

COMMITTEE OF THE WHOLE

Council of the County of Maui

MINUTES

February 4, 2010

Council Chamber, 8th Floor

CONVENE: 9:02 a.m.

PRESENT: Councilmember Danny A. Mateo, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Sol P. Kaho‘ohalahala, Member
Councilmember Bill Kauakea Medeiros, Member
Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

EXCUSED: Councilmember Michael J. Molina, Chair
Councilmember Jo Anne Johnson, Member
Councilmember Wayne K. Nishiki, Member

STAFF: Kirstin Hamman, Legislative Analyst
Scott Jensen, Legislative Analyst (Item No. 3(4))
Camille Sakamoto, Committee Secretary

ADMIN.: Cheryl A. Tipton, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item No. 1(25))
Lori Tshako, Director, Department of Housing and Human Concerns (Item No. 1(25))
Moana M. Lutey, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item No. 1(25))
Adrienne N. Heely, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 3(4))

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

VICE-CHAIR MATEO: . . .(*gavel*). . . Committee of the Whole will come to order.

. . . The Chair would also like, at this point, to request that if anyone has any cell phones, pagers, noise-making devices, if you could please disable them at this, at this time. For the record, the Committee Members who are present this morning, we have Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

VICE-CHAIR MATEO: Good morning. Mr. Kaho‘ohalahala.

COUNCILMEMBER KAHO‘OHALAHALA: Good morning.

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VICE-CHAIR MATEO: Mr. Medeiros.

COUNCILMEMBER MEDEIROS: Aloha and good morning, Mr. Chairman.

VICE-CHAIR MATEO: Good morning. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Morning.

VICE-CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Good morning. Aloha, Chair.

VICE-CHAIR MATEO: And Vice-Chair of the Committee, Danny Mateo. The Chairman of the Committee, Mr. Molina, is excused. And Member Johnson will be joining us shortly, as will Mr. Nishiki. Also with us this morning from the Administration. . .the Director of the Department of Housing and Human Concerns, Ms. Lori Tshako.

MS. TSUHAKO: Good morning, Mr. Chair, Members.

VICE-CHAIR MATEO: Good morning. And the, both Deputies of the Corporation Counsel, Ms. Lutey and Ms. Tipton, with us this morning.

MS. LUTEY: Good morning.

MS. TIPTON: Morning.

VICE-CHAIR MATEO: Good morning. Committee staff, we have our Committee, our Legislative. . .Attorney . . .

. . . Ms. Hamman, as well as our Secretary, Ms. . .Camille Sakamoto.

COUNCILMEMBER BAISA: . . .*(laughter)*. . .

COUNCILMEMBER VICTORINO: . . .*(laughter)*. . .

VICE-CHAIR MATEO: It's been awhile.

COUNCILMEMBER VICTORINO: No problem, Chair.

VICE-CHAIR MATEO: . . .*(laughter)*. . . Members, we have two items on the agenda this morning. . .COW-1(25), which is litigation matters, settlement authorization, Veranio S. Tonga *[sic]* et al. versus County of Maui, et al., Civil Number 08-1-0267(3); as well as Committee of the Whole Item 3-4 *[sic]*, the Hawaii State Association of

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Counties, HSAC, it's the HSAC resolution relating to the Transient Accommodation Tax. . .revenues. At this time, has anyone signed up to provide testimony this morning?

MS. SAKAMOTO: No, Mr. Chair.

VICE-CHAIR MATEO: Okay. Members, we have no one signed up for testimony this morning. The Chair will leave it open for a little while longer. And at that, you know, later this morning we can see whether or not we have any individuals planning to come in and join us. So we'll just go ahead and proceed with the first item on our agenda. Before the Committee is a proposed resolution--this is COW-1(25), a resolution authorizing settlement of Veranio S. Tonga *[sic]* et al. versus the County of Maui, Civil Number 08-1-0267(3).

ITEM NO. 1(25): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: VERANIO S. TONGSON, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL NO. 08-1-0267(3)) (C.C. No. 09-14)

VICE-CHAIR MATEO: The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case. The complaint alleges intentional infliction of emotional distress and violations of the Hawaii Whistleblowers' Protection Act while the Plaintiffs were employed with the Department of Housing and Human Concerns. The Committee last met on this issue on January 14th, 2010 when a motion to approve the proposed resolution failed with a four to zero *[sic]* vote. This matter was then deferred. The Department of the Corporation Counsel has requested the opportunity this morning to update the Committee on the case since our last meeting and for further consideration of the proposed resolution. At this time, the Chair will recognize our, our Deputy Corporation Counsel, Ms. Tipton.

MS. TIPTON: Thank you, Mr. Chair. Council members, since the time that we discussed this matter, I have been informed by the--

COUNCILMEMBER VICTORINO: Excuse me?

MS. TIPTON: --by the attorney--

COUNCILMEMBER VICTORINO: I, I'm sorry to interrupt. Please--

MS. TIPTON: Sure.

COUNCILMEMBER VICTORINO: --if I may?

VICE-CHAIR MATEO: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yes, Mr. Chair. If I heard you correctly, you said the vote was 4-0?

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VICE-CHAIR MATEO: No, 4-2.

COUNCILMEMBER VICTORINO: Okay. Both of us heard 4-0. I, I apologize. Thank you, 4-2, for that clarification.

VICE-CHAIR MATEO: Thank you, Mr. Victorino. Go ahead, Ms. Tipton.

MS. TIPTON: Thank you. Since the time we had our discussions on January 14th on this item, I have been notified by the attorney for Plaintiffs Javier and Nemoto that the Plaintiffs, those two plaintiffs would be willing to settle for the amounts that we discussed on January 14th. Therefore, I, I have an ethical duty to let you know about that information, and I've come to you again to ask for your authorization to settle this case for those amounts that we previously discussed and also to make an offer of settlement to the third Plaintiff to put on the record an offer as we previously discussed. We've had comprehensive discussions in both open session, as well as discussions about the strategy and recommendations in executive session. I will answer any questions, other questions that you have today. And I'm hoping we don't need to go into executive session. But should we need to for me to answer any of your questions, then I would ask that that be, that we do go into executive session.

VICE-CHAIR MATEO: Members, questions?

COUNCILMEMBER VICTORINO: Yeah, please.

VICE-CHAIR MATEO: Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And I apologize, Chair, I, I heard something different, I just want it clarified. So I apologize for that.

VICE-CHAIR MATEO: No, no problem. No problem.

COUNCILMEMBER VICTORINO: And secondly. . .the offer we're making to the third party, is there any indication at this point, acceptance, non-acceptance, no, no, no way of knowing?

MS. TIPTON: No. He. . .that particular Plaintiff has a new attorney. That attorney, to my, at my understanding hasn't even gotten all the documents to evaluate the case. But the purpose of the offer of settlement is to put it on record. If it goes forward, we would be able to get the cost if they lose at trial, our cost in proceeding on this matter.

COUNCILMEMBER VICTORINO: Okay. Thank you. I think you, we've discussed this many times over . . .(laughter). . .

MS. TIPTON: Yes.

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COUNCILMEMBER VICTORINO: So thank you for that clarification.

VICE-CHAIR MATEO: Thank you, Mr. Victorino. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Ms. Tipton. Uh . . .

. . . Just a question. . .if two of the. . .uh . . .

. . . Plaintiff agree to settle and the third one doesn't, do we clear the two and, and have that one person continue on with his case?

MS. TIPTON: Yes, that's correct.

COUNCILMEMBER PONTANILLA: Okay. Thank you.

VICE-CHAIR MATEO: Thank you, Mr. Pontanilla. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. I just wanted to find out if we settle out of court and we don't litigate the case, then. . .and, and, and they accept the settlement from the County, does the court look at it as also admitting guilt?

MS. TIPTON: No. You can actually put provisions, and normally we do--that it, it's *not* an admission of guilt. We're doing it only for the purposes of settlement. It's a business decision, basically.

COUNCILMEMBER MEDEIROS: Okay, thank you for that clarification. Mahalo, Mr. Chairman.

VICE-CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional discussion on the item?

NOTE: *Silence.*

VICE-CHAIR MATEO: . . . And, and Mr. Victorino, thank you very much for that notice. Initially--I just checked with Staff--I did indicate when I opened the item that the vote was four to zero. That meeting on January 14th, the vote was four in favor and two opposed. Thank you very much for catching that. Members, additional discussion on this particular item? If there is no discussion, the Chair is ready to entertain a motion.

COUNCILMEMBER VICTORINO: Go ahead. Recommendation?

VICE-CHAIR MATEO: Thank you. Members, the Chair recommends the adoption of the proposed resolution entitled: authorizing settlement of Veranio S. Tonga [*sic*] et al. versus County of Maui, et al., Civil Number 08-1-0267(3).

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COUNCILMEMBER PONTANILLA: Mr. Chairman, I move that we move on the proposed resolution entitled: authorizing settlement of Veranio S. Tongson, et al. versus County of Maui, et al., Civil Number 08-1-0267(3).

COUNCILMEMBER VICTORINO: Second--

COUNCILMEMBER BAISA: Mr. Chair?

COUNCILMEMBER VICTORINO: --the motion, Mr. Chair.

VICE-CHAIR MATEO: Thank you very much. We have a motion made by Mr. Pontanilla, second by Mr. Victorino. Is there additional discussion?

NOTE: Silence.

VICE-CHAIR MATEO: . . . All those in favor of the motion, signify by saying "aye".

COUNCILMEMBER VICTORINO: Aye.

VICE-CHAIR MATEO: Those opposed, say "no".

COUNCILMEMBER KAHO'OHALAHALA: No.

VICE-CHAIR MATEO: Thank you. One, two, three, four, five. Members, the vote is five "ayes", one "no". Motion is carried.

VOTE: AYES: Councilmembers Baisa, Medeiros, Pontanilla, Victorino, and Vice-Chair Mateo.

NOES: Councilmember Kaho'ohalahala.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Nishiki, and Chair Molina.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution.

VICE-CHAIR MATEO: . . . *(inaudible)*. . . thank you very much, Members. Ms. Tipton, thank you very much.

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MS. TIPTON: Thank you, Mr. Chair. Thank you, Members.

VICE-CHAIR MATEO: Members, at this point there still has, no one has joined us this morning. With no objections, the Chair will close public testimony.

COUNCIL MEMBERS: No objections.

VICE-CHAIR MATEO: Thank you. So ordered. Members, the second item on the agenda this morning is COW-3(4). The Committee is in receipt of correspondence dated January 26, 2010 from Councilmember Pontanilla, transmitting a resolution of the Hawaii State Association of Counties, HSAC, entitled: resolution urging the Governor and the State Legislature to maintain the Counties' share of the Transient Accommodation Tax.

ITEM NO. 3(4): HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (HSAC RESOLUTION RELATING TO TRANSIENT ACCOMMODATIONS TAX REVENUE) (C.C. No. 09-17)

VICE-CHAIR MATEO: HSAC is requesting approval of the resolution from the four Councils. Currently, there is a number of bills pending in the Legislature proposing various ways to either permanently repeal the County's share of the TAT or to significantly reduce it. As our HSAC Representative. . .Member Pontanilla this morning will be able to provide information to us relative to the request from HSAC. So at this time, the Chair will call on Member Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. At our last meeting in January, the HSAC, Association of Counties . . .

. . . created a resolution urging the Governor and the State Legislature to maintain the County's share of the Transient Accommodation Tax. What it means is that the Transient Accommodation Tax currently provide 7.8 percent of Kauai's General Fund budget; 5.5 percent for the County of Hawaii; 3.2 percent for the City and County of Honolulu; and for Maui County, 3.9 percent.

. . . So we're. . .as an organization, we're going in and urging both the Governor and the State Legislature to maintain our TAT. There are several bills in the State Legislature, you know as mentioned by our Chair this morning, that are currently being. . .heard. And one of 'em, this is a proposed Senate bill which hasn't come up yet. . .taking away. . .75 percent of the TAT and leaving 25 percent to be shared amongst the Counties. This is a Senate bill that hasn't. . .surfaced yet, but there are two House bills that are going through the process that we're watching very closely.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER PONTANILLA: Thank you, Chairman.

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VICE-CHAIR MATEO: Thank you, Mr. Pontanilla. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. And I, I can support this. I think all of us realize the . . .devastation this would cause--and for some counties larger than others. But it doesn't make a difference, we're all in the same canoe. And if--you know, using a local term--we need to paddle together. And I think at this point in time if we don't stick together and we don't work together, they will achieve what they wanna do and take it away from us. And what happens to all our . . .tourist-related services that we provide and do not or un. . .or are. . .or are unable--excuse me--to tax or to reap any kind of revenue directly from it? And this has been a means of sharing that part of the raise--that they went to 9-point. . .I think 45 percent or something like that a few years ago--to accommodate this needs, both for the County and for the State. Because the tourism had grown so rapidly and had created such a impact on our infrastructure. And we talk about impacts all the time, Mr. Chair. And I think now we realize the impact in the reverse--is when the money's taken from us, what do we do next? And so do we tax our people further? Do we raise fees further? That's not fair. That's not fair. And there, there I draw the line. I don't care what kind of cash cow we have, you cannot put an undue burden on the people of Maui County or the State of Hawaii for that matter. And so I think I can support this. And I hope my colleagues will support it. I think this is something that needs to show unison throughout the . . .throughout the State. And I thank Mr. Pontanilla for the hard work, and all the rest of the Members of the HSAC Executive Board who work extremely hard bringing forth our concerns and our needs. And . . .in closing I'll say, Mr. Chair, even with all this said and done. . .the uncertainty still remains very strong. And there's possibility of losing it is extremely strong. So I'm hoping that. . .I hope some wisdom can fall over our State Legislators 'cause once they take it away from us we gotta do something else here. And it's a rippling effect, and nobody wins, but the people lose. Thank you, Mr. Chair.

VICE-CHAIR MATEO: Thank you, Mr. Victorino. Members? Ms. Baisa?

COUNCILMEMBER BAISA: Yes, Chair, thank you very much. And of course I'm very supportive of this. But I do have a question. Last Monday, on this past Monday I know the House had a hearing on the TAT bills. And we're still hoping to get information as to what they did. And I know we were informed yesterday by our folks that are working on the legislative issues that they would be sending us a report as soon as they could get something in writing. Can anyone make a phone call and find out . . .(laughter). . . what happened so that we have a better idea of where these people are?

VICE-CHAIR MATEO: Yes. Ms. Hamman?

MS. HAMMAN: Thank you, Mr. Chair. Yesterday, I believe late yesterday Mr. Jensen with our office did call. . .the House to get information about those two bills. We still are not able to get copies of those amendments yet. We were told that they are still being worked on. But we are in contact with them and trying to get that information as soon as we can--

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COUNCILMEMBER BAISA: So . . . I don't want to belabor this, but that, don't we have *anybody* on that Committee that we could talk to and say, well, how is it looking?

NOTE: Silence.

MS. HAMMAN: . . . That's something that we could, we could look into. I'm not aware of, of who is sitting on that Committee.

COUNCILMEMBER BAISA: Well, I do know that Representatives Lyla Berg and . . . that, another gentleman that came back from Iraq. . . ah, Mark Takai are on that Committee. And I know both of them. You know, I think if we could just make a phone call. We wanna know which way the wind is blowing so we know how hard we have to work to get this done. So if anybody can make a call, that would be nice. Oh, here's Scott, maybe he can help.

. . . I'm just not wanting to wait for the written stuff 'cause I don't think we need it.

VICE-CHAIR MATEO: That's right. Mr. Jensen?

MR. JENSEN: Yeah, I apologize. I came up just when I heard Kirstin mentioning what was correct--that calls were made to the Chair of that Committee's office yesterday. Intents were made to speak with him. We spoke with a variety of people in his staff several times during the afternoon just to clarify the process because the Public Access Room and other folks we'd consulted with at the State Capitol were not able to provide the answers. His staff have indicated that the Chair of the Committee, in the process of finalizing the Committee Report, which will memorialize what happened on Monday--as I think's been commented, those short-form bills were amended. The hearing specified that no testimony was going to be received and it was a decision-making purpose *solely* for the purpose of inserting that new language into the bills, and that they would be recommitted. And so the status report shows that that's their *intent*. His, the Chair of that Committee's staff informed me that he is still *reviewing*. . . language and the form it will take in the Committee Report. So I guess the only *security* everyone feels is that there's nothing that *can* be scheduled until that report is formally *filed*. We've indicated on numerous occasions that we anticipate, expect receiving that version as soon as it's available--not only when it's posted on-line. So I think that's why, how the Legislative Tracking Team is attempting to stay on top of that. And I hope that meets with everyone's satisfaction.

VICE-CHAIR MATEO: Thank--

COUNCILMEMBER BAISA: Thank you, Chair. I understand the formal process. What I want us to use and kick in is the informal process. The coconut wireless works really well. *Somebody* knows somebody that we can talk to and say when, what went on in that

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meeting, were they in favor, were they against, was it 10 percent, 20 percent. We *should* be able to get that *somewhere*.

VICE-CHAIR MATEO: Yeah--

COUNCILMEMBER BAISA: Right now we have nothing and we're waiting for a report.

VICE-CHAIR MATEO: Yeah.

COUNCILMEMBER BAISA: I mean, and, and please Mr. Jensen, don't take this wrong way, I understand that you have a process and you're following it. But I've been, I've done enough legislative work to know that a phone call to the right person, and you pretty much know what happened.

VICE-CHAIR MATEO: Correct. Thank you, Ms. Baisa. Mr. Jensen?

MR. JENSEN: And, and my only comment is to totally agree with you. We're not--and I guess what I was perhaps not communicating clearly is we weren't just following a formal process, we were attempting, in speaking with the Chair, to find out what the contents of that were. And the indication is that it's somehow being *revised*. So to what extent other Committee Members may informally communicate the *type* of conversation that went on that Committee meeting is one thing that we can further follow up. But the Chair has indicated that he is somehow being able to *reformat* that and that his Committee Report will indicate his feelings, which apparently have not yet been decided, as to how that will be recommitted to the Committee and the form it will take.

VICE-CHAIR MATEO: Thank you, Mr. Jensen.

COUNCILMEMBER VICTORINO: . . . *(inaudible)* . . .

VICE-CHAIR MATEO: Ms. Baisa, you're done?

COUNCILMEMBER BAISA: Just one last comment and I'll be--

VICE-CHAIR MATEO: Go ahead.

COUNCILMEMBER BAISA: --quiet.

VICE-CHAIR MATEO: . . . *(laughter)* . . .

COUNCILMEMBER BAISA: I think it would behoove us if among our network somebody could sit in on those meetings. . . just so that we have a channel of communication. You know, it's frustrating to have to wait from Monday until today. It's Thursday and we still don't even have a clue as to what went on in that meeting.

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VICE-CHAIR MATEO: Uh-huh. Correct. Thank you. Point well. . .point well taken.

. . . Mr. Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Yeah, thank you, Chair. I'm. . .first of all, in support of the resolution from HSAC. And I think notwithstanding the. . .the legislative procedural kinds of issues and communications on status of the bills, this is still the first step that we must take--is to help support that. The other part is what we're, I guess, trying to deliberate here on--is how do we get status updates and how do we get information more, more so. So I know that the Senate has moved to a paperless. . .process in which all testimonies and everything that, that's been communicated on any item is on. . .online. Is that correct?

MR. JENSEN: Yeah, excuse me. Yes, that is. . .that is our understanding. That was part of the conversation with Public Access Room yesterday and how best to approach or obtain this. . .these materials. The possibilities included, as has been indicated, that this was something that was just going to follow a *lengthy* process to be uploaded. And when we traced that trail back, no it still remains that the Chair--

COUNCILMEMBER KAHO'OHALAHALA: That has not been--

MR. JENSEN: --has not even, not formulated it--

COUNCILMEMBER KAHO'OHALAHALA: --placed on--

MR. JENSEN: But you're absolutely right--that distinction between the Senate's paperless initiative, to which I think the Team forwarded an email to update everyone on that procedure, is *vastly* more useful to the neighbor islands than in the House. . .in which case we're left with kind of the tools we've always had.

COUNCILMEMBER KAHO'OHALAHALA: Okay. And then the, I understand that, you know, the, the Committee Reports are, are going to be important because that's what really is gonna be. . .recorded as the action of the. . .of the Committee itself. But the recommittal means that it will go back to a, a hearing?

MR. JENSEN: Yes. And that, that was exactly the status of the hearing notice for Monday's hearing. As I mentioned, they were basically. . .making decisions on bills which were in the short format, only a few lines. So it was unknown prior to the meeting what was going to be inserted.

COUNCILMEMBER KAHO'OHALAHALA: Okay.

MR. JENSEN: Because the meeting wasn't televised and because no minutes are available, we're relying on information we receive--as Councilmember Baisa has suggested--from other Committee Members which we followed up, we *will* follow up. We have not done

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that. We've directed all our comments at the Committee Chair because the indications from his staff and the Public Access Room were that he *alone* would be finalizing the format that that bill will take when it's recommitted by the Committee Report and as that first hearing notice schedule, indicated at *that* point it will be scheduled for public testimony and public hearing.

COUNCILMEMBER KAHO'OHALAHALA: Okay. I appreciate that, that update. And, Chair, I think we should just continue to move this forward. And then whatever the outcome of that is, this is still an important step for us to do. Yeah.

VICE-CHAIR MATEO: Right. Yeah. Thank you--

COUNCILMEMBER KAHO'OHALAHALA: Thank you.

VICE-CHAIR MATEO: --Mr. Kaho'ohalahala. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yeah, and I, too, will support the . . . resolution from HSAC and appreciate our Representative of, on HSAC, Mr. Pontanilla, for bringing it here to us and to convey the ideas from HSAC with this. You know, and as . . . the Alternate Representative from our County Council, myself, and I appreciate my colleagues having appointed me to that. . . I know HSAC works hard to put together these very important resolutions or our legislative package so that the voices of the outer islands are heard. So thank you for that opportunity. I will support this resolution. Mahalo.

VICE-CHAIR MATEO: Thank you, Mr. Medeiros. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Yeah, as part of the HSAC team, whenever we come across House bills or Senate bills, we share that information. And maybe. . . not "maybe", but we'll follow up with the different Counties as far as you know who do we know in State Legislature that can support us. You know, because we all are involved, can talk to some of these individuals that sit on committees. And, and we do that and try to get some information regarding the two House bills. So. . . you know, it's more work for Kirstin, but--

COUNCIL MEMBERS: . . . *(laughter)* . . .

COUNCILMEMBER PONTANILLA: --she's the one--

MS. HAMMAN: No problem.

COUNCILMEMBER PONTANILLA: --that always bird-dog--

COUNCILMEMBER BAISA: . . . *(laughter)* . . .

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MS. HAMMAN: --for HSAC on Maui County, for Maui County. So thank you.

VICE-CHAIR MATEO: Thank you, Mr. Pontanilla. Members, additional discussion? The Chair, too, will, will. . .will gladly support such a resolution. You know the. . .it's, it's not only, it's not only the, the *bill* that would *limit* the amount of monies that the County get--you know, that, that one bill that says 75 percent to the State and 25 percent to the Counties. The other considerations that you hear the House Speaker talking about, which is *zero* for the Counties. You know I, I think. . .I think for us you know it's all too real the impacts that, that we gonna have to deal with *without* the TAT. These are tax monies that are generated in our counties. These are tax monies that contribute to us maintaining the roadways and our parks, and providing the promotions that, that we do do on Maui County as well as take care of some of our nonprofit organizations. This is not a luxury item. This something that is *generated* in our *County*. And I ask each one of the Members, you know, you all have your, your own circle of friends. You all have your own circle and connections you know in this legislative period, please engage them and you know try to get as much information and assistance and cooperation you know with, with each of them. The more help we can get and the more information that we can help, the better it is for us to you know provide our continuing efforts for this County. Having said that, the Chair will entertain a motion to recommend the approval of the HSAC resolution entitled: resolution urging the Governor and the State Legislature to maintain the Counties' share of the Transient Accommodation Tax.

COUNCILMEMBER PONTANILLA: So moved, Chairman, as you have stated.

COUNCILMEMBER MEDEIROS: Second.

VICE-CHAIR MATEO: It's been moved by Member Pontanilla and second by Mr. Medeiros. Additional discussion, Members?

. . . Hearing none, all those in favor of the motion, signify by saying "aye".

COUNCIL MEMBERS: Aye.

VICE-CHAIR MATEO: Those opposed say "no". Members, one, two, three, four, five, six "ayes"; zero "noes"; motion is carried.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

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EXC.: Councilmembers Johnson, Nishiki, and Chair Molina.

MOTION CARRIED.

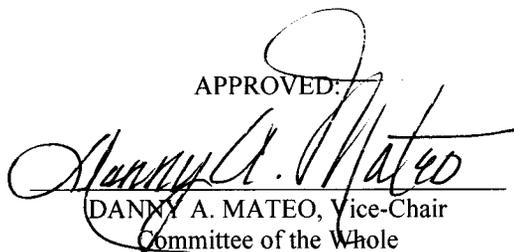
ACTION: Recommending APPROVAL of HSAC resolution and TRANSMITTAL of a copy of the committee report to the HSAC Executive Committee.

VICE-CHAIR MATEO: Members, that concludes the business of COW for this morning. Mr. Victorino, go ahead.

COUNCILMEMBER VICTORINO: Mr. Chair, and this has nothing to do with what we discussed today, but I would like to remind all of my colleagues today and, and. . .I think people throughout the State have heard the news this morning that the late Mayor of Oahu, Frank Fasi, passed away. And we all know Paul Fasi, one of our Planners, is his son. And so I would like to pass our condolences on to the family--Paul and. . .and the entire family. Mr. Fasi was a legacy, and all of us grew up with him. And. . .I don't think we can ever have another Frank Fasi in this . . .(laughter). . . in this type of environment today--the cowboy boots and hat and the giddy up and go kind of guy he was. And all of us remember that. And I had a few chances when I was younger to meet him, and he was one dynamic person. I, I cannot say nothing but that. But whether you liked 'em or didn't like 'em, he was Frank Fasi. And this State lost a political leader and. . .I just wanted to remind all of our, our Members in this County even though it *wasn't* this County, Mr. Fasi had touched this County by running for Governor and had been a part of a lot of issues that today we share some benefits in. And, and you know some of the programs he started in Oahu. So I just wanted to bring that forward, Mr. Chair, that I think we all owe him a. . .a large amount of gratitude for the things he tried to bring forward. And he's always for the little guy. And that, I think, all of us will long remember. Thank you, Mr. Chair.

VICE-CHAIR MATEO: Thank you very much, Mr. Victorino. Members, this concludes business of the Committee of the Whole for this regular meeting of February 4, 2010. This meeting is adjourned. . .(gavel). . .

ADJOURN: 9:31 a.m.

APPROVED:

DANNY A. MATEO, Vice-Chair
Committee of the Whole

cow:min:100204

Transcribed by: Camille Sakamoto