

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

MINUTES

September 30, 2013

Council Chamber, 8th Floor

CONVENE: 9:07 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Gladys C. Baisa, Member (Out 11:49 a.m.)
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member (In 9:17 a.m.)
Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member

EXCUSED: Councilmember Robert Carroll, Member

STAFF: Kirstin Hamman, Legislative Attorney
Tammy M. Frias, Committee Secretary
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Morris Haole, Executive Assistant to Councilmember Robert Carroll

ADMIN.: David C. Goode, Director, Department of Public Works (Item PIA-24)
Teena M. Rasmussen, Director, Office of Economic Development (Item PIA-46)
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
(Item PIA-24)
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
(Items PIA-31, 32, 47)
Gary Y. Murai, Deputy Corporation Counsel, Department of the Corporation Counsel
(Item PIA-46)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation
Counsel

Seated in the gallery:

Danny J. Matsuura, Assistant Chief, Department of Police (Items PIA-31, 32)

OTHERS: Mercer "Chubby" Vicens
Additional attendees (1)

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

CHAIR HOKAMA: . . .(*gavel*). . . This is the Council's Committee on Policy and Intergovernmental Affairs. This is our meeting of the 30th of September, 2013. This morning, we have our Vice-Chairman, Mr. Couch.

VICE-CHAIR COUCH: Good morning, Mr. Chair.

CHAIR HOKAMA: Good morning. We do have Committee Members, Crivello --

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: --good morning--Ms. Cochran --

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR HOKAMA: --Ms. Baisa --

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR HOKAMA: --Mr. Victorino --

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR HOKAMA: --and also joining us is Mr. White. The Chair is excusing, at this time, Mr. Carroll and Mr. Guzman. Prior to the start of our meeting, we shall open the floor to accept any public comment or testimony. So, at this time, I will ask Ms. Frias if there's anyone that has requested to provide comments to the Committee that is in the Chamber.

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you very much. We'll go to our Hana District Office and ask Ms. Lono, is there anyone wishing to provide testimony before the Committee this morning?

MS. LONO: Good morning, Chair. The Hana Office has no one waiting to testify.

CHAIR HOKAMA: Thank you. At our Lanai Office, I will ask Ms. Fernandez if there's anyone wishing to give testimony to the Committee this morning.

MS. FERNANDEZ: Good morning, Chair. This is Denise from Lanai, and there is no one waiting to testify.

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CHAIR HOKAMA: Thank you very much. And, on Molokai, I'll ask...why am I drawing a blank? Ms. Alcon. She's our senior person on Molokai, also. Ms. Alcon, is there anyone wishing to provide testimony on Molokai, please?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR HOKAMA: Thank you very much, ladies. The Chair appreciates your assistance to the Committee. Members, since there's no...anyone wishing to give verbal testimony to the Committee, I'll close public testimony at this time with no objections.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, so ordered. Thank you very much, ladies at our district offices. We do have written testimony, so with no objections, I will ask the Committee that we accept written testimony that has been provided for today's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you very much, Members. May I please direct you then to our first item, which is a Public Works consideration. But since Director Goode is not present at this time, let us move forward and we'll give Director Goode some time to attend this meeting.

ITEM PIA-31: ACQUISITION OF 2008 CHEVY SUBURBAN SUV CC 13-146)

CHAIR HOKAMA: So if I can then, please, direct your attention, Members, to PIA-31? We have Mr. Ueoka present. This comes under the heading of Acquisition of 2008 Chevy Suburban SUV. Your Policy Committee is in receipt of a communication, 13-146, from Chief of Police, Yabuta, informing of the acquisition of a 2008 Chevy Suburban sport utility vehicle from the United States Secret Service, with an estimated value of \$30,000. Here, this morning, to assist the Committee is Deputy Ueoka who will give us some comment at this time, please. Mr. Ueoka?

MR. UEOKA: Good morning, Chair. It's just from MPD to accept the SUV from the Secret Service. I'm not sure on the specifics of how they came about getting it, but they have it and I guess they're willing to let us keep it if we can accept it. Thank you.

CHAIR HOKAMA: Okay. So you have no other understanding whether this was part of a forfeiture type of partnership with the Secret Service and this is the County's share of the forfeiture assets?

MR. UEOKA: Oh, no, I'm not aware of that part of it.

CHAIR HOKAMA: Okay. Well, I don't see us to turn down \$30,000 of usable good vehicles especially from the Secret Service.

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COUNCILMEMBER VICTORINO: Chair?

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you. And thank you, I agree with you, Chair, never turn down a gift of this nature; and we can always use it. But is this vehicles--and I've been told that Secret Service, as these vehicles...they have so many years for them to use it, what they call, their lifetime --

CHAIR HOKAMA: That's correct.

COUNCILMEMBER VICTORINO: --or, what, life expectancy I think is the term they use--is this one of many that as they get old enough that they don't wanna keep 'em that they give it to jurisdictions as donations?

CHAIR HOKAMA: Mr. Ueoka, can you respond at this time?

COUNCILMEMBER VICTORINO: Would you know that Mr. Ueoka?

MR. UEOKA: Yeah, I'm not sure if this is one of numerous available or just one. Yeah, I'm not sure, I apologize.

COUNCILMEMBER VICTORINO: Well that or, you know, Mr. Chair, I was also told that when we had the big meeting a few years ago...what was that? Can somebody help me? I got a senior moment, also, I apologize.

VICE-CHAIR COUCH: APEC.

COUNCILMEMBER COCHRAN: APEC.

COUNCILMEMBER VICTORINO: APEC. 'Cause they brought a bunch of vehicles down for APEC in which they did not ship back. So, okay, whatever the reason, Mr. Chair, I agree with you. Eh, if it's in usable service and it can't be used and it's a donation, I don't see why we wouldn't take it. So I'd wait for your recommendation, Chair, but I'd support this.

CHAIR HOKAMA: Yeah. Normally, and the Federal Government, after three to five years, usually does a Federal auction. And I believe the County has purchased, in the past, very good vehicles with a few years on it, but had enough lifespan that I know Water Department, I think, secured through a Federal auction some very usable sedans that lasted five years, I guess, within the department. So it's much appreciated to support the County's Police Department's efforts. And I'm sure if it's a Secret...it has the appropriate safety additions that make it valuable for use for our enforcement department. Let's see. One second, Members. Just one question, please, Mr. Ueoka. I know the Chief is informing us of the acquisition. There is no attached resolution

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ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FILING of communication.

ITEM PIA-47: DONATION OF GYM EQUIPMENT TO DEPARTMENT OF FIRE AND PUBLIC SAFETY (CC 13-287)

CHAIR HOKAMA: I'm gonna skip PIA-46, Members. And since Mr. Ueoka is also part of Policy 47, I'm gonna, please, direct you to that item at this time. Under Policy 47 is under the heading of Donation of Gym Equipment to the Department of Fire and Public Safety. This Committee is in receipt of County Communication 13-287, from Fire Chief Murray, who has transmitted a proposed resolution entitled, authorizing Acceptance of Donation of One (1) Hoist Pec Fly/Rear Delt (HD/HDG-2200), One (1) Hoist Multi Press (HD/HDG-1500), One Hoist Biceps Curl/Triceps Extension (HD-3100), One (1) Ab Crunch (HS/HSG-1310), One (1) Star Trac Commercial Treadmill, One (1) Hoist CD2700, and One (1) Precor EFX 546i Commercial Elliptical to the Department of Fire and Public Safety, County of Maui, Pursuant to Chapter 3.56, Maui County Code. I thought that was a book instead of a title. Okay. This is equipment that is being proposed for Council acceptance at a value of \$28,500, from The Brown Development/BD Properties Hawaii, for use by fire fighters at the Lahaina Fire Station. Mr. Ueoka, comments please?

MR. UEOKA: Thank you, Chair. My understanding is Mr. Brown was in contact--I think he's the owner of Brown Development/BD Properties Hawaii--was in contact with one of the firemen out at the Lahaina Fire Station. And he had these very high-quality, commercial, gym machines that I'm not sure how he obtained them, but he had them and he had no use for them at the time. So he had agreed to donate them to the Fire Department under the, I guess--what's the word?--provision that they pick it up by a certain time. So the Fire Department did take it, and they have it stored. They have not used it with the understanding, they'll return it to him if Council does not agree to accept it. But it is sitting in a warehouse in Kahului right now waiting to be accepted. If it is accepted, it will be going out to the Lahaina station to replace aged, old, gym equipment. Thank you, Chair.

CHAIR HOKAMA: Thank you, Mr. Ueoka. We appreciate the generous offer from The Brown Development Company. So it is not an issue of space if we accept this that this equipment can be easily transitioned into the station for...if there's no need for renovation or any structural adjustments to utilize the equipment?

MR. UEOKA: That is my understanding. I was told it would be replacement for existing equipment; and it's about the same size and shape, so it should fit nicely.

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CHAIR HOKAMA: Okay. Thank you, Mr. Ueoka. I'll ask Ms. Cochran if she has any comments or questions regarding this, since this is in Lahaina.

COUNCILMEMBER COCHRAN: Yeah. No, we definitely wanna keep our fire fighters in top shape. And this, again, is a donation, no charge and cost to the County. So, by all means, I'm definitely supportive of this. Thank you, Chair.

CHAIR HOKAMA: Okay. Thank you, Ms. Cochran. Members, any...yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: You know, I read this e-mail, and I'm very interested to ask this question because it was very specific. The very last line of the e-mail--that's Page 1 of 10, Exhibit A--it says, all Brown Development is asking for is the paperwork for tax write-off purposes--understood--and they want it picked up on August 19 not before, nor after. I thought that was very curious. So did we pick it up on that...I mean that was very specific. I have not seen many e-mails that says, you do it there, not before, not after. Right, am I reading this correctly? I just curious.

CHAIR HOKAMA: Mr. Ueoka, have you a response to Mr. Victorino?

MR. UEOKA: I did find that strange, also, so I asked Chief Mainaga about it. And he just said it was in one of his properties and something was going to happen on the 19th; that's why the 19th was the date it had to be gone. And I don't think he wanted a whole bunch of dates to have to meet up with someone and that kind of thing. So it was more of the 19th is the day to come pick it up. I'm going to be around on that day and available to be at the property for you to pick it up, so please come and grab it on that day.

COUNCILMEMBER VICTORINO: So I assume that we have it then, if you're saying...what I hear you saying...

MR. UEOKA: Correct. It is being stored in a warehouse in Kahului with the understanding that if you guys don't authorize the acceptance, it will be returned.

COUNCILMEMBER VICTORINO: Okay. I was curious. I'm sorry. And it said, August 19, and then didn't say what year, so is it 2014. No, I mean you can take it umpteen ways; but I mean, okay, I glad for that clarification. 'Cause I sure hate to accept something and find out that it's not gonna be given to us. But, yeah, okay. Thank you, Mr. Chair. And thank you, Mr. Ueoka, for that clarification.

CHAIR HOKAMA: Okay. Thank you for that. Any other questions for Mr. Ueoka regarding this? The Chair would be recommending that we forward to the Council the proposed resolution that will authorize the acceptance of specified gym equipment to the Department of Fire and Public Safety Lahaina Fire Station and the filing of the County Communication 13-287. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And instead of reading the whole thing, I'm...

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CHAIR HOKAMA: Thank you very much, appreciate your presence. Members, may I now bring us back to Policy 24? We'll ask Mr. Goode to come and join us, please. Also assisting the Committee this morning is Deputy Counselor, Michael Hopper.

MR. HOPPER: Good morning.

CHAIR HOKAMA: Good morning. And we also have, of course, our First Deputy, Mr. Kushi, present. Okay, Members, under Policy 24, we have a Communication 13-126, from Director Goode, who has transmitted a proposed bill to consolidate the following: Traffic Safety Council; Commission on Naming Streets, Parks, and Facilities; Subdivision Engineering Standards Committee; and the Maui County Outdoor Lighting Standards Committee into one board called the Public Works Commission. Also, we are in receipt of a correspondence dated September 12, 2013, from the Department of Corporation Counsel, that transmitted a revised proposed bill entitled, A Bill for an Ordinance Establishing a Public Works Commission and Eliminating the Traffic Safety Council; Commission on Naming Streets, Parks, and Facilities; Subdivision Engineering Standards Committee; and Maui County Outdoor Lighting Standards Committee. Your Chair's understanding is the proposed bill will provide revisions to the Maui County Code to, one, simplify the title of the bill, clarify membership of the Commission, establish guidelines for acceptance of subdivision roads and other infrastructure, and other nonsubstantive changes were made to the revised bill. This morning, we have Director Goode to assist the Committee in going through this review of this proposal. Good morning, Director Goode.

MR. GOODE: Good morning, Chair.

CHAIR HOKAMA: Where would you like us to start, from the very first page?

MR. GOODE: Well, if the Chair doesn't mind, I can give a quick overview of what we discussed last time --

CHAIR HOKAMA: Please do.

MR. GOODE: --and what we have in this bill. Morning, Members.

COUNCILMEMBER COCHRAN: Good morning.

MR. GOODE: We met in this Committee on the 1st of July and presented this bill, which we think goes a long way towards streamlining some operations within our Department for the County in general. And it kind of was on the recommendations of the Cost of Government Commission, but with some slight variations. And in the Committee meeting a few months ago, there was a number of items that came up which I believe we've addressed in this bill, so I wanna thank the Chair and his Staff for working with us on meeting those concerns. One of the first concerns came up was, whether or not there should be Molokai and Lanai members required. And the Charter has mentioned that it should be considered. And the idea that, I think, we ought to give

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the Chair credit for, is we came up with having a nine-member committee, which we had before, with requirement for Molokai and Lanai members and with the inclusion of two alternates. And this is a formula that's currently used by the Urban Design Review Board. They actually have four alternates. And so that way...it works really well, because it almost guarantees quorum. And depending on availability of any member, wherever they're coming from, we have backup members. So Department's...full support of that. There was questions at the previous meeting as to whether we need all those ex officios. And I think it was Corp. Counsel that said, no, we don't. So we took all the ex officios out. Obviously, anyone's welcome to come to the meeting as it relates to those types of County appointees. Another concern that came up was, how we qualified whether someone speaks Hawaiian or is fluent in Hawaiian. And a suggestion that came out of the committee was use the word "knowledgeable"; and so we've inserted that into the bill. And, finally, there was some questions; I think Ms. Cochran had some questions as to why all these references to 1994, some date in September, I think it was. And we did some research on that, and we found that Ordinance 2352--so you know what...no ordinance number is you're up in the 4,000s already, right--so 2352 was passed in 1994. And its effective date was that date, September 6 or whatever it was, 1994; and that's the date by which all the existing facilities were basically grandfathered in with their names whether it's a facility or a park or a street. And so we just cut and paste that entire language that's in the existing ordinance. But that's where that date came from, was the effective date of the bill that created that commission. And finally, just to I guess reiterate, the effective date, if this bill passes, would be...it would be effective when all members of the new commission are confirmed. So we would work with the Mayor's Office and you folks to send you names. And once those are all confirmed, then the Commission itself would become effective. I think, Chair, that summarizes where we're at, so --

CHAIR HOKAMA: Well done, Director.

MR. GOODE: --we'll take it from there.

CHAIR HOKAMA: Thank you. Also, at the appropriate time, the Chair will, you know, inform the Committee that we need to make one potential revision that I'll bring up at the appropriate time. But regarding the comments and the brief overview made by the Director, I'll ask the Committee if they have questions for either Director Goode; and if it's a legal question, for Mr. Hopper. I'll work it from left to right this morning. Ms. Crivello, any questions or comments?

COUNCILMEMBER CRIVELLO: I have no questions at this time. Thank you, Chair.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: No, thank you, Chair. I appreciate Mr. Goode following up on the previous question when we first visited this topic; so, at this point, no. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Mr. Couch?

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VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you for coming up with a very comprehensive revisions and whatnot. It's a really pretty tight document. One question I do have is the--and I think we talked about it a little bit at the previous meeting--is the definition of "engineer". Does it matter what kind of engineer that...where it says, State of Hawaii licensed engineer?

CHAIR HOKAMA: Mr. Director, if you can respond, please?

MR. GOODE: The, of course, the licensing is done by the State, right, so that means there's a variety of classifications. And generally, in Hawaii, we have civil engineers, structural engineers, electrical and mechanical, are the four typical ones. I'd like to keep it broad, because there might be a need for electrical, considering it does outdoor lighting; certainly, civil, the subdivision engineering side of things; and potentially mechanical. There's...I think there's only, like, two mechanical engineers. Well, there's gotta be more in Maui, but there's not many. So by keeping it broad, I guess, gives us a nice cross section. And, additionally, one of the alternate members would be a licensed engineer as well.

VICE-CHAIR COUCH: Okay. So there's no other type of state licensing for engineers that might just not fit in this committee?

MR. GOODE: There might be. We don't have too many aeronautical engineers, petroleum or chemical, manufacturing. There's a few other classifications out there. I'm not that well versed in it, but knowing the types of individuals that are available, they're usually one of the first four that I mentioned.

VICE-CHAIR COUCH: Okay. I just wanted to make sure that we're not gonna incorporate, like, something that wouldn't make sense in there. Alright, thank you, Chair.

CHAIR HOKAMA: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: No, thank you, Chair. Mr. Goode did a great job of recapping and asking him what we asked to do. Thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I'd just like to congratulate Mr. Goode and the Administration for taking the recommendations from the Cost of Government Commission and moving on it. I think this makes a lot of sense and is gonna make serving on this board a lot more engaging and fulfilling for the people that are taking part in it and spending their time to help the County out. So I just wanna thank them very much for this effort. And I think it's moving in the right direction. We should look at other boards and commissions that we could be consolidating as well, and I believe the Administration is working on that. Thank you.

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CHAIR HOKAMA: Yes, we have another consideration later on the calendar for today's Committee's review, so thank you for those comments. Mr. Guzman?

COUNCILMEMBER GUZMAN: Nothing further at this time. I will probably have a follow-up later on.

CHAIR HOKAMA: Okay. Thank you very much. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. And, you know, I see your specific...again, thank you. You did a fabulous job, like the others have said, so no need to repeat that. However, will consideration be given for existing members on the various commissions that existing right now? Because I know I seen here where you prefer selection of members maybe, you know, that you had the professions and all that; but will consideration be given to those people that are already existing that are serving at this time on these various committees?

MR. GOODE: Right. Mr. Chair, Mr. Victorino, yes. We'll work with the Mayor's Office on doing that. I've had at least one member of the Subdivision Engineering Standards Committee, I think, approach me asking that, you know, to be considered.

COUNCILMEMBER VICTORINO: Yeah.

MR. GOODE: So, yeah, I think that'll be part of what we have to do. I did speak with Mr. Molina this morning, and he's willing to get going and rolling up his sleeves and recruit for members.

COUNCILMEMBER VICTORINO: Well, I would hope that, you know, because these people did volunteer. We did put them on these various...and because we're eliminating them or consolidating 'em, I should say, we should give them the first opportunity. I'd like to see those people asked first. And, again, how this staggered work, how that would work with them, you know, that's all administrative, I don't wanna get into that. But that's my only concern...or not concern really, my only aspiration in this whole change is that they would have first divvied as far as serving on this --

MR. GOODE: Okay.

COUNCILMEMBER VICTORINO: --new committee even as alternates. And, again, I know the profession, like you said, you want one of the alternates to be an engineer so that if the engineer is not there, they would be able to step right in. So I think, you know, specialties in certain areas is necessitated for the work that needs to be done. So I wanna thank you again, Mr. Goode, for what you've brought forward. And so long that's, you know, I've got that assurance that you guys will at least attempt to give them first option as far as selection, I'd be comfortable with these changes. Thank you, Mr. Chair.

CHAIR HOKAMA: Okay. Thank you very much. The Chair will just state that it was a pleasure to work with Director Goode. I appreciated him taking into account all the comments made by the

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Committee Members, and we worked very well in trying to revise the original proposal to place before you something that the Chair was gonna be very supportive of in my recommendation. But before we move on to action...and I'll still allow Members another opportunity for questions and comments. During deliberation though, Members, the Director was very astute in finding that we may need to have one more revision in our legislation; and that would be, as it regards to Section 12.50.060, Subsection D, whereby in the Code, we would replace the phrase, "Traffic Safety Council" with the new term, "Public Works Commission". And I'll state that again. That would be part of Section 12.50.060, Subsection D of the Maui County Code. And well, you know, you can pretty much infer, if we take final action by Council on this proposal, that it would be the Public Works Commission. But I'm with the same frame of mind with the Director that, as best as possible, we make the Code very clear and update it to current. And so I appreciate the Director catching that adjustment that the Chair is so very supportive of. Stating that, you know, this is potentially a major commission like Police and Planning. So I'll allow further discussion so that, if need be, and members of your district and community has questions, you folks may be very comfortable in responding to those that are interested in potentially serving as well as what is a Public Works Commission. So I'll open it up back to the floor and I'll start with Mr. Guzman at this time.

MR. GUZMAN: Thank you, Chair. On Page 7, we have a deletion of 2.40.020, Subdivision Engineering Standards Committee. Since we're somewhat deleting that, where is that incorporated; or is that completely deleted from the...as a committee or as a Subdivision Engineering Standards Committee?

CHAIR HOKAMA: Mr. Hopper?

MR. HOPPER: Thank you, Mr. Chair. On Page 3 of the bill, under powers and duties, 2.98.030C, it says, regarding subdivision engineering standards and specifications, the committee shall...or the commission shall --

COUNCILMEMBER GUZMAN: Commission.

MR. HOPPER: --and then that goes over the same roles that the Subdivision Engineering Standards Committee served in the past.

COUNCILMEMBER GUZMAN: Okay.

MR. HOPPER: So the intention was to have them essentially do, I think--and Director Goode can correct me if I'm wrong, because it has been a while since we reviewed this specific section--but they generally would review the same things that the Committee currently reviews.

COUNCILMEMBER GUZMAN: Are the qualifications the same in terms of those who are going to be applying for the Public Works Commission? Will the...I guess you would have to have some type of experience in the subdivision engineering portion. Are you...

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CHAIR HOKAMA: That is why, Mr. Guzman, part of the requirements is to have a licensed engineer as part of the Commission, but I'll let Director Goode add his comments, also, if...and Mr. Hopper.

MR. HOPPER: Thank you, Mr. Chair. The requirements for the Subdivision Engineering Standards Committee it appears was nine members, not less than three appointed, shall be registered professional engineers. And then the criteria for the new Public Works Commission does require three registered, State of Hawaii licensed engineers.

COUNCILMEMBER GUZMAN: Okay. You emulated the language, okay.

MR. HOPPER: So, yes, it has that minimum standard.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR HOKAMA: Okay. Any further questions, Mr. Guzman?

COUNCILMEMBER GUZMAN: Nothing further. Thank you.

CHAIR HOKAMA: Okay. Thank you very much. Mr. Victorino?

COUNCILMEMBER VICTORINO: No, no questions at this time. My concerns have been answered. Thank you.

CHAIR HOKAMA: Okay, thank you. Ms. Crivello, any further questions for our resource people?

COUNCILMEMBER CRIVELLO: No, but I'd like to thank you folks for putting this together. I think it's cost savings to begin with. And then the support that comes from your Department can be more focused, I guess. I think that's...would be an advantage to your Department. So I appreciate that. I also appreciate the consideration to instead of "familiar", to use "knowledgeable" as when it comes to the Hawaiian language. Other than that, thank you, Mr. Chair, for pushing Molokai and Lanai's representation, also. Thank you.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I'm just looking back over the powers and duties. So it looks like it's complete, 'cause I was, you know, wondering about the outdoor lighting standards section, you know, thinking about the LED --

CHAIR HOKAMA: Uh-huh.

COUNCILMEMBER COCHRAN: --situation we have still. And it looks like there's a area here that can address that for review and advisement to your Department. So overall, I think, wonderful job, again, as the other Members have said. And the cost savings idea, too, is definitely needed for this County. So we'll see how this works. And I believe it's, you know, you were

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mentioning, I think, in that first discussion about transitional period in just trying to see how this is gonna roll out and flow and work out. So, of course, this is an attempt and we'll see how it goes. But so far, I think the way it's laid out, it should work out fairly well, so we'll see how that goes. Keep us posted and, you know, involved.

CHAIR HOKAMA: I believe, the Chair and the Director, we've had some discussions; but, of course, you know, any good commission has transitional appointment terms so that not everyone goes off the same time. And you keep some, you know, knowledge base within the remaining commissioners. So, you know, that's some of the things that we'll be working with Mr. Molina and the Mayor's Office as they start nominating new commissioners for this new proposed, new commission that we look at transitional type of terms so that the Commission maintains some institutional and experience as we move forward.

COUNCILMEMBER COCHRAN: Right, very good. Thank you, Chair. Thank you, Department.

CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And was gonna ask you or the Director, talking about acceptance of roadways, et cetera. Is this something you envision that the...kinda like the Planning Commission looks at any kind of land use changes or laws to the zoning...changes to the zoning laws before and recommending to us their recommendations? Is this something you're looking at, have the Commission do for acceptance of property or streets or anything else, lighting systems, well, you know, the whole list here on acceptance guidelines or you gonna push straight to us?

CHAIR HOKAMA: I'll give you my take --

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: --and, of course, I would appreciate Director Goode's take. But if you look under powers and duties, especially like street naming, B.1., it recommends names to the Council, okay. So they will be meeting to come up with a recommendation. Also, they all will be meeting to give recommendation advice to the Director and his Department on other components. So I see this commission to be very helpful in assisting the Administration and the Council as we move forward with new proposals, and that's how I had foreseen...I foresee this to move forward. And that's one way, I think, that we will keep commissioners wanting to serve, because we will utilize their participation in the County government process. Director, any additional thoughts you may have?

MR. GOODE: Mr. Chair and Mr. Couch, basically the process for dedication is pretty administrative, right. So if you submit plans and we approve them and you build it, it should be accepted. Now the naming of the street eventually comes to the Council generally when we accept the roadway. The amendment that the Chair mentioned earlier about 12.50 has to do with abandoned, government roads. And currently on abandoned, government roads, they can request to have

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work done. In fact, the reason I knew about this is I had a group come to me about a road. And they said, well, the ordinance says you gotta go Traffic Safety Council. So, now, they would come to the Public Works Commission if this bill passes. And that's one area I definitely see a lot of help there, because they'd be able to understand the big picture of the engineering challenges, potential liability challenges. But for the most part, on the dedication side, it's, you know, if you meet the formula, you get dedicated with the exception of the name, needs to be approved.

VICE-CHAIR COUCH: Okay, so there's no real need then to have it looked at by the Commission before it comes to us? Because you guys already have done it and pretty much said, this is...

MR. GOODE: Right. There shouldn't be anything subjective about it.

VICE-CHAIR COUCH: Okay, alright. Thank you, Chair.

CHAIR HOKAMA: Okay. Thank you, Mr. Couch. Ms. Baisa?

COUNCILMEMBER BAISA: No, thank you, Chair.

CHAIR HOKAMA: Mr. White?

COUNCILMEMBER WHITE: No further questions.

CHAIR HOKAMA: The one thing that I think might...so in case there's potential confusion down the road that I would ask the Director and Mr. Hopper if they wish to give comment, I would request for some comment, is that the Department already has some administrative rules for some of these--my understanding--so would there need to be...would that be just transitioned into the Public Works Commission or would this new commission have to work with you, Director, in potentially establish new administrative rules as it regards to the new commission? Mr. Hopper?

MR. GOODE: He's telling me, yes. So maybe Mike can elaborate.

MR. HOPPER: Yes, Mr. Chair. Yes, the Commission would need to adopt its own administrative rules. And in doing that, I think it would need to look at, I think, various boards have their own rules and some do not, actually. But for this commission, we would need to look at establishing administrative rules with regard to voting, other things like that as well as any administrative rules, if they already exist, looking at a way of consolidating those. So that would take some time, but I think like any new board or commission, generally, one of the things they would need to do early on is adopt administrative rules for...at the very least, voting procedures and if there's anything else. I know outdoor Lighting Standards Committee, for example, has rules; and then other boards and commissions may have rules that we need to look at, consolidating them and getting a set of rules. But that's done by the Commission itself. That's, you know, Council can authorize the rule-making authority. But the Commission would typically have to adopt those rules at a public hearing consistent with the Administrative Procedures Act.

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CHAIR HOKAMA: Okay. Thank you very much for that comment, Mr. Hopper. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And that opens a potential can of worms unfortunately. What happens between the time this ordinance is passed? And it says, it takes effect as soon as everybody's named to the Commission; then they have to go through that whole process, could be a long time. What happens to all the things that are accumulating? They can't act on them until then, so do we have a mechanism to handle that work that this commission would take up or is there not that much work anticipated?

CHAIR HOKAMA: Director?

MR. GOODE: Well, I'll try, Mr. Chair and Mr. Couch. Well, one of the reasons for consolidating is there's not has been a lot of work; but, that said, there will be. And so that's why it's set up so until everyone's confirmed, the other boards and commissions are still operating.

VICE-CHAIR COUCH: Right.

MR. GOODE: So we're just gonna turn through whatever business we have. Once they're confirmed, we'll have ready administrative rule packet, they're gonna have their first meeting, they're gonna have to vote on that, select a chair and vice-chair, do all those kinda things.

VICE-CHAIR COUCH: Okay. So you don't anticipate a long time in between when they're confirmed and then they adopt their rules? Because I know rules making can sometimes take a long time, if they're controversial. If they're not controversial, then it goes right through. So I'm just a little concerned about the lag time, if any.

MR. GOODE: We would strive to minimize that by having a lot of this done in advance. You know, previously we had thought that, you know, April 1 is kinda the usual turnover date for boards and commissions, if we could target that date. So that gives us seven months to...well, assuming this passes, two readings and we can get the administrative rules done, start recruiting members, bring 'em to this body, I think we can time it out. And if it doesn't happen April, we can do it May 1, June 1. Everything else still functions until it's ready to go.

CHAIR HOKAMA: Uh-huh, yeah.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR HOKAMA: Yeah. And, again, there will be a Corporation Counsel assisting the Commission that they follow the appropriate procedures. And again, you know, normally everybody understands basic Robert's Rules until they get the more specific commission requirements of their additional rules and regulations requirements done, so...and that has to be posted, also, under Hawaii Administrative Procedures Act. Rules and regulations, it needs to be posted before the Commission can do final adoption, anyway. So it's something the Director will be...and

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Mr. Hopper will be assisting that new, proposed commission, Mr. Couch. Okay, thank you. Any further questions, Members?

MR. HOPPER: I just have a...

CHAIR HOKAMA: Yes, Mr. Hopper?

MR. HOPPER: Mr. Chair, I'm trying to locate the section. I don't see the section that generally that we have in most of our ordinances dealing with rule-making authority. That's a good point that was actually brought up by the Chair. It may be in here, I just don't have it offhand. And before action, if there needed to be an amendment to provide an appropriate section.

CHAIR HOKAMA: Okay.

MS. HAMMAN: Mr. Chair?

MR. HOPPER: Oh, yeah, just found it.

CHAIR HOKAMA: Yes, Ms. Hamman?

MS. HAMMAN: On Page 2, under Section 2.98.010, Subsection D, there's a provision for --

CHAIR HOKAMA: Oh, that's correct.

MS. HAMMAN: --rule-making authority.

CHAIR HOKAMA: Thank you for pointing that, 'cause, yeah, we put it in the front this time.

MR. HOPPER: I knew it was in there. I was looking at the rear which is near the end...sorry.

CHAIR HOKAMA: Yeah, we usually put it in the back of the legislation, but we do have that component, Mr. Couch. Okay. But I'm glad we got that clarified, and I'm sure that we have taken care of that component. Members, anything else? I'm open to any further questions or comments you may have prior to us moving forward on this proposal.

COUNCILMEMBER VICTORINO: Recommendation, Chair.

CHAIR HOKAMA: The Chair is recommending that we recommend to Council and forward a bill for an ordinance establishing a Public Works Commission and eliminating the Traffic Safety Council; Commission on Naming Streets, Parks, and Facilities; Subdivision Engineering Standards Committee; and Maui County Outdoor Lighting Standards Committee, and filing of County Communication 12 [*sic*]-126. And the Chair will make note on the record that this is the revised bill that the Chair is recommending for action. Mr. Couch?

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MS. HAMMAN: Mr. Chair?

CHAIR HOKAMA: Yes, ma'am?

MS. HAMMAN: I'm sorry. Just to clarify, does that also include the revision that the Chair mentioned during the meeting regarding Section 12.50.060D replacing...

CHAIR HOKAMA: No, I'm gonna take that as an amendment.

MS. HAMMAN: Thank you.

CHAIR HOKAMA: I'm gonna do that as an amendment to the main motion. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to pass the revised proposed bill on first reading and filing of County Communication 13-126.

COUNCILMEMBER BAISA: I second the main motion.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. The Chair will entertain a motion to amend by adding a new section amending Section 12.50.060, Subsection 6, Maui County Code, to replace the phrase, "Traffic Safety Council" with the words, "Public Works Commission". Mr. Couch?

VICE-CHAIR COUCH: So moved, Mr. Chair.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: I have a motion to amend made by Mr. Couch, seconded by Ms. Baisa. Mr. Hopper?

MR. HOPPER: Yes, Mr. Chair. Just to clarify, I think you had said, Subsection 6. I think it's -060, Subsection D, just to clarify.

CHAIR HOKAMA: Thank you very much, yes.

MR. HOPPER: Okay, thank you.

CHAIR HOKAMA: Thank you, Members, 12.50.060, Subsection D, the letter "D" as dog. Okay. Any questions or discussion on the motion to amend? Having none, all in favor of the motion, please say, "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say, "no". Motion passes with eight "ayes".