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M I N U T E S
COMMITTEE OF THE WHOLE
COUNCIL OF THE COUNTY OF MAUI
WAILUKU, MAUI, HAWAII
AUGUST 5, 2010

APPROVED:



Committee Chair

Transcribed by:
Tonya McDade, CSR, RPR, CRR, CBC
Certified Shorthand Reporters Maui
2145 Wells Street, Suite 302
Wailuku, Hawaii 96793
(808)244-3376

ORIGINAL

1 CONVENE: 9:01 a.m.

2 PRESENT: Councilmember Michael J. Molina, Chair
3 Councilmember Danny A. Mateo, Vice-Chair (In
4 9:04 a.m.)
5 Councilmember Gladys C. Baisa, Member (In
6 9:02 a.m.)
7 Councilmember Jo Anne Johnson, Member (In
8 9:24 a.m.)
9 Councilmember Sol P. Kaho`ohalahala, Member
10 Councilmember Bill Kauakea Medeiros, Member
11 Councilmember Wayne K. Nishiki, Member
12 Councilmember Joseph Pontanilla, Member
13 Councilmember Michael P. Victorino, Member

14 STAFF: David Raatz, Legislative Analyst
15 Camille Sakamoto, Committee Secretary

16 ADMIN: Kimberly A. B. Sloper, Deputy Corporation
17 Counsel, Department of the Corporation
18 Counsel
19 Jeffrey Murray, Chief, Department of Fire
20 and Public Safety (Item No. 27)

21 OTHERS: Eugene Perry, Chief of Airport Rescue and
22 Fire Fighting (Islands of Maui, Molokai,
23 and Lanai), State Department of
24 Transportation (Item No. 27)
25 Marvin Moniz, District Manager, Airports
26 Division (Islands of Maui, Molokai, and
27 Lanai), State Department of
28 Transportation (Item No. 27)

29 PRESS: Akaku: Maui Community Television, Inc.

20 CHAIR MOLINA: ...(gavel)... The Committee of
21 the Whole meeting for Thursday, August 5th, 2010, is now
22 in session. It's just after the hour of 9:00. Chair
23 would like to recognize the Members in attendance. We
24 have Committee Member Sol Kaho`ohalahala.

25 COUNCILMEMBER KAHO`OHALAHALA: Good morning,

1 Chair.

2 CHAIR MOLINA: Morning. Committee Member Bill
3 Medeiros.

4 COUNCILMEMBER KAHO`OHALAHALA: Aloha. Good
5 morning, Chair.

6 CHAIR MOLINA: Good morning. Committee Member
7 Wayne Nishiki.

8 COUNCILMEMBER NISHIKI: Morning.

9 CHAIR MOLINA: And Committee Member Joe
10 Pontanilla.

11 COUNCILMEMBER PONTANILLA: Good morning.

12 CHAIR MOLINA: And -- good morning there.
13 Committee Member Mike Victorino.

14 COUNCILMEMBER VICTORINO: Good morning, Chair.

15 CHAIR MOLINA: Good morning. And we have --
16 oh, just entering the room now, we have Committee Member
17 Gladys Baisa. Good morning.

18 COUNCILMEMBER BAISA: Good morning.

19 CHAIR MOLINA: Excused this morning, we have
20 Committee Vice-Chair and Council Chair Danny Mateo, and
21 Committee Member Jo Anne Johnson who will be joining us
22 shortly.

23 Members, we have three items on our agenda
24 today, but before we address any of 'em, Chair would
25 like to recognize Staff. Filling in for Kirstin Hamman,

1 we have our -- one of our esteemed analysts, Mr. David
2 Raatz. And we have one of our top secretaries, one of
3 the finest, Camille Sakamoto. And from the Corporation
4 Counsel's Office, we have Kim Sloper joining us today.
5 Good morning.

6 I'm -- I'm full of adjectives this morning,
7 superlatives and everything. And, hopefully, not too
8 full of other things as well.

9 (Laughter.)

10 CHAIR MOLINA: Anyway, Members, we have at
11 this point no sign-ups for testimony. Am I correct,
12 Ms. Sakamoto?

13 MS. SAKAMOTO: (Inaudible).

14 CHAIR MOLINA: Okay, Members. And seeing no
15 one else in the gallery or -- or waiting for testimony,
16 if there are no objections, the Chair will close public
17 testimony for our three agenda items.

18 COUNCIL MEMBERS: No objections.

19 CHAIR MOLINA: Okay. So ordered by the
20 Committee.

21 ITEM NO. 2 (24): NOMINATIONS TO BOARDS, COMMITTEES, AND
22 COMMISSIONS (COMMISSION ON CULTURE AND
THE ARTS) (C.C. No. 09-15)

23 CHAIR MOLINA: All right. Let's get right
24 down to business with our first Committee item which
25 relates to Nominations to Boards, Committees and

1 Commissions, Committee of the Whole Item 2(24).

2 The Committee is in receipt of the following,
3 a correspondence dated June 18, 2010 from Committee
4 Chair Molina informing of the Council's opportunity to
5 nominate and approve the appointment of an individual to
6 fill a vacancy on the Commission on Culture and the Arts
7 by August 9, 2010, and requesting nominations for
8 consideration be submitted by July 9, 2010. Another
9 correspondence dated July 8, 2010, from Councilmember
10 Kaho`ohalahala, nominating Philip B. Sabado to the
11 Commission on Culture and the Arts for a term expiring
12 on March 31st, 2012, and transmitting Mr. Sabado's
13 application and resume. Council must approve the
14 nomination by August 9th, 2010, or the responsibility to
15 nominate an individual to fill the vacancy will revert
16 back to the Mayor. The Committee may consider whether
17 to recommend approval of the nomination, and the
18 Committee may also consider other related action.

19 At this point, the Chair would like to
20 recognize Mr. Kaho`ohalahala to give opening remarks on
21 the nomination. And before I recognize
22 Mr. Kaho`ohalahala, I would like to recognize Committee
23 Vice-Chair Mateo for his attendance this morning.

24 VICE-CHAIR MATEO: Morning, Chairman.

25 CHAIR MOLINA: Good morning.

1 Mr. Kaho`ohalahala?

2 COUNCILMEMBER KAHO`OHALAHALA: Yeah. Thank
3 you, Chair. You know, since the vacancy exists, then I
4 -- I thought that would be good to suggest that someone
5 who is in the field of art and has been working in that
6 field for quite a while would be an appropriate
7 consideration for this appointment.

8 I have known Mr. Phil Sabado, really, through
9 his paintings, and didn't know him personally until much
10 later. But I've appreciated the -- the opportunity
11 having met him, and see that he's quite an impassioned
12 person in terms of art. He comes from the Island of
13 Molokai. And he was very instrumental in -- in doing a
14 portrait of Father Damien recently, I think, if Members
15 have seen that.

16 I was quite inspired by his work. So I went
17 to ask him, Mr. Sabado, if he would be interested in
18 this position. He absolutely is excited about serving
19 in the Commission. So an appropriate person who's an
20 artist and has done beautiful work for his own personal
21 studio as well as for the communities at large. So I
22 think that he would serve very well, yeah.

23 CHAIR MOLINA: Thank you, Mr. Kaho`ohalahala.
24 And that is certainly a very good consideration.

25 COUNCILMEMBER VICTORINO: Chair?

1 CHAIR MOLINA: Mr. Victorino?

2 COUNCILMEMBER VICTORINO: Thank you. And I
3 also can -- can support -- support Mr. Sabado. I've
4 known him for many years. We attend church together.
5 And he was very instrumental in the Damien celebration,
6 not only with the painting, but many other artistic
7 values that was put together for that special
8 celebration for which Hawaii has its first patron saint,
9 Father Damien.

10 I've also been out to his property. And he's
11 quite a landscaping and a culturist. You know, he has
12 many, many flowers and he blooms a lot of the, what I
13 call, indigenous plants on his property in Haiku, which
14 is a wonderful place. We've had celebrations out there,
15 different get-togethers. He's been active with ARC,
16 Alzheimer's. His daughter has helped my son in his golf
17 tournament for the Alzheimer's Association. So our
18 relationship goes back a long time.

19 And I do agree with my colleague, he is very
20 qualified, both by what he does and by the heart that he
21 brings forth. I think something that we can all enjoy.
22 I think he'll bring a wonderful presence to the
23 Commission. So I -- when your recommendation comes
24 forward, Mr. Chair, I'd be more than happy to support a
25 very esteemed person like this to be on our Cultural

1 Commission. Thank you, sir.

2 CHAIR MOLINA: Thank you, Mr. Victorino.
3 Mr. Pontanilla?

4 COUNCILMEMBER PONTANILLA: Thank you,
5 Chairman. I, too, will be supporting the nominee of
6 Philip Sabado. And I wanna thank Member Kaho`ohalahala
7 for nominating Mr. Sabado. I had a chance to visit his
8 gallery about two months ago. And I was impressed of
9 his paintings and the things that he do for the youths
10 as well as the seniors here in Maui County. I wish I
11 could paint like him. Thank you.

12 CHAIR MOLINA: Thank you, Mr. Pontanilla. I'm
13 sure we -- we all do. And, Members, just for your
14 information, because the nomination must be approved by
15 the 9th, the Chair's intent today is to defer. And on
16 tomorrow's Council agenda, there's a consideration for
17 discharge from Mr. Kaho`ohalahala, and at that point,
18 tomorrow, is where we can take action --

19 COUNCILMEMBER VICTORINO: Oh, okay.

20 CHAIR MOLINA: -- on the nomination.

21 COUNCILMEMBER VICTORINO: That's fine.

22 CHAIR MOLINA: So --

23 COUNCILMEMBER VICTORINO: That's fine.

24 CHAIR MOLINA: At that point, that's where we
25 stand. Any other comments on the consideration?

1 Mr. Mateo, followed by Ms. Baisa.

2 VICE-CHAIR MATEO: Chairman, thank you very
3 much. And I, too, would just like to throw in my
4 support for Mr. Sabado, and thank Mr. Kaho`ohalahala for
5 the nomination. I -- I think, you know, a lot of times
6 when we hear about the nominations, there's always been
7 a lot of discussion about what is the palapala he
8 carries or what kind of certificates or qualifications
9 or training. You -- you know, sometimes when we take a
10 look, and especially for things like -- like a
11 Commission like Culture and the Arts, you know, the --
12 the importance of palapala comes in terms of your
13 ability to understand and to relate to the significance
14 of the category. Mr. Sabado is an excellent individual
15 who will serve this County tremendously well. And I'm
16 really excited that he is wanting to serve. And I think
17 there's no better representative at this point to add.

18 I, also, however, would like to also comment
19 on the individual who is leaving and the rationale or
20 the reasons why the individual leaves. I'm quite
21 disturbed because, on her letter to the Administration,
22 you know, the reason for my resignation is no funds, no
23 County employee cooperation, no quorum for meetings, and
24 no ability to accomplish anything. And she concludes by
25 saying that I started out with -- with very high hopes

1 and am now totally dejected.

2 I think -- I think -- when we get comments
3 like this, I think it's incumbent on us to follow up
4 with the Administration to see how they're -- they're
5 intending to address situations like this, because this
6 is not the first resignation due to circumstances like
7 this. And I think -- I think we need to follow up in
8 having the Administration address issues like this.

9 And I didn't wanna take away from my
10 excitement and happiness of having Phil be considered,
11 but I think it's important for us to note that sometimes
12 with the good comes the bad. And we need to address
13 both.

14 Thank you, Mr. Chairman.

15 CHAIR MOLINA: Thank you, Mr. Chairman. And
16 for noting that, too. Member Baisa?

17 COUNCILMEMBER BAISA: Thank you, Chair Molina.
18 I'd just like to echo the sentiments of my colleagues.
19 I think this is a wonderful nominee. We're very
20 fortunate to have him volunteering. And I, too, would
21 like to thank Member Kaho`ohalahala for seeking out a
22 person who I think will be a real asset to our
23 community. So I certainly will be in support. Thank
24 you.

25 CHAIR MOLINA: Okay. Thank you, Member Baisa.

1 Member Medeiros?

2 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
3 And I -- I, too, you know, would like to support this
4 nomination and the nominee. And I, too, thank Member
5 Kaho`ohalahala for searching out such a well-qualified
6 nominee. In looking at his application, you know, he
7 has formal education at University of Hawaii-Manoa. And
8 his affiliation with the ARC of Maui, board member,
9 Alzheimer's Association, Kaunoa Senior Center and the
10 Maui Bus project shows his overall involvement and
11 participation in our communities and in our Government
12 process. So I will be supporting this nomination when
13 it comes up. And, once again, I thank
14 Mr. Kaho`ohalahala for this nominee. Mahalo,
15 Mr. Chairman.

16 CHAIR MOLINA: Thank you, Mr. Medeiros. Okay.
17 If there are no other comments, Members, the Chair would
18 like to thank Mr. Kaho`ohalahala for, you know,
19 basically finding a -- a gem in the mine, you know. I
20 think somebody with this kind of background can
21 certainly help the Commission on the Culture of the
22 Arts. So thank you, Mr. Kaho`ohalahala. And the Mayor
23 also did send a letter in support of this nomination as
24 well.

25 So, Members, the Chair is going to defer this

1 item. Again, tomorrow, there is a consideration for
2 discharge at the Council meeting, and, at that point, we
3 can take action on Mr. Sabado's nomination for the
4 Commission on the Culture of the Arts. So any
5 objections to deferral?

6 COUNCILMEMBER VICTORINO: No objection.

7 COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: JJ)

8 ACTION: DEFER pending further discussion.

9 CHAIR MOLINA: Okay. Seeing none, thank you,
10 Members.

11 ITEM NO. 3(7): HAWAII STATE ASSOCIATION OF COUNTIES
12 (HSAC) (2011 HSAC LEGISLATIVE PACKAGE)
(C.C. NO. 09-17)

13 CHAIR MOLINA: All right. Members, we'll move
14 on to our second item for today, which is the HSAC, or
15 Hawaii State Association of Counties, 2011 Legislative
16 Package. There are four bills being considered for
17 submission to the Legislative Package. And this is
18 Committee of the Whole Item 3(7). And the Committee is
19 in receipt of the following, a correspondence dated July
20 22nd, 2010, from Councilmember Pontanilla, transmitting
21 a correspondence dated July 1st, 2010, from Derek
22 Kawakami, the HSAC President, informing that each
23 Council has until September 1st, 2010, to submit
24 legislative proposals to the HSAC Executive Committee
25 for possible placement in the 2011 HSAC Legislative

1 Package.

2 Members, we have four bills under
3 consideration. So what the Chair will do, we'll take
4 each one, and if you have comments, and then we'll go
5 forth from there.

6 The first bill being considered is a -- based
7 on a correspondence dated July 21st, 2010, from
8 Councilmember Baisa, transmitting a draft State bill
9 entitled "A Bill for an Act Relating to Nomination
10 Papers", and a corresponding justification sheet. The
11 purpose of the draft State bill is to require that
12 candidates for elective County office include with their
13 nomination papers a sworn certification of compliance
14 with any relevant provision of the County Charter or
15 ordinances pertaining to elected officials or the
16 nomination papers shall be void and not accepted for
17 filing by the County Clerk.

18 Chair would like to recognize Member Baisa.

19 COUNCILMEMBER BAISA: Yes, Mr. Molina. Thank
20 you very, very much. This is a bill, of course, that
21 was given to me and initiated by the Kula Community
22 Association, which is the -- you know, probably the most
23 prominent organization in the district that I represent.
24 And they spent a lot of time and energy looking at this
25 and came up with this bill.

1 And it's very interesting because we haven't
2 passed this bill yet, but I've noticed that in the
3 filing of papers for this year's election, I had the
4 opportunity to peruse the Board of Ethics site the other
5 day, and everyone seems to have already taken the lead
6 here and has done a good job of filing their papers. So
7 I think we're headed in the right direction. And I
8 would certainly like to ask for the support of my
9 colleagues.

10 It's just another document. You know, you go
11 down there with your money and with your signatures and
12 whatever it is else that you have to take and, at the
13 same time, you take your disclosure. It means being a
14 little more organized and maybe filing a day early or
15 so, so you have time to do all the research. But I
16 think it makes it complete and then less chance for
17 things to occur later on and people to say, well, I
18 didn't know. Thank you.

19 CHAIR MOLINA: Okay. Thank you, Member Baisa.
20 Members, any comments as it relates to the proposed bill
21 from Member Baisa to be submitted to the HSAC
22 Legislative Package?

23 Okay. If not, we'll move on to the next bill
24 for consideration, and -- a correspondence dated July
25 21st, 2010, from Councilmember Johnson, transmitting a

1 draft State bill entitled "A Bill for an Act Relating to
2 Taxation", and a corresponding justification sheet. The
3 purpose of the draft State bill is to establish a tax
4 credit for the rehabilitation for historic structures.

5 Member Johnson is not present at the meeting
6 at this moment; however, we were informed she would be
7 here. Members, would you like to bypass this and until
8 Member Johnson comes in and we can --

9 COUNCILMEMBER VICTORINO: Yeah, let's --
10 let's -- let's wait 'til she arrives.

11 CHAIR MOLINA: Okay. All right. Members,
12 we'll move on to the next bill, correspondence dated
13 July 22nd, 2010, from Councilmember Medeiros,
14 transmitting a draft State bill entitled "A Bill for an
15 Act relating to taro security", and a corresponding
16 justification sheet. The purpose of the draft State
17 bill is to prohibit the development, testing,
18 propagation, release, importation, planting or growing
19 of genetically modified taro. Mr. Medeiros?

20 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
21 And I think if the Members had an opportunity to read
22 the justification sheet, it states clearly the purpose
23 of my bill here. And it -- it is, actually, to see if
24 we can get a consistency among all the counties through
25 the State Legislation for this to protect an act -- for

1 an act relating to taro security. And just to look at
2 the justification sheet following, you know, it -- it
3 states several things, but I think one of the more
4 important things is taro is part of the heritage of the
5 Hawaiian people in this State, and maintaining the
6 cultural integrity of the plant is vital.

7 I know kupuna used to say in my presence, well
8 -- well, my mom talked to them, way back, how they
9 related to the kalo, the taro plant. And it was that --
10 they said as long as the kalo grows in Hawaii, the
11 culture will survive. So it's important that we protect
12 the security and the purity of our kalo by this
13 legislation. And, hopefully, the State Legislature will
14 come up with a overall State legislation to do just
15 that.

16 And I, you know, ask my colleagues to support
17 this. And I thank you for your support in our
18 legislation here locally, at our County level, for the
19 ban on GMO taro. Mahalo, Mr. Chairman.

20 CHAIR MOLINA: Okay. Thank you, Mr. Medeiros.
21 Members, any other comments as it relate to Member
22 Medeiros' proposed bill relating to taro security?

23 Seeing none, we'll move on to the next bill
24 for consideration, a correspondence dated July 23rd,
25 2010, again from Councilmember Medeiros, transmitting a

1 draft State bill entitled, "A Bill for an Act Relating
2 to Aquarium Aquatic Life", and a corresponding
3 justification sheet. The purpose of the draft State
4 bill is to improve the regulation of aquarium aquatic
5 life collecting to protect aquatic life and the marine
6 environment. Mr. Medeiros?

7 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
8 In checking with Staff whether anything like this was
9 being proposed by you, Mr. Chairman -- because you and
10 Member Nishiki certainly brought up this bill -- well,
11 this item for our discussion -- when I found out there
12 wasn't any, I decided to propose that it be part of the
13 package.

14 And I think the parts of this item that we
15 discuss that are very important is that you can get a
16 permit for \$50 from the State DLNR, and the -- it's
17 unlimited, the amount that you can collect, which is,
18 you know, both alarming and shocking. And there are no
19 regulations, actually, on the methods and equipment that
20 are used to collect these fishes and -- and wild aquatic
21 life, because they -- they go beyond fishes. Shrimp and
22 other aquatic life is collected. But some of these that
23 are being collected currently are endemic to Hawaii,
24 found nowhere else in the world, and are deemed to be
25 crucial to the overall health of the reef environment.

1 And we have talked for a long time about our
2 reef environment, our marine environment. So I ask the
3 Members to consider this and to lend their support so it
4 can be made part of the package. Mahalo, Mr. Chairman.

5 CHAIR MOLINA: Thank you, Mr. Medeiros. The
6 Chair appreciates the -- your consideration. And it's
7 quite timely. We have Mr. Nishiki's version of the bill
8 up for consideration at tomorrow's Council meeting. And
9 you make a good point with the cost of the permit.
10 It's -- I'm sure with the cost of doing business or
11 inflation, you know, hopefully, the State will take a
12 look at that. And we've heard in testimony how much
13 profit is being made off the collection of fish. And
14 how much does it cost the State to process these
15 permits, it might have gone up, I'm sure, over the last
16 few years. Mr. Medeiros?

17 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
18 Just -- just a final comment. You know, I've heard
19 that, because of the oil spill in the Gulf, collectors
20 around Florida are having difficulty collecting the
21 amounts they need to, and so they're looking to Hawaii
22 to place their orders. And that's even more alarming,
23 that many parts of the world coming to Hawaii to have
24 their orders filled. So I -- I, once again, bring up
25 the really alarming situation we have here, and that we

1 need to really put our focus and attention on this.

2 Mahalo, Mr. Chairman.

3 CHAIR MOLINA: Thank you, Mr. Medeiros. And
4 this is certainly quite timely legislation on a
5 statewide, you know, basis.

6 Members, any other comments on this proposal?
7 All right. It's 9:22, Member Johnson has not come in
8 yet. So, Members, any discussion on Member Johnson's
9 consideration, which is a Bill for an Act Relating to
10 Taxation, and a corresponding justification sheet? The
11 purpose of her proposal is a draft State bill, is to
12 establish a tax credit for the rehabilitation of
13 historic --

14 COUNCILMEMBER VICTORINO: Chair?

15 CHAIR MOLINA: -- structures. Any comments?
16 Mr. Victorino?

17 COUNCILMEMBER VICTORINO: Yeah. Chair, in
18 reviewing what Ms. Johnson is proposing, I -- I think at
19 this point I can support it in -- in -- in its -- in its
20 presentation. I think we give tax credits for a lotta
21 other things in this State. And we give tax credits for
22 development of businesses, development of the internet
23 system, of cyberspace, and, I mean, we give tax credits
24 just about for anything and anybody. And this is
25 something that, unless we take immediate action, many of

1 our historic buildings may be lost in the near future
2 because of lack of funding, you know, lack of funding to
3 keep and maintain these buildings. So I think this is
4 timely, also, with all the other items that are going
5 around. Because many -- excuse me -- many
6 organizations, nonprofits and cultural groups that are
7 -- have been entrusted in taking care of these -- these
8 facilities, these buildings, are finding it very
9 difficult now to raise funds, to be able to maintain or
10 expand. Or even like, for example, St. Augustine's
11 right now, the building right in front (inaudible) in
12 Waikiki has become St. Damien's temporary museum. And
13 they're having a very difficult time raising funds. And
14 I was just with Father Lane last weekend. And he
15 expressed a desire for help and hoping that the
16 Government would be able to step in and help. Because
17 here is Father Damien, the first saint of -- from
18 Hawaii, who did much good work for the Hawaiian people
19 and many others, and we cannot get enough funding to
20 help preserve this -- this -- this legacy. So I think
21 something like this is well, well, well received. And I
22 think, hopefully, when the Legislature takes a good look
23 at it, they'll see the importance and be able to help
24 this tax credit go forward so it can help many
25 organizations, both profits and nonprofits, to help

1 preserve these historic buildings and historic sites.

2 Thank you, Mr. Chair.

3 CHAIR MOLINA: Okay. Thank you,
4 Mr. Victorino. And you did a wonderful dissertation
5 which gave Member Johnson enough time to get here and --

6 COUNCILMEMBER VICTORINO: Well --

7 CHAIR MOLINA: -- give us a brief introduction
8 on her proposal.

9 COUNCILMEMBER JOHNSON: Sorry for my
10 tardiness.

11 CHAIR MOLINA: All right, Member Johnson,
12 Chair will recognize you.

13 COUNCILMEMBER JOHNSON: Yes. And I apologize
14 to the Committee. Unfortunately, I've been readying for
15 a funeral for one of my friends, so -- my proposal this
16 -- this morning is apropos of something that's really
17 important, you know, to -- I -- I look at the character
18 of our towns, and I look at what's happening. And the
19 proposal, basically, is to try to look at some kind of
20 tax incentives for rehabilitating historic structures.

21 As you know, in Makawao, Paia, Lahaina, Hana,
22 Molokai, even some of the historic structures in Lanai,
23 and throughout our entire State, unfortunately, what's
24 happening is, as these structures age and begin to
25 crumble and deteriorate, much like the Pioneer Mill

1 building we have in Lahaina, it takes a tremendous
2 amount of capital to preserve the buildings. And even
3 some of the historic structures, anything, I guess, over
4 a certain age is really slated for demolition. And what
5 it's doing is it's changing the whole makeup of all of
6 our small towns so they're losing that beauty and that
7 -- you know, that small town feel and appeal.

8 So I -- I know that this was introduced rather
9 late in the game, but I think that, throughout our
10 entire State, the beauty of our old towns has to be
11 preserved. And at least if we can look at trying to
12 give some kind of incentive for individuals -- I don't
13 know what that might be. I think that at least to
14 examine it, and to have the State consider it, is very
15 important. Because we are losing more of our old towns
16 and more of our historic buildings every day.

17 I know it's not a good time, maybe, to talk
18 about tax incentives in an economic downturn, but I
19 think if we can work with the Federal Government on some
20 of the preservation funds, even if it's matching, I
21 believe we can save some of our beautiful structures.
22 So that's why I introduced this measure. And I -- I
23 really would ask that people seriously consider sending
24 that forward. I am going to send it on no matter what,
25 but I think that because Hawaii State Association of

1 Counties has always supported the small towns, they've
2 always supported the counties, and it's the only voice
3 that we have to really let the State legislators know
4 that this is important to us. So I'm happy to answer
5 any questions. Thank you.

6 CHAIR MOLINA: All right. Thank you, Member
7 Johnson. Members, any questions or -- or any comments?
8 Mr. Kaho`ohalahala?

9 COUNCILMEMBER KAHO`OHALAHALA: Thank you,
10 Chair. I appreciate that Member Johnson is taking the
11 opportunity to introduce this to HSAC. I think it's a
12 wonderful bill that gives us really an opportunity, as
13 she said, to take a look at the kinds of costs that it
14 takes to mitigate these old historic buildings and then
15 find that owners are reluctant to preserve them because
16 of that. And it's much easier, in their view, to just
17 raze the buildings, knock 'em down, and then just build
18 something new. But it -- it does change the -- the
19 character, it changes the -- the fabric as well as the
20 history of the -- of the place involved, so --

21 Lanai City is a perfect example of this. We
22 are currently in a very challenged situation where a
23 number of the historic buildings within the center of
24 Lanai City are being proposed for demolition. We have
25 been in discussions with the -- with the State Historic

1 Preservation Division as well as with the landowner to
2 try and find ways to -- to come to some agreement about
3 how to keep the -- the history alive on Lanai. It is
4 the only planned plantation community in existence right
5 now of its kind. And a number of buildings already been
6 applied for, for demolition here at our County. So --

7 So a bill like this might help to give us some
8 kind of support here at the State level, perhaps, as
9 well as continuing to seek other support at the Federal
10 level. But it is important that, you know, if you could
11 keep the buildings that have had the history, have had
12 the -- the families that are involved with it, and you
13 can always have that moololo, you know, that story
14 that's related to this place, would be probably more
15 important than putting a new building in its same spot
16 and have not -- nothing to speak of, you know. So -- so
17 there is -- therein is the distinction between, I think,
18 the preservation. So I thank Member Johnson again for
19 doing this. And I'll -- I'll support this as well.

20 CHAIR MOLINA: Thank you, Mr. Kaho`ohalahala.
21 Members, any other comments as it relates to the bill?
22 Mr. Medeiros?

23 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
24 And, yeah, I'd like to thank my colleague Ms. Johnson
25 for this introduction to the HSAC package. I wanted to

1 ask her, Mr. Chairman, if that's allowable, because in
2 the justification sheet, she speaks of losing the
3 buildings of historical history through -- through the
4 current process that, you know, gives Lahaina a national
5 historic district designation. So if Member Johnson can
6 answer, why are we losing the buildings if we have the
7 national -- Lahaina's National Historic District
8 designation to save those buildings? And how will this
9 legislation help increase saving those historic
10 buildings?

11 CHAIR MOLINA: Member Johnson?

12 COUNCILMEMBER JOHNSON: Yes. Well, first of
13 all, Lahaina's very unique because the Historic District
14 only covers a very small percentage of the town of
15 Lahaina. So some of our older buildings, even some of
16 the mill buildings, and the old homes, I've seen people
17 virtually, over a weekend, demolish the buildings and
18 then get an after-the-fact permit. I've seen people
19 who -- you know, I -- I tried very hard to argue for,
20 you know, not building a monstrosity on a structure that
21 happened to be cut in half. If you remember that story
22 a while ago, in Lahaina Town, we had this historic
23 building, it was well over 50 years old, and it just,
24 all of a sudden, you know, somebody went and cut the
25 building in half. So what ends up happening is many of

1 these are not acts that are sanctioned. And in some
2 cases, the person or the persons who actually demolished
3 this building, or caused it to be demolished, they were
4 allowed to build, if you come into Lahaina right now, a
5 monstrosity of a structure that's two stories with a
6 swimming pool right next to the ocean, in an area where
7 there's this beautiful, quaint plantation style historic
8 home.

9 So much of the difficulty that we have in
10 Lahaina Town is unique because not all of it falls
11 within that. But I also think the after-the-fact
12 permits is a problem, which this bill won't solve. But
13 at least, if the individuals who buy these properties
14 know that the tax incentives contained within this
15 measure -- now, they can be manipulated or changed, you
16 know, in whatever way -- 'cause I know so many times,
17 when the bills get to the State level, they don't always
18 resemble what we first send forward -- I think that at
19 least those individuals would think, wow, if I can save
20 this beautiful old building and get some kind of a tax
21 incentive for doing so, it's a lot better than just
22 flattening it in the midnight permit process and then,
23 you know, trying to get something new and really not
24 fitting of Lahaina Town.

25 And I know Member Molina, our Committee Chair

1 Molina, he's seen a few of those things probably happen
2 in his own neighborhood as well. And probably you,
3 Mr. Medeiros. Thank you.

4 COUNCILMEMBER MEDEIROS: Thank you,
5 Ms. Johnson. And I -- I think, Mr. Chairman, you know,
6 part of our history are our buildings and architecture
7 that we need to preserve. And I think if we submit this
8 to HSAC for submittal to the State Legislature for
9 consideration, that'll give the same protection, if
10 accepted, for all our counties and islands. So I think
11 this is a important proposal to make at this time.
12 Mahalo, Mr. Chairman.

13 CHAIR MOLINA: Thank you, Mr. Medeiros.
14 Mr. Kaho`ohalahala?

15 COUNCILMEMBER KAHO`OHALAHALA: Yeah. Thank
16 you, Chair. I just wanted to add to Member Johnson's
17 comments about the need for preservation. The Historic
18 District has a criteria that a percentage of the
19 buildings within that district be historic. And when
20 you start demolishing one at a time and you don't look
21 at the cumulative effect, what occurs is that you may
22 fall below the percentage of the district. And, at the
23 Federal level, as they look at the Lahaina Historic
24 District, it would now question whether or not it is
25 capable of continuing to be a district because we've

1 taken away some of them. So we have to be very careful
2 in that regard as well.

3 CHAIR MOLINA: Thank you, Mr. Kaho`ohalahala.
4 All right. Members, if there are no other
5 considerations -- well, first of all, this is a
6 interest -- an interesting item, Member Johnson. This
7 is a case of with age comes beauty, at least for
8 buildings, anyway. Members, are there -- is there any
9 request for separation or a separate vote on each of the
10 bills?

11 COUNCIL MEMBERS: No.

12 CHAIR MOLINA: If not, the Chair will call for
13 one motion to include all bills. So the Chair's
14 recommendation will be, Chair will ask for a motion to
15 approve the following bills, a Bill for an Act Relating
16 to Nomination Papers, a Bill for an Act Relating to
17 Taxation, a Bill for an Act Relating to Taro Security,
18 and a Bill for an Act Relating to Aquarium Aquatic Life,
19 be considered for placement in the 2011 HSAC Legislative
20 Package.

21 VICE-CHAIR MATEO: Mr. Chairman, I move for
22 the approval of the following State bills for placement
23 in the 2011 HSAC Legislative Package: One, a Bill for
24 an Act Relating to Nomination Papers; two, a Bill for an
25 Act Relating to Taxation; three, a Bill for an Act

1 Relating to Taro Security; and, four, a Bill for an Act
2 Relating to Aquarium Aquatic Life.

3 COUNCILMEMBER VICTORINO: Mr. Chair, I second
4 the motion.

5 CHAIR MOLINA: Okay. The motion has been made
6 by Committee Vice-Chair Mateo, and seconded by Committee
7 Member Victorino. Members, discussion? Chair would
8 just like to thank the Members who are submitting these
9 bills. Thank you for your hard work. And we'll keep
10 our fingers crossed and see what happens at the State
11 level. Okay. Yes, sir. Mr. Pontanilla?

12 COUNCILMEMBER PONTANILLA: Yeah. I just like
13 to make a comment. We're gonna have our HSAC meeting on
14 August 23rd at Honolulu Hale, and we'll be taking up all
15 of the proposals from all of the counties at that
16 meeting. Thank you.

17 CHAIR MOLINA: All right. Thank you,
18 Mr. Pontanilla. And thank you for being our courier or
19 messenger to our fellow colleagues from the various
20 counties.

21 Seeing no other discussion, Chair will call
22 for the vote. All those in favor, signify by saying
23 "aye".

24 COUNCIL MEMBERS: Aye.

25 CHAIR MOLINA: All those opposed?

1 VOTE: AYES: Chair Molina, Vice-Chair Mateo, and
2 Councilmembers Baisa, Johnson,
3 Kaho`ohalahala, Medeiros, Nishiki,
4 Pontanilla, and Victorino.

5 NOES: None.

6 ABSTAIN: None.

7 ABSENT: None.

8 EXC.: None.

9 MOTION CARRIED.

10 ACTION: Recommending APPROVAL of proposed bills
11 and justification sheets for inclusion
12 in the 2011 HSAC Legislative Package;
13 and TRANSMITTAL of copy of the committee
14 report to the HSAC Executive Committee.

15 CHAIR MOLINA: Thank you. The Chair will mark
16 it nine ayes; and no noes. Unanimous. Thank you very
17 much, Members.

18 ITEM NO. 27: INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF
19 UNDERSTANDING BETWEEN THE STATE DEPARTMENT
20 OF TRANSPORTATION, AIRPORTS DIVISION, AND
21 THE MAUI COUNTY DEPARTMENT OF FIRE AND
22 PUBLIC SAFETY (C.C. No. 09-274)

23 CHAIR MOLINA: Okay. Moving on to our last
24 item for this morning, is Committee of the Whole Item
25 27, Intergovernmental Agreement or Memorandum of
Understanding between the State Department of
Transportation, Airports Division, and the Maui County
Department of Fire and Public Security [sic]. The
Committee is in receipt of County Communication No.
09-274 from the Fire Chief transmitting a proposed bill

1 entitled a Bill for an Ordinance Authorizing the Mayor
2 of the County of Maui to enter into an Intergovernmental
3 Agreement/Memorandum of Understanding to document a
4 mutual aid relationship between the State Department of
5 Transportation, Airports Division, and the Maui County
6 Department of Fire and Public Safety. The purpose of
7 the proposed bill is to authorize the Mayor to enter
8 into an Intergovernmental Agreement/Memorandum of
9 Understanding to document a mutual aid relationship in
10 emergency situations within Maui County wherein the
11 County and the State Airport Rescue and fire fighting
12 units work together.

13 This morning, I'd like to invite Chief Murray
14 and members of his staff to join us up here in the front
15 to respond to questions from the Committee as it relates
16 to this matter. And thank you for being here, Chief.
17 As we all know, your Department's been quite busy of
18 late. And thank you -- thank you for being here.

19 Chief, I'd -- I'd like to ask you, before you
20 give your opening comments on this, if you could
21 recognize the members of your department joining us
22 here.

23 MR. MURRAY: All right. Good morning, Members
24 and Chair. I have with me Maui District Fire Chief
25 Eugene Perry of the State Airports and the District

1 of -- County Manager, Marvin Moniz.

2 CHAIR MOLINA: Okay. Thank you, Chief.
3 Chief, I'd like to ask if you can give us some opening
4 comments. And then, also, I'd like to invite the
5 gentlemen as well, who would also like to give
6 additional comment, too. So, Chief, if you will.

7 MR. MURRAY: Good morning, everyone. Thank
8 you.

9 Before you, we have this Memorandum of
10 Agreement, of Understanding, between the County and the
11 State. And -- and this -- we have had such a memorandum
12 for -- since the mid-eighties. And we are just going
13 through our updates. And we wanna keep you abreast of
14 that, and ask for your support in continuing the support
15 of each other in these two departments. Thank you.

16 CHAIR MOLINA: Okay. Thank you, Chief.
17 Mr. Perry, do you wanna add additional comments?

18 MR. PERRY: Yes. This understanding,
19 Memorandum of Understanding, greatly enhances our
20 responses to numerous types of incidents and/or
21 accidents, especially in the airport area and within our
22 communities, you know, involving our whole District,
23 whether it's Lanai, Molokai, Hana, Kalaupapa. But we
24 usually handle Kalaupapa. And Chief Murray has so
25 graciously offered to help us if we do have an incident

1 in Kalaupapa. This Memorandum of Understanding greatly
2 solidifies this partnership. And we've used it numerous
3 times since I've been in the Department, 31 years. In
4 the earlier eighties, it was a handshake and a smile.
5 As they grew into 1985, I believe, we had a memorandum
6 of agreement.

7 It -- as the -- I guess, the leadership roles
8 change in Government, so does an understanding of mutual
9 aid. So, in '89, we had another one. And, in '99, we
10 had another one. And now with this leadership, I guess
11 it's time to renew it because equipment changes,
12 training changes. And understanding of what the mutual
13 aid agreement is about sometimes bypasses the
14 understanding of -- of individuals in the community.
15 And we've served -- it's been proven that it works.

16 The Molokai fire, we launched one of our
17 trucks on airports upon the request of the County. The
18 Delta airlines incident the other night where he blew
19 out a windshield, we initiated a mutual aid package
20 through 911, and MFD supported our manpower, which is --
21 has been greatly reduced due to freezes in hirings at
22 the airports. So the County plays a great role in the
23 rescue efforts and the fire fighting efforts that'll
24 entail if we do have a -- an incident at the airport.
25 And, of course, if the few tanks out here in the

1 community should happen to go, we have the equipment
2 that can handle such a large fire.

3 And I ask you to, you know, consider this
4 agreement and take -- take it into consideration. And,
5 hopefully, we can have it solidified today. Thank you,
6 Mr. Chair and Council Members.

7 CHAIR MOLINA: Okay. Thank you, Mr. Perry.
8 Mr. Moniz, do you have any additional comments you would
9 like to give the Committee before I -- before I turn
10 matters over to the Members for questions? Okay. We'll
11 bring you an extra chair here.

12 MR. MONIZ: Oh, okay.

13 CHAIR MOLINA: You can -- you can still remain
14 seated with us.

15 MR. MONIZ: I no need one mic. I'm
16 Portuguese. I good without microphone.

17 COUNCILMEMBER VICTORINO: Hey, hey, hey.

18 MR. MONIZ: Good morning, Chair. Good
19 morning, Council.

20 CHAIR MOLINA: Good morning.

21 MR. MONIZ: Just to add on a little bit to
22 what the Chief said here this morning, just a quick
23 briefing on what had happened on Monday night. I
24 received a call about 8:15 -- well, actually, about 8:05
25 that Delta Airlines declared an emergency landing. At

1 37,000 feet, the front windshield shattered. And -- and
2 like a spiderweb kinda thing. And, basically, what they
3 were unsure of, if the cabin was depressurizing. So we
4 responded along with the County Fire. And the -- the
5 positive thing was we had 269 passengers, and, with
6 assistance from the County of Maui, we were able to
7 position all these rescue vehicles in place prior to
8 that aircraft landing. And it was uncertain as far as
9 whether that windshield was gonna last or not, so the --
10 the important thing, I felt, was that we had the mutual
11 aid there, should something had happened, we were
12 covered. We've got five guys on duty trying to rescue
13 269 people. So you can see how important the mutual aid
14 is.

15 We've assisted, as Chief mentioned, in
16 Molokai. We've assisted in fuel fires. And I think
17 with this mutual aid agreement, it'd be a -- a plus for
18 the community of Maui as well as the neighbor islands.

19 So, again, I ask for you guys' support. Thank
20 you.

21 CHAIR MOLINA: Okay. Thank you, Mr. Moniz.
22 Okay. Chair will turn matters over to the Committee.
23 Mr. Victorino?

24 COUNCILMEMBER VICTORINO: Thank you. Thank
25 you, Chair. And I guess my question and -- and thank

1 you, Mr. Perry, Mr. Moniz and Mr. Murray, for being
2 here. You know, I know Mr. Perry has a great deal of
3 history. He's been down at the airport and is a fixed
4 asset in -- in that area, and I think a wonderful
5 resource. And I thank you, Eugene, for all the years of
6 service, you know.

7 The question I have is, Chief, Chief Murray,
8 this -- you said there -- this is an update. You know,
9 it's been a while since we've done anything. What is
10 the big changes? You know, I -- I was reading through
11 this, and, you know -- you know, again, if you're an
12 expert in this area, I guess you'll understand. I guess
13 my question is, what is the big change, or is there any
14 major changes from prior agreement that makes -- you
15 know, and, again, updating is very important because
16 times change, Administrations change, people change,
17 needs change, so -- and in your opinion, what -- I mean,
18 tell me or tell -- could the public know what the change
19 is that we're talking about here?

20 MR. MURRAY: Thank you, Mr. Victorino, for
21 that question. The -- the changes are mainly to do with
22 our equipment.

23 COUNCILMEMBER VICTORINO: Uh-huh.

24 MR. MURRAY: So all of the equipments that
25 we've had updated in the different districts have been

1 updated on this plan, so that we -- we don't have any
2 misunderstanding of what actually is responding to that
3 incident.

4 COUNCILMEMBER VICTORINO: So -- so it's just a
5 complete update. And is the State included, Mr. Perry,
6 with this update as far as their equipment being
7 inclusive in this agreement?

8 MR. MURRAY: Yes, it is.

9 COUNCILMEMBER VICTORINO: Okay.

10 MR. MURRAY: Yeah.

11 COUNCILMEMBER VICTORINO: So -- so both --
12 both are -- are doing that. And the second question I
13 have is, all of the various -- I understand now we,
14 also, are sharing in training, you know, that both the
15 State airports as well as our fire fighters are now
16 doing what we call combined training. We have one class
17 with all of the variables together, the two -- two
18 separate entities. How has that helped, Mr. Murray and
19 Mr. Perry, as far as developing our relationship between
20 the fire fighting groups?

21 MR. MURRAY: Well, this is the first of its
22 kind in the State. Last recruit class, we had two
23 individuals from the State that came in through our
24 training class. And those individuals being able to
25 work with each other and learn the different aspects of

1 -- of their responsibilities were incredible in their
2 learning process. The State also allowed us to learn
3 and get our guys certified through a Pro Board
4 membership in aircraft fire fighting as well. So this
5 is a push that we're looking at.

6 COUNCILMEMBER VICTORINO: Uh-huh.

7 MR. MURRAY: So that when there is an
8 incident, there's no question that the individuals are
9 trained when they respond.

10 COUNCILMEMBER VICTORINO: Mr. Perry?

11 MR. PERRY: Yeah, it was a -- a very good
12 project that we came up with. Of course, it was, again,
13 with a handshake and a smile. And I work very well with
14 Chief Murray, and along with my airport manager. But
15 this also -- this MOU also will greatly increase our
16 chances to create our own training facility. We are in
17 the process of once we have this MOU approved, the
18 Federal Government, along with the State Department of
19 Transportation, has allowed us to acquire a building on
20 State property which will be mutually manned by our
21 training officers. And with that, we'll have some
22 Federal push, some Federal funding that'll help us to
23 make it a -- a very, very wonderful training center.
24 It'll be a joint training center. And we'll be able to
25 train fire fighters in the structural aspects of fire

1 fighting, hazardous materials, as well as aircraft
2 rescue and fire fighting, which entails a lot of
3 hydrocarbon fires. So I'm very excited about this bill
4 and about this MOU. And if it does go through, it'll be
5 a great stride, and probably one of the first in the
6 State of Hawaii that puts both types of fire fighting
7 into one class and trains 'em on both aspects of fire
8 fighting. So when we do go to a mutual -- mutual fire,
9 whether aircraft or fuel fire at the fuel front, they'll
10 be well versed in how to fight both types of fire.

11 COUNCILMEMBER VICTORINO: Thank you, Chief --

12 MR. PERRY: Thank you, Mr. Chair.

13 COUNCILMEMBER VICTORINO: -- Perry. And, you
14 know, Chair, this is just, again, another example where
15 Maui is number one, No Ka Oi. We step ahead. We don't
16 wait for somebody to do it for us; we do it for
17 ourselves. And I'm -- I'm really, really excited to
18 hear this part of the -- I mean, the MOU told us, you
19 know, we help fight fires, put all the apparatus, but
20 now this aspect really, really makes us here in Maui
21 County -- and the people can be so thankful that we'll
22 have this opportunity to have this joint training, a
23 facility here in Maui County so that our men and women
24 who fight fires, who are our public safety, who are the
25 first responders many times to these incidents, will be

1 well-versed and ready to take it on. And the safety
2 and -- and health of the -- the citizens of Maui County,
3 wow, we can be really enhanced. So thank you very much.
4 Chair, I'll let other colleagues ask questions, but
5 thank you for allowing me that moment. Thank you,
6 gentlemen.

7 CHAIR MOLINA: Thank you, Mr. Victorino.
8 Mr. Mateo and Mr. Kaho`ohalahala, any questions as it
9 relates to the airports on your respective islands and
10 the -- the Fire Department and --

11 VICE-CHAIR MATEO: Yeah. Chair -- Chairman,
12 for myself on Molokai, I think this is just -- I mean,
13 short of saying this is a no-brainer -- I mean, safety
14 is safety. And we've been real fortunate. And I think
15 in -- in us trying to be able to provide the Department
16 with as many tools as possible, it's incredible when
17 they come together and add another incredible tool like
18 a partnership in being able to address the very safety
19 needs of our respective communities. And when you come
20 from small communities, it is so important to retain
21 that friendship and the partnership in being able to
22 address all emergencies on our islands.

23 So, gentlemen, thank you all very much. Thank
24 you, Mr. Chairman.

25 CHAIR MOLINA: Thank you.

1 MR. MURRAY: You're welcome.

2 CHAIR MOLINA: Mr. Kaho`ohalahala?

3 COUNCILMEMBER KAHO`OHALAHALA: Thank you,
4 Chair. And I -- I think it's real clear that this is,
5 obviously, something that should continue to happen.
6 And the collaboration is what's gonna save people's
7 lives. And so we have good -- good people on Lanai as
8 well. So the collaboration with both divisions, State
9 and -- and County is a necessary part of how we live.
10 So mahalo for that.

11 MR. MURRAY: Thank you.

12 CHAIR MOLINA: Thank you, Mr. Kaho`ohalahala.
13 Mr. Medeiros?

14 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
15 Good morning, gentlemen, Chief Murray, Chief Perry,
16 Mr. Moniz.

17 MR. MURRAY: Good morning.

18 COUNCILMEMBER MEDEIROS: Thank you for being
19 here. I wanted to ask maybe Chief Murray, on the
20 Memorandum of Understanding -- or even Chief Perry -- do
21 we have one currently and we're just updating it?

22 MR. MURRAY: Yes, we do.

23 COUNCILMEMBER MEDEIROS: Oh.

24 MR. MURRAY: We work under a current one. And
25 due to many, many changes, as well as administrative

1 changes, we wanted to be sure that we asked for this to
2 be updated. So that it -- we can work off of something
3 that is updated as well.

4 COUNCILMEMBER MEDEIROS: Uh-huh. And -- and
5 I -- I think anytime you can partner up and have mutual
6 aid, that is very helpful to any department, whether
7 you're County, State or Federal. So that's really
8 important.

9 I wanted to ask, Chief Murray, because you
10 mentioned that part of the update is the equipment that
11 the County may have now, I just wanted to know -- and I
12 don't know if it's in the Memorandum of Understanding
13 and your Strategic Plan of what the County will do, what
14 the State will do, in any incident. Does the County's
15 equipment, especially the trucks, the pumpers, have a
16 capability of suppressant such as foam that the airport
17 equipment use in assisting in aircraft fires?

18 MR. MURRAY: Yes, there is. And they're --
19 they're all identified for each district as well as our
20 central area.

21 COUNCILMEMBER MEDEIROS: Uh-huh.

22 MR. MURRAY: And the ones that are not capable
23 of doing that, they, in turn, turn into a water supply
24 for their vehicles. And that process is necessary based
25 on amount of agent in the water that you would need.

1 So --

2 COUNCILMEMBER MEDEIROS: Okay. That's --
3 that's really good to know. I know in the past, when I
4 was in the Fire Department for the County, when there
5 were fires outside the perimeter of the airport, and
6 kiawe trees used to be caught on fire sometimes, and the
7 County used to respond, because for the State trucks to
8 come off of the airport, the size of them, and, you
9 know, to get into some of those areas was difficult. So
10 does that still exist between the County and the State
11 as far as perimeter fires outside of the airport area?

12 MR. MURRAY: Actually, things have changed a
13 little bit. The State's pro-activeness in -- in -- in
14 response and -- and all the training that they have
15 developed throughout the years, they have been more than
16 supportive on -- on many, many calls. I mean, from auto
17 accidents to first responders, they have done -- they
18 have done a lot.

19 Chief, if you can.

20 MR. PERRY: Again, because of the partnership,
21 I've sent almost all of my fire fighters to the, what
22 they call, wildfire urban interface fire fighting course
23 that they had for 10 days. A very interesting course.
24 So my men are well aware of the wildfire situations.
25 And in some instances around the airport, when we're

1 called, it's because of the visibility of the smoke. So
2 we dispatch one truck and we work hand in hand with
3 these battalion chiefs. And they like our trucks
4 because it -- we have a 200-foot reach on the turret.
5 So the boys don't have to pull so much hand line, go out
6 there, you know --

7 COUNCILMEMBER MEDEIROS: And --

8 MR. PERRY: That's on a rehab.

9 COUNCILMEMBER MEDEIROS: That's a terrific
10 partnership. And, you know, we -- we all applaud, you
11 know, the Departments for that. Because around the
12 airport area, the Kanaha Beach area, I know we -- when I
13 used to work security down there that we had problems
14 with homeless people in those areas that start fires,
15 you know, from time to time, to cook or to get warm and
16 stuff. So it's good to see that partnership.

17 And then, Mr. Moniz, with this kind of mutual
18 aid and this Memorandum of Understanding, does it allow
19 or give the airport a certification beyond what exists
20 without that mutual aid?

21 MR. MONIZ: Before I just get to that, just to
22 add on your -- your previous question to the Chief --

23 COUNCILMEMBER MEDEIROS: Right.

24 MR. MONIZ: -- on the vehicles, we've -- we've
25 recently picked up a quad vehicle, which is similar to

1 the mini, I guess, that --

2 COUNCILMEMBER MEDEIROS: Right.

3 MR. MONIZ: -- that the County has. So we've
4 now got the capability of getting into smaller places.
5 So I just wanted to bring that up with you.

6 And your question on -- with the 3139 (?)
7 airfield certification --

8 COUNCILMEMBER MEDEIROS: Right.

9 MR. MONIZ: -- it -- it helps us in the sense
10 when -- in the discussion with the FAA as far as the FAA
11 funds our equipment, a lot of our -- our equipment. And
12 when we approached them for additional equipment such as
13 -- as Hana, which we're gonna go back to, I think, and
14 as well as Kalaupapa -- trying to go back down that road
15 and establishing fire fighting capability again there.
16 But -- but, yes, we -- we've got support from the FAA.
17 And the more training we do, they support it even more.
18 And I think with this joint training program, the cost
19 savings to both the County and State is -- is tremendous
20 because if we were to go out and put our own training
21 facility, you know, from the ground up as well as the
22 County, the cost would be horrendous. And the facility
23 that we're looking at, we already got one established
24 facility, it -- it needs some work, not much, but it
25 needs some work to the structure itself. It's a

1 two-story structure with a few acres of -- -- of land as
2 well. So I think, like I said, it's a win for both the
3 County and -- and the State.

4 COUNCILMEMBER MEDEIROS: Well, it's really
5 good to hear, Mr. Moniz.

6 And, finally, yeah, working with you,
7 Mr. Moniz, on the Hana Airport and the evolution of
8 whether the FAA requires service there or not depending
9 on the air traffic that comes in there, whether it's
10 scheduled or not. So I appreciate the help with our
11 airport in Hana. And thank you, gentlemen, for all that
12 information and being here. Mahalo, Mr. Chairman.

13 CHAIR MOLINA: Thank you, Mr. Medeiros.
14 Mr. Pontanilla?

15 COUNCILMEMBER PONTANILLA: Thank you,
16 Chairman. Just a question for Corporation Counsel.
17 This is in regards to the agreement itself. You know,
18 it -- it's noted that -- this thing was written back in
19 2009, yeah, so everything is at 2009. So I -- I guess
20 when the Chairman makes the recommendation to go
21 forward, then an amendment is due to change the date to
22 2010, as I read it.

23 And the other thing that I wanna ask the --
24 you know, both Fire Chiefs, because this was done in
25 2009, and when you look at all of the equipments that

1 are noted, I -- I don't know if the equipments has
2 changed or need to be updated.

3 MR. MURRAY: I believe there's only two items
4 that we need to change.

5 COUNCILMEMBER PONTANILLA: Okay.

6 MR. MURRAY: We did submit this as -- as
7 timely as possible. And for some reason, it didn't get
8 on -- on the agenda. So we'll go ahead and make
9 whatever adjustments that need be. And we can probably
10 just do that in a few minutes here, so --

11 COUNCILMEMBER PONTANILLA: Okay, fine.
12 Corporation Counsel, can they do that, just make the
13 changes?

14 MS. SLOPER: Yes.

15 COUNCILMEMBER PONTANILLA: Okay. Good.

16 MS. SLOPER: As far as the date and any
17 equipment changes.

18 COUNCILMEMBER PONTANILLA: And the equipment,
19 yeah. Okay. Good. Thank you.

20 CHAIR MOLINA: All right. Thank you,
21 Mr. Pontanilla. And as part of the motion, when we --
22 we arrive at that time, Mr. Pontanilla, Chair will ask
23 for your consideration to allow Staff to as well make
24 any other non-substantive changes as well.

25 So with that being said, I think we've had a

1 very healthy discussion on this matter, so the Chair's
2 ready to offer a recommendation.

3 COUNCIL MEMBERS: Recommendation.

4 CHAIR MOLINA: Chair will ask for a motion to
5 support this Memorandum of Understanding and which is to
6 include the filing of the communication and to allow
7 Staff to make any non-substantive changes.

8 VICE-CHAIR MATEO: Mr. Chairman, so move,
9 including the filing of the communication as well.

10 COUNCILMEMBER VICTORINO: Mr. Chair, I second
11 the motion.

12 CHAIR MOLINA: Okay. The motion has been made
13 by Committee Vice-Chair Mateo and seconded by Committee
14 Member Victorino. Members, any discussion? Chair would
15 like to thank Mr. Murray, Mr. Moniz and Mr. Perry for
16 your participation in here. And I think it certainly
17 helped to educate the public and the need for both the
18 County and the State to work together.

19 And let me tell you this: My next flight, the
20 first thing I'm gonna ask the attendant is how solid is
21 that windshield on that airplane, so --

22 (Laughter).

23 CHAIR MOLINA: So not to make light of
24 things -- anyway. But, anyway, with that said, the
25 Chair will call for the vote. All those in favor,

1 signify by saying "aye".

2 COUNCIL MEMBERS: Aye.

3 CHAIR MOLINA: All those oppose?

4 VOTE: AYES: Chair Molina, Vice-Chair Mateo, and
5 Councilmembers Baisa, Johnson,
6 Kaho`ohalahala, Medeiros, Pontanilla,
7 and Victorino.

8 NOES: None.

9 ABSTAIN: None.

10 ABSENT: None.

11 EXC.: Councilmember Nishiki.

12 MOTION CARRIED.

13 ACTION: Recommending FIRST READING of revised
14 bill and FILING of communication.

15 CHAIR MOLINA: Seeing none, the Chair will
16 mark it eight ayes; one excusal, Member Nishiki. The
17 matter will pass on to the full Council for first
18 reading.

19 Members, I believe this concludes our agenda
20 items for today. The Chair would like to thank all of
21 you for your participation. Our hard working Staff and
22 as well as the Administration and the Fire Department
23 and State Fire Departments, thank you for being here.

24 It is 9:57, the Committee of the Whole meeting for
25 Thursday, August 5th, 2010, is now adjourned.

... (gavel) ...

ADJOURN: 9:57 a.m.

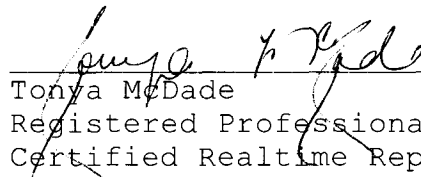
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CERTIFICATE

I, TONYA MCDADE, Certified Shorthand Reporter,
do hereby certify that the electronically-recorded
proceedings contained herein were, after the fact, taken
by me in machine shorthand and thereafter was reduced to
print by means of computer-aided transcription;
proofread under my supervision; and that the foregoing
represents, to the best of my ability, a true and
accurate transcript of the electronically-recorded
proceedings provided to me in the foregoing matter.

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

DATED this 3rd day of September, 2010.



Tonya McDade
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Captioner
Hawaii Certified Shorthand Reporter #447