

BUDGET AND FINANCE COMMITTEE

Council of the County of Maui

MINUTES

April 1, 2010

Council Chamber, 8th floor

CONVENE: 9:05 a.m.

PRESENT: Councilmember Joseph Pontanilla, Chair
Councilmember Danny A. Mateo, Vice-Chair (in 9:08 a.m.)
Councilmember Gladys C. Baisa, Member (out 11:22 a.m.)
Councilmember Sol P. Kaho`ohalahala, Member (in 10:11 a.m.)
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael J. Molina, Member (in 9:06 a.m., out 11:16 a.m.)
Councilmember Wayne K. Nishiki, Member
Councilmember Michael P. Victorino, Member

EXCUSED: Councilmember Jo Anne Johnson, Member

STAFF: Gayle Revels, Legislative Analyst
Scott Kaneshina, Legislative Analyst
Yvette Bouthillier, Committee Secretary

ADMIN.: Frederick Pablo, Budget Director, Office of the Mayor
Wendy Taomoto, Capital Improvement Project (CIP) Coordinator, Department of Management
Benjamin M. Acob, Prosecuting Attorney, Department of the Prosecuting Attorney
Brian T. Moto, Corporation Counsel, Department of the Corporation Counsel
Traci Fujita Villarosa, First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Liane Ogata, Account Clerk, Department of the Prosecuting Attorney
Kay Tesoro, Administrative Office, Department of the Prosecuting Attorney

OTHERS: **Item 1** Mike Morris, Maui Family YMCA, and NPAC, Hawaii Nutrition and Physical Activity Coalition
Sandy McGuinness, Coordinator, NPAC, Nutrition and Physical Activity Coalition of Maui
Dave DeLeon, Built Environment Chair, Nutrition and Physical Activity Coalition of Maui
Jan Dapitan

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Jocelyn A. Perreira, Executive Director, Tri-Isle Main Street
Resource Center
Tom Cannon, Chairman of the Board, Wailuku Main Street
Association/Tri-Isle Main Street Resource Center
Others (3)

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

CHAIR PONTANILLA: . . .(*gavel*). . . The Budget and Finance Committee meeting for April 1, 2010 is now in session. The time is 9:05. Good morning, Members.

COUNCIL MEMBERS: Good morning.

CHAIR PONTANILLA: At this time, the Chair would just like to remind the Members that we have a community meeting tonight at . . .on Lanai and the Chair's intent is to finish up prior to noon today. So, Members, if you can come directly to, when asking questions come directly to the point of your questions to the Administration. The Chair would like to keep it short.

At this time, the Chair would like to recognize the Members that are here this morning. We do have Member Molina.

COUNCILMEMBER MOLINA: Good morning, Chair.

CHAIR PONTANILLA: Good morning. Member Baisa. Member Medeiros.

COUNCILMEMBER MEDEIROS: Aloha, good morning, Chair.

CHAIR PONTANILLA: Good morning. Member Nishiki.

COUNCILMEMBER NISHIKI: Good morning.

CHAIR PONTANILLA: And Member Victorino.

COUNCILMEMBER VICTORINO: Good morning, and aloha, Chair.

CHAIR PONTANILLA: Good morning. Excused at this time are Members Johnson, Kaho`ohalahala, and Chairman Mateo. Again, the Chair would like to introduce the Administration personnel. We do have the Budget Director, Mr. Pablo.

MR. PABLO: Good morning, Chair.

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CHAIR PONTANILLA: Good morning. And we are so distinguished to be represented by Corporation Counsel, Mr. Brian Moto, good morning. And again, supporting the Committee are our Legislative Analysts, Gayle Revels and Scott Kaneshina, and our Committee Secretary, Yvette Bouthillier.

Members, we do have several people signed up for public testimony. But before we go into public testimony, the Chair would like to remind everyone to turn off their cell phones or put it on the silent mode. Ground rules for public testimony will be each testifier will have three minutes to provide public testimony and the Chair is going to allow one minute to conclude this morning. And when you come up, please state your name and the organization that you represent, the Chair and Committee would appreciate that.

The first person to sign up for public testimony is Mike Morris.

...BEGIN PUBLIC TESTIMONY...

MR. MORRIS: Good morning, Chair. Good morning, Council Members. I do have a document. I don't know if you have it in front of you. It says NPAC on the front of it. I'm Mike Morris. Most of you know me as the YMCA Director here on Maui but I'm also representing NPAC today. I am the Chair of the Nutrition and Physical Activity Coalition here on Maui and unfortunately I don't bring you good news today.

America is in bad shape and needs drastic change. How bad is it? Take a look at the, the document that's in front of you that has the NPAC on it and the little maps of the United States. And you can see in the last 20 years there's been no greater epidemic than the obesity epidemic that's taking over our nation and right here in Maui as well. Our children are overweight and out of shape and it's being estimated by the Center for Disease Control that this generation will not live longer than their parent's generation. It's the first time in modern history that's going to happen. Imagine that, that the children today are not going to outlive their parent's generation as a result of this epidemic.

What is so staggering about those charts is the rapid growth. If you look at it, it goes by five-year periods and then in starts in about 2003, it starts jumping yearly. And then the charts end on 2005 and I can tell you that the charts for '06, '07, and '08 do not get better. They only get worse.

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The good news is NPAC has targeted four approaches to improving the...community's health: school health where we do nutrition and physical activity programs right now; workplace wellness where we work on helping companies to increase their employee's health; health care working with hospitals and medical centers in doing collaborations and put together partners; and then finally our built environment, how we build our communities and this may be the most important issue that we deal with in conquering this epidemic.

This, this isn't the YMCA's issue. It's not Kaiser's issue. It's not Maui Memorial's issues. It's not your issue alone. It will take all of us to address this epidemic to have some kind of impact. Look, it's not a bunch of overweight people going to McDonald's one too many times a week. We have children who are obese and it's becoming such an epidemic that it's not just about overweight, it's also economically. Three hundred million dollars is spent in Hawaii alone, \$300 million addressing obesity issues through health care.

So, I feel I have a responsibility to inform you of these --

MS. REVELS: Three minutes.

MR. MORRIS: --this. . .inform you of this statistics and to hopefully stimulate your thinking as how we can work better to deal with this health crisis. When you start to think about how we design our communities and asking ourselves questions like, is this community walker friendly, biker friendly? Or is it built for the automobile only? If we give this epidemic some thought in our everyday decision-making, will we make different decisions? Probably, but more importantly, will the decisions we make, make a difference? We could only hope so...

So, today I don't come to you asking for money. I come to you off...offering my services as the Y Director and the NPAC Chair and hoping that we can work together to solve this problem. Keep this packet in front of you. Refer to it on a, on a daily basis.

MS. REVELS: Four minutes.

MR. MORRIS: Look at it when you're making decisions and hopefully we'll make healthier decisions. So, I'm here to pull together with you guys, work together to hopefully make decisions that will have an impact, a positive impact on our community. Thank you.

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CHAIR PONTANILLA: Thank you, Mr. Morris. Members, any questions for the testifier? Member Baisa?

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And thank you, Mr. Morris, for being here this morning.

MR. MORRIS: Thank you.

COUNCILMEMBER BAISA: Some day in another life I'll get to the Y. For now, I don't know. You know this problem that we have with childhood obesity, it seems that, you know, it just gets worse all the time and I understand exercise being a part of it obviously. But there's this whole other part that you didn't address and I don't know if someone else will be speaking this morning. But obviously there's a real problem with diet.

MR. MORRIS: Absolutely.

COUNCILMEMBER BAISA: And I didn't hear you address that. Any comments?

MR. MORRIS: It is an important segment. The more important segment at this, at this point is activity, getting our children active. We can overcome the nutrition part of it by education basically, which, which is a big part of it. But the fitness side and the activity side is the biggest segment that we need to work on because our children today don't. . .who rides their bike to school anymore? Nobody. Who walks to school anymore? Very few children. So a lot of it is just getting out and being active is, is probably the best way to address it but nutrition is a good way. I mentioned briefly that our school sites we work with the nutrition and what they're feeding our kids in school. Our afterschool sites we do the same thing. And our program at the Y when they come, our lunches are nutritional lunches instead of typical hamburgers or french fries and those kinds of things. So, it is a big part of it. But we work more with the family on the nutrition side of it than we do with the children, 'cause if mom and dad are creating correct meals and teaching their children these are the right things to eat it will...certainly catch on later on.

COUNCILMEMBER BAISA: I have grandchildren and great grandchildren at this point and they're so different from, you know, my, my kids when they were little.

MR. MORRIS: Right.

COUNCILMEMBER BAISA: And I think a big part of it is when they come to visit now they bring a bag of toys, but they're not the kind of toys that we used to ride

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or play with. They have a bag of electronic toys or they have a bag of, of stuff. I don't know if it's DVRs or movies or whatever. That, that's a real issue but how do we change that now that these kids sit in front of something and watch it for hours and hours and hours and hours?

MR. MORRIS: You know, it's what we've evolved into and you see on the very last page of that packet. It's pretty much what we've evolved into that we've, we've gone from non-exercise to sitting on the couch and watching TV and playing video games and that kind of thing. So, we have to reverse that trend and part, and, and, I think, a big part of it is, and I'll go back to this, the built environment. And, you know, I live in Kihei and I can't walk down on South Kihei Road to walk to the store. But I mean I can but I take my life into my own hands. So, imagine my eight year old or my six year old trying to make that same walk. They just can't do it.

And, and if you give people an option and make it more convenient for them and especially kids to ride your bike to school or to walk to school I think we'd. . .they'd utilize it. And we look at communities that are designed that way versus communities that aren't and you look at the health of them. There's statistical data that shows they're healthier because the way the design of the community is. So, I don't think. . .it's going to continue. We're going to develop more video games and better video games and it's going to continue. But we got to give them options. We got to start early too. You know, we got rid of physical education programs in our elementary schools.

COUNCILMEMBER BAISA: Yes.

MR. MORRIS: We don't do it anymore. We don't do it in Hawaii. I know, I know of four schools that are doing it. The Y is the only people doing it and four elementary schools right here in Maui, the only schools getting physical education.

COUNCILMEMBER BAISA: So, so, it seems that as we look at our General Plan, which we're doing right now and our community plans, and as we approve where things should be done, it really makes sense then to look at the idea of communities that are being built the way they were when we were little kids --

MR. MORRIS: Absolutely.

COUNCILMEMBER BAISA: --which is more smaller community with stores and amenities that are walkable and a school you can walk to or ride, or ride a bike to.

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But when we do what we've been doing for years, which is isolating housing from business, we've created what we have.

MR. MORRIS: Right, we absolutely have. And you're absolutely right. And how those connect is...

CHAIR PONTANILLA: We're going to stop this conversation right here. If you can pertain it to the budget I would appreciate that.

MR. MORRIS: No worries.

COUNCILMEMBER BAISA: Okay, so, what, what you want us to say in the budget?

MR. MORRIS: Well, again, I'm not asking for money. I'm asking for you to look at those budget, budget items and the things that you do and how it relates to health. If I'm going to fund this how does it help create a healthier community? I'll leave it at that.

COUNCILMEMBER BAISA: Thank you. Good question.

CHAIR PONTANILLA: Thank you. Thank you, Mike, for the handout.

COUNCILMEMBER NISHIKI: Question?

CHAIR PONTANILLA: I, I think we got the message. Member Nishiki?

COUNCILMEMBER NISHIKI: I was looking at this map.

MR. MORRIS: Yep.

COUNCILMEMBER NISHIKI: One state stays pretty constant.

MR. MORRIS: Colorado.

COUNCILMEMBER NISHIKI: Why?

MR. MORRIS: Because of the way they design their communities. They're a healthier state. They, they take it seriously and if you do any study on Colorado and what they're thinking there is, is exactly that. They're focused on health and wellness of their communities and how they connect. They don't build; they don't build a community and the sidewalk stops here and build another one and that sidewalk stops here. They look at both of them and say can we connect the two? Can we

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connect the bike path from here to here? And we don't just look at one development. We look at the whole area and that's one thing Colorado does very well, it makes it connected.

COUNCILMEMBER NISHIKI: Thank you.

CHAIR PONTANILLA: Thank you. Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Hi, good morning, thank you for being here --

MR. MORRIS: Thank you.

COUNCILMEMBER MEDEIROS: --and your testimony. How does NPAC interact with the, the DOE as far as nutrition in schools?

MR. MORRIS: Well, what we're looking at is two things with Department of Education is safe routes to school. How can kids get to school without getting run over by a car? So that's one side of it. The other side of it, the nutrition side is a little tougher. One of ours is, is talking with them of what we're providing in the schools. We're hoping that the talks and discussions we're having are starting to make a difference. You know, it didn't happen overnight. We didn't get overweight overnight. It happened over years. So, it's a . . .we've dedicated a ten-year initiative to try and change this epidemic...the new, the new laws that are being talked about on providing calorie counts on menus, those kinds of things so...

CHAIR PONTANILLA: I'm going stop this right now, okay.

MR. MORRIS: Again...sorry. Sorry, Chair.

CHAIR PONTANILLA: Please try to concentrate on the budget itself.

MR. MORRIS: Okay.

CHAIR PONTANILLA: You know, we all are concerned in regards to obesity. And, I, I can live with questions like because of the transportation issue that we have today and the cost it. . .what it might it cost for children to catch that bus may be an avenue is exactly what you say, going back to the schools, talking to the children in regards to utilizing their bikes to travel to and from school, because we have a big issue in transportation.

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MR. MORRIS: Right, I agree.

CHAIR PONTANILLA: Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Chair, and thank you for reminding us to keep it on task with the budget here. So, Mr. Morris, what do you see in this budget, whether it be a Capital Improvement Project or a proposed grant for an organization that supports these objectives of NPAC that you can support or not support? So, yeah, and you know, I can totally support Chairman Pontanilla because we have to abide by the Sunshine Law and we have to keep it, you know, to what's in this budget. So, what, what do you see that, that you would support or not support?

MR. MORRIS: Well, first of all, I'd like to say thank you for supporting the YMCA in giving the, the contribution to us for helping us build our gymnasium. Hopefully, we, we break ground on that this year and able to do that, which will have a tremendous impact on the community.

But on MEO and busing services, I was just talking to Councilmember Baisa about the study on people who ride buses or bus transportation are healthier than people who drive in their cars every day. There's a study on that. So, funding, you know, mass transportation is a very good thing to do. It's healthier for our community, believe it or not.

Anything on capital improvements, bike paths, I think, it's beautiful. I mean South Maui and Central Maui and, and the North Shore should all connect. You know, we got this beautiful bike path on Mokulele that goes to nowhere. So, they got to connect. So, anything we can do like that I think are, are wonderful things for you guys to consider in your budget.

COUNCILMEMBER MOLINA: Okay, and I just want to say, you know, on your. . .this whole subject, it's a great subject and maybe any Member can maybe generate a communication item through the Council Chair, and we can have this. . .a more, you know, broader discussion or detailed discussion because it's a, it's a real important subject.

MR. MORRIS: It is.

COUNCILMEMBER MOLINA: It's happening nationally too.

MR. MORRIS: Absolutely.

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COUNCILMEMBER MOLINA: And thank you, Mr. Morris. Thank you, Chair.

MR. MORRIS: Thank you.

CHAIR PONTANILLA: Thank you. Just one, one last comment. When we start the General Plan again. . .the Maui Island Plan maybe you should do some testimony at that time in regards to the things that you telling us this morning. So, thank you.

MR. MORRIS: Be glad to. Thank you.

CHAIR PONTANILLA: Okay. Next testifier is...

COUNCILMEMBER NISHIKI: I got a question, Mr. Chair.

CHAIR PONTANILLA: Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Does Colorado have a high gasoline tax?

MR. MORRIS: I can't answer that. I don't know. It's a good question.

COUNCILMEMBER NISHIKI: I was wondering if we raise the gasoline tax real high people would catch the bus.

MR. MORRIS: I think that's an interesting point but I think you got to give them options first. You got to give. . .

COUNCILMEMBER NISHIKI: That's an option.

MR. MORRIS: Well you, you got to give people. . .you don't want to put people on a road that's not safe, meaning walking or biking. We have to provide the facilities, the infrastructure in order for them to get out of the cars, and then we can discourage them from driving but we got to work on our infrastructure first. How can they do it safely?

COUNCILMEMBER BAISA: Chair?

CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Just one more thing in relation to this and the budget. I noticed that we fund a lot of programs for kids and a lot of those programs provide food.

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MR. MORRIS: Right.

COUNCILMEMBER BAISA: And you mentioned that you provide healthy food at your program.

MR. MORRIS: Right.

COUNCILMEMBER BAISA: So this might be something for us to think about when we're funding all these snacks is what are we funding?

MR. MORRIS: And use your local farmers. That's where we get our food for our, you know, Kula Country Farms and folks like that. We . . .utilize them to bring the food to us and it's healthy foods.

COUNCILMEMBER BAISA: Thank you.

CHAIR PONTANILLA: Thank you. Thank you, Mike, again.

MR. MORRIS: Thanks.

CHAIR PONTANILLA: Next testifier is Sandy McGuinness.

MS. MCGUINNESS: Good morning, Committee Chair Pontanilla --

CHAIR PONTANILLA: Good morning.

MS. MCGUINNESS: --and Committee Members. I'm Sandy McGuinness and I'm Coordinator of the Maui County Nutrition and Physical Activity Coalition. And we're . . .our aim is to improve the quality of life for our County residents by reducing chronic disease and obesity through systems and environmental changes regarding physical activity and nutrition. So, Mike spoke a lot about what we do and how we're here today to talk about. . .a little bit about the budget, but also I do appreciate the fact that we may be invited back when we do review the General Plan.

Research has shown that when physical activity and healthful eating are incorporated into our daily lives that we have long-lasting health benefits. So that is the reason that we're doing the work that we're doing.

Yesterday Dr. Pang convened, our district health officer, convened a meeting of people to talk about obesity in our County and said that it's being identified at

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earlier and earlier ages. So now even at the preschool level they're finding that children are, are considered obese.

So, while Mike mentioned we're not asking for funding from the County, we are asking for support for communities that do support active living and accommodate active living. Benjamin Franklin was right when he said that an ounce of prevention is worth a pound of cure. According to the Prevention Institute for every dollar invested in community-based prevention, the return amounts to \$5.60, and every \$10 investment per person per year in programs to increase physical activity, improve nutrition, and prevent tobacco use could save the country more than \$16 billion in annual health care costs within five years.

So, I have some handouts for you. One is a recap of our annual meeting recently held and the other is a . . .our slides from a PowerPoint project. . .presentation that was delivered to the State PAN Summit last fall or last winter. *Akaku* and the Maui County NPAC were asked to talk about how public access television has increased awareness about our work and about the importance of the built environment, and through *Akaku's* programs airing of our annual meeting and other things that we've done, we, we developed relationships with the Planning Commission and the Planning Department so we were able do a lot of great things in that area. So, again, thank you very much.

CHAIR PONTANILLA: Thank you. Members, any questions regarding the testimony and relating, relating to the budget? Seeing none, thank you again.

MS. McGUINNESS: Thank you.

CHAIR PONTANILLA: Next testifier is Dave DeLeon.

MR. DeLEON: Good morning, I'm Dave DeLeon, Built...Built Environment Chair for the Nutrition and Physical Activity Coalition of Maui. This is a volunteer position I've come to after 25 years as a bicycle advocate in Maui. Over that time I've become a pretty predictable testifier. Please build the North Shore Greenway. Please start the Kihei Greenway. Please do not use up all our bike funds for an ill-conceived Baldwin Avenue trail.

Over that time I, I admit I've been pretty ineffective in my, in my testimony. The North Shore Greenway after 18 years is still only half built. The Kihei Greenway has not been started and the Baldwin bike. . .the Baldwin Avenue project keeps plugging along despite our opposition. However, I would like to take this moment to thank the Council particularly for the half mile of bike path that was connected to part of the North Shore Greenway from Paia to Baldwin

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Avenue. . .to Baldwin Park. Great to see the moms with their strollers, the, the dads teaching the three years olds how to ride their bikes, the roller bladders, the walkers, people getting to the park without a car or just going out to get exercise. It's really great. The question I ask, however, is when are we going to connect that into Kahului like it originally had planned to be?

The General Plan update the Council has now has under...consideration is repeat with Smart Growth statements about creating communities with less dependency on cars, walkable communities, communities connected by trails. My concern is that the 1998 Kihei-Makena Community Plan also emphasized building non-motorized ways for people to get around. That plan was passed but nothing happened. My concern is the new plan would also end up being a list of, well, well-intentioned but unfilled promises.

What is missing is any sense of commitment, a prioritization of these projects on the part of the County. When you read the Public Works' goals and objectives, you don't see anything about greenway miles to be built or bikeway miles to be completed or have been completed. This non-motorized, people-powered option is nowhere on the County radar. It needs to be.

And why should it be? Well, it makes it more healthy. It makes a healthier community and it has, has given us an opportunity to deal with the tsunami, the slow-motion tsunami, we're calling the obesity epidemic.

I am going to skip from my testimony now and speak to a question that Mike Molina raised and that is what can we change in this particular budget to, to address just what we're asking for? This budget has \$200,000 going to the, the Baldwin Avenue bike path. The Baldwin Avenue path is for downhill bicycles. It's not for the community. It's not for helping people get out and move around. What, what needs to be built and what needs to be completed is the North Shore Greenway.

MS. REVELS: Three minutes.

MR. DeLEON: And last year you had Henry Spencer appear here and tell you if you give him \$400,000 he'd build it, the connection between Baldwin Park and Spreckelsville. Then you would have a continuous route. Ideally, you would also like to continue it through Kanaha Park. The idea was always for a ten-year-old boy or girl to be able to get on their bike and go from Paia to Kahului without having to interface with cars. And that, that's still the goal, and, and, and that is a real budget item you can consider doing.

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I, I'm not opposing the Baldwin Avenue project but I do oppose it if takes away from those projects that will make our community healthy. And, and there's a healthy. . .the ones that are going to that are going to be on flat land that are, people are going to use to get around. Thank you.

CHAIR PONTANILLA: Thank you. Members, any questions for the testifier regarding the 2011 Budget? Member Baisa?

COUNCILMEMBER BAISA: Dave, you made a rather strong statement about the Paia, Baldwin, Baldwin bikeway. Can you tell me why you say that?

MR. DeLEON: Well about the Baldwin Park?

COUNCILMEMBER BAISA: Yes.

MR. DeLEON: I mean about the Baldwin Avenue one.

COUNCILMEMBER BAISA: Yes.

MR. DeLEON: The concept is. . .could be done with a, with a shoulder on the side of the road. It doesn't need to have a whole path for it to accommodate the bicycles. The problem with it is it's a, it's a liability issue. You're going to be building a path that's going to allow for bicycles to come down the hill at 30 miles an hour, because they're going to be coming downhill with. . .and, and the momentum is going to be hard to stop. You're going to have to maintain it.

I almost brought you pictures today of how the, how the North Shore Greenway elements are now being maintained or not being maintained by Maui County. They're overgrown. They're about. . .the path is about half, half its width because kiawe trees are growing on to the path currently today. You can see it yourself. The County does not have a history of maintaining these things very well. When you have a downhill path you're going to have to maintain it daily or you're going to have pileups. You're going to have problems. You're going to have people coming down on these bike tours who are not skilled riders on a narrow path. They're not going to have much, much leeway to operate in. We've been telling you folks about this year after year and it's, it's a real concern of ours.

I ride Baldwin Avenue. I'd be happy to ride up to it but I wouldn't want to ride against a, a stream of downhill bikes coming at me 'cause it wouldn't be safe. I don't think it would be relatively safe for the local residents. It'll be safe for the downhill guys 'cause they'll have the mass with them.

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COUNCILMEMBER BAISA: So, the \$200,000 request is probably something we might want to take a look at?

MR. DeLEON: Especially considering that the Baldwin path is not. . .the Baldwin Avenue path is not up for construction now. It's just money going toward a long-term plan. I think also that the plan that's being offered to you is \$7 million is a misstatement. It's much more like \$10 million or more.

And I also note that in the six year, in the six-year CIP plans you don't see any other bike paths. Where is the Kihei bike path? You know, you don't see it. I mean the community has been dying to have that for a long time and the North Shore has been 18 years.

COUNCILMEMBER BAISA: Okay.

MR. DeLEON: It's been a policy of Maui County for 18 years to build that thing. Lucky we got a half mile and I really do appreciate that half mile.

COUNCILMEMBER BAISA: Thank you very much.

CHAIR PONTANILLA: Thank you. Members, any more questions? Fast question. If we were to include in the 2011 Budget for the completion of the connection between, I guess, Spreckelsville and the location where Baldwin Park. . .what was the cost again?

MR. DeLEON: Henry was offering to build it for 400,000.

CHAIR PONTANILLA: Four hundred thousand and the easements for that particular bike path would be provided?

MR. DeLEON: Right.

CHAIR PONTANILLA: Okay.

MR. DeLEON: Yeah, the, the golf course is, I mean the Country Club has taken over most of that property. It's not. . . it's only a little element of that was A&B's. And A&B has been very. . .generous with this path and the, but the Country Club is also in agreement to, to give us that right-of-way.

CHAIR PONTANILLA: Thank you. And we'll ask Public Works when they come over here regarding the North-South Collector Road and I, I think the bike path, bike path from north side of Kihei to south side.

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MR. DeLEON: One, one thought about the Kihei bike path is it's always tied to the road. You need to separate it from the road because that's what. . .the roads are jammed up with two lanes versus four lanes. The question and if you were to separate the bike path even if you build a half a mile a year at least you give the community a head start.

CHAIR PONTANILLA: Okay, thank you.

MR. DeLEON: Thank you.

CHAIR PONTANILLA: Members, any more questions? Seeing none, thank you, again, Dave.

MR. DeLEON: Thank you, appreciate the opportunity.

CHAIR PONTANILLA: Next testifier is Jan Dapitan.

MS. DAPITAN: Good morning. I'm Jan Dapitan. I'm representing Calvin Shibuya who could not leave the bakery this morning but asked that this be read to you this morning.

Dear Council Chair Mateo, Council Budget Chair Pontanilla, and Council Members. I am taking the time to write to you and your fellow Council Members to request your immediate assistance to the Tri-Isle Main Street Resource Center and to continue to provide the much needed funding for this worthy program.

I have been involved with the Makawao Main Street Association for nearly 25 years. We have been hard at work planning and assisting with the implementing of our Makawao-Pukalani-Kula Community Plan. Our accomplishments are significant. Through the efforts of our local Tri-Isle Main Street Resource Center, its teams of professionals working with the Makawao Main Street Association, and our fellow Makawao people, we have maintained the quality and the ambiance of our beloved Makawao Town. I have witnessed firsthand the excellent work and professionalism of the hardworking Main Street staff and associates who are helping us to fulfill the vision of our grassroots community. Without Main Street, Makawao would have been so commercialized. Who can forget our Stand Up for Makawao campaign, which fought the Makawao, which fought for Makawao's future. When we received and needed to save our town from virtual destruction, it was Main Street Makawao, the best that it can be from those who love Makawao and appreciate the history.

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We appreciate the role of our local Main Street program and the willingness to share resources.

The success that Makawao has today is directly attributed to the efforts of the Main . . . Makawao Main Street Association, its partner Tri-Isle Main Street Resource Center, and its extraordinary Executive Director who has exhibited grace under fire and solid leadership qualities as she continues to promote and protect this little town that we all love. She gives us a chance to shine and make the program our own.

It is increasingly difficult to balance the needs of our residential and business community. We seek a hometown that all can still safely enjoy with those who are benefitting from proactive strategies that has put our town on the map and keeps our town economically viable. The balance that makes Makawao Town so attractive, its unique sense of place would be lost without the primary advocate and grassroots voice of the Main Street.

It is appalling to me that the Planning Department has attempted to undermine the important resource and --

MS. REVELS: Three minutes.

MS. DAPITAN: --that the County Administration has allowed it to happen by considering nonsupport both financially and morally of this program. This organization was built from the bottom up and must fulfill its mission to the many diverse people who they constantly and consistently advocate for.

I humbly request your kind and urgent assistance and continued support for the community-driven program. Sincerely, Calvin Shibuya, Owner, T. Komoda Store and Bakery.

I'd like to add, as Jan Dapitan, the way in which the last testifiers spoke, I couldn't help but think of Baldwin Avenue sidewalk improvements for safety, for traffic, for children that could walk to school, for the, again, that connection that they were talking about. It seemed many years ago with the Commission on Persons with Disabilities, that --

MS. REVELS: Four minutes.

MS. DAPITAN: --was one of the top priorities was the improvement of that unsafe sidewalk and yet in this past two years it is become a controversial situation. And I, I would like to ask you to reconsider that and look at that again. Thank you.

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CHAIR PONTANILLA: Thank you. Members, any questions for the testifier regarding the 2011 Budget? Seeing none, thank you. The next testifier is Jocelyn Perreira.

MS. PERREIRA: Good morning, Chair Mateo, Budget Chair Pontanilla, and Council Members. My name is Jocelyn Perreira. I'm the Executive Director for the Tri-Isle Main Street Program in Maui County. Today I'm testifying for Mr. Don Hibbard. He is the former DLNR Historic Preservation Officer and he couldn't fly over because, as you know, funds is of a premium.

I'm familiar with the history of the Main Street Program in Hawaii from its inception in the mid-1980s to the present. Thanks to a legislative appropriation, which exceeded \$100,000 per year and ran for several years, the National Main Street Center sent staff and speakers to Hawaii to four Main Street towns in Waimea, Kauai; Wailuku, Maui, and Hilo, Hawaii and taught the local boards and the program managers and directors, executive directors Main Street approach.

And Hawaii's three towns were recognized as Main Street towns by the National Main Street Program. With the completion of their training, the programs for both Wailuku and Hilo were recognized as having graduates, graduated from the Main Street training program. Legislative mandates required them to share their knowledge and resources with other eligible towns. These initial towns, which participated in the National Main Street training, were always Main Street towns.

Programs, such as Wailuku Main Street, were incorporated and registered with the State Department of Commerce and Consumer Affairs long before the national program had trademarked its name. Initially, the program was administered by the Department of Business and Economic Development, and later after the State DLNR Historic Preservation Program became a separate division, the responsibility for administering Hawaii's Main Street Program was transferred to it.

The Division not only administered the monies appropriated for the program but oversaw its activities. There were no problems in management of funds or activities or reporting. In response to Legislative and Council mandates, the program further expanded with established towns include. . .sharing expertise and funding to organize other towns as such as Paia, Makawao, Kaunakakai, Lanai City, under the Main. . .local Main Street umbrella. At this point, Tri-Isle Main Street Resource Center emerged with the Wailuku Maui Street Program and later assisted Hana, Haiku, Waihee, and Waiakoa, Keakoa. . .Keokea, Kula.

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In addition to previously mentioned Maui towns, Statewide Main Street Council, which was chaired by the late Councilwoman Velma Santos, was also formed as the vehicle for continued training and communication with all, all the towns. In 1996, the national program came to realize there was only a finite number of towns across the nation, which would expend substantial sums of money to be trained in the Main Street approach. And not, not merely satisfied with collecting annual dues or fees from towns and attending annual conferences, they devised a certification program to generate additional funds. A program was not and is not required to go through a certification program --

MS. REVELS: Three minutes.

MS. PERREIRA: --to continue as a Main Street town. Hawaii opted not to expend its limited resources for that purpose, because they believed the money would be more effectively utilized within the towns themselves. Ongoing training could be handled through the local experts in the various fields of the Main Street Program.

The approach led not only to the State program monies being spent in the State for direct benefits to the participating towns rather than flowing out of the State. But it allowed the people with knowledge of Hawaii's unique culture and lifestyle to represent appropriate approaches and techniques tailored to our island society.

For revitalization model embraced by the National Program is a tool, ultimate goal is preservation of small towns historic architectural character providing ways to enhance economic viability of business operations housed in these buildings. From the outset the program was envisioned as a public/private partnership.

MS. REVELS: Four minutes.

MS. PERREIRA: In Hawaii. . .I can conclude. . .in Hawaii one of the most powerful governmental tools used to support the preservation of historic and natural areas is the planning and permitting process. In Hawaii, programs are encouraged by the State Historic Preservation Division to work closely with their planning, county planning departments. All have been involved in both the General Plan and community plan development processes over the years. Hawaii Main Street Programs realized that the heart and soul of the towns was more than simply their commercial core and expanded the range of activities and issues to include endeavors which benefited the community as a whole and not merely shop owners and operators. A strong sense of community is a strong foundation on which to build mechanisms to protect the town's heritage and historic properties.

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CHAIR PONTANILLA: Thank you. Members, any questions for the testifier regarding the 2011 Budget? If not, Jocelyn, if you can provide that letter to our Staff here. We'll make copies for, for Members.

MS. PERREIRA: Happy to. I, I just, Mr., Mr. Chair? I just want to state that the late Patsy Takemoto Mink, we also had a copy of a letter that she made clear to the National Main Street Program that issues regarding development pertaining to local jurisdictions should be supported by the local Main Street programs.

CHAIR PONTANILLA: Okay.

MS. PERREIRA: Thank you.

CHAIR PONTANILLA: If you can leave that. Thank you. The last testifier is Tom Cannon.

MR. CANNON: Good morning, Chairman Pontanilla and Council Members. I'm Tom Cannon, Chairman of the Wailuku Main Street Association/Tri-Isle Main Street Resource Center or Tri-Isle.

As you know, we have been waiting for a reasonable contract based upon the appropriation you made in our current year's budget. Of course we are also asking for your continued support in this next budget. Tri-Isle has been providing services in support of our small towns in good faith this fiscal year. This isn't the first time our payments for services rendered have been delayed, and our good faith efforts, efforts in other years were always followed by a reasonable contract and payment. This year, however, significant changes have been made by Deputy Planning Director Aoki to our normal fee-for-service contract in an apparent attempt to convert it into a consultant contract. These new changes make it impossible for the board to sign the agreement.

Whereas Tri-Isle has always provided an independent voice for small town and local community concerns using a fee-for-service County contract, new contract clauses added by the Planning Administration would allow the Department to censor our materials, to edit them so as to arrive at completely different conclusions, and to own the copyright to any drawings or intellectual materials produced by our volunteer professionals along with the right to withhold these materials from the public.

Deputy Aoki's proposed revisions would also require Main Street to have a Planning Department official at every non-board meeting. Every committee would need to have a Planning official present and every chance encounter with

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concerned citizens who often just walk in to express a concern. In the past, one highly-valued reason for our partnership with government has been to give the County insight into concerns expressed by individuals who are not comfortable testifying before the Council, or dealing with the County directly for fear of retaliation. Many of you listening to this know this is true. This sad irony, the sadder irony of this contract is that it would cause people to stop telling us their confidential and sensitive concerns and cause our professionals to stop creating free drawings and other professional materials, because the County would gain ownership and control over them even to the extent of withholding these materials from the public altogether. But the real injury added to this insult is that the Director's contract would make Main Street indemnify the County for problems resulting from their use of our materials with any changes they may make to them. Obviously no reasonable board would sign this.

Most troubling is that we feel the Planning Administration is doing this as part of an overall strategy to limit public input into the County, Maui County General Plan and Maui Island Plan. Both Main Street and the Maui General Plan Advisory Committee or GPAC have been affected by this strategy.

MS. REVELS: Three minutes.

MR. CANNON: There seems to be a trend here to control public input and thereby to dictate the priorities to the Maui Island and General Plans.

Council Resolution 06-53 congratulated Main Street for many years of service to the community, saying we are a valuable community partner that augments government services through our direct relationship and ongoing involvement, not consultancy with the Planning Department, to assist in developing and implementing community plans. The resolution commends Main Street for our "exceptional performance, tireless dedication, long standing community commitment, countless contributions to the betterment of small towns that have brought pride and honor to the people of Maui County." Many of you, along with our current Mayor, signed this resolution.

We are here again once again today to ask for fair treatment from the County, a reasonable contract in line with your prior appropriations and Council...resolution

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MS. REVELS: Four minutes.

MR. CANNON: ---and to be paid for services rendered in good faith. I'll, I'll conclude. It is vital that you continue to appropriate funds to our nonprofit that has gained

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your confidence almost 25 years to assist the County in assessing and . . . prioritizing community desires and concerns. The vision of the General Plan is a vision of small towns. A great deal is spent to market Maui as a special place. It's critically important to protect and enhance the authentic qualities of our small towns that adds so much to making Maui special. A lot of effort is put into marketing the product. More needs to be done to maintain the product, not just to draw tourists, but to preserve our quality of life. Thank you.

CHAIR PONTANILLA: Thank you. Members, any questions to --

COUNCILMEMBER MOLINA: Question?

CHAIR PONTANILLA: --for the testifier regarding the 2011 Budget? Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. Good morning, Mr. Cannon.

MR. CANNON: Good morning.

COUNCILMEMBER MOLINA: In your testimony you mentioned that part of the revisions for this new contract for the upcoming budget, the Deputy Director is requiring Main Street to have a Planning Department official at every non-board meeting. How many non-board meetings do you typically have?

MR. CANNON: Thousands. They, they must have a lot of extra people.

COUNCILMEMBER MOLINA: Okay, my, my point is because the other day the, the Director told us they're looking at requesting four additional personnel.

MR. CANNON: They'd need all four.

COUNCILMEMBER MOLINA: Well, I, I think the Planner could be utilized better elsewhere in the County, because we've been hearing complaints about the permit process and complaints about the Department so...

MR. CANNON: I agree with that.

COUNCILMEMBER MOLINA: Could you provide. . . have you provided that information with that clause stating that a Planning Department official must be at every. . . all of your non-board meetings?

MR. CANNON: It's in the latest contract.

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COUNCILMEMBER MOLINA: Okay.

MR. CANNON: We can provide you with a copy of that.

COUNCILMEMBER MOLINA: Oh, that has not been provided yet?

MR. CANNON: Do they have it? You have it already.

COUNCILMEMBER MOLINA: Okay, we have it. All right, we'll look it up and discuss this with the Department. Thank you.

MR. CANNON: Thank you.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR PONTANILLA: Thank you. And, and, Members, just to clarify it is a grant agreement rather than a contract. Okay, Members, any more questions? Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah. I was reading your second page, that first paragraph.

MR. CANNON: Yes.

COUNCILMEMBER NISHIKI: In it, it says our Planning Director has not been on Maui long and that's okay. However, he also does not have a degree in a design discipline such as long use, land use planning, urban planning, or architecture, but rather has a degree in public administration. In administering the creation of the County and Islandwide Plans, our Board feels he is trying to control every aspect of the plans with a top-down approach accepting only community input he agrees with. As with our revised contract, we feel that he seeks to dictate Maui's priorities by muzzling independent community voices. This is very disturbing. Where have you had...

CHAIR PONTANILLA: Mr. Nishiki, can you relate your question to the 2011 Budget?

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: Thank you.

COUNCILMEMBER NISHIKI: For funding. Where have you had problems with this type of attitude? Have you had this?

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MR. CANNON: Yes, in, in. . .I can give you examples both in terms of Main Street and in terms of GPAC because as you know I was Chairman of the GPAC also. Which would you like to have?

COUNCILMEMBER NISHIKI: Either.

MR. CANNON: Okay. The, the easiest ones, I think, are GPAC because it's documented. GPAC, I can give you three examples. GPAC, I, I should mention that today, April 1st, is the 64th anniversary of a major tsunami hitting our North Shore of Maui County and a lot of. . .some of the older of you would remember that.

GPAC created as part of its policy plan for the County because the effect this would. . .they believed that this would affect the County, requested that or had a policy that said the County should immediately phase out the Kahului Sewage Treatment Plant, which sits right on the ocean in Kahului and start planning a new plant away from the ocean that doesn't. . .that is much safer. If we, if that plant had been there in 1946 when the last tidal wave. . .that major tidal wave hit it would have been a disaster. And if the one that came a few weeks ago were to be as big as the one that came in '46 it would've been even bigger disaster. It would've been, it would've been a tragedy and that's the case right now.

Another one was the Transient Committee created a, a drawing for you guys. We put a lot of work into it for a non-automobile transient corridors to be placed on Maui and we. . .that was evidently not transmitted to you in a way that you understood and could, and could see it.

And third, we had a policy that would not allow a 14-story building to be built at the Summit of Haleakala. We. . .did you get those?

COUNCILMEMBER NISHIKI: No.

MR. CANNON: Well you should have. We voted on them and approved them.

CHAIR PONTANILLA: I'm going to stop this right now. Excuse me, I'm going to stop this right now.

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: Please pertain your questions to 2011 Budget.

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COUNCILMEMBER NISHIKI: Yeah, I'll, I'll cut to the, to the chase of why the line of questioning. Obviously now you, you said that they sent down a document to you, to you.

MR. CANNON: Correct.

COUNCILMEMBER NISHIKI: And, and, I think, Gladys had proposed that perhaps we divert this whole problem to another department, such as maybe Economic Development. Your thoughts?

MR. CANNON: It's, it's not the Planning Department that's the problem, I believe.

CHAIR PONTANILLA: Mr. Nishiki, I'm going to stop this right now, okay. Several, several weeks. . .last week, the Chairman had indicated that we'll take this issue on another day in regards to the questioning that you. . .the questions that you bringing up is basically is on the Fiscal Year 2010 Budget, which is not resolved. And the Chair had indicated that we will have a meeting with the Department along with Corporation Counsel in regards to this particular contract. And I'll just leave it at that.

COUNCILMEMBER NISHIKI: Before the Budget is completed?

CHAIR PONTANILLA: Yes, that's my commitment.

COUNCILMEMBER NISHIKI: Okay because it seems like a standstill, Mr. Chairman, and, and --

CHAIR PONTANILLA: No, I understand that.

COUNCILMEMBER NISHIKI: --I don't, I don't think they're going to get any money.

CHAIR PONTANILLA: No, I understand that, Mr. Nishiki, but we're here to discuss the 2011 Budget.

COUNCILMEMBER NISHIKI: Yeah, I, I guess, I, I can't see a, a, a agency like this. . .because now we see this, Mr. Chairman, yeah? And, and, and I, I guess, I wanted to see something resolved, because I think that they're being strapped to use their own money and I don't think any of us here --

CHAIR PONTANILLA: No, I agree with you.

COUNCILMEMBER NISHIKI: --agrees with that.

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CHAIR PONTANILLA: And, and I want to see this thing. . .I want to see this thing resolved and not in this venue.

COUNCILMEMBER NISHIKI: Well, unless we talk about it, it ain't going to happen and, and I appreciate what you said so far.

CHAIR PONTANILLA: And again, I just want to remind the Members that there is no signed grant agreement at this time.

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: Okay. Any more questions regarding the 2011 Budget, Mr. Nishiki?

COUNCILMEMBER NISHIKI: Nope.

CHAIR PONTANILLA: Thank you. Members, any more questions regarding the testimony in regards to the 2011 Budget? If not, thank you very much.

MR. CANNON: Thank you.

CHAIR PONTANILLA: Okay, Members, Mr. Cannon was the last person to sign up for public testimony this morning. Is there anyone out there that want to provide public testimony at this time that hasn't signed up prior to the meeting? If not, Members, if there's no objections, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

...END OF PUBLIC TESTIMONY...

CHAIR PONTANILLA: Thank you. Members, the Chair is going to take a five-minute recess. This meeting is in recess. . . .(gavel). . .

RECESS: 9:55 a.m.

RECONVENE: 10:05 a.m.

ITEM NO. 1: PROPOSED BUDGET FOR FISCAL YEAR 2011 FOR THE COUNTY OF MAUI (CC 10-27)

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CHAIR PONTANILLA: . . .(*gavel*). . . The Budget and Finance Committee meeting is now reconvened. Members, we do have two departments that we're going to be reviewing and I, I hope the review process for the two departments would go quickly. We do have the Corporation Counsel as well as the Prosecuting Attorney Departments.

But before we go into the review for Corporation Counsel's 2011 Budget, we do have Wendy Taomoto here this morning with us. We heard so many good things from the Fire Department in regards to her support in having them do their CIP. And, Wendy, if you can provide us with a short overview of your responsibility and, and how do you support the departments, the Chair would appreciate that as well as the Committee Members.

MS. TAOMOTO: Thank you, Chair. My name is Wendy Taomoto again and I'm the Capital Improvement Program Coordinator, the County Capital Improvement Program Coordinator. And my role is to coordinate the Department's review, analyze, formulate the recommendations to the Mayor and Managing Director regarding the annual and six-year capital program, which I did during. . .for this current Fiscal '11 Budget. I also am responsible to coordinate project review meetings for senior staff and I monitor progress of Department projects, including expenditures, lapsing funds, and such. And I also review Department quarterly project status reports as part of the monitoring of their progress. That's primarily my role other than special projects.

CHAIR PONTANILLA: Thank you, that's a handful. Member Victorino, you have any questions for Wendy?

COUNCILMEMBER VICTORINO: Well, no, I, I thank you, Wendy. You know, I've known you for many years from the days in the back in the Department of Water and I can attest that, Mr. Chair, this young lady always had at least in my mind the right knowledge and the right information when asked. So, I'll, I'll yield to my colleagues and let them ask the questions at this time.

CHAIR PONTANILLA: Sure. Thank you. Member Mateo?

COUNCILMEMBER VICTORINO: Thank you.

VICE-CHAIR MATEO: Chairman, thank you. Wendy, good morning. Since you're the one that reviews all of the projects and take a look at the status of each project primarily, are you also taking a look at amount of monies encumbered for projects that have already completed and funds are still sitting there?

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MS. TAOMOTO: Yeah, that's the part of the job is to look at the lapsing fund and look for carryover savings that can be realized for this current budget preparation. We did that and the departments made a real effort to close contracts out and where appropriate lapse balances.

VICE-CHAIR MATEO: Okay, so, by, so then the next, our budget round we will be seeing a considerable amount of revenues that was, that is currently being recognized on other ledgers then?

MS. TAOMOTO: Not really. I mean I looked at the projects that are on the books and they're progressing, and if, if they progress in how we expect all the encumbered funds with the existing contracts would be expended and paid to either contractors or consultants.

VICE-CHAIR MATEO: Okay, so...

MS. TAOMOTO: There's very few projects that are. . .will be uncompleted, which is when we would realize carryover savings.

VICE-CHAIR MATEO: Okay, but there's currently completed projects with, with funds still, still attached to that project, to that contract number?

MS. TAOMOTO: And those projects that are completed there is just. . .that's what I'm working with the departments with assisting them with completing the paperwork for Finance to legally close out those projects. There's a process and there's paperwork, tax clearances, verification from the vendor that I'm working with them to facilitate that.

VICE-CHAIR MATEO: Okay, so, thank you, Ms. Taomoto. So, so, Mr. Chairman, then real soon we'll be, we'll be seeing a report that tells us of X amount of dollars that had been freed up?

CHAIR PONTANILLA: Maybe for the Budget Director. I, I know we do have a quarter. . .quarterly report regarding Capital Improvement Projects and the ones that Wendy is currently reviewing. Once those are closed out, how do we see the, the savings for those projects, just by the amount that is available at that time?

MS. TAOMOTO: Yeah, because we have. . .we are working with the financial system that we work with that. . .which is called IFAS, it's not as easy. It's almost a manual calculation that we would need to make by departments to determine the amount of carryover savings that regarding existing projects that we're closing

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out. Other than that what you're just going to show is, I believe, Finance would be able to run a . . .the finance report shows just the expenditures, which is in your quarterly report.

CHAIR PONTANILLA: Yeah.

MS. TAOMOTO: And that would be encumbrances paid since the last report or since the start of the fiscal year.

CHAIR PONTANILLA: Okay, thank you. Any more questions, Mr. Mateo?

VICE-CHAIR MATEO: No, thank you.

CHAIR PONTANILLA: Thank you. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah, Wendy, you said you analyze the six-year CIP. You also do project reviews and also you, you deal with expenditures. We heard from Administration, Fred actually, and he mentioned something about the Administration was planning to float close to 40 million-plus in, in bonds this year. They are probably one big project, the Kihei Police Station, and then of course the Molokai Fire Station was mentioned yesterday. And then the Chair mentioned something about possibly taking that chance and using it. I don't know what his intention was. But anyway, maybe he looking at floating bonds. And then, you know, we asked the Police Department to go look at other venues such as Federal money to, to in the funding. And I don't know if it's you or Kalbert, in big projects such as Molokai Fire Station and Kihei Police Station, are you along with the Police Department and the Fire Department working together to coordinate what needs to be done from a financing standpoint?

MS. TAOMOTO: Yeah, I'm monitoring their progress and as part of that I request, for instance, the police station to look at their engineering cost estimate, and I will get an update of that estimate based on the current economic times too. And that's what we utilize to evaluate the bids when we, when we do bid it we would use that cost. . .engineering cost estimate to evaluate the bids.

COUNCILMEMBER NISHIKI: Okay, and, and, and there is some question, I have anyway, personally, in regards to how one goes out to bid say the police station. I think many people are wondering whether you can do just the 20-million part and then \$20 million later. Can you give us the reality of how a bid like this goes out because the bid. . .the, the cost of the police station is \$40 million?

MS. TAOMOTO: Yeah, the estimated, the estimated. . .you, you had any other?

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COUNCILMEMBER NISHIKI: No, so, can we...not...can we segment it?

CHAIR PONTANILLA: Or phase.

COUNCILMEMBER NISHIKI: Or divide it by going 20 and then 20 later.

CHAIR PONTANILLA: They're doing a phase.

COUNCILMEMBER NISHIKI: Or does it have to be done in one fell swoop?

MS. TAOMOTO: The police station building itself is a two-story building and that building cannot be cut in half and phased. But, but maybe could be phased is the site work versus the building vertical construction or building construction. But that number is not necessarily 20/20. If that's the direction then we would have to look at whether it would be 10 and 30 or, I mean, we, you know, that kind of thing. It's not like you can cut the project right in half based on a dollar amount because the building cannot be separated. It's one building with accessory buildings but nothing with the cost magnitude of the larger main building, which is the station.

COUNCILMEMBER NISHIKI: Yeah, and, and, and I don't know what the, the, the Members feel. I, I guess, personally, I just want to find out that kind of information, because I don't know how long this project is going to take. And I think a lot of us are probably concerned about but why would we float a bond for 40 million or whatever when it's going to take a long time. But normally that's what we do for big projects like this that's why we get, float bonds. But the question is, is Administration going to look at this so that. . .well this question will be asked. So, I guess we should ask you to look at it on how you would approach this police station after communicating with the Police Department. Is that something that you are tasked with that responsibility on a project like this?

MS. TAOMOTO: I'll probably be asked to provide my recommendations. I wouldn't be the one making those decisions. If the funding for the second half of the 20 million is not provided in the 2011 Budget then we would need to make a decision whether we would. . .what risk we would be taking in bidding out the first 20 million without any guarantee. For instance, if we proceed with the first 20 million with just the site work, what risk would we be taking in receiving the second 20 million to complete the facility, which is the only reason we're building the site work?

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COUNCILMEMBER NISHIKI: And, and you have that expertise? You will probably get together with Kalbert and also with --

MS. TAOMOTO: Yes, it wouldn't be my, my recommendation alone. It would be a group of us.

COUNCILMEMBER NISHIKI: --Mr. Pablo here? And, and come down with the recommendation and reasons on how the financial part of it should be done to this Council. I think we're hoping that that's what you're going to do. In other words, do the homework so that we have enough information as to how to proceed with this project. Can you do that?

MS. TAOMOTO: If that's what you're requesting during this budget deliberation, you can make that request and that's something we would have to provide or we could provide.

COUNCILMEMBER NISHIKI: And also you need to look what this Committee asked also on the other direction of getting. . .what kind of fund was that, Mr. Chairman?

CHAIR PONTANILLA: ARRA.

COUNCILMEMBER NISHIKI: ARRA funds.

CHAIR PONTANILLA: It's all Federal funds anyway that they talked about yesterday.

MS. TAOMOTO: Actually the police station applied for USDA loan and grant --

CHAIR PONTANILLA: USDA, I'm sorry. USDA.

MS. TAOMOTO: --combination, yeah.

COUNCILMEMBER NISHIKI: Yeah.

MS. TAOMOTO: And they. . .we are waiting for the application to be completed and evaluated by the USDA staff who, who has it.

COUNCILMEMBER NISHIKI: Okay. Anyway all that information hopefully will be forthcoming when Mr. Pontanilla schedules decision-making, Wendy.

MS. TAOMOTO: I mean...

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COUNCILMEMBER NISHIKI: Otherwise if you don't give it to us then we don't really have. . .we're not going to have the information. So, Mr. Chairman, I think it's really dependent upon --

CHAIR PONTANILLA: Yeah.

COUNCILMEMBER NISHIKI: --you, Wendy, to get this information for us.

CHAIR PONTANILLA: Okay.

COUNCILMEMBER NISHIKI: Thank you.

CHAIR PONTANILLA: Yeah, because of. . .the project is so huge, Wendy, I, I guess we were kind of concerned, and I'm glad that you're, you're going to be working with Fred Pablo as well as Kalbert Young in regards to this particular project. Because number one, you know, yeah, we're going to incur debt, but we got to make sure that our debt service is not, you know, that, that's, it's going to cost this County in debt service that probably would jeopardize our financial position.

So, because this is a \$40 million project, yeah, part of our concern is the financing of this thing. And, you know, what Mr. Nishiki had talked about and what you mentioned possibility. . .the possibility of doing grading and grubbing as one phase and then putting up the building as another phase. But I understand the situation where, you know, what is the guarantee that we're going to fund the building later on? There's no guarantee. Council changes and, and, you know, new Council Members may have different ideas. So, as we move forward we got to be sure that the funding is going be. . .is going to be there either through the USDA or by bonding for this particular project here. So, I know it's a big task but it's a lot of money. Thank you. Member Medeiros?

COUNCILMEMBER MEDEIROS: No, no question.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah and I just want to follow up on the, the question that we had with the Fire Department. And that was the Haiku Fire Station and it was said here that the, the funds were specific for that location. Is that something you can clarify? 'Cause the question was asked is that, can that funds be used at another location that's ready, ready to go like Molokai is ready to go? And the response given was no because for some reason it's, it's tied only to that. But would you be able to explain from the CIP where...why and why that is so?

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MS. TAOMOTO: That is so because of the, of the grant application is written for the Haiku Fire Station. It wasn't written for fire station without the word Haiku. So when they evaluate the application it's specific to the needs in Haiku, the needs of the community that justify the priority of the project relative to the other grant. . .you know, requests. So and in, it's my experience having done ARRA projects in Water, it's very project specific unless the request is for a Countywide type of project, which this isn't. This, this request, which was already made, is for Haiku Fire Station and the justification all ties into that specific community.

COUNCILMEMBER KAHO`OHALAHALA: And the source of funding for that was? Is that what. . .an ARA [*sic*]?

MS. TAOMOTO: That was an ARA [*sic*] Fire Communities Grant or something, 3.995 million.

COUNCILMEMBER KAHO`OHALAHALA: But under that it's just specific to Haiku then?

MS. TAOMOTO: Yes, the application and the. . .typically ARRA projects are approved for projects, and if it was needed to be for another project then another application would've need to be made as a backup, for instance, like how we did for Water and Wastewater. We submitted backup projects.

COUNCILMEMBER KAHO`OHALAHALA: Okay. Now your responsibility then as a CIP Coordinator then you look at the, the status of projects. You look at the expenditure of, of, of projects. You do analysis of the, the projects. And then you said that you make recommendations. Okay. So, how involved, involved are you with the planning of the CIP projects? Do you come in at the, the front end, you know, in terms of helping them to come up with the, the plan? Or do you come in after? So, how advanced are you in, in the process?

MS. TAOMOTO: My involvement depends on the department. Some departments have fully. . .sections or divisions of just Capital Improvement staff, like for instance where I came from Water Supply. They have 11 engineers, I believe, now. They just hired a bunch and so does Wastewater, Engineering Division of Public Works, Solid Waste Division has a number of engineers. The, the departments that are calling me for assistance are more the departments with limited resources, for instance like Fire, which only has one dedicated staff that was recently hired. And Police, they only have that one project we're working with right now and that was well along by the time I came in. So, you know, they didn't really need my assistance for the planning part. But where I. . .they need assistance or where

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other persons in our Administration feel I should be of assistance I'm notified and I provide assistance.

COUNCILMEMBER KAHO`OHALAHALA: And so how long have you sit in this position now then?

MS. TAOMOTO: Since September, so just made six months.

COUNCILMEMBER KAHO`OHALAHALA: So, some of these were already in place prior to you coming on board? But then --

MS. TAOMOTO: Significantly.

COUNCILMEMBER KAHO`OHALAHALA: --moving forward then are you saying that you are only going to be involved in it if they request you to be involved with?

MS. TAOMOTO: Or where I feel that their progress is not, is not timely to the budget. So, if their request for construction is in '11 and they're not progressing based on our meetings or discussions with them then I would be questioning where the status is, and what's the holdup, and how I can be of assistance or provide any guidance I can. But it, it's very dependent on their staff's experience, the status of the project, you know, the different aspects that they're encountering. But I'm, I'm meeting with departments and discussing projects of concern.

COUNCILMEMBER KAHO`OHALAHALA: Okay. So, I, I guess, then my question are you now making an assessment of the departments and their capability?

CHAIR PONTANILLA: Mr. Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah.

CHAIR PONTANILLA: Can we move on, please?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, okay.

CHAIR PONTANILLA: Thank you.

COUNCILMEMBER KAHO`OHALAHALA: No, I just wanted to know if the function of that because then I, I have a question about, what about pre-existing projects then. Are you also now involved with that?

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MS. TAOMOTO: I'm not involved with the projects. What I do is, for management, I monitor the progress of the projects in light of the budget request or the budget appropriation. Like I said for. . .if, if, if construction funding is approved for Fiscal Year '10, we want to monitor their progress to ensure that they have. . .we can, we are able to encumber the contract within the Fiscal Year '10 Budget. And rather than wait till it's too late we try to catch it earlier and make sure everybody's on top of that and aware of the deadlines.

COUNCILMEMBER KAHO'OHALAHALA: Okay, roads are CIP? Roads?

MS. TAOMOTO: Roads, yes, road resurfacing and improvements.

COUNCILMEMBER KAHO'OHALAHALA: Okay, and then you would know the, the status of, of those projects then?

MS. TAOMOTO: Of. . .in general. But if it's a specific status it would be more appropriate for the department to answer those questions.

COUNCILMEMBER KAHO'OHALAHALA: Okay, thank you.

CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Oh, no, thank you.

CHAIR PONTANILLA: Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. Good morning, Wendy. First of all, I think, the Water Department losing you, that was a great, great loss.

MS. TAOMOTO: Thanks.

COUNCILMEMBER MOLINA: And I'm just trying to clarify your position. You're a darn good engineer and I say openly. You're. . .your role while when we discussed this with the Managing Director is. . .well basically not to tell the department heads what to do as it relates to getting CIPs done because that has been an ongoing concern. We're hearing it from the public. They're investing their dollars and things are moving very slowly. It's generally assumed things are slow in government, but we don't need to have it any slower like Mr. Mateo's Kaunakakai Fire Station and so forth. So, you are sort of an intermediary through the Managing Director's Office, because my feeling has always been or generally assumed that the Director should have some form of knowledge to get CIP projects moving or they have deputies or the Managing Director can oversee this

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or the Managing Director's Assistant. So, now, this position has been created the. . .what is it called again? The CIP's R. . .or whatever?

MS. TAOMOTO: Coordinator, Program Coordinator.

COUNCILMEMBER MOLINA: Program Coordinator, okay, because in these austere times the public is questioning why are we bloating County government with more and more positions to tell someone else what to do when the person that's being told what to do should already know what to do. You know, you see where I'm coming from. So, the public's watching this closely especially in this austere times. And I know it's been said County government should be an economic stimulus and what not and so forth but that's the opinion of some. So, you can assure us that with your involvement in moving these large CIPs that things will happen because the public wants to know, you know, to borrow a phrase from other folks. They want to see these CIPs done. So, with. . .in your position you can assure this Council and the members of the public that we will get these CIPs done in a more timely fashion?

MS. TAOMOTO: You know, I don't want to make a life guarantee --

COUNCILMEMBER MOLINA: Yeah.

MS. TAOMOTO: --but I am doing whatever I can to monitor their progress and through the quarterly reports, through department meetings I have with them, and just looking at progress they tell me, and progress I see financial, you know, through the financial reports that we see, and just talking with the departments, and being aware of the community concerns that we receive. That's. . .my, my job is just more of a layer of insurance that projects are progressing and moving and we're meeting our deadlines.

COUNCILMEMBER MOLINA: Okay, well, you know, one department was weakened by. . .with your loss. So, I'm hoping that with this other department's gain that we all gain as a community. And I don't mean to put pressure on you but my goat is still, you know, I, I'm feeling a little bit residue from last night's meeting in Paia regarding the Upper Ulumalu Road. This Council twice made appropriations, 250,000 and 500,000. Remember that, Mr. Chairman, and those of you who were on the Council? And we've been told some of those monies have lapsed. The residents are complaining. The Administration has not been responsive, you know, to the residents' concerns, this particular Administration. And I'm a little disappointed about that. You know, the Council gave the resources and I'm hoping I don't know if that's one item you can provide some assistance to the Water Department or Public Works. You know, we want to

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know what happened to those monies, but that's for another time and another discussion. But I'm just relaying my, my concerns and I'm hoping that in your capacity you can get these CIPs to move, because otherwise it's just going to look like we're bloating government by approving these additional positions and funding these additional positions. So, anyway, thank you for letting me vent. And thank you, Chair.

CHAIR PONTANILLA: Thank you. Thank you, Wendy, for being here this morning. I think you provided us with some good insights as far as your responsibility and, you know, how to get projects going. And the most important part for me is the tracking and tracking of the completion of the project as well as tracking the financial, that is, the financial side of the project. So, again, thank you very much. And we may call you again some other time but thank you very much for being here.

MS. TAOMOTO: Thank you.

CHAIR PONTANILLA: Members, we're going to lose quorum at 11:30 just to remind you because some of us. . .or some of you are going to go on the ferry this morning to Lanai. So, we do have two departments that is going to be reviewed this morning. So, if you can keep your questions to the minimum and, and if you have any additional questions that you may want to ask the department if you can provide it in writing so that we can get some answers back.

So, this morning we do have the Corporation Counsel Department with us, Mr. Brian Moto from the Department, and at this time the Chair would like ask Mr. Moto to provide, provide us with some opening comments.

MR. MOTO: Good morning, Mr. Chairman and Members. Brian Moto, Corporation Counsel. I will now give some brief remarks about the proposed Fiscal Year 2011 Budget for the Department of the Corporation Counsel.

The proposed 2011 Budget for Corporation Counsel represents the third straight year of budget cuts for the Department. The largest budget appropriation for the Department was back in Fiscal Year 2008, and the appropriation at that time was \$2.76 million. That was reduced in the following Fiscal Year 2009 to \$2.62 million. In the following year, in Fiscal Year 2010, which is the current fiscal year, that budget appropriation was reduced again to \$2.60 million. For the coming fiscal year that starts on July 1st, the budget has been reduced again to \$2.4 million.

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The proposed budget of \$2.4 million represents a cut by . .of 7.7 percent, 7.7 percent approximately or about \$200,000 in our total budget. To achieve this cut a number of actions were taken or proposals looked at, including the reduction in the amount for salaries and wages that was cut by 6.4 percent or more than \$140,000. That budget reduction includes a one day a month furlough for all Department attorneys and staff, including yours truly. That alone represents a 4.6 percent reduction in employees' salaries. There will be no . .there's no money for any increases in salaries for filled positions. The proposed budget assumes that three positions will remain frozen. I say remain frozen because they are already frozen. One position is a legal secretary position. Technically it's called a Law Technician I, Law Technician I. That will remain frozen as well as two summer law clerk positions. Those are 0.2 EP counts each. This will be the third summer in a row that we basically abandoned our summer law clerk program in order to save money.

In terms of operations, the proposed Fiscal Year 2011 Budget incorporates a 15.2 percent cut in spending or more than \$60,000. To achieve that, many individual expense accounts were reduced after review. For example, amounts for professional services, which includes court fees and witness fees, amounts for other services which includes expert witness costs, and Board of Ethics costs, amounts for transportation, airfare, per diem, and attorney registration and training expenses have all been cut.

The biggest single operations cut in the Fiscal Year 2011 Budget is the Department account for small claims, settlements, and judgments, and that is Index Code 905307. In the Fiscal Year 2011 Budget that account has been cut by \$33,000, thus reducing the account from \$105,000 currently to \$72,000 next year.

In the past two years, total expenditures for small claims, settlements, and judgments has averaged about \$69,000 or so... And so, therefore, our hope is that the \$72,000 that's proposed for next year will be enough to cover small claims, settlements, and judgments. But that's an amount, of course, that we don't have total control over.

The only equipment expense that the Department incurs is for the lease of two existing photocopier machines. The total cost there is \$14,500. One is for our litigation section and the other is for our counseling and drafting section.

There are two other things I'd like to briefly mention, which don't necessarily show in your budget documents but which I think are worth considering. First, is that to boost County carryover savings because of the fiscal problems that the County is already, is already in as was the ones that they're . .we're confronting

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for next year, the Department in Fiscal Year 2009 and in current Fiscal Year 2010 closed out many contracts so that funds may be disencumbered and returned to the general treasury for re-appropriation. For example, in Fiscal Year 2009, the Department disencumbered more than \$404,000 in contracts. In the current Fiscal Year 2010, we have so far disencumbered an additional \$354,000 in contracts. Most of these contracts were contracts for special counsel or expert witnesses whose services were no longer needed because the case or matter for which they had been hired was settled, adjudicated, or otherwise resolved.

I also want to mention that to some extent the Department of the Corporation Counsel is a revenue generating Department, because we do collect from time to time monies from delinquent accounts or for fines or for Worker's Compensation reimbursements. For example, in Fiscal Year 2009, we collected 82,000, approximately \$82,400 in fines and Worker's Comp. reimbursements. In Fiscal Year 2010, the current fiscal year, we have so far collected about \$348,000 in fines, delinquent sewer fees, deferred water source assessment fees, and attorneys' fees and costs. This concludes my opening comments.

CHAIR PONTANILLA: Thank you. Thank you, Mr. Moto, for that overview. I think you basically probably answered most of the guys' questions but I'll, I'll go right down the line. Member Mateo?

VICE-CHAIR MATEO: No. Thank you.

CHAIR PONTANILLA: Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah, Brian, in the, the County Charter under Section 8.2.3 under the Powers, Duties and Functions, it says that the Corporation Counsel shall be the legal advisor and legal representative of the County of Maui, of the Council, the Mayor, all departments, and all boards and commissions, and all of the offices and employees in matters relating to their official duties, also to represent the County in all legal proceedings.

Mr. Chairman, there have been circumstances where this Council and in perhaps asking the Corporation Counsel about certain things such as Hanzawa Store in calculating the majority votes and ownership, 670 where an EIS for Wailea 670 was necessary. More recently I think this height fill in, in Wailuku Town and, and, and now the Corporation Counsel in defending the Administration where the Council has had perhaps, Brian, some conflicts with these policies. My question is we've got in our Department people that have legal backgrounds, Mr. Raatz, Carla Nakata, Kirstin Hamman, and then, of course, our head there, Mr. Fukuoka.

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How would you feel about the Council in its deliberations and, and in its drafting of ordinances even asking for legal authority that we use our legal people?

CHAIR PONTANILLA: Mr. Nishiki, can you relate --

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: --it to the budget, please?

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: Thank you.

COUNCILMEMBER NISHIKI: Yeah, this, this, this is a concern that I, that I have in, in, in looking at using the Corporation Counsel in the budget, Mr. Chairman, when it comes to these different matters because we pay legal fees and, and, and have to defend ourselves.

MR. MOTO: I, I'm not sure how to answer that. I, I guess the, you know, I've worked many years with the Office of Council Services and their staff. And I know that they're always available to answer and research legal questions. I . . .they, they don't. . .they're not empowered to make appearances in court or, or, or, or appearances before adjudicatory bodies to represent the County. And I also know that different counties have different arrangements with regard to lawyers.

In the City and County of Honolulu, for example, their County Council operates quite differently from. . .and their Council Services and their Corporation Counsel have a very different relationship than the, the way it has worked here in years.

For example, the City and County, you tend to have a much more, shall we say, adversarial relationship or distant relationship between Corporation Counsel and the City Council. Which the City Council there relies much more on its own legal staff, legal-trained staff for even for things like drafting bills and resolutions and for advising and helping to advise discussions within meetings.

I'm not sure that I'm prepared or that this is the appropriate time to. . .for me to comment on all of the reasons for these differences or what happens as a result of, of these different treatments. I also know. . .well that, I think, the Office of Council Services and others probably have their own views about how they can best serve you or what they think their role is. I won't speak for them but I, I have talked about this subject on rare occasion over the years that I've been here

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with the County. So, I, I would encourage you to also speak with them about what you think about their role and activity.

COUNCILMEMBER NISHIKI: Yeah, and, and, and why I bring this up, Mr. Chairman, is, is, is, you know, filling of positions or whatever. And, and the, the length of time that it perhaps takes sometimes to send everything up to Corporation Counsel when we can draft our own. If they got any problems as they come to meetings, fine. Then they should air that out but I can see where there can be more efficiency and, and, and in looking at how the . . .Legislative Branch works with the Administrative Branch. And, and, and to be honest. . .in all honesty, you know, every time I've had, and every time we've had to question about which department, Mr. Chairman, almost 100 percent of the time they, they, they, they give legal opinions which favor the, the Administration and the departments. None have I seen they come to, to, to favor this Council and so it's like, you know, I, I, I, I bring this up to Brian. And, and that's the reason why, Brian, I bring it up to you, you know, for, for these kinds of concerns. So, it would seem like if you don't have any problems then we, we can, we can do this.

CHAIR PONTANILLA: Before you answer that --

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: --I, I think the most fairest way is that, you know, maybe a conversation with even Ken Fukuoka in regards to what you talked about earlier, a conversation between Ken Fukuoka and Mr. Moto. 'Cause really as Mr. Moto had indicated, you know, there are two different functions in regards to what they do and how they do it and, and what our . . .legal analysts do. So, I, I think a fair question would be probably writing to Ken as well as Mr. Moto in regards to duties and powers of our Legislative Body as well as the Administration.

COUNCILMEMBER NISHIKI: Yeah, and, and, Mr. Chairman, why I say this is because I know in Honolulu, and you probably know also, you know, the, the, the Council has its legislative people there and, and they do all the ordinances and everything else. There's a Corporation Counsel also. So, it would seem for more efficiency from the Council's part. And, and, and I would say that, you know, we've got our legal staff and I think it's good. I think it's top notch and that's the reason why I have no fear in, in them drawing up and researching and writing ordinances for this body. They're caught up in so much times having to deal with --

CHAIR PONTANILLA: Yeah...

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COUNCILMEMBER NISHIKI: --Administrative and, and, and they can't. .he can't serve two masters. It's really tough, I think. They don't like to be in that fray and, and, and we've seen them erupt whenever perhaps there's some confrontation, you know. And, and, and, and that's why.

CHAIR PONTANILLA: Okay, thank you. I, I think we can trust our Legal Analyst just like you.

COUNCILMEMBER NISHIKI: Yeah.

CHAIR PONTANILLA: They create ordinance for you just like for all of us and we do have Corporation Counsel that also does that for us. So, we, we do have two avenues that we can rely on in creating ordinances as well as providing us some legal advice. Thank you. Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. I, I don't have any questions at this time except to express to Mr. Moto after reviewing his budget that certainly his Department that has decreased their budget substantially and the only increase as I see are salary-required increases. So, I just want to thank him for, you know, his budget which is below flat. And I know how difficult it is for his budget to be like this in order for him to, you know, accomplish his responsibilities. But as it may he has submitted a, a very austere budget. Mahalo, Mr. Chairman.

CHAIR PONTANILLA: Thank you. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, thank you, Chair. Brian, I just wanted to clarify in your earlier statement you said that one of the things your Department is doing is trying to cancel contracts. And did you say that the amount was nearly \$400,000?

MR. MOTO: It was in, so far in Fiscal Year 2010, 346. .oh, I'm sorry, in fiscal, yes, in Fiscal Year 2010, 354,000; in Fiscal Year 2009, 404,000.

COUNCILMEMBER KAHO`OHALAHALA: So, we're looking at what 7. .700,000 for both fiscal years?

MR. MOTO: Oh, yes, almost three-quarters of. .actually more than three-quarters of a million dollars.

COUNCILMEMBER KAHO`OHALAHALA: Three-quarters of a million dollars? I want to say I'm happy to hear that. Maybe all of the other departments should

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take a, a look that as well as so if there are outstanding stuff that, that they know aren't going to move that they would continue to return that to the, the General Fund. My question has to do with your, your goals and objectives and your performance measures in the narrative section.

And in your goals, it says strengthen counseling and drafting section and improve legal services. And then as an objective you have monitor the performance of counseling and drafting and you have accurately report statistics with regard to counseling and drafting section workload. And then if I look below that in your performance measures for what I can see is that one, you've included the number of written requests of legal services received. You have the number of contracts prepared and the number of ordinances prepared. My question has to do with, with that area. I think that the Corporation Counsel, you. . .review and you sign off all of our documents as, as to form and legality and before we can move or pass out any document of, of ordinances or laws it's already signed off by, by your Department.

So, my question has to do for the purposes other than just recording how many of these that you've been involved with in your Department, do you have a tracking system that keeps a log of all of those agreements that have been signed off where there are that, that represent assets to the County of Maui? For example, in a, in a document that has to deal with a subdivision agreement, we sign off on these documents as you sign off as Corporation Counsel as to legality, form and legality. And in these documents there are conditions of which those are approved by this Council and some of them represent assets to the, to the County of Maui. So, do you keep track of these so that we have some sense of understanding that ten years down the line, you know, we made these agreements by these kinds of documentation and, and ordinances that leave some of the responsibility and liability to, to that person or entity back to the County? And how do we go back and check to make sure that we made good on all of that?

CHAIR PONTANILLA: Corporation Counsel?

MR. MOTO: No, we don't. It would be impossible for us to do so... The Corporation Counsel has never done that. We don't maintain files of, for example, all the procurement contracts or all the subdivision agreements or all the zoning approvals, et cetera. That's really the job and the task of the department that's charged with the administration of that function. So, if it's, if it's Subdivision it would be the Development Services Administration. And they have their own, in fact, they have their own database to manage that . . .*(inaudible)*. . .

COUNCILMEMBER KAHO`OHALAHALA: Okay. So...

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MR. MOTO: Which we don't, which we don't use or operate.

COUNCILMEMBER KAHO`OHALAHALA: So, for your, your purposes then all you do is, is track the number of these documents that you've worked on, but you don't look at the content of the document to make sure that where --

MR. MOTO: No.

COUNCILMEMBER KAHO`OHALAHALA: --I mean, I mean, to track the fact that there are some of these kinds of liabilities that are owed to the County, yeah. I'm trying to make sure that we understand that when we sign off on something that's a legal document from your Department and we track just that we've done this, we don't keep track of those documents that are important for us in the long term.

MR. MOTO: Oh, as I said it's the, the job of the department that's assigned to that function to, to monitor.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so, once you sign off on a document then you have no more in terms of keeping track of this?

MR. MOTO: Correct, there's no way for us to do that unless we are asked for advice or legal representation on matters relating to that matter.

COUNCILMEMBER KAHO`OHALAHALA: And if that were asked then how, how would you go about doing that?

MR. MOTO: Well it depends on the nature of the problem or the issue. I mean, it can be through phone calls, meetings, emails. If sometimes the problems are, arise in the context of legal disputes with the companies or individuals --

COUNCILMEMBER KAHO`OHALAHALA: Okay, I'm just trying to understand --

MR. MOTO: --or complaints.

COUNCILMEMBER KAHO`OHALAHALA: --when you, something arises then how would you go back and check if you don't keep track of these things?

MR. MOTO: Oh, no, we would rely upon that respective department's files.

COUNCILMEMBER KAHO`OHALAHALA: So and if only if that were brought to your attention from another source then?

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MR. MOTO: Right.

COUNCILMEMBER KAHO`OHALAHALA: Okay, yeah, Chair, I just wanted to establish within his Department if they actually help us to keep tabs on these things, because I think that here is an area where we may be wanting to know where some of our assets are that, that are owed to the County of Maui that have not been followed through in terms of our legal documentation, you know. So, okay, that's all the questions I have.

CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Yes, Chair, one quick question. I'm probably not familiar with this 'cause, you know, I haven't been here that long. But on Page 2-4, Mr. Moto, there's a whole cost center that's related to 905019, Wailuku Water Company Acquisition, and it shows no budget for '09, '10, or '11. What is this about and why do we have this here?

MR. MOTO: That dates back about four or five years ago. I'm not sure if you were on the Council at the time.

COUNCILMEMBER BAISA: Not, no.

MR. MOTO: That was back. . .what?

CHAIR PONTANILLA: Eight years.

MR. MOTO: Oh, eight years. Oh, eight years.

COUNCILMEMBER BAISA: I definitely was not here. . . .*(laughter)*. . .

MR. MOTO: Okay, that was, okay, that long ago, all right. Well that, that was at a time when the County was considering various options or the possibility of acquiring some or all of certain real property assets then owned by Wailuku Water Company, which was the successor to C. Brewer. There were many meetings and discussions about it. The, the County never did . . .*(inaudible)*. . . never did acquire those assets and many other things happened in the meantime.

COUNCILMEMBER BAISA: So, why do we keep this cost center if this thing is gone for so long?

MR. MOTO: I, I don't know.

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COUNCILMEMBER BAISA: It just makes more paper.

MR. MOTO: I, I have no ability to control the print. . .the, the financial printouts that are in front of you. They're, they're, they're completely under the control of Finance and. . .

COUNCILMEMBER BAISA: Okay.

MR. MOTO: Once account titles are created I have no power to change them or to remove them.

COUNCILMEMBER BAISA: Okay, it's just strange that we have something like that there. Thank you.

CHAIR PONTANILLA: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Chair. No, you know, I don't really have questions on A and B Account like my colleague, Mr. Medeiros, has stated. And I know from working with Mr. Moto he's very sensitive with the expenditure of the public dollar. But in listening to the conversation Mr. Moto had with Mr. Nishiki with regards to the possibility of the Legislative Branch having their own attorney, because there have been instances where, you know, Corporation Counsel has been put in a difficult position in sometimes having to decide which master to serve, as Mr. Nishiki has put it. There have been some instances along the way and maybe it's something worth exploring into. And if memory serves me correct, I believe next year is the formation of the Charter Commission. That may be something, an item, that could be submitted by a Member on the, of the next Council or even now or whenever, to at least explore that possibility and see if there any ramifications to a future Council budget. I mean if, you know, you could have this attorney that represents the Council maybe through our Council Services or, or whatever. But it, it's something at least worth having the discussion on, I believe. And so, that way if there is a decision to have a separate attorney then that attorney will know which master to serve. So, anyway, but I, I thought that was an interesting item brought up by Mr. Nishiki.

CHAIR PONTANILLA: Yeah, thank you. It's similar to what Honolulu did.

COUNCILMEMBER MOLINA: Yeah.

CHAIR PONTANILLA: City and Council.

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COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR PONTANILLA: And I think our Chairman has that ability to, to do that. No? Yes? Yes. Okay, Members, if you have any questions on the A, B, C Account, you know, provide that information to the Chair and then we'll get answers from Corporation Counsel as well as the Budget Director. Thank you, Mr. Moto. The Chair would like to recognize the presence of our First Deputy Corporation Counsel, Traci Fujita Villarosa.

Okay, Members, next Department for review is Prosecuting Attorney. And Members, take a look at the time. We're going to lose quorum at about 11:30. Some people need to catch the ferry to go to Lanai this afternoon. So, please keep your questions short and concise. And it's on Page 9 on your proposed bill, and . . . on your Program Budget starting on Page 18-1, and Budget Details is 16-1. Mr. Acob, if you do have any opening comments?

MR. ACOB: Thank you very much, Mr. Chair, and good morning, Council Members. I'll, I'll give a very brief overview. Our budget is very straightforward and after the overview I will welcome any questions that you folks might have.

If you look on Page 18-1 under Program Summary, Administration. We are requesting \$56,758 less than Fiscal Year '10. And under the General Prosecution, we are asking \$258,596 less than FY '10, for a total of 315,354 total reduction under the General Fund.

In the Grant, Grant Revenue there's a, a change of 50.7 percent, minus 979,000. That represents a . . . funds that we no longer receive from the State. It used to be provided by the State as well as funds that we had overly. . . we were overly optimistic on receiving last year but we did not receive and so that's why that big amount.

If you turn Page 18-4 further breakdown of the Administration Program shows that we have a reduction \$37,758 in salaries and wages. That represents the savings from the proposed one-day-a-month furlough plus some reduction of salary in, in a new position. And then Operations, under Operations we are requesting less than, I'm sorry, \$19,000 less than last year or FY '10, that is mostly consist of previously travel funds as well as per diem funds.

If you look on Page 18-7, which is for the General Prosecution Program under Salaries and Wages, we are requesting 247,596 less in salaries, and that is, that reduction represents the savings from the proposed one-day-a-month furlough plus some reduction of salaries and the freeze, freezing of three law clerks

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positions equivalent to .9 EP. And in Operations, we are requesting a reduction of \$11,000, a minus 9.1 reduction.

I'm sorry to say that we have no contracts to close out resulting in revenue for the County. And at this point, I'll be able to answer any questions that you folks might have.

CHAIR PONTANILLA: Thank you. Just so long you get grant revenues coming in. Members. . . Member Mateo, Administration Program, A Account, any questions?

VICE-CHAIR MATEO: Chairman, no, but I'm looking forward to or maybe I'm able to ask him regarding the grant, the grants revenues. Or you prefer just. . . I, I can wait.

CHAIR PONTANILLA: Yeah because we got two programs, I, I just want to keep it separate.

VICE-CHAIR MATEO: I have no questions, no questions.

CHAIR PONTANILLA: Okay, thank you. Mr. Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, my only questions are going to the Grant Section, since that's the most obvious.

CHAIR PONTANILLA: Okay.

COUNCILMEMBER KAHO`OHALAHALA: Yeah.

CHAIR PONTANILLA: Member Baisa?

COUNCILMEMBER BAISA: No questions.

CHAIR PONTANILLA: Member Molina?

COUNCILMEMBER MOLINA: No questions.

CHAIR PONTANILLA: Okay, any questions on the B Account? Member Mateo?

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VICE-CHAIR MATEO: No questions.

CHAIR PONTANILLA: Member Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: No questions.

CHAIR PONTANILLA: Thank you. Okay, we going to the next area, the General Prosecution Program. Member Mateo, you got any questions on the A Account?

VICE-CHAIR MATEO: No.

CHAIR PONTANILLA: Thank you. Member Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, Chair, I just wanted to clearly understand how many of these are vacancies?

CHAIR PONTANILLA: Okay. Mr. Acob, on your General Prosecuting area, do you have any vacancies? And, if you can. . .identify them?

MR. ACOB: The only. . .we. . .the only vacancy that we have right now, there is one vacancy for the attorneys and two clericals, but we anticipate to fill one of the clerical positions in May. I'm. . .let me correct myself. Right now, there's three vacant positions for attorneys but we've committed to have two people come on board in the near future. In fact, that's on the 16th, April 16th, and one on May 28th. So that will leave us with only one vacant position.

COUNCILMEMBER KAHO`OHALAHALA: Okay, are they identified on, on here?

CHAIR PONTANILLA: Yeah. Do you have like say the PA number for that? For the vacancies? Maybe Staff can help us.

MR. ACOB: I don't think that if, if we had a vacancy right now I don't think that we are showing that we are not requesting any salary for that position because we intend to --

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CHAIR PONTANILLA: Fill it.

MR. ACOB: --fill it.

CHAIR PONTANILLA: Okay.

COUNCILMEMBER KAHO`OHALAHALA: Okay, but which, which position are you intending to fill?

MR. ACOB: The last person...

COUNCILMEMBER KAHO`OHALAHALA: I'm trying to look at your, your, your, your footnotes but it doesn't help me to...

CHAIR PONTANILLA: Got it? Yeah, if, if you can. Excuse me, Mr. Acob.

MS. REVELS: Thank you, Mr. Chair. We do have a list of vacancies from the Department of Personnel, dated March 10, 2010, and the only vacancies for the Prosecuting Attorney's Office right now, there are two Legal Clerk IIIs and the Position Numbers are PA-0018 and PA-0039. The vacancy list is not showing any vacant attorney positions.

COUNCILMEMBER KAHO`OHALAHALA: Okay, so, this isn't...so just get this updated then.

CHAIR PONTANILLA: Okay. Yeah.

COUNCILMEMBER KAHO`OHALAHALA: Okay.

COUNCILMEMBER KAHO`OHALAHALA: And that's. . .and then the, the amount that shows these salary adjustments of 203,000 that is. . .is that your furlough amount on your 16-6?

MR. ACOB: Sixteen-six?

COUNCILMEMBER KAHO`OHALAHALA: Under salary adjustments.

MR. ACBO: That is correct.

COUNCILMEMBER KAHO`OHALAHALA: Okay and then that's reflective of the entire staffing?

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MR. ACOB: That's for the, yes, that's the entire staffing, yes.

COUNCILMEMBER KAHO`OHALAHALA: For the entire staff?

MR. ACOB: That's correct, sir.

COUNCILMEMBER KAHO`OHALAHALA: And then just a question on the number, on 16-5 at the very top of the page. You have the footnotes of number six, yeah. These law clerk positions are no longer going to be available to you then?

MR. ACOB: Yes, sir, those are the frozen positions.

COUNCILMEMBER KAHO`OHALAHALA: And they're only at what, 30 percent?

MR. ACOB: Point three, .3 each.

COUNCILMEMBER KAHO`OHALAHALA: Okay, and then, so, I guess, we'll get an update on your total numbers then from the 64.9 based on what you just were indicating to us as an update. So, I, I, I'll wait for the. . .for that information to come forward to the Committee. I have no further questions, Chair.

CHAIR PONTANILLA: Okay, thank you. Member Baisa?

COUNCILMEMBER BAISA: Pass.

CHAIR PONTANILLA: Member Molina?

COUNCILMEMBER MOLINA: No.

CHAIR PONTANILLA: Thank you. How about the B Account, Member Molina?

COUNCILMEMBER MOLINA: No question.

CHAIR PONTANILLA: Member Baisa?

COUNCILMEMBER BAISA: No question.

CHAIR PONTANILLA: Thank you. Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: No question.

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CHAIR PONTANILLA: Member Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Mateo?

VICE-CHAIR MATEO: No.

CHAIR PONTANILLA: Okay, we go to Grant Revenues starting. . .there's a new Page 16-8. Mr. Acoba [*sic*] if, if you can take each of them one at time starting with Asset Forfeiture Program.

MR. ACOB: Okay, as to the Forfeiture Program, we do ask that 80,000 be placed on the budget so that we are able to tap our asset forfeitures during the year to use for training and equipments that's allowable by the, by the program.

Under the Career Criminal Program, there is a change of 114,593 because of the reduction of funds provided by the State. This was previously funded by the State or, or funds were given by the State, but that was reduced in, in 2010 and so in 2011, 138,172 is, is what is expected.

The Defendant/Witness Trial Program, that is basically another. . .it's a program that we just put down that number of 170,000 in order for us to receive reimbursable. . .reimbursement from the State. For example, we, we provide extradition or we do extradition of defendants from other states and we initially provide the funds but we get reimbursement from the State. So, that's not really the County's cost.

Under the Domestic Violence Investigations Program, we have one body, one investigator dedicated to investigate and assist the attorneys in the prosecution of domestic violence cases. The 40,000 that you see there is actually something that we had applied for and we haven't received yet. We are anticipating. . .well the, the State Attorney General would still have to make a decision whether we're going to receive that or not, but in order for us to receive that in the future should we, should we get it we need to put in that \$40,000 amount there.

Under the Edward, Edward, Edward Byrne Memorial Justice Assistant...Assistance Grant, we have a. . .we received grants last year and these grants enabled us to hire an attorney dedicated to prosecuting juvenile cases and also it enabled us to hire a clerk in that division also to help that new attorney. And then the 80,000 that's showing there is again a possible anticipated that we are going to apply for.

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CHAIR PONTANILLA: Okay, stop there. Members, any questions regarding that first Page 16-8 on any of the grants?

VICE-CHAIR MATEO: Yeah.

CHAIR PONTANILLA: Member Mateo, question?

VICE-CHAIR MATEO: Yeah, thank you. Mr. Prosecutor, your Career Criminal Program with that 114,593 reduced these are State funds you. . .as you recognized, yeah, and these are salary funds?

MR. ACOB: That is correct.

VICE-CHAIR MATEO: The, the in. . .this particular individual then I take it is the position itself it's, it's a civil service position?

MR. ACOB: Well, it's an attorney position so it's not. It's, it's an appointed position.

VICE-CHAIR MATEO: It's an appointed position?

MR. ACOB: Yes.

VICE-CHAIR MATEO: So, once the funds runs, runs out, the County is no longer responsible for that particular position, yeah?

MR. ACOB: It supposed to work like that. Now it's a criminal career, Career Criminal Program. It's, it's a very important program. It would be up to the County if they want to pick it up at that time, if, if the State would ever go to zero.

VICE-CHAIR MATEO: Okay, then in the last, the last grant area that you just recognized, the Edward Byrne Memorial Justice Assistance Grant, you indicated that part of the 80,000 shown there was to hire a clerk as well. Once again, these are grant funds so there is no County commitment to these positions?

MR. ACOB: Let me make myself clear. The 80,000 is, is a possible anticipated that we are applying for. We already have funds for the attorney that's dedicated to prosecuting juvenile cases and we already have funds for the clerk that's going to assist that attorney. We have funds for two years only and these people know that once we run out of those funds they're going to go. It, it's temporary. They know that. We, we had to make sure that they knew that.

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VICE-CHAIR MATEO: Okay, so, that particular fund and the one right above it, which is the Domestic Violence, the 40, the 40,000, these are just a number you put in, because you, you're still not in receipt of, of these numbers. So when you look at, at it actually you virtually have no operational monies, right?

MR. ACOB: That is correct.

VICE-CHAIR MATEO: Wow, okay, thank you. Thank you, Mr. Chairman.

CHAIR PONTANILLA: Okay, yeah, I believe all grant-funded --

VICE-CHAIR MATEO: Yeah.

CHAIR PONTANILLA: --positions are basically temporary positions. Members, any more questions on this Page 16-8? If not...

COUNCILMEMBER KAHO`OHALAHALA: Chair? Chair?

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah, I, I just needed the clarification and, and, and this is what Member Mateo was asking. On the Domestic Violence but you said 40,000 and I'm, I'm a little confused as to where that figure is that you're, you're saying that you need 40,000 more.

MR. ACOB: The 40,000, if you look under Domestic Violence Investigation's Program under Operations, it's, it shows 40 for FY 2011 request. Are you...

COUNCILMEMBER KAHO`OHALAHALA: Okay mine has a zero on top, so...

MR. ACOB: Oh, okay, okay, I'm sorry. We were provided updated copies of this.

CHAIR PONTANILLA: Oh yeah. Mr. Kaho`ohalahala, there's an updated 16-8 --

COUNCILMEMBER KAHO`OHALAHALA: Page.

CHAIR PONTANILLA: --page, yeah. I, I don't know if you got that.

COUNCILMEMBER KAHO`OHALAHALA: Okay, sorry. So I'm, I'm, I'm not getting the right figures here. Okay, I'll make note of that.

CHAIR PONTANILLA: Okay.

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COUNCILMEMBER KAHO`OHALAHALA: And then the, the same question then below that, the, the Edward Byrne. As you said, you are going to be applying for these. So, you're anticipating that amount of 182, is that correct?

MR. ACOB: Just the 80,000. We already have the 177,000.

CHAIR PONTANILLA: . . .*(Inaudible)*. . .

COUNCILMEMBER KAHO`OHALAHALA: I'm looking at the wrong page altogether. So, I, I don't have the figures, that's why. Okay, go ahead, I'll pass.

CHAIR PONTANILLA: Oh, okay, thank you. Member Baisa?

COUNCILMEMBER BAISA: No questions.

CHAIR PONTANILLA: Okay, 16-9. Mr. Acob?

MR. ACOB: Okay, the Food Stamp Fraud Prosecution Program, we, we do prosecute welfare fraud cases for the State, and they do reimburse us for the time that we put in and so we put that in to be able to receive the monies from them.

And the Prosecutors Training Program, we put that in because many times the Attorney General's Office or even other prosecutor's offices pay for us to go to a training because they have ARRA Funds or Asset Forfeiture Funds that they want to use, and then they provide for the training for us and so we need this program to be able to, to do that.

Special Needs Advocacy Program is in the Victim Witness Division and, and funded by VOCA, which is the Victim of Crimes Act, and the Victim Witness Assistance Program is also under the Victim Witness Division and which is funded by the State as it shows there.

CHAIR PONTANILLA: Okay, Members, questions? Member Victorino?

COUNCILMEMBER VICTORINO: No, no questions at this time, Chair.

CHAIR PONTANILLA: Thank you. Member Mateo?

VICE-CHAIR MATEO: Chair, Chairman, no, no specific question other than when you take a look at their running operations with a zero, zero amount, they just, I don't

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know how one, one operates without operational monies or even a projection thereof. Thank you.

CHAIR PONTANILLA: Thank you. Member Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: Yeah and my only other question again is, is going out to the, the, the position counts, because if, if these are all anticipated then should they not be funded like you said, then do we now take away those position counts from what is on the B Account?

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . .

COUNCILMEMBER KAHO`OHALAHALA: Okay. Okay, thank you for that.

CHAIR PONTANILLA: Okay, Member Baisa?

COUNCILMEMBER BAISA: No, thanks.

CHAIR PONTANILLA: Okay, 16-10. Mr. Acob?

MR. ACOB: Sorry, Mr. Chair, I didn't hear you.

CHAIR PONTANILLA: Sixteen dash ten.

MR. ACOB: Sixteen ten. Okay, so, this is a breakdown of the . . . of what we just talked about. If you look at Career Criminal Program, we talked about that. And we're looking at a salary adjustment of the attorney in that position, of the salary adjustment of 4,800. You don't have that?

CHAIR PONTANILLA: So, this is a summary of all the grant, grants that, hopefully, we receive?

MR. ACOB: I'm sorry, I'm, I'm informed that you might not have this.

CHAIR PONTANILLA: This is the summary of everything?

MR. ACOB: Yes.

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CHAIR PONTANILLA: Yeah, okay.

MR. ACOB: Okay, yes, it's, it's a breakdown, more detailed summary of, of what we just talked about. We talked about the Domestic Violence Investigations Program and the . . .how we arrived at those figures, showing the salary adjustments there, the Edward, Edward Byrne having the Deputy Prosecuting Attorney that's dedicated to prosecuting juvenile cases, and the Legal Clerk also that it shows there. So, did you want me to go more into details, Mr. Chair?

CHAIR PONTANILLA: No. Members, you got questions for Page 16-10 and 16-11? Basically those are the positions under grants, grant revenue. Member Victorino?

COUNCILMEMBER VICTORINO: So, again, just so that I'm clear that these are grant positions and if they. . .we don't get the money what happens to them again? And I think you were explaining it but I, I, I came in late and so I apologize.

MR. ACOB: Well as, as far as the, the newest grant positions that we have --

COUNCILMEMBER VICTORINO: Yeah.

MR. ACOB: --which is the attorney handling or prosecuting juvenile cases as well as the clerk that goes with it. We've made it clear to those people that once the funds run out they're going to have to go because we won't have any money. We've explained that.

All these other positions under these other grants, these grant funds, these positions of, or grants are so old. I wasn't even there when they've had these positions and I'm pretty sure that it was not explained to them that, you know, when the funds, funds run out that they will have to go. So, I think, these people have an expectation that, you know, when the funds run out they're hoping that they would get picked up.

COUNCILMEMBER VICTORINO: Okay, I guess my comment to that would be maybe, maybe you should explain to them just in case that in the future it does run out then what happens, you know. They should, should have some kind of, some kind of knowledge of that and not say, oh because I wasn't there I don't think they were told. Maybe it's time we tell them. I mean you tell them that, hey, if we run out of money, hey, I'm sorry, you got no position. I mean because if you come back to us asking us for money we're going be hard-pressed this time around to find money. So, just to be honest, Ben --

MR. ACOB: Yes.

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COUNCILMEMBER VICTORINO: --I mean, you know, you and I been around long time. I got to be honest. That would be my only take in this whole thing. They should be told and they should be told now because the future is so uncertain, especially free grants, yeah.

MR. ACOB: Yes, we can tell that and I hope there's no, no legal, legal aspects involved because, you know, when you come, when you're in a position for 20 years, I mean, sometimes there's expectations and I think Corp. Counsel will, will help us on that, on that. But I, I see your point, yes.

COUNCILMEMBER VICTORINO: And I just, I'm just saying knowledge in here or the knowledge they, they should be told so that they cannot come back later and say, wait a minute nobody said nothing, so...

CHAIR PONTANILLA: Yeah.

COUNCILMEMBER VICTORINO: Anyhow, thank you, that's enough for me, Mr. Chair.

CHAIR PONTANILLA: Thank you. Only, only if the employee is civil servant with return rights then we need to provide a position for those employees with those return rights. Member Mateo?

VICE-CHAIR MATEO: Chairman, no, just to commend the Prosecutor for under the Victim Witness Administration Program a 66.8 percent reduction in premium pay, if it's possible. Thank you.

CHAIR PONTANILLA: Thank you. Member Nishiki?

COUNCILMEMBER NISHIKI: No.

CHAIR PONTANILLA: Member Medeiros?

COUNCILMEMBER MEDEIROS: No.

CHAIR PONTANILLA: Member Kaho`ohalahala?

COUNCILMEMBER KAHO`OHALAHALA: No, Chair, just a, a general statement because in just the, the total glance at the grants revenue the reduction of the 50 percent. So, if you're going to anticipate losing some of these funds then are

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you at the same time looking at continuing with other sources of, of grant funding to help within your Department?

MR. ACOB: Yes, we are. In fact, my Administrative Officer who's here are discussing about applying for this grant that just came out last week or a week-and-a-half ago. Let, let me just clarify though why that big drop. If you look at FY 2010 on 16-8, I'm looking at Page 16-8, FY 2010, we had expected 732,456 under Edward Byrne and we did not get quite that much. We were 400,000, \$400,000 short. So that alone represents 50 percent of the 50 percent reduction that you see.

COUNCILMEMBER KAHO`OHALAHALA: Okay, thank you.

CHAIR PONTANILLA: Okay, Members, thank. . .first of all thank you for keeping your questions short in regards to both Corporation Counsel as well as the Prosecuting Attorneys Departments . If you have any questions regarding both Departments, please send it to the Chairman and we'll get information back to you from the Budget Director and from the two Departments. I know Members are going to leave at about 11:30 to catch their boat to Lanai and, and the rest of us that are not going on the boat will be flying this afternoon.

COUNCILMEMBER VICTORINO: Chair?

CHAIR PONTANILLA: Mr. Nishiki, quick.

COUNCILMEMBER NISHIKI: Yeah, you know, I just received this and, and you have it in front of you a correspondence from Lahaina High School Principal Mike Nakano asking that individual Council Members contact members of the House and Senate expressing support for the Lahainaluna Boarding Program. As you know, the Senate Ways and Means cut funding for the 174-year old Lahaina Boarding Program when it passed final conference draft. The bill was House Bill 2200, out of Committee earlier this week. And, and for me it's another shocking blow to our educational system in Maui County. I've spoken to Representatives of the House and Senate about the travesty should the State Legislature wipe out, what, a 175 years of Lahaina High School boarding history.

And so, on behalf of Mike Nakano and all who cherished Lahaina High School Boarding Program, he's asking that we call or contact State House and Senate Representatives. The final thing that really hit me was in his closing statement to the State Legislature. He says, Mr. Chairman, in closing, we are truly the only public high school with a boarding program which started in 1836. Lahainaluna High School is the birthplace of education in Hawaii, founded in 1831.

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Therefore, he goes on to say, we must all be supporters of that tradition, that pulse of our host culture, Hawaii. To do otherwise is to be insensitive and destructive of our values. And then he goes on to say if you've any questions, we can call him at 662-4000. So, thank you, Mr. Chairman.

CHAIR PONTANILLA: Thank you.

COUNCILMEMBER NISHIKI: I know that --

CHAIR PONTANILLA: Mr. Victorino?

COUNCILMEMBER NISHIKI: --we're all working hard.

COUNCILMEMBER VICTORINO: Yeah, and, Mr. Chair, and thank you, I can support that but I wanted to inform the Members who are heading to Lahaina that there is a brushfire in Maalaea right now and the roadway is, is still passable but one lane at a time. So, if you were planning to catch any boat, you better get going pretty quick. I think most of us are planning to catch the 3:15. I'm not sure if anybody's on the 11..on the 12:45. But if you are I, I, I would imagine you should get going pretty quick, Mr. Chair, just for our information.

CHAIR PONTANILLA: Thank you. The Budget and Finance Committee meeting for this wonderful day April 1st is now adjourned. . . .(gavel). . .

ACTION: DEFER pending further discussion.

ADJOURN: 11:29 a.m.

APPROVED:


JOSEPH PONTANILLA, Chair
Budget and Finance Committee

bf:min:100401:daf

Transcribed by: Delfey Fernandez

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CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 21st day of April 2010, in Wailuku, Hawaii.



Delfey Fernandez