing chapter -- I think it's 3.56?

17 CHAIR MOLINA: Uh-huh.

18 MS. FUJITA VILLAROSA: There's, you know, another  
19 section that deals with gifts and donations. So we can just  
20 state that any gifts and donations of real property shall be  
21 governed by, you know, this other section so that it's  
22 clear. And then delete the references to "gift" in this section.

23 CHAIR MOLINA: Okay. And another item the Chair is  
24 looking at, if you turn to page 2, C, letter C, 3.44A.020C. Is the  
25 whole section just redundant? It reads, "The County Council may accept

1 accept gifts of donations of real property or any interest in real property  
2 by the passage of a resolution, approved by a majority of its members."

3 Is that redundant? Because I don't know if that's  
4 also covered elsewhere.

5 MS. FUJITA VILLAROSA: Right. I think maybe that  
6 would maybe be a good place, then, to just put the reference  
7 into the other section.

8 CHAIR MOLINA: Okay.

9 MS. FUJITA VILLAROSA: Yeah.

10 CHAIR MOLINA: And finally, under 3.44A.020D, after  
11 the word "gift," I believe that's the fifth sentence, where  
12 it says, "When such a conveyance is neither a gift or  
13 donation," maybe add a phrase pursuant to Chapter 3.56?  
14 Because again, it's -- gift and donation is referred to in  
15 that Chapter 3.56. Is that something we could also  
16 consider?

17 MS. FUJITA VILLAROSA: Yes.

18 CHAIR MOLINA: Okay. All right. So -- let's see.  
19 Members, any other comments, suggestions?

20 Mr. Medeiros?

21 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And  
22 for Corp. Counsel. You know, it also talks about by devise, which  
23 is by will. So how does the County determine the --  
24 the will? Does the County have to meet with the attorney  
25 of -- representing that will to determine how accurate or

1 how authentic it is as far as a donation by devise?

2 MS. FUJITA VILLAROSA: Probably. We haven't--

3 COUNCILMEMBER MEDEIROS: Have we ever done that?

4 MS. FUJITA VILLAROSA: I haven't ever seen that.

5 COUNCILMEMBER MEDEIROS: Director, have you ever  
6 heard of the -- by devise?

7 MR. YOUNG: I haven't heard of the County coming by  
8 property that, through that method.

9 COUNCILMEMBER MEDEIROS: Okay. Thank you for that  
10 response.

11 Mahalo, Mr. Chairman.

12 CHAIR MOLINA: Thank you, Mr. Medeiros.

13 Committee Members, any other suggestions?

14 Otherwise, the Chair's going to just call for a short recess  
15 to confer with Corporation Counsel to work on some language,  
16 Mr. Nishiki's consideration, as well as the Chair's  
17 suggestions for possible amendments for the proposed bill.

18 So members, why don't we do this, let's take --

19 Corporation Counsel, about how much time would you  
20 need, maybe 10 minutes, 15 minutes?

21 MS. FUJITA VILLAROSA: Sure.

22 CHAIR MOLINA: Okay. I'll tell you what, Members, let's take a  
23 15-minute recess. We'll return at 9:45.

24 Committee of the Whole meeting for September 3rd,  
25 2009, in now in recess...(gavel)...

1 RECESS: 9:29 a.m.

2 RECONVENE: 9:45 a.m.

3 CHAIR MOLINA: ...(gavel)... the Committee of the  
4 Whole meeting for September 3rd, 2009, is now back in  
5 session. It is 9:45. Thank you very much for that  
6 break, Members.

7 Upon consulting with Staff and Corporation Counsel  
8 with regards to the proposed considerations and amendments,  
9 the Chair would like to ask for your indulgence to defer  
10 this matter because it's quite complex. And being that this  
11 is not a time-sensitive issue, I would like to give Staff  
12 and Corporation Counsel to work on the considerations that  
13 we have made today here on the bill.

14 So, Members, with regards to Committee of the Whole  
15 Item 16 -- and I know some of you may have some additional  
16 questions, please feel free if you would like to ask those  
17 questions directly through me or through the Committee, feel  
18 free to do so on that. And this way, when we do take up  
19 this bill again, you can have a bill that's much more  
20 cleaner and strengthened with the considerations that have  
21 been made here today. So rather than rush through this  
22 today, I would prefer that we defer and give the Staff  
23 additional time to work on it.

24 So Members, any objections to deferral?

25 COUNCIL MEMBERS: No objections.

1 CHAIR MOLINA: Okay, thank you. So ordered by the  
2 Committee.

3 **COUNCIL MEMBERS VOICED NO OBJECTIONS.** (excused: JJ,  
4 JP, and MV).

5 **ACTION: DEFER pending further discussion.**

6 **ITEM NO. 19: COUNTY'S ON-LINE REQUEST FOR SERVICE**  
7 **SYSTEM; PERSONAL USE OF COUNTY VEHICLES (C.C. No. 09-141).**

8 CHAIR MOLINA: Members, we have one more item on  
9 our agenda today, which is Committee of the Whole 19. And  
10 basically, this item deals with the County's online Request  
11 For Service system; personal use of County vehicles.

12 The Committee is in receipt the County  
13 Communication Number 09-141, from the Council Chair,  
14 transmitting a correspondence dated March 29th, 2009, from a  
15 member of the public, Mr. Daryl T. Yamamoto. In his  
16 correspondence, Mr. Yamamoto raises questions about two  
17 issues; the online Request For Service system, and the  
18 personal use of County vehicles.

19 Representing the Mayor today, again, is Director  
20 Kalbert Young, Director of Finance. And also presence --  
21 present is the Director of the Parks and Recreation, Tamara  
22 Horcajo. I just saw her here earlier. She should be  
23 joining us soon.

24 Members, I scheduled this matter so that we can  
25 have a discussion and explore possible solutions to the

1 concerns raised by Mr. Yamamoto. However, there is no  
2 legislation pending before the Committee with regards to  
3 these matters. And it seems that a discussion is warranted  
4 at this time as there may be others in the community with  
5 the same frustrations expressed by Mr. Yamamoto.

6 I'd like to give the Administration the opportunity  
7 to explain how the online Request for Services system works,  
8 and perhaps give us an opinion on how the problems faced by  
9 Mr. Yamamoto might be addressed.

10 So at this time, I'd like to call upon the  
11 Administration's representatives and -- to explain the policy,  
12 first, on the employee's personal use of County vehicles.  
13 And then afterwards, the online system and how that  
14 operates.

15 So, Mr. Young?

16 MR. YOUNG: Thank you, Mr. Chair. Good morning,  
17 again, Members. I'm representing the Mayor's office because  
18 due to other scheduling conflicts, representatives from the  
19 Mayor's office themselves couldn't be here this morning.  
20 Marian -- Marian Feenstra from the Mayor's office is also  
21 here with me in case there's any specific issues related to  
22 the Mayor's office that you'd like to request.

23 I am here to speak to the general process for the  
24 County regarding the personal use of County vehicles,  
25 though, if the Members have any questions related to that.

1 CHAIR MOLINA: Okay. Thank you, Mr. Director.

2 And, Members, again, if you look in your binder,  
3 there is the March 29th, 2009 letter from Mr. Yamamoto that  
4 you can make references to if you have questions.

5 And for the record, Chair would like to recognize  
6 Committee Member, Mr. Victorino, to our proceedings this  
7 morning.

8 COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.  
9 Good morning.

10 CHAIR MOLINA: Thank you, Mr. Victorino.

11 Director Horcajo, do you have any comments that you  
12 would like to make before I turn matters over to the  
13 Committee?

14 MS. HORCAJO: Thank you. Specifically, the topic  
15 we're hitting on first is the vehicle issue.

16 CHAIR MOLINA: Yes.

17 MS. HORCAJO: Because as I understand it, there are  
18 two items on the agenda. I believe Parks is here  
19 representing the issue regarding the Request For Service.

20 But regarding the vehicles, Parks Department does  
21 have quite a fleet, and I -- fleet of vehicles in our  
22 department. And it is considered a fringe benefit. And our  
23 department -- the employees are taxed upon -- about three  
24 dollars a day, I believe it is. And Kalbert can discuss  
25 that more. But it is considered a benefit. And we are

1 taxed on taking these vehicles home. So if you have any  
2 specific questions on that?

3 CHAIR MOLINA: Okay. Thank you, Madam Director.

4 All right. Members, let's go ahead and start first  
5 with the issue with the use of County vehicles. So we'll go  
6 ahead and start first with Mr. Victorino.

7 COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.  
8 And I apologize for being late this morning. And if I  
9 missed anything, again, if I ask a question that has been  
10 discussed or asked already, I apologize for that.

11 Well, I'd like to go right into what are the  
12 parameters, I guess, in for which -- I don't want to use  
13 your department only, Ms. Horcajo, because I don't know the  
14 other departments, and I don't want to start you guessing on  
15 what other department's parameters are.

16 But what are your parameters for allowing vehicles  
17 to be taken home by County employees during off hours? And  
18 I guess, that's what we're discussing. Because when they're  
19 working, that shouldn't be an issue. But I have that  
20 question, what are the parameters? And who is eligible if  
21 that's -- if you call it eligibility list. Eligible positions,  
22 I should say. Well, how does that? So I guess those are  
23 the questions I would have for your department, Ms. Horcajo.

24 CHAIR MOLINA: Ms. Horcajo?

25 MS. HORCAJO: Yes, we do have in our total fleet,

1 approximately 130 vehicles. Of that, about a little over 30 vehicles  
2 are taken home. And that's countywide. The vehicles that  
3 are taken home are the response vehicles for safety or  
4 maintenance concerns. Each of the individuals that --  
5 employees that take home a vehicle are -- do respond to  
6 emergency situations, safety concerns. They do actually  
7 respond and are called out from their home.

8           For example, we have a building maintenance -- or  
9 an employee who may live in one area, who may live  
10 Upcountry, but his district is Central Maui. And if there  
11 is an irrigation leak or a concern, he can be called out  
12 from home and go down and fix that leak rather than going  
13 back to the baseyard, picking up his tools, and fixing that  
14 specific leak.

15           Now -- and that is why our vehicles, you know, are  
16 taken home.

17           COUNCILMEMBER VICTORINO: Okay. So -- and does  
18 management, such as directors, deputies, supervisors, are  
19 they allowed to take vehicles home?

20           MS. HORCAJO: Yes, we do.

21           COUNCILMEMBER VICTORINO: Okay.

22           MS. HORCAJO: Um -- oh, Kalbert may want --

23           COUNCILMEMBER VICTORINO: Maybe Mr. -- along the same lines of  
24 questioning. Please?

25           CHAIR MOLINA: Mr. Young?

1           MR. YOUNG: Thank you, Mr. Victorino. Yeah, I  
2 would just say that the parameters for vehicles being used  
3 after hours, as Ms. Horcajo has outlined, also applies to  
4 directors. Directors don't get -- or deputies don't get  
5 vehicles to take home for the -- just for the sake of being  
6 directors and deputies. It's only if there is an emergency  
7 need, or a likelihood of an emergency call-out or issues  
8 after-hours. That's the parameters and criteria within the  
9 County policy for using County vehicles.

10           COUNCILMEMBER VICTORINO: Okay. So -- so you're  
11 talking various, um -- like Parks and Recreation, Public  
12 Works, people that, you know, emergencies can occur over  
13 the weekend, overnight, et cetera --

14           MR. YOUNG: Right.

15           COUNCILMEMBER VICTORINO: -- they would be the  
16 general ones. Someone like you --

17           MR. YOUNG: Right.

18           COUNCILMEMBER VICTORINO: -- there's not gonna be  
19 financial crises that come up overnight, right?

20           MR. YOUNG: Right. The Director of Finance and  
21 Deputy, for instance, don't -- we don't have a vehicle  
22 within the Department that Director or Deputy uses.

23           COUNCILMEMBER VICTORINO: Okay. Okay. And is  
24 there any -- and I guess the question I have -- one more  
25 question, Mr. Chair, on this line of questioning.

1 CHAIR MOLINA: Go ahead.

2 COUNCILMEMBER VICTORINO: Is you mention that they  
3 get a -- um, what you call that? Like a -- no, it's  
4 not a stipend.

5 MR. YOUNG: Taxed.

6 COUNCILMEMBER VICTORINO: Taxed. Oh, yeah. Thank you. I  
7 couldn't remember the word at that point. Three dollars a day  
8 for the usage of the vehicle. So is that based on IRS  
9 requirements, or just the County requirements?

10 MR. YOUNG: Yes, it's actually not a three  
11 dollar --

12 COUNCILMEMBER VICTORINO: Whatever it is.

13 MR. YOUNG: It's actually, we -- it's considered a benefit or  
14 an income benefit, so their compensation is actually increased and  
15 then taxed. So for every day -- each department -- the  
16 process is each department is -- takes an inventory on a  
17 daily basis of who has vehicles that are used after-hours.  
18 And they provide that list on some periodic basis -- I don't  
19 know if it's every pay period or every month -- to the  
20 Department of Finance, and then it's applied to their -- to  
21 those employees' wages, and then subsequently taxed as well.  
22 And it's at the rate of three dollars a day.

23 So the departments -- you may have employees that,  
24 for instance are, get assigned a vehicle after-hour use, but  
25 they may not have it throughout the entire course of the

1 year. It may only be for three days of that -- of next  
2 week, or something like that. They are supposed to be  
3 recorded, inventoried, submitted for payroll contribution,  
4 and compensation as taxed.

5 COUNCILMEMBER VICTORINO: Yeah, okay. And again, Ms. Horcajo,  
6 the last question I have for you, and I'll let others ask  
7 questions. In the area of our park rangers or security  
8 officers -- I forget the name we ended up with. I see those  
9 trucks all over the place and then sometimes late in the  
10 evening. And I understand there's a bunch of  
11 responsibilities or -- or duties that these people have to  
12 perform. So real quickly, because that's one of the  
13 complaints I've heard from some of the public is, "Why is  
14 this guy down at the beach?"

15 Well, obviously, I think he's closing up the park  
16 or something. I don't know. But, you know, that's the one I've  
17 been hearing more than most, "What are their trucks doing  
18 down at the beach?" And maybe you can give us a specific  
19 duty -- a quick overview on their duties so that the public  
20 knows that they're there for a specific reason.

21 CHAIR MOLINA: Ms. Horcajo?

22 MS. HORCAJO: Yes, I'm very delighted to hear that  
23 our park rangers are being seen at the beach.

24 COUNCILMEMBER VICTORINO: Good news.

25 MS. HORCAJO: That is their job. And I'm glad to

1 hear the public is seeing them out there. We have made the  
2 vehicles very -- um, they have decals on them and they're  
3 very identifiable. The park rangers do not take their  
4 vehicles home in the evening. We have their shifts from  
5 6:30 a.m. to 10 p.m. at night. So they are there. We have  
6 two shifts rotating throughout the district.

7           If you have, you know, other questions, I do have  
8 the supervisor for the park rangers here if you want to go  
9 into more detail. However, I did want to just let you know  
10 that that is their job to patrol the parks, to be in the  
11 parks. We wanted the vehicle very identifiable. Therefore,  
12 it is working in the community. If people have questions,  
13 please come up and talk to them. The park rangers do not  
14 stay in the vehicles usually. They will park, get out,  
15 patrol the beach, but then they'll get back in and move onto  
16 another location.

17           Their responsibility is for all, um, aspects of  
18 Chapter 13, which is our Parks Codes. So they will be  
19 looking for not only any ocean recreation activity concerns,  
20 but dogs loose, off-lease, fire -- fires in the park,  
21 amplified music. That kind of thing, so --

22           COUNCILMEMBER VICTORINO: So there's a wide range  
23 of duties that they perform throughout the County of Maui,  
24 especially in our parks; right?

25           MS. HORCAJO: That is correct.

1 COUNCILMEMBER VICTORINO: Okay. Thank you. I  
2 think that's what the public wanted to hear. And I thank  
3 you, Ms. Horcajo.

4 I'll yield to the -- to my colleagues until -- and  
5 if some of my other questions are not answered, then I'll  
6 ask it at a later day. Thank you, Mr. Chair.

7 CHAIR MOLINA: Thank you, Mr. Victorino.

8 Before I recognize other members on the floor, one  
9 question for either Director Young or Director Horcajo.  
10 I've had calls from the public expressing to me why are  
11 County vehicles being seen at restaurants or near stores  
12 during normal working hours. Is it more -- I mean, is it an  
13 acceptable practice, where if a person is on shift, he has  
14 his or her vehicle, they're on their lunch hour and they  
15 happen to stop off at a restaurant -- I mean, is that  
16 acceptable that they can use their vehicle to go to lunch  
17 since they're sort of out in the field, if you will?

18 Mr. Director, any comments?

19 MR. YOUNG: Correct, Mr. Chair. The County policy  
20 does allow that if -- if works crews are out on assignment  
21 in the field and their lunch break occurs during the course  
22 while they're out in the field, they can utilize -- basically  
23 en route to pick up lunch or take their lunch to work. What  
24 is not allowed is if you -- say, for instance, you're in a  
25 County building and you want to go to lunch, and you utilize

1 a County vehicle to take to you lunch and then come back to  
2 the County building -- you know, using the vehicle solely for  
3 the whole purpose of getting lunch.

4 But the typical -- we get a lot of calls -- Mayor's  
5 office does, I know as well -- of people informing us of  
6 County vehicles at restaurant and as such. And we do  
7 appreciate those calls because then we can track the  
8 vehicles. We can call the departments who the vehicles are  
9 assigned to, and we do ask the departments and let them know  
10 about these calls so that the directors can follow up.

11 And by-and-large, I would say that the feedback we  
12 get is that the vehicles are out on -- were out on  
13 assignment for the day. When they check with the crews,  
14 they were in the process of field work, and their lunch  
15 break occurred. So it -- I wouldn't say they're all, but  
16 they're largely, from what I've seen, legitimate calls.

17 CHAIR MOLINA: Yeah. Thank you, Mr. Director.

18 Committee Members, additional questions for  
19 Mr. Young or Mr. Horcajo?

20 Mr. Medeiros?

21 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

22 Just following up on some of the questions.

23 So if a vehicle is assigned to be taken home for  
24 purposes described, for instance, for the Parks that is  
25 described by the Director, what happens to that vehicle if

1 that employee is on sick leave, funeral leave, comp. time  
2 leave, et cetera? It's no longer available to that  
3 department for other employees to use?

4 CHAIR MOLINA: Ms. Horcajo?

5 MS. HORCAJO: Typically, if it's a scheduled leave  
6 and the employee knows that they'll be going on a vacation  
7 or have some kind of -- other kind of leave coming up, then  
8 we have a temporary assignment of our employees. And  
9 therefore, the vehicle would be temporarily assigned to the  
10 person who is taking that person's place on the job.

11 So, um -- so that's how that would occur. And the  
12 vehicle would then be transferred over for that limited  
13 period of time if the person is out on leave. And the  
14 Department typically, if it's over three days, that is a  
15 practice that we have in place.

16 If a person is just home sick for a day and they  
17 are -- or it could even be more than a day and it wasn't a  
18 planned sick leave, then that vehicle does not always get  
19 transferred over, just logistically speaking.

20 COUNCILMEMBER MEDEIROS: Okay. And, um, do you  
21 have -- and since you're the one here from the Parks, but  
22 the Director is representing -- Director of Finance is  
23 representing the Administration, so this may be a question  
24 to both of you. On the vehicles used for employees on-call,  
25 the employees are paid to be on-call?

1 CHAIR MOLINA: Mr. Director?

2 MR. YOUNG: Um, there's -- depending on what union,  
3 what collective bargaining unit the employee you're talking  
4 about in question, there's on-call and there's standby. And  
5 I can't recall which one, but I believe standby, there  
6 are -- you're actually being paid. There's a rate of pay  
7 for employees on standby. When you're on-call, I believe  
8 there is no rate of pay, but you have to be available.

9 Each -- it's up to each department director to  
10 evaluate and ascertain whether -- whether they're on-call or  
11 on standby, whether a vehicle is required for them to  
12 satisfy their County obligation. So just because they are  
13 on standby may not mean that that necessitates the need for  
14 a take-home vehicle. And on-call, even though they are  
15 being paid to be, you know, available, may not -- may not  
16 require that they have a County vehicle assigned to them.

17 COUNCILMEMBER MEDEIROS: Okay. And following up on  
18 that question, Director, because, um -- how does the  
19 Administration -- and you may again allude to different  
20 union contracts. But if somebody is called at home to  
21 respond, does their time clock start then? Or if they're a  
22 type of employee that needs to go to the baseyard first to  
23 pick up a required vehicle, when does their time start?

24 Because I think the Director of Parks, you know,  
25 just gave an example of someone living Upcountry, but

1 working in Central Maui. So when does the time clock start  
2 for them?

3 MR. YOUNG: Again, I believe it would be dictated  
4 by the different collective bargaining units specifically.  
5 But, um, I am thinking that, from what I've seen, there are  
6 instances where the clock does start -- when they're on-call  
7 does start from the time of the call, not from the time that  
8 they actually get to the location.

9 But there are other instances -- perhaps maybe when  
10 they're on standby or some other section of the contract --  
11 that their time actually starts when they report for duty,  
12 which is at the location of the office. So it would -- it  
13 would depend.

14 COUNCILMEMBER MEDEIROS: Thank you. Thank you.

15 And, Mr. Chairman, just one more, or two more  
16 questions, please.

17 I get a lot of calls, you know, from constituents  
18 about County trucks transporting non-County employees. And  
19 what is the Administration's policy on this?

20 CHAIR MOLINA: Mr. Director or Madam Director?

21 COUNCILMEMBER MEDEIROS: Some trucks have been seen  
22 dropping off students at schools and stuff.

23 MR. YOUNG: Yes, Mr. Medeiros. Actually, the  
24 County policy on the use of County vehicles, you are -- you  
25 should not have non-County personnel in the County vehicles.

1           Um, my understanding is that in practice, some  
2 departments have been a little bit more flexible with that  
3 to the extent if the transport is en route -- the best  
4 example is picking up your kids from school; you're taking a  
5 County vehicle home for the day and you have to pick up your  
6 child from school. If the -- if the school is en route,  
7 then employees are picking up their children, and my  
8 understanding is that some departments have been flexible to  
9 allow it.

10           The policy, the actual policy really -- all it  
11 states is that non-County -- you know, the vehicle should not  
12 be -- you should not have non-County personnel in the  
13 vehicles. But to the extent that in the practical operation  
14 is allowed, as long as it's been en route, we've been  
15 somewhat flexible on that.

16           COUNCILMEMBER MEDEIROS: Okay. And I guess people  
17 look at our decals on the vehicles, "For Official Business  
18 Only." And the other part that concerns me in, regarding to those  
19 calls to the constituents seeing non-County employees being  
20 transporting, who becomes liable during an accident?

21           MR. YOUNG: Yes. And that is why the policy is  
22 that you should not -- there should not be any non-County  
23 personnel in County vehicles because the County vehicle is  
24 insured by the County.

25           COUNCILMEMBER MEDEIROS: Right.

1 MR. YOUNG: So the County is the liable party, yes.

2 COUNCILMEMBER MEDEIROS: But you said that's an  
3 Administration policy, but departments can be flexible or  
4 have been flexible? And is that allowed?

5 MR. YOUNG: The policy is very exact; that no  
6 non-County personnel should be in County vehicles.

7 What I'm saying is that in practice, um -- I don't  
8 know how vigorously it's being enforced when it comes to  
9 certain instances, like the example of picking up your child  
10 after school. If I get a call on it and -- if my office  
11 gets a call on it or risk management, for instance, gets a  
12 call on it, we, of course, are going to have to refer and  
13 uphold the policy, which is that no County -- you know,  
14 non-personnel should be in the vehicle.

15 Now, what that means to employees, though, they  
16 have to drive home, grab their car, come back home and pick  
17 up their kid or, you know, whatever. I'm not speaking to  
18 that. I'm saying that I know there are instances where  
19 departments have allowed it or haven't enforced it as  
20 vigorously. But for the Department of Finance and Risk  
21 Management, we have -- the only thing that we have is to support  
22 the standing policy.

23 COUNCILMEMBER MEDEIROS: Okay. And then finally,  
24 Mr. Chairman. The County -- I'm not sure if it still  
25 exists. But when I worked, there was a list of essential

1 workers. Now, how does the essential workers list apply to  
2 people authorized to take vehicles home?

3 CHAIR MOLINA: Okay, Mr. Director or Madam Director, you  
4 want to take a crack at that one?

5 COUNCILMEMBER MEDEIROS: Are you familiar with the  
6 essential workers list?

7 MS. HORCAJO: Well, we have addressed the term "essential  
8 workers" for various different reasons, whether there's a  
9 strike or an emergency.

10 COUNCILMEMBER MEDEIROS: Yeah, right.

11 MS. HORCAJO: Um, and the people who we've  
12 identified to take home County vehicles are affiliated with  
13 one or the other. If there's an emergency for a shelter,  
14 you know, that's when the supervisor would come in, or an  
15 emergency for a maintenance issue. So that list is pretty  
16 much our essential workers list.

17 COUNCILMEMBER MEDEIROS: Okay. Thank you,  
18 Directors.

19 Mahalo, Mr. Chairman.

20 CHAIR MOLINA: Thank you, Member Medeiros.

21 And prior to recognizing other Members for  
22 questions, the Chair would like to recognize Member  
23 Pontanilla to our proceedings this morning.

24 Mr. Director, if -- Members, if I could direct you  
25 to the third page of Mr. Yamamoto's letter, I believe the

1 second paragraph, it starts and reads as follows: "At a  
2 minimum, each department should be required to report the  
3 total number of vehicles assigned to it and which vehicles  
4 are exclusively assigned to individuals. And as a  
5 suggestion, County vehicles should be identified by acronym  
6 and number so the vehicle and department can be readily  
7 identified."

8           Now -- and, of course, Mr. Yamamoto's expressed  
9 his, you know, concern with regards to County vehicles as  
10 well as the online system. Is that something the  
11 Administration could consider? And also, Director Horcajo,  
12 if I could get your input as well? And, you know, to  
13 actually, you know, implement into your, Administration's  
14 policy with regards to County vehicles, can I get your  
15 thoughts on what Mr. Yamamoto suggested?

16           MS. HORCAJO: Well, each of our vehicles is  
17 identified as a Parks' vehicle. We also have -- we are  
18 required to have the County seal on both of the side panels.  
19 Um, we also have a complete listing -- in-house in our  
20 department -- of the vehicle number, the license plate number,  
21 the district that that vehicle is associated with, and the  
22 employee name.

23           Both the employee name, if it's a vehicle that may  
24 go home, or we have a listing of in case of a roving crew,  
25 we know who's in that roving crew who may be needed to drive

1 the vehicle during the day. And those are people who, of  
2 course, do not take the vehicle home. So that information  
3 is available.

4 CHAIR MOLINA: Okay. So anyone for the public, if  
5 they want to know who's been assigned a certain vehicle can  
6 consult the Department, and that is a document that's  
7 available to the public? Am I correct, Mr. Director?

8 MR. YOUNG: It's -- my knowledge is in thinking  
9 across all departments in the County, there's no document  
10 that identifies all the County vehicles and that they are  
11 assigned to specific people. Because the -- while there are  
12 County vehicles that may be assigned regularly to certain  
13 County employees, no County employee has a reserved vehicle  
14 for them. All the County vehicles are in a pool. And while  
15 some employees may regularly get the same vehicle, their --  
16 that is not their assigned vehicle, personal.

17 And there is no list that identifies who gets what  
18 vehicle. Nobody -- as far as I know, there is no way for a  
19 County employee to reserve a specific vehicle for --  
20 you know, for perpetuity as long as it's owned by the  
21 County.

22 CHAIR MOLINA: Okay, so, so if a member of the public is  
23 suspecting that there is vehicle abuse, is there a -- I  
24 guess, a hot line or number that they can call to  
25 immediately -- you know, because I guess when you read

1 Mr. Yamamoto's letter, he's, I guess, concerned about the, I guess the  
2 response time to complaints. Is there a number that we can share  
3 with the public to call directly if there's suspected County  
4 vehicle abuse?

5 MR. YOUNG: Yeah, I -- I think what Mr. Yamamoto is  
6 referencing is that while the Parks Department does have a  
7 lot of their vehicles -- on the door, under the County seal, it  
8 says "Parks and Recreation," and certain other departments,  
9 you know, are labeled with their vehicles for departments --  
10 the majority of departments don't have the department  
11 identified because it's only the County seal.

12 But what is on all County vehicles, one, is the  
13 County -- the special County of Maui license plate, which is  
14 preceded by that CM and then a four-digit number; and also a  
15 vehicle identification number, which is printed somewhere on  
16 the vehicle, usually on the right-rear panel of the vehicle.  
17 And it might be different from what is on the license plate.  
18 Either one of those numbers, the license plate or the County  
19 identification vehicle, we will be able to track what  
20 department that vehicle was assigned to for that day and, in  
21 that way, be able to contract the department to identify who  
22 was assigned that vehicle and out driving.

23 The best single point of contact for the public has  
24 been the most popular number, and that is to the Mayor's  
25 office. The Mayor's office gets these calls, and they refer

1 them down usually to Finance. Because then -- because  
2 Finance maintains the inventory tracking of all vehicles.  
3 But Department of Finance also gets the calls from members  
4 of the public. I don't know what the Mayor's public number  
5 is, but I'll give you the Department of Finance's public  
6 number.

7           You can call 808-270-7844. That's the  
8 Director's -- the Finance Director's office. And if we  
9 receive those types of calls, if you have the identifying  
10 number, we can check it and refer it to the appropriate  
11 department.

12           CHAIR MOLINA: Okay. And finally, Mr. Director,  
13 penalty. If you know someone, an employee is found to have abused,  
14 do they first get a warning? And if it continues, then  
15 what?

16           MR. YOUNG: The table the discipline -- or the  
17 escalation of discipline is also dictated by the collective  
18 bargaining agreement and the policies of the County. So  
19 again, it would depend on the severity of the infraction.  
20 There are discipline considerations if you violate County  
21 policy. And so again, it depends on the seriousness of the  
22 infraction.

23           And that type of discipline is netted out by the  
24 department responsible for the vehicle, or the employee,  
25 rather. Department responsible for the employee.

1 CHAIR MOLINA: Okay. Thank you.

2 Mr. Victorino?

3 COUNCILMEMBER VICTORINO: I just wanted to comment  
4 that I can concur in what Mr. Young has just said, because  
5 I've had many occasion which I have seen or been told -- and  
6 the vehicle number, there's a number identified to the  
7 vehicle, not the license -- and you can use the license  
8 plate or both. But by using that number, I call their  
9 Department, and I'm told which department is assigned that  
10 vehicle. And from that point, you go to the department and  
11 you find out exactly what the vehicle was being used.

12 So I can attest that that is true because I have  
13 used it on many occasions because I've had constituents  
14 calling on it. And so long as they got that number or the  
15 license plate, either or, we pretty much tracked it down very  
16 vigorous -- I mean, very quickly through the Department of  
17 Finance, Mr. Chair. So it is one way of looking at it.

18 So what Mr. Yamamoto is suggesting, is really happening  
19 out there at this time. And I believe all vehicles have an  
20 assigned number, as well as a license plate number.

21 Am I correct, Mr. Director?

22 MR. YOUNG: That is correct. That is correct.

23 COUNCILMEMBER VICTORINO: Yeah. So I mean, if you  
24 get the license number or that vehicle number, tracking it  
25 down is very simple from that point forward.

1 CHAIR MOLINA: Okay. Thank you, Mr. Victorino.

2 Member Baisa?

3 COUNCILMEMBER BAISA: Thank you very much, Chair.

4 I have a few comments and a few questions.

5 First of all, I'd like to say that with some experience  
6 with a family member working in the Water Department, and my  
7 husband, of course, was one of the maintenance workers so he  
8 took a vehicle to and from home when he was working. And,  
9 of course, we were very careful about using it for that  
10 reason. But when we would go out of town for an extended  
11 period of time, that he would be required to turn that truck  
12 in so that the person who took his place during our vacation  
13 would have it available to them. So I don't know what  
14 happens in other places, but I can tell you that from my  
15 personal experience, that we didn't have the truck sitting  
16 in our yard.

17 The other thing I wanted to comment on was, you  
18 know, the question was asked about private use of the  
19 vehicle, like you're on working time but you go into a  
20 restaurant to pick up your lunch or eat your lunch or  
21 whatever. I just want to share something that I have as --  
22 you know, in my experience.

23 We had a situation where an employee at MEO was on  
24 assignment in another part of Maui and stopped in at a  
25 restaurant to pick up lunch. And while doing that, the

1 employee fell and got hurt. And it created a huge mess with  
2 work comp. as to was she working, wasn't she working, whose  
3 liability was it. Because she was not actually performing  
4 her job at the time. She was going in for her own personal  
5 use on her lunch hour to pick up her lunch.

6 And so I just caution you that that can be a can of  
7 worms if they are injured while they are, you know, getting  
8 lunch or going into a restaurant or going to Costco,  
9 whenever it is they're going. It then becomes the gray area  
10 of is this work comp. or isn't it if they're injured. So I  
11 just wanted to share that experience with you.

12 The other was, um, I have a real amount of concern  
13 about this three dollars. When was the three dollars  
14 decided? How old is it?

15 CHAIR MOLINA: Mr. Director?

16 MR. YOUNG: The three dollars, Ms. Baisa, is  
17 actually a -- um, an advisement from the IRS in terms of the  
18 use of company vehicles. But it is rather dated. I think  
19 the three dollars has been in practice -- I want to say at  
20 least for the last six years. And -- yeah, I mean, arguably  
21 it is rather -- if you're talking about if it's rather  
22 cheap, it is our, it hasn't been changed. So it hasn't been adjusted  
23 for inflation. It's been the same rate as long as I've been  
24 Finance Director, and it was that rate prior to me being  
25 here. So it -- it has not been adjusted for a while.

1           COUNCILMEMBER BAISA: The reason I raise it is, you  
2 know, depending on where the employee lives, this could be a  
3 sizeable benefit. Say an employee lives at the top of Kula  
4 or in Lahaina and they're getting a three dollar additional  
5 compensation per day, look at the mileage and look at gas  
6 and oil and what it costs to run a car. And, you know,  
7 these are not tiny cars. These are big trucks with big  
8 engines that probably use a lot of fuel.

9           So if they use two or three gallons a day, they're  
10 over five, six dollars, or even more, depending on the  
11 distance. So I think it's a nice benefit.

12           MR. YOUNG: Exactly, Ms. Baisa. You've hit on the  
13 point that from the financial perspective, this vehicle  
14 usage issue is much bigger than -- than just employees  
15 taking home vehicles.

16           The Administration and the Department of Finance  
17 has been very focused on -- one of the costs for the County  
18 has been these -- the costs associated with maintaining  
19 County vehicles in our County fleet primarily, you know,  
20 with the rising cost of gas. Maybe a couple years ago when  
21 the gas was, you know, approaching or at five dollars a  
22 gallon, that was the time that we believed that employees  
23 would try to get to take home County vehicles because the  
24 gas is paid for by the County, and they get to use the  
25 vehicles.

1           So all of those things are cost conservation  
2 measures that still continue today, that we've asked  
3 department directors to keep a close on eye the use of  
4 County vehicles. One, even in the course of a normal  
5 business day, that vehicles are being utilized when they're  
6 absolutely necessary and for when the use cannot be -- some  
7 other transportation method cannot be accomplished to use  
8 the County vehicle.

9           The take-home vehicle policy is to ensure that  
10 departments only -- one, that they're knowledgeable of  
11 who's taking home vehicles; when they are being taken home;  
12 if the take-home is actually of a high risk and need that  
13 that employee will likely be called out or be needed in  
14 which the County vehicle would be used in the evenings or  
15 after-hours.

16           So all of those are primarily the reasons for the  
17 controls or the focus on maintaining a control over the  
18 County take-home vehicle policy.

19           COUNCILMEMBER BAISA: Thank you.

20           I have one more question, Chair, and then I'm done.

21           CHAIR MOLINA: Proceed.

22           COUNCILMEMBER BAISA: And that is, um -- you know,  
23 I come from a background of vehicles. You know, you  
24 mentioned, we have a 130. I was close to 100 when I left  
25 MEO. So I'm very familiar with trying to keep track of

1 vehicles and use and whatever.

2 I'm wondering how we track the use of the vehicles?  
3 What kind of logs do we keep on use? Like do we record the  
4 odometer reading in the morning and pretty much say this is  
5 where we went and what we did? And then at the  
6 end-of-the-day reading, or -- you know, how do we keep track  
7 of this? We did that at MEO very, very closely because of  
8 funding.

9 CHAIR MOLINA: Director Horcajo?

10 MS. HORCAJO: I'd very much like to see your MEO  
11 logs and see how you tracked that. Currently, we do have a  
12 vehicle inspection sheet every week that the vehicles, when  
13 they're being washed, are supposed to report any damage or  
14 check the oil change, check the vehicle during that weekly  
15 examination. And I'm going to have to look and see if the  
16 odometer reading is on that particular sheet. And I will do  
17 that. But I know that they do have a weekly review of their  
18 vehicle.

19 COUNCILMEMBER BAISA: It's a very good check of  
20 vehicle use if you have a beginning odometer reading and an  
21 end-of-the-day odometer reading. Because if it's kind of,  
22 you know, unusual, you pick it up right away that maybe this  
23 thing is running more than we thought.

24 So I just throw it out there. I know that there's a public  
25 perception. I get the same calls as my colleagues about, "I

1 saw the County vehicle here" and "I saw the County vehicle  
2 there" and "I saw the County's person with his family in it,"  
3 and "why are they allowed to do that?". So I think we all  
4 get that. So I'm glad we're having this conversation today  
5 so that the public can understand what is going on or, at  
6 least, what should be going on. Thank you.

7 CHAIR MOLINA: Thank you, Member Baisa.  
8 Member Pontanilla?

9 COUNCILMEMBER PONTANILLA: Thank you, Chairman.  
10 You know, Member Baisa brings out a pretty good point.  
11 Because when she was with MEO, she deal with fleets.

12 You know, I come from an environment you know that had lot  
13 of vehicles. And what we did was that people that, you  
14 know, take home vehicles -- this is the phone company -- we  
15 did a trip sheet.

16 COUNCILMEMBER BAISA: There you go.

17 COUNCILMEMBER PONTANILLA: So every trip you take,  
18 beginning mileage and ending mileage and the reason why you  
19 took that trip. Um, as far as on-call supervisors, they  
20 normally take home the vehicles. And then when they're on  
21 vacation, their substitute person will take home that  
22 vehicle.

23 You know, Mr. Young, um, um -- you know, commented  
24 on the very important issue regarding the cost of -- use of  
25 vehicles by, um, employees of our County. I'm trying to get

1 from my staff the Cost of Government report in regards to  
2 vehicle use. And I think we covered that the last time. Got it.

3 (Pause)

4 Yeah, this was done back  
5 in 2004. And, you know, Cost of Government Commission came  
6 out with some recommendation in regards to the use of County  
7 vehicle.

8 So, you know, I'll make copies for the Members here  
9 this morning and refer it also to both Ms. Tamara --  
10 Ms. Tamara, as well as Mr. Young, in regards to that report  
11 that the Cost of Government Commission did back in --  
12 2004, Chairman. Thank you.

13 CHAIR MOLINA: Okay. Thank you, Mr. Pontanilla.  
14 I'm sure it will be appreciated by everybody.

15 Members, if there's no other, further questions with  
16 regards to the car -- oh, I'm sorry. Member Kaho'ohalahala?

17 COUNCILMEMBER KAHO'OHALHALA: Thank you, Chair.

18 You know, as I was listening to Director Horcajo  
19 listing some of what you do keep track of, and Finance  
20 Director. You have vehicle numbers. You have license plate  
21 numbers that are County. You have ID numbers. And you have  
22 employees assigned, you said, to those vehicles.

23 One of the things that I had thought about during  
24 our budget process in this past several months was the fact  
25 that when we looked at your department's operations, much of

1 the costs for maintenance and repair, there's an item in  
2 there for gas and oil. And there doesn't seem to be any  
3 real correlation to numbers that we can assess as the  
4 Council.

5           And so one -- one of the things that I think are  
6 being raised here today is that if we are going to be  
7 responsible not only in the policies of how we allow  
8 Government vehicles to be assigned for -- for use, uh, uh,  
9 by employees, but also that we should be able to assess what  
10 that cost is going to be so when we do get to a budget time,  
11 we can really put the numbers to the proposed budgets. And  
12 to me, that's a part of what is perhaps lacking at this  
13 point in time -- that we can't really make ends meet. And yet,  
14 we're responsible to approve a budget request for X amount  
15 of dollars based on the departments' proposed needs.

16           So I'd like at this point, you know, to find out  
17 from the Director of Finance, or even from the Parks  
18 Director, how you can bump that up by suggestions being made  
19 here on trip reports so that we can assess what that is in  
20 dollars and cents so that we will be more effective in terms  
21 of having to deal with budget issues.

22           And we're coming right around the corner again, and  
23 here we're going to be dealing with -- we all know that the  
24 cost of oil is going to go up. So it's not a cost that's  
25 going to go down at any time soon. But what is the rise of

1 cost? That's Government's responsibility and is something we  
2 should be able to assess. And we cannot make an assessment  
3 if you cannot provide that kind of information to us.

4           So perhaps this is why, I think, at this time, we  
5 should expand on this item to ensure that all of the  
6 departments are going to be able to give accurate  
7 information so that we can make best assessments ourselves  
8 in terms of passing out budget items that you request for.

9           So do you keep track in a manner -- and I -- as you  
10 just stated, Director Horcajo, I'm actually surprised that  
11 you don't have any kind of odometer reading or trip kind  
12 of -- of information. And then -- is that correct? Is  
13 that -- my assessment -- is my assessment correct of your  
14 statement here?

15           CHAIR MOLINA: Okay, Madam Director?

16           MS. HORCAJO: As I was looking through my  
17 information, we do keep odometer readings and they are on  
18 the sheets here. And so we -- we do keep those on a -- on a  
19 weekly basis. I would like to just, I guess, put in a plug  
20 that Administration has brought this to our attention. And  
21 you probably may have heard Parks Department is moving their  
22 operations away from roving crews and trying to focus on  
23 having employees located within the park systems. we have -- and  
24 therefore, we will be cutting down on our vehicle time and  
25 our travel time between parks.

1           Again, it's getting our positions filled and  
2 getting the people in the locations. So we're hoping to  
3 show a drop in vehicle use as we implement this plan.

4           COUNCILMEMBER KAHO'OHALHALA: Okay. Right now, is  
5 there a list that I could go to and be able to evaluate the  
6 use of a particular recreational district based on all of  
7 your vehicles, your costs, your fuel costs, your mileage?  
8 Is that available?

9           MS. HORCAJO: Right now, the fuel cost for the  
10 vehicles, we don't keep our fuel costs. We are very  
11 fortunate, I believe, that it is paid through Public Works,  
12 through the Department. But we -- we do have the odometer  
13 information from one year to the next (inaudible).

14           COUNCILMEMBER KAHO'OHALHALA: Okay. But that doesn't  
15 answer the question as to how much fuel we are consuming and  
16 who is doing the consuming. But we do get a bill at the end  
17 about what we must pay for fuel.

18           So you don't have a breakdown for an assess-- you  
19 don't have any idea of how much mileage is accumulated  
20 within your district, your recreational district, and by the  
21 numbers of vehicles and how much fuel is actually consumed?

22           MS. HORCAJO: That information can probably be  
23 drawn up. I would have to rely on either Finance or Public  
24 Works regarding the actual costs of the fuel. That is not  
25 something that our department doesn't receive those

1 worksheets.

2 COUNCILMEMBER KAHO'OHALHALA: Okay. I'm just kind  
3 of perplexed here if you don't have any idea of the amount  
4 of fuel you consume because it's with another department,  
5 then how do you assess efficiencies within your department?

6 MS. HORCAJO: I begin, um -- we are looking at the  
7 efficiencies just in work time. We call it windshield time,  
8 travel time. And we're trying to cut down on that within  
9 our department. And we're relocating our staff, trying to  
10 be in the parks more often. And that's how we're assessing  
11 that situation.

12 MR. YOUNG: Mr. Kaho'ohalahala, if I could also  
13 just add just for your information? Depending what district  
14 we're talking about, the County -- all the finance -- the  
15 fuel is provided through the Department of Public Works when  
16 they -- when certain vehicles fuel up at the baseyards.  
17 Certain baseyards have this identification key that is  
18 assigned to each vehicle. And departments can track the --  
19 the fuel amounts pumped into a vehicle and matched up to  
20 odometers with each -- you know, either by the weekly  
21 inspection or by the periodic maintenance that is done.

22 So you can -- so departments can track the amount  
23 of fuel that is being pumped in. In terms of the price --

24 COUNCILMEMBER KAHO'OHALAHALA: So the information  
25 is available to -- to the Department? So if I requested

1 that, that would be available?

2 MR. YOUNG: Yes, if the vehicle is being filled up  
3 at a baseyard that has that fuel key technology. My  
4 understanding is that not all baseyards have that  
5 technology.

6 For instance, the -- you know, the Central Maui has  
7 that technology. That's where the bulk the vehicles are.  
8 But I'm not sure if, say, the Molokai baseyard or Lanai  
9 baseyard, maybe even Hana may not have that technology. And  
10 all of that is not necessarily compiled in terms of like the  
11 miles used and the fuel pumped in on what date. None of  
12 that is associated with the price of the fuel that we had to  
13 pay. Because the price we pay, you know, fluctuates just  
14 like for everybody else. But the departments don't  
15 necessarily get to see that expense.

16 So matching that up is -- there's no -- there's no  
17 document that is produced regularly. It would require  
18 research to get that accomplished.

19 COUNCILMEMBER KAHO'OHALHALA: Okay. I just think  
20 as -- as part of the efficiencies of which we're going to be  
21 tasked with in looking at budgets, that these are questions  
22 that I know I'm going to be asking for in the budget  
23 process. But how to get to that information as you're  
24 explaining now is somehow disconnected. In some cases, it  
25 is available. In other cases, it's not available. And so I

1 don't know how, then, we're expected to come up with a  
2 line-item budget that may deal directly with these kinds of  
3 costs without having direct and good information.

4 MR. YOUNG: Well, yes. And I understand and agree  
5 with you 100 percent. The financial analysis that, you  
6 know, that we have to do in Finance and in Budget for these  
7 exact same questions, the information is difficult to get at  
8 the department level because of the analysis tools that are  
9 available.

10 These baseyard keys, for instance, are not  
11 available. So I can't -- as an analyst, I couldn't tell you  
12 how much gasoline a particular vehicle may use. I can tell  
13 you how much fuel the County as a whole uses. I can tell  
14 you how much fuel each baseyard even dispenses. And to some  
15 degree, I could tell you how much fuel is dispensed for  
16 certain departments in that baseyard area. But I couldn't  
17 tell you, you know, on a particular vehicle -- if that  
18 vehicle is located in a certain jurisdiction, I couldn't  
19 necessarily tell you how much that vehicle uses.

20 COUNCILMEMBER KAHO'OHALHALA: Yeah. I think, you  
21 know, getting down to the kind of nitty-gritty is -- what  
22 you're just describing is difficult. But we are still going  
23 to have to be assessing each of the departments for their  
24 own -- their own budgets individually. And so the more  
25 information we can get, the better it would be for us to

1 look at each department.

2           One may use much more in fuel costs. Then the  
3 questions are how come; why; when; you know, and who versus  
4 another department. But it's getting down to that kind of  
5 need for us, I think, as we're moving forward. And this  
6 just brings up ahead of that -- that process, some of the  
7 kinds of things that we're going to be tasked with.

8           So I'm just asking these questions because I know  
9 soon we're going to be dealing with the next round of  
10 budgets. And we're going to have to, uh, uh -- look at the  
11 efficiencies. And I'm looking at it in terms of  
12 efficiencies and how do we -- we improve upon and how do we  
13 assess that so that we're doing better than we currently  
14 are. And it ties into this idea of -- you know, the matter  
15 before us right now. So that's why I raise that.

16           Thank you, Chair.

17           CHAIR MOLINA: All right. Thank you, Member  
18 Kaho'ohalahala.

19           Members, Chair would like to move on to the next  
20 component of this item. But before that, Members, do you  
21 require a short break before we go on to the next item, or  
22 you want to work right through?

23           COUNCIL MEMBERS: Work right through.

24           CHAIR MOLINA: Okay, so ordered.

25           Members, the next component or concern expressed by

1 Mr. Yamamoto is related to the online Request For Service  
2 system. And accompanying us this morning -- you know, I'm  
3 sorry, I don't have your name.

4 MS. HORCAJO: Lisa Almeida.

5 CHAIR MOLINA: Okay. Pardon me?

6 MS. HORCAJO: Oh.

7 CHAIR MOLINA: Okay. If we could just have her  
8 introduce herself?

9 And Members, the complaint is related to -- I  
10 guess, Mr. Yamamoto relates to the online system to obtain  
11 information from the County related to the closures of the  
12 swimming pools, Aquatics Division.

13 So you know if we, I could -- if you could please introduce  
14 yourself?

15 MS. ALMEIDA: Hi, Chair Molina. My name is Lisa  
16 Almeida, and I'm the special events and enforcement contact  
17 for the Department of Parks and Recreation.

18 CHAIR MOLINA: Okay, Thank you very much. If you  
19 would like to go ahead and comment on the concern expressed  
20 by Mr. Yamamoto, page 1 of his March 29, 2009 letter? And,  
21 I guess, maybe just give us an overview of how the system  
22 works and then how we can address concerns like this in the  
23 future. Go ahead.

24 MS. ALMEIDA: If it's okay with the Chair, I'm  
25 going to let Director Horcajo address this specific

1 information, and then I could provide perhaps some clarity  
2 on the Request For Service system.

3 CHAIR MOLINA: Sure. Madam Director?

4 MS. HORCAJO: Thank you.

5 In reviewing the request that was submitted by  
6 Mr. Yamamoto regarding the pool closures, it's my  
7 understanding that I'm here today to just say that the Request  
8 For Service is one of the tools in our toolbox in terms of  
9 answering complaints.

10 Parks Department has many faces out there to  
11 receive requests for information and complaints. I believe  
12 when I looked in the phone book, we have over 30 phone  
13 numbers that we receive calls on -- in throughout the  
14 County, fax, walk-ins and offices. The Request For Service  
15 is another way that we receive requests from the public or  
16 complaints.

17 And in this case, it does look like somehow the  
18 ball was dropped. I'm not quite sure exactly what happened.  
19 But I wanted to kind of address to you what I think may  
20 happened, and then how we have hopefully looked at resolving  
21 that situation so that it won't happen again, which is very  
22 much an important issue.

23 It looks like Mr. Yamamoto had a complaint  
24 regarding the pools not being open in the Central Maui area.  
25 And the Request For Service somehow did come to our

1 department and the -- was referred to Aquatics Division.  
2 But somehow, before the request was received online,  
3 individuals were contacted within the department. And so  
4 our department staff responded to that individual within  
5 about five days after receiving the complaint.

6           And so we're very happy that the response of why  
7 the pool was closed was made back to Mr. Yamamoto which, of  
8 course, is that we have concerns with staffing. And so as  
9 far as this Council goes, I'm not sure if you're concerned  
10 about, you know, why the pools were closed or the lack of  
11 response for the Request For Service. So let me tell you  
12 that we're trying to address both of those issues.

13           There is a phone call in our -- phone number within  
14 our department. That is listed and well-advertised. That  
15 tells of pools closures on a daily basis. And the staff  
16 goes in at 9 o'clock, to make sure that this information is  
17 available to the public. And for anyone out there watching,  
18 the phone number is 270-8208. And it is a recorded listing  
19 of all or any pool closures that may be happening.

20           The staff tries very hard, it is our intent to keep  
21 all pools open every day. But if someone calls in sick or  
22 there's shortage at the beaches, since we cannot close the  
23 beaches, we do move our pool guards to the beaches to try  
24 and cover that shortage. And therefore, sometimes it does  
25 require a pool closures in order to have lifeguards

1 available.

2           So this phone number is updated on a daily basis.

3 If we know ahead of time that a pool needs to be closed to  
4 the public, either for a swim meet or a maintenance issue,  
5 that is put in the paper and that information does go out.

6 So that's one avenue that we're trying to be proactive and  
7 let the community know that there are pool closures in the  
8 area.

9           Um, we're hoping that the drop in response back to  
10 the Request For Service does not happen again. We have  
11 implemented and been active with the MIS, with the Mayor's  
12 office in getting training. And we're just implementing a  
13 new system under Lisa Almeida and the park ranger program  
14 with a new phone, which is 270-8070. That will be manned by  
15 the park rangers from 6:30 a.m. till 10:00 p.m. at night.

16           This is very new. We are just rolling this out.  
17 And I will ask Lisa to explain it a little more. Because we  
18 are also looking at posting signs in each of our parks so  
19 that this phone number will be available to the public if  
20 they see a waterline or a safety issue that needs to be  
21 addressed. And then this information will be recorded on  
22 the KIVA system and tracked in that way. We're hoping that  
23 this will be a very good thing for the public so that we can  
24 address our issues quicker, because we don't have staff in  
25 the parks 24/7 to address some of these safety issues.

1           So I'll ask Lisa to maybe just expand upon that a little bit.

2           CHAIR MOLINA: Okay. Thank you, Madam Director.

3           MS. HORCAJO: Is that okay?

4           CHAIR MOLINA: Ms. Almeida?

5           MS. ALMEIDA: The idea behind the 270-8070 number  
6 is to be able to accommodate requests from the public for  
7 assistance in the parks. It's a general phone number. And  
8 I anticipate that will be used widely more for enforcement  
9 issues, concerns of things that are occurring in the park,  
10 and response from the rangers. But it is our intent to take  
11 all of the calls, enter them into the Request For Service  
12 system. And if they should be handled by another division,  
13 such as Aquatics in this instance, that we would then  
14 contact Aquatics with that information and follow up until  
15 we can resolve that information in the system so that we  
16 have a system to track.

17           That's really what the KIVA RFS system is here to help  
18 do, to what other departments are using it for. And  
19 that's our goal for that fiscal year -- is to successfully  
20 implement that. It's one of the three tracking systems that  
21 the Department of Parks and Recreation uses. So this is the  
22 one that we're trying to reimplement right now.

23           CHAIR MOLINA: Okay. Thank you, Ms. Almeida.

24           All right. Members, questions for the Department  
25 related to the Request For Service online system?

1 Mr. Victorino?

2 COUNCILMEMBER VICTORINO: Yes. Thank you, Chair.

3 And I'm glad to hear that we are trying to correct  
4 the problem. I mean, you know, that's important. Learn  
5 from your mistakes and make corrections. I think all of us can,  
6 can handle that. What I would like to ask is and what I'm  
7 very much concerned with is, we have three pools in Central  
8 Maui. And on April 26th, 2008, all three were closed.

9 Now, how often does that happen? I can understand,  
10 you short lifeguards, that they got to go to the beach and  
11 one pool is closed, another. And this is profoundly  
12 affecting people like Upcountry or Kihei, where they only  
13 have one pool. But Central Maui, we have three. Okay, so  
14 we're lucky. Wailuku, Kahului, three pools. And to tell me  
15 that all three pools were closed? How often does that  
16 happen, is my first question. And secondly, why?

17 Because again, you stated we're short lifeguards  
18 and then they're pulled from the pool to the beaches. Were  
19 we that short that day that we had to close all three pools?

20 CHAIR MOLINA: Madam Director?

21 MS. HORCAJO: Well, it looks like, by the information  
22 that I have, that there was a swim meet at one of the pools.  
23 And we do have another pool that is not listed, is the  
24 Salvation Army pool.

25 COUNCILMEMBER VICTORINO: That's correct.

1 MS. HORCAJO: So that, that pool is also available. It  
2 doesn't say here, and I did not make the time to check if  
3 that one was open on that particular day.

4 COUNCILMEMBER VICTORINO: So I -- but again, no  
5 notice was given that all three pools were closed -- one  
6 is used as swim meet; and two are not manned; and the third one,  
7 whether the public knows about it or not. In fact, I didn't  
8 know the Salvation Army pool is still being used by the  
9 public. Now, I know I see people there. I didn't realize  
10 it was still open for the public. So, hey, you know if I don't realize  
11 it, then the public may not know this. And these are little things  
12 that sometimes can get very aggravating to the public and to  
13 myself, really.

14 So my question again goes back, how often does this  
15 happen? I mean, you didn't answer that question. How often  
16 does all three pools on a single day be closed? Or four  
17 pools, if you want to go that direction.

18 CHAIR MOLINA: Madam Director?

19 MS. HORCAJO: I -- um, this is the first time I  
20 have really been aware that the district has been -- has  
21 that many closures in the same particular day. The Aquatics  
22 Division does try to move staff around and to be able to  
23 keep a pool open in each of the districts. So this is a  
24 concern, and it was a day that was very unusual and very  
25 unique. We do try and keep pools open in each of the

1 districts. I don't have those statistics right now, but I  
2 have a -- but this is a very unique situation.

3 COUNCILMEMBER VICTORINO: Well, Mr. Chair, I would  
4 ask you through your diligence to request that information.  
5 And actually, I'd like the information on all pools  
6 throughout our County are closed down for any specific time  
7 or for specific reason so that we have an idea when the  
8 people are being inhibited from using our pools.

9 You know, we have a lot of beautiful pools.  
10 Granted, I know there's times the pumps go down. Lahaina,  
11 West Maui, all the time has that problem. Upcountry, we  
12 spend much time and money repairing the pumps and heaters  
13 and all that. The public expects the usage of it.

14 So my question is how often? And, and the bottom line  
15 is so that the public understands. If lifeguards is the  
16 problem and we're having a hard time hiring enough, then  
17 they at least can have a reasonable, uh, uh, uh -- comfort  
18 zone as far as accepting that. Yeah, Mr. Chair?

19 So I would ask on your behalf, if you would write a  
20 letter to the Department to get those statistics. I would  
21 like it. And maybe some of the other Members would like  
22 it. But definitely, I would like to know those statistics,  
23 please.

24 CHAIR MOLINA: Okay.

25 COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

1 CHAIR MOLINA: So noted, Mr. Victorino. And I will  
2 make staff aware of your request.

3 Committee Members, additional questions regarded  
4 to the online system? Mr. Medeiros?

5 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

6 Just to offer some information too is, when the RFS  
7 system came onto the County, that goes quite a ways back.  
8 Because when I was still working for the County, we already  
9 had that technology. But it's important per department  
10 who is in charge of that information.

11 I will tell you that in the Public Works Highways  
12 Division, the Chief of the Division, Mr. Hashiro, who is  
13 unusual -- unusually knowledgeable person with computers and  
14 loves computers. But he would have reports kicked out to us  
15 via computer with a list of the entire RFS in our division,  
16 status, and everything else. And we had to complete those  
17 reports within a certain amount of time.

18 Is there somebody in your department that's in  
19 charge on monitoring the RFS information?

20 CHAIR MOLINA: Madam Director?

21 MS. HORCAJO: There is a transition in our  
22 department. And at this time, it is Lisa Almeida who is in  
23 charge of that system for our department.

24 COUNCILMEMBER MEDEIROS: Okay. So does -- does --  
25 if the Mayor's office gets a call, that's assigned to the

1 department that needs to know that? And then from there, do  
2 you folks assign it to your different sections?

3 CHAIR MOLINA: Ms. Almeida?

4 MS. ALMEIDA: I think the part that we're working  
5 on now that we haven't yet successfully implemented is when  
6 the Mayor's office gets a call, inputting that call into  
7 KIVA. Because in Mr. Yamamoto's instance, he did it himself  
8 via the internet. But for us inputting that call, whatever  
9 way that it comes, whether through 8070 or through the  
10 Mayor's office, so that we can track it and assign it and  
11 follow up on it is the part that we're still working on.

12 Right now, the means that it comes to us is the  
13 means that it's distributed, and then followed up in that  
14 way. So for instance, that call from the Mayor's office may  
15 not actually be tracked in RFS right now. That's one of our  
16 main goals.

17 COUNCILMEMBER MEDEIROS: Meaning that it wouldn't  
18 get assigned to your department if it comes *[sic]* through the  
19 Mayor's office?

20 MS. ALMEIDA: No, I'm sorry. It would get assigned  
21 to our department, but we wouldn't track it in the RFS  
22 system. That's something that we would like to start doing.

23 COUNCILMEMBER MEDEIROS: And that's not because  
24 your technology is not available, you just don't do it as a  
25 department right now -- in tracking it?

1 MS. HORCAJO: Right now, the Mayor's office, if it's a  
2 complaint or a question regarding pools, it would go to Aquatics.

3 COUNCILMEMBER MEDEIROS: Okay.

4 MS. HORCAJO: If it's a -- a specific issue  
5 regarding a maintenance, it could go to our maintenance  
6 chief or -- the Mayor's office is very familiar with the  
7 different districts. The quicker it can get to the source,  
8 we can get back to the person with the concern and document  
9 that the better. So that's -- right now, that's how it happens.

10 I believe what -- we're trying to do is then --  
11 we're actually very good, we think, we hope, at getting back  
12 with the public regarding an issue or concern. And, and we are  
13 doing that on a daily basis. I think you noted in here that  
14 the Chief of Aquatics at that time was Mr. Cooper. And he  
15 got back with Mr. Yamamoto very quickly and in a thorough  
16 manner. But that complaint maybe never got resolved within  
17 the KIVA system. That is happening now, our department is  
18 working on that -- the tail end of the dog there.

19 COUNCILMEMBER MEDEIROS: Okay. And just finally,  
20 Mr. Chairman, I would advise, you know, if you want to, to  
21 consult with Mr. Hashiro on this system. He's very  
22 knowledgeable and has a really good system for the Highways  
23 Division. Okay, Thank you.

24 CHAIR MOLINA: All right. Thanks--

25 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

1 CHAIR MOLINA: Thank you, Member Medeiros.

2 Committee Members? Mr. Pontanilla?

3 COUNCILMEMBER PONTANILLA: Thank you. I just want  
4 to make a comment. I, I remember maybe three, four years back  
5 when a proposal to the Council was made in regards to having  
6 a receiving area, it's like, you know, when people from the --  
7 when the public calls in, it goes to a central location.  
8 And hopefully, from there they could resolve the problem.  
9 And if not, you know, be referred to the proper department.  
10 But, you know, as Council Members, you know, we -- it wasn't  
11 appealing to us, so we vote it down.

12 At the time, you know, when I look at what was  
13 being presented to the Council at that time, you know, I  
14 thought that was a very good idea. So that, you know, calls  
15 go to one central location, they log it, they refer it if it  
16 need to be referred. And that way, you know, a lot of  
17 things can get done properly.

18 Um, so that, that's my comment in regards to, you know,  
19 referrals, as well as trying to log everything down.  
20 Hopefully, you know, with the process that they're talking  
21 about, you know, it is successful. But I think we should be  
22 looking into a call center to receive calls so that, you  
23 know, people don't fall through the cracks.

24 So, Chairman, that -- that's only a comment that I  
25 wanted to make in regards to what happened -- I think it was

1 four years ago.

2 CHAIR MOLINA: Right.

3 COUNCILMEMBER PONTANILLA: Thank you.

4 CHAIR MOLINA: Yeah, Chair's well-taken. And  
5 anytime the County implements any type of new system, we  
6 have to expect bugs. I guess there's no perfect technology.  
7 But, you know, the intentions are good. We try to improve  
8 on our existing systems, and sometimes things don't always work out.

9 For the Department, has Mr. Yamamoto's issues been  
10 worked out now? I mean, I know, Director, you mentioned that he did  
11 get in contact with someone from the Department. Now, have  
12 you had any continued discussions with Mr. Yamamoto on this as well?

13 MS. HORCAJO: I'm very glad to say that  
14 Mr. Yamamoto now knows the number to call. And he can call  
15 that number prior to leaving the house and, and driving  
16 out anytime after 9:00 a.m. And the public -- it is a very  
17 well-used phone number for our pool system. And we do  
18 update it every day before 9:00.

19 CHAIR MOLINA: Okay. Well, that's good to hear we  
20 have somewhat of a happy ending to this for the time being.  
21 And with regards to his concerning on the vehicles, I guess  
22 he's been informed now about the Department's policies and -- or  
23 shall I say "the County's policies" with regards to the  
24 vehicles.

25 So -- and again, to the members of the general public, you

1 know, we're -- the County is not perfect. And the County is  
2 doing its best to try and deal with many of these issues  
3 related to cars and pool closures, and whatnot. So we  
4 encourage the public, we want to hear from you. And we also  
5 like to hear solutions as well. I mean, that's helpful to  
6 all of us.

7 So, Members, if there's anything final you would  
8 like to say before the Chair makes a recommendation on the  
9 item? We have Mr. Nishiki, followed by Mr. Pontanilla --

10 COUNCILMEMBER NISHIKI: No, that's not minor inquiry, just  
11 because I used to swim at the Wailuku pool. Um, during  
12 lunch time, you guys close one of the pools?

13 CHAIR MOLINA: Madam Director?

14 MS. HORCAJO: The staffing for our department is  
15 always an issue. We do require, because of our  
16 certifications, that we have two staff on deck. One staff  
17 can be in the office area, but all of our pools would like  
18 to be staffed at that level. If we have a number of sick  
19 leave call-ins or people who have to leave for the day and  
20 don't have enough staff to keep the pool open, we do close  
21 at -- to give the lifeguards a lunch break.

22 But we do have part-time staff that we rotate in  
23 that go to be that second person so that if a pool has two  
24 staff assigned, one staff can go to lunch. We have a --  
25 part-time staff that goes in to rotate. When all staff are

1 available -- when staff are available, that is the intent of  
2 our scheduling, that they remain open. There could be  
3 times, flu season, things like that when we do not have  
4 staff to, to bring in for the lunch time and, therefore, they  
5 would be closed. So it's on a daily basis.

6 I'm not sure, you know, how to respond to that.  
7 And I will get the statistics on how often that has  
8 happened, and we will put that together for you.

9 COUNCILMEMBER NISHIKI: But as far as you know,  
10 there should not be any closure during lunch time for that  
11 Wailuku pool that has the handicapped pool and then the  
12 other --

13 MS. HORCAJO: Right. Our scheduling is such that  
14 it should be, remain open.

15 COUNCILMEMBER NISHIKI: Okay.

16 MS. HORCAJO: I guess I'll throw in here that we  
17 are having such staff shortages that we really are assessing  
18 right now and looking at the old Wailuku pool. It's a  
19 highly used pool by the school, by the community. But  
20 because we're having so many closures at the different pools  
21 and the community would like to know, you know, what's going  
22 to be open and what's going to be closed -- right now,  
23 our department is assessing the old  
24 Wailuku pool to look at the cost for the new drainage,  
25 safety/security measures that are implemented nationwide.

1 If it's going to cost us a lot of money that we don't have,  
2 we are -- and, please, this is not a decision yet. But it  
3 is being assessed if that would be the pool that we would  
4 need to close in order to keep our staff so that other pools  
5 are open on a continual basis. And that is right now being  
6 assessed. No decision has been made. But it is a concern  
7 for us that we don't have enough staff.

8 CHAIR MOLINA: Uh-huh. Okay. Thank you, Director. That is  
9 somewhat sobering news. Because some of you will recall,  
10 who were here, we purchased the pool because of its high  
11 usage not only by the school, but by seniors and others as  
12 well. So, yeah, I certainly appreciate the comments and making us  
13 aware of what could happen.

14 Member Baisa -- excuse me. Member Pontanilla,  
15 followed by Member Baisa.

16 COUNCILMEMBER PONTANILLA: Thank you. I just want  
17 to go back to the vehicles. I got some data. This issue  
18 goes back, you know, back in, to 1990 when Mayor Hannibal Tavares was  
19 the Mayor. And they also had some grievances in regards to  
20 the use of vehicles. So I'd just like to share that with  
21 the Members, as well as -- you know, we had an item back in  
22 2003, but it wasn't -- it was never taken up by the COW  
23 Committee Chairman at the time. And basically, its use of  
24 County vehicles as it relates to the Cost of Government  
25 Commission report.

1           So this information is very important in regards to  
2 policies and standards that should be made so that  
3 everybody, you know, understand the use of County vehicles,  
4 especially the public. Thank you.

5           CHAIR MOLINA: Good. Thank you for providing us  
6 information for us, Mr. Pontanilla.

7           Member Baisa, followed by Member Medeiros.

8           COUNCILMEMBER BAISA: Thank you very much, Chair.  
9 I don't know if we should open this can of worms, but I, I need  
10 to ask the question.

11           In response to some of the questions that have been  
12 asked, Director, you mentioned over and over two words;  
13 staff shortages, staff shortages. Can you tell us what's  
14 going on? Is it that you can't recruit people to do this  
15 job or people are sick or it's a lack of funding so that you  
16 don't have the positions you need? Or can you kind of  
17 enlighten us, please?

18           MS. HORCAJO: The Aquatics Division is a highly  
19 qualified professional division and is required by standards  
20 to maintain certain staffing levels not only at the beaches,  
21 but at the pools.

22           As the beach towers have been -- the requirements  
23 for staff, we have many of our employees who, because of the  
24 job and because of the hazards of the job, are hurt on the  
25 job and are in a position and perhaps are on workers' comp.,

1 that kind of thing, and are out due to those -- that kind of  
2 reason. So even though the position may be filled, we don't  
3 have that body. And therefore, we need to have another body  
4 come up. It comes with the type of job.

5           The second reason that we have a staff shortage  
6 continually is that many -- not all, but many of the pool  
7 guards in the Aquatics Division, the pool is kind of an  
8 entry level and a training ground for our ocean safety  
9 officers. So many of our staff come in through that -- that  
10 vehicle and are then looked at when a position becomes  
11 opening [*sic*] in the ocean safety section, they will be  
12 transferring up -- or promoted up. Because it is a higher  
13 rate of pay. So that process is a long one in terms of  
14 moving up.

15           So that position in the pool will be vacant.  
16 They'll be then promoted to the ocean safety officer  
17 position. That position is then vacant. Then the  
18 recruitment will begin with DPS, Department of Personnel  
19 Services. And that process for filling that position will  
20 begin. So our department -- the Aquatics Division, it's  
21 continually a little domino effect there.

22           COUNCILMEMBER BAISA: At the current time, how many  
23 vacancies do we have?

24           MS. HORCAJO: Currently, I believe we have  
25 absolutely no vacancies, which is a very, very -- we have

1 just -- well, I shouldn't say that (laughter) so strongly. But I know  
2 that our division was very happy about receiving the current  
3 lists. I believe there are about six positions -- I'll take  
4 that back. That they're in the process of hiring for, um --  
5 and I shouldn't be so quick to respond.

6 I know the division is very excited about having  
7 the list come up. Because the recruitment from DPS has been  
8 completed, and we are in the process of hiring to fill -- I  
9 believe it's six positions.

10 COUNCILMEMBER BAISA: When those six are received or -- can  
11 you have 'em (inaudible).

12 CHAIR MOLINA: Excuse me, Member Baisa? Again, I'd like to try  
13 and kind of not touch upon too much on this, to get into too much detail.

14 COUNCILMEMBER BAISA: Okay.

15 CHAIR MOLINA: I mean, it's a good discussion, but it might  
16 be more appropriate for the Committee -- and although the  
17 complaint is related to pool closures, but we're getting now  
18 into bodies and vacancies and so forth. So I'll go ahead  
19 and permit the last question. But after that, I'm not going  
20 to allow any more discussion on vacancies and so forth and  
21 hirings. Okay, so -- just so we can make sure we stay  
22 consistent with our agenda.

23 Ms. Horcajo, would you like to respond?

24 COUNCILMEMBER BAISA: No, it was--

25 CHAIR MOLINA: Member Baisa?

1 COUNCILMEMBER BAISA: It was me.

2 CHAIR MOLINA: Oh, go ahead, Member Baisa, you can continue.

3 COUNCILMEMBER BAISA: And I'll drop this after  
4 this. But because there, the subject or the answer was staff shortages,  
5 I think it's very relevant that we know what we're dealing with.

6 The last piece is -- if you get all those bodies that you're  
7 processing right now, will that solve the problem or do you need more?

8 MS. HORCAJO: We actually have figured out that we  
9 do need more. And depending on how the economy plays out  
10 and the Administration's ability to submit additional  
11 positions, that will go into play in terms of recommending  
12 status of -- of pools.

13 COUNCILMEMBER BAISA: Thank you. Well, we'll see  
14 you in March when the budget roles around.

15 Thank you, Chair.

16 CHAIR MOLINA: Thank you, Member Baisa. I'm sure  
17 Mr. Pontanilla will be looking forward to that discussion.

18 Okay. Mr. Medeiros, your last questions -- or  
19 after you're done with your line of question, the Chair is  
20 going to make a recommendation on this matter because we  
21 will be losing quorum, I understand, in a few minutes. So, go  
22 ahead, Mr. Medeiros.

23 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.  
24 Just two questions.

25 First, for the Director of Parks for talking about

1 pools and beaches. Does -- do beaches take a precedence  
2 over pools when you're looking at personnel assignments?  
3 And the reason I ask that is our pools are used by our  
4 youth, our students, our kupuna, and our disabled members.  
5 They cannot go to the beach for various reasons. So what  
6 I'm asking is does the Department put precedence to keep  
7 beaches open over pools?

8 CHAIR MOLINA: Madam Director?

9 MS. HORCAJO: Yes, we do. And we do that because  
10 of the safety factor -- that, again, we can close a pool if we  
11 do not have the staff to staff it; we cannot close a beach.  
12 That if we don't have staff to man a tower at one of our  
13 beach parks, the public is expecting that we do have staff  
14 on the beach in our towers. And therefore, because of  
15 safety reasons, we do man the towers and we -- when we do  
16 close the pools. And it is, again, trying to move staff  
17 around so that we have one pool in each district open for  
18 the public to attend.

19 COUNCILMEMBER MEDEIROS: Okay. Do all pool guards  
20 qualify to be ocean safety officers?

21 MS. HORCAJO: No, they do not.

22 COUNCILMEMBER MEDEIROS: So you're saying, then,  
23 they can't go to the beach to replace needed ocean safety  
24 officers?

25 MS. HORCAJO: It's my understanding that the

1 Department has a list of qualified lifeguards who are --

2 COUNCILMEMBER MEDEIROS: When you say lifeguards,  
3 the ocean safety officers?

4 MS. HORCAJO: Correct.

5 COUNCILMEMBER MEDEIROS: Okay.

6 MS. HORCAJO: Qualified to be available for temporary  
7 assignment into the ocean safety officer position from the  
8 pool.

9 COUNCILMEMBER MEDEIROS: Okay.

10 MS. HORCAJO: And those --

11 COUNCILMEMBER MEDEIROS: But not all of them are  
12 qualified to be --

13 MS. HORCAJO: That's correct.

14 COUNCILMEMBER MEDEIROS: Okay. So you say you  
15 can't close beaches. And why is that?

16 MS. HORCAJO: Um --

17 COUNCILMEMBER MEDEIROS: And I don't say "close" the  
18 beach. But apparently, there's only a tower, staff member  
19 there during operation hours. They're not there prior to  
20 that. They're not there after those hours. So the beach  
21 remains open, but without the attendance of an ocean safety  
22 officer.

23 So what would it be that -- we have a small, like  
24 Kamaole I, to close that, that has, I think, one tower  
25 guard -- or one tower, maybe two, so that we could keep some

1 pools open that are really needed.

2 MS. HORCAJO: It's my understanding -- and again, I  
3 can get you specific information on this.

4 COUNCILMEMBER MEDEIROS: Is it by law that  
5 you're -- you're, this precedence that you're using to keep beaches  
6 open over pools?

7 Okay. Maybe we can get that --

8 MS. HORCAJO: I'm not sure if it's by law.

9 COUNCILMEMBER MEDEIROS: --information later, Mr. Chairman.

10 CHAIR MOLINA: Right.

11 COUNCILMEMBER MEDEIROS: Yeah, if you can get that  
12 information, I'd appreciate it.

13 And then, finally, on the vehicles, Mr. Chairman, Parks  
14 Department, you said you had 130 vehicles? Did I hear that correctly?

15 MS. HORCAJO: Yes.

16 COUNCILMEMBER MEDEIROS: Okay. And maybe for the Director  
17 of Finance. Even though he's without the mic, but I think  
18 we can hear him. How many vehicles do we have countywide?

19 MR. YOUNG: Mr. Medeiros, I couldn't tell you right  
20 now how much. But the number would be -- including  
21 emergency response vehicles, police, fire, it would be well  
22 in excess of 1,000 vehicles.

23 COUNCILMEMBER MEDEIROS: Okay. Okay. And,  
24 finally, Mr. Chairman -- and I appreciate the allowance.

25 Doesn't the purchaser of our County vehicles who

1 works out of the highways baseyard that does the specs and  
2 purchasing of the vehicles, doesn't he keep an inventory of  
3 all of the vehicles in the County?

4 MR. YOUNG: We -- I believe -- we do have an inventory of  
5 all vehicles in the County.

6 COUNCILMEMBER MEDEIROS: Oh, okay.

7 MR. YOUNG: It's maintained in the Department of  
8 Finance.

9 COUNCILMEMBER MEDEIROS: Okay.

10 MR. YOUNG: I'm not sure to what degree or extent  
11 data is received from the Department of Public Works that  
12 actually ends up specing and procuring the vehicles.

13 COUNCILMEMBER MEDEIROS: Right. Thank you,  
14 Director.

15 Mahalo, Mr. Chairman.

16 CHAIR MOLINA: All right. Thank you very much,  
17 Mr. Medeiros.

18 Members, at this time, the Chair would like to  
19 offer a recommendation.

20 COUNCILMEMBER VICTORINO: Recommendation?

21 CHAIR MOLINA: Okay. Members, the Chair will  
22 entertain a motion to file County Communication Number  
23 09-141.

24 VICE-CHAIR MATEO: Chair, I move to file.

25 COUNCILMEMBER VICTORINO: Second.

1 CHAIR MOLINA: Okay. It's moved by Vice-Chairman  
2 Mateo and seconded by Committee Member Victorino to file  
3 County Communication Number 09-141.

4 Members, discussion?

5 COUNCILMEMBER VICTORINO: No.

6 CHAIR MOLINA: Seeing none, all those in favor of  
7 the motion, signify by saying "aye."

8 COUNCIL MEMBERS: Aye.

9 CHAIR MOLINA: All those opposed Thank you. The Chair will  
12 mark it eight "ayes"; one "excusal", Member Johnson.

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

16 **NOES:** None.

17 **ABSTAIN:** None.

18 **ABSENT:** None.

19 **EXCUSED:** Councilmember Johnson.

20 **MOTION CARRIED.**

21 **ACTION: Recommending FILING of communication.**

22 CHAIR MOLINA: Members, this concludes our agenda  
23 for today. Chair would like to thank all of you for your  
24 attendance and for your professionalism and dedication, as  
25 well as that of the Administration, thank you very much.

1 And, of course, our hard-working staff.

2           Members, it is 12 minutes after the hour of 11 o'clock,  
3 on September 3rd, 2009. This Committee of the Whole meeting  
4 is now adjourned...(gavel)...

5 ADJOURN: 11:12 a.m.

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