

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**  
Council of the County of Maui

**MINUTES**

**October 14, 2013**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** Councilmember G. Riki Hokama, Chair  
Councilmember Donald G. Couch, Jr., Vice-Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Robert Carroll, Member  
Councilmember Elle Cochran, Member (Out 10:26 a.m.)  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member  
Councilmember Michael P. Victorino, Member  
Councilmember Mike White, 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)

**ADMIN.:** Michael J. Molina, Executive Assistant, Office of the Mayor (Items PIA-2(16), 2(17))  
Tivoli S. Faaumu, Captain, Uniformed Services Bureau (Kihei District), Department of Police (Item PIA-48)  
Derrick R. Lopez, Lieutenant, Uniformed Services Bureau (Lahaina District), Department of Police (Item PIA-48)  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-48)  
Thomas W. Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-1(29))  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

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

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**CHAIR HOKAMA:** . . .(gavel). . . Council's Committee on Policy and Intergovernmental Affairs shall come to order. This is our regular meeting of the 14<sup>th</sup> of October 2013, present we have our Vice-Chairman Mr. Couch.

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

CHAIR HOKAMA: Good morning and Committee members, Mr. Carroll.

COUNCILMEMBER CARROLL: Good morning

CHAIR HOKAMA: Good morning. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: Good morning. Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR HOKAMA: And Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR HOKAMA: Good morning. Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR HOKAMA: Mr. Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR HOKAMA: And Mr. Victorino.

COUNCILMEMBER VICTORINO: Aloha and good morning, Chair.

CHAIR HOKAMA: All members present. Prior to the start of the Committee's business, we shall ask for anyone wishing to provide public testimony on any of the items that has been azenized for discussion this morning. We have anyone in the Chambers requesting testimony?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you. We'll go to the Hana District Office and ask Ms. Lono if there are anyone wishing to provide testimony.

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

CHAIR HOKAMA: Thank you. Lanai Office, Ms. Fernandez.

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

CHAIR HOKAMA: Thank you and Ms. Alcon, anyone 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, ladies. Members with no testimony being requested, testimony shall be closed for today's meeting with no objections.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, so ordered. Thank you, ladies.

**ITEM PIA-2(16): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(BOARD OF ETHICS) (CC 13-42)**

CHAIR HOKAMA: Let me direct you please to Policy Item-2(16) under the heading of Nominations to Boards, Committees, and Commissions, this is regarding the Board of Ethics. We are in receipt of a communication dated September 26, 2013, from Mayor Arakawa, with a proposed resolution entitled Appointment of a Member to the Board of Ethics. The Mayor is nominating for consideration the name of Lei Fagan to the Board of Ethics for a term expiring March 31, 2014 due to the resignation of Mr. Donald Sheridan. We'll ask Mr. Molina for any comments, please.

MR. MOLINA: Thank you, Mr. Chairman, and good morning, Mr. Chair and Committee members. The Administration would like to ask for your consideration of Ms. Fagan to the Ethics Board. Ms. Fagan did previously come to you as a nominee to the Children and the Youth Commission, but for lack of a better term of that particular commission we'll be or soon be out of commission. Ms. Fagan has expressed interest in continuing to serve our community this time in a capacity as a member of the Board of Ethics. If you will note her, on her application, she's currently a teacher at Makawao School and has served various community organizations and is certainly very active and is interested in again giving back to the community. So again on behalf of the Administration, we'd like to ask for your consideration in confirming Ms. Fagan to the Board of Ethics. Thank you, Mr. Chair. Thank you, Committee members.

CHAIR HOKAMA: Thank you, Mr. Molina. Mr. Couch, questions, comments?

VICE-CHAIR COUCH: No thank you, Mr. Chair.

CHAIR HOKAMA: Ms. Baisa?

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COUNCILMEMBER BAISA: Ah yes, thank you, Chair. Just a brief comment, I've had the opportunity to review the application. I don't know Ms. Fagan personally but it's a wonderful résumé and she certainly shows great commitment to the community...Lions, Rotary, Big Brothers, Haiku Community Association, Commission on Children and Youth, I mean this is a lady that's very involved in the community. And I think she'll do a great job for us, thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: No questions, Chair.

CHAIR HOKAMA: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I'd also like to follow up with my support with Ms. Fagan. My...I've had the opportunity to work with her in regards to the Lions Club and she is a...impressed me as being a leader and a person of good quality and of good moral values. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And I would also add to my comments of my colleagues. I know Ms. Fagan and she is very capable and her willingness to serve ...*(inaudible)*... exemplified in her résumé, and her interaction with the community and her dealings with children really has made her one of our shining stars in our community. So, I can support this, Mr. Chair. Thank you very much.

CHAIR HOKAMA: Thank you. Mr. Carroll, any questions? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I too echo my colleagues in reading this application for Lei Fagan. It's quite obvious that she's quite qualified and her willingness is appreciated. I too support her application.

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

COUNCILMEMBER CARROLL: No questions.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: No questions at this time. Thank you, Chair.

CHAIR HOKAMA: Mr. Molina, for the Committee's information is there any requirements of...and the Chair should have checked first so I apologize. Are we politically and geographic quite balanced on the board?

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MR. MOLINA: To my knowledge it is but I can go back and reconfirm that for you, Mr. Chairman, if you like?

CHAIR HOKAMA: I'm...I know certain Boards we ask for a balance of representation including political persuasion. So I'm just wondering if this Board was...had that requirement.

MR. MOLINA: I can go back and check for you, Mr. Chairman and then --

CHAIR HOKAMA: Okay, thank you for that.

MR. MOLINA: --I'll report.

CHAIR HOKAMA: But in the meantime we'll...the Chair has no problem forwarding the name to the Council for its final deliberation and decision making. And Mr. Molina can follow up on the Chair's request.

MR. MOLINA: Mr. Chairman. Also, I'd like to add Ms. Fagan being that she is a full-time teacher did get permission from her principal or supervisor to attend the Board meetings which typically occur in the early afternoon, I believe.

CHAIR HOKAMA: Thank you for that information, Mr. Molina. The Chair will be entertaining a motion to place the name of Fay...excuse me...Lei Fagan. I'm sorry...to Exhibit "B", which is to approve to the Board of Ethics for a term expiring March 31, 2014. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the proposed resolution appointment of member of the Board of Ethics by placing Lei Fagan's name on Exhibit "B".

COUNCILMEMBER BAISA: I second the motion.

CHAIR HOKAMA: Thank you. We have a motion made by Mr. Couch, seconded by Ms. Baisa. Members, do we have discussion? With none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

**VOTE:**       **AYES:**       **Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White.**

**NOES:**       **None.**

**EXC.:**       **None.**

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**ABSENT: None.**

**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of revised resolution approving the nomination.**

**ITEM PIA-2(17): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(COST OF GOVERNMENT COMMISSION) (CC 13-42)**

CHAIR HOKAMA: I direct you to PIA-2(17), also under the heading of Nominations to Boards, Committees, and Commissions, this is regarding the Cost of Government Commission. By correspondence dated October 3, 2013, from Mayor Arakawa, we have a proposed resolution Appointment of a Member to the Cost of Government Commission. We have a nominee by the Mayor, Mr. George Shimada for a term expiring March 31, 2014, due to the resignation of Victoria Johnson. Mr. Molina.

MR. MOLINA: Thank you, Mr. Chairman, Committee members. The Administration would like to ask for your consideration of Mr. George Shimada as the nominee to the Cost of Government Commission replacing Ms. Victoria Johnson. Mr. Shimada as you will note on his résumé is a long-time business owner here in Maui County and is...has expressed an interest in as you can see by his statements in serving the County and looking at more ways to I guess suggest to County government as to how we can operate more efficiently. So your consideration would be certainly very much appreciated by the Administration with regards to Mr. Shimada's nomination to the Cost of Government Commission. Thank you, Mr. Chairman.

CHAIR HOKAMA: Thank you. Mr. Couch, questions?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Mr. Molina, I noticed on the...at least on the application that I have there's no date on the signature. Is this a recent application?

MR. MOLINA: Yes it was and I'll go ahead and get that date for you, I just caught it...caught that the other day as well. But we did receive it about I would say roughly about a week to ten days ago. But I'll make sure as part of my report back to the Chairman...provide you accurate clarification of the date he submitted the application.

VICE-CHAIR COUCH: Okay, thank you, Mr. Chair.

CHAIR HOKAMA: Okay. Very good. Ms. Baisa?

COUNCILMEMBER BAISA: No questions, but support for the nomination. I've known Mr. Shimada...I hate to say this...

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CHAIR HOKAMA: You don't have to.

COUNCILMEMBER BAISA: ...over 50 years. And I know him to be a man of good character and he certainly is the kind of businessman that I think will be an asset on this Commission. Thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I would just add to that, that with his years of experience he'll bring some calm and wisdom to the Board and I think that's always a very good asset to have. But I think it's a great nomination.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I also would support Mr. Shimada's application and nomination. I believe he's established himself as a long-time businessman and I've frequently seen him in judiciary system, litigating or supporting some cases that were business related. So I think that aspect of him knowing different type of litigations and businesses would be helpful for the Commission.

CHAIR HOKAMA: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Not much more can be said about Mr. Shimada, I agree and I can support this nomination. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you. Mr. Carroll? Mr. Carroll, questions? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I too support Mr. Shimada's nomination to the Cost of Government. I think he brings important skills to the Commission.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. No questions at this time.

CHAIR HOKAMA: Okay. The Chair was...open to entertain a motion to place the name of George Shimada on Exhibit "B" to approve to the Cost of Government Commission for a term expiring March 31, 2014. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt...to adopt the resolution appointment of a member to the Cost of Government Commission by placing George Shimada's name on Exhibit "B".

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

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CHAIR HOKAMA: We have a motion made by Mr. Couch, seconded by Ms. Baisa. Do we have discussion? Having none, all in favor of the motion, please say “aye”.

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say “no”. Motion passes with nine ayes.

<b>VOTE:</b>	<b>AYES:</b>	<b>Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White.</b>
	<b>NOES:</b>	<b>None.</b>
	<b>EXC.:</b>	<b>None.</b>
	<b>ABSENT:</b>	<b>None.</b>
	<b>ABSTAIN:</b>	<b>None.</b>

**MOTION CARRIED**

**ACTION: Recommending ADOPTION of revised resolution approving the nomination.**

**ITEM PIA-48: DONATION OF ALL-TERRAIN VEHICLE AND SIX BICYCLES TO DEPARTMENT OF POLICE (CC 13-304)**

CHAIR HOKAMA: Thank you. Members, let us go to Item 48...oh thank you very much Mr. Molina, we appreciate your presence. Item 48, Members, is regarding a Donation of All-Terrain Vehicle and Six Bicycles to Department of Police. And...we have Captain Tivoli Faaumu and Lieutenant Lopez joining us this morning, Members, to assist us. And we have Deputy Corp Counsel, the only one, Mr. Ueoka. Okay, gentlemen, who is going to speak...Captain, you're going to speak for...on this item or Mr. Ueoka or the Lieutenant?

MR. FAAUMU: Yes, good morning Mr. Chairman, Members. Tivoli Faaumu, I am the Commander for the District of Kihei, and here the proposed resolution for the ATV, All-Terrain Vehicle will be used by our patrol officers to patrol the area from Makena to Maalaea or vice versa. The use of this vehicle is essential to our patrol function, again it is a...another tools that we'll add to our arsenal. And Mr. Chairman, may I make a correction on the vehicle...what was donated to us was a 2013 Honda Ranger ES 4X4 All-Terrain vehicle, the cost of the vehicle is the same. What happened when we went to pick up the vehicle, the Kawasaki was not available so the dealership said okay, we'll give you a Honda instead of the Kawasaki.

CHAIR HOKAMA: Okay. Thank you for that correction, Captain. Anything else, the bikes?

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MR. FAAUMU: Yes, Lieutenant Lopez from District 4 will call that.

CHAIR HOKAMA: Okay, thank you. Lieutenant, please.

MR. LOPEZ: Good morning, Council members. Thank you for the opportunity to be here. It's a pleasure to see each and every one of you this morning, especially, Councilman Victorino over here smiling, all handsome. I'd like to speak on the proposed resolution entitled Authorizing Acceptance of Donation of Six Trek Bicycles to the County of Maui, Department of Police, Pursuant to Chapter 3.56, Maui County Code. The purpose of the proposed resolution is to authorize the acceptance of six Trek model bicycles valued at \$5,321.45 from the Maui Hotel & Lodging Association to the Department of Police, Lahaina District. The bicycles will be used by our patrol officers in Lahaina directly in Lahaina town and outside of Lahaina town, on Front Street, with the merchants. And these bicycles will have a direct impact on the community and the merchants and businesses in helping to reduce crime in the Lahaina town area. Your acceptance is...in this matter will be greatly appreciated. Thank you.

CHAIR HOKAMA: Okay, thank you very much, Lieutenant. Mr. Ueoka, any comments, please.

MR. UEOKA: No comment, thank you.

CHAIR HOKAMA: Thank you. Upon hearing the comments of the Captain and how we have posted the item for consideration today, the Chair's ruling will be that it does not need to be reposted. I think the title is broad enough that we can make an appropriate revision to the proposed resolution. And that the Staff will be working with Mr. Ueoka, I believe of Corporation Counsel to get the appropriate revisions made to the proposed resolution. Also Members, if you will notice regarding this item we have two separate resolutions, one for the All-Terrain Vehicle and one for the bikes. The Chair will open it up to questions, who is our infrastructure, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I always appreciate any type of donations this County is...can be offered. And in total support of this, in particular of course, the six Treks bikes for Lahaina and I think you...Officer mentioned it's specific to Lahaina town only though the use of the six will only be in Lahaina, not Kaanapali, not out north towards Honokowai or any other areas?

MR. LOPEZ: Very good question, Councilman Cochran. It will be for the entire Lahaina District, District 4. So it will be used primarily in Lahaina, so it can be used outside in the...as far as the Kapalua area to Honokowai to Kaanapali, Lahaina town, you name it. Our District...District 4, Lahaina stretches from the Lahaina side of the tunnel all the way to Nakalele Point. So it will be utilized...those six bicycles will be utilized by our officers for a huge area.

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COUNCILMEMBER COCHRAN: Okay, thank you for that clarification. Yeah, I didn't realize that it stretched that entire area...it's a wide range. We'll have some very in-shape police officers, I can tell. But again, thank you again for being here and Chair, I'm complete support of this.

CHAIR HOKAMA: Okay. ATV...not...South Maui, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Captain, for being here and Officer. The question I have is...I really support both of these vehicles...groups of vehicle donations. The police bikes...you've had some experience with them in Lahaina before and are currently experiencing results in Kihei. How have they've been working in Kihei and previously in Lahaina?

MR. FAAUMU: Thank you, Councilman Couch. To answer that questions, we did try to use that...the bicycle program in the beginning. And what we had done we assigned the bicycle officers to our Community Police Officers or CPO. And their role was to take the bicycle and they can use that in the area where they're assigned to. When we got the shortages of manpower, what we had done is we reassigned the CPO back to the patrol function. So when we looked at this program couple years ago in Kihei what we're trying to think of how can we continue using this...the bicycle to benefit the public. And what we came up with instead of assigning it to our CPO we will add it as an arsenal to our patrol division. So we certify officers in the patrol division, so when they...there is a day that they have more than the minimum required officers on patrol, then whoever...if the Sergeant or the Supervisor on duty decides to send officers on bicycles then we can do that. The idea behind that and what we looking at is for example, I will quote on, use my district, let's say we assign to Maalaea. Maalaea has some issues so what we'll do is we'll take our bicycle, we put it on a police car, take it out there, park the police car, officers get on the bicycle and patrol the area. So we kill two birds, one stone. The police car is there as a deterrence so whoever has an idea to do something out there, they will see the police car. And then the officer will be out in the area patrolling. So it's the same principle that we will apply to Lahaina, and we think that that will maintain the continuity of the program. It will be benefit to our public and enhance our police service.

VICE-CHAIR COUCH: Thank you and the ATV, how do you see that being used?

MR. FAAUMU: The ATV, what we are doing...we also have areas that other vehicles of the Department cannot get to. So we use it to patrol the shoreline and what we doing is we basically start off depends on where we at, either from Maalaea we can ride along the shoreline and meet people, talk to them, and a lot of time...what we trying to do is provide education to individuals, leash law, area that alcohol is banned and basically that's what we are trying to do. The ATV that we got, we got two right now that is running and from the feedback I got from the community, they are very supportive, a lot of good feedback. They don't know that we do go out there and I think it is something good that we add to our arsenal as patrol.

VICE-CHAIR COUCH: Thank you very much. Thank you.

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CHAIR HOKAMA: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: No questions, thank you, but thank you for the donation.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Thank you for sharing that with us, I think all of us know that the bike patrols in Lahaina have been very effective, and of course it's a lot easier to chase people on the beach when you're on a ATV instead of running with...in full uniform in the sand, so. But I'd also just like to extend a big mahalo to the Hotel Association for stepping up to the plate and making these donations. And it's, these are possible because they've done such an incredible job of increasing the donations for the Charity Walk. And this past year they increased the Charity Walk funding from \$613,000 the previous year to just over \$835,000. So they deserve a lot of credit for not just raising those funds but putting them to some very, very good uses throughout the community. So this is one of those uses and I think this is a great opportunity. Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Just had a quick question, are these bicycles, those are brand new?

MR. FAAUMU: Yes.

COUNCILMEMBER GUZMAN: 2013 bikes?

MR. LOPEZ: Yes, these bicycles are brand new.

COUNCILMEMBER GUZMAN: Okay, thank you. I also would support this resolution for the fact that it's increasing the visibility of bicycle patrol. As a result hopefully we'll deter lot of the crimes that are out there on foot. Thank you.

CHAIR HOKAMA: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. I just had one quick question, I assume that because of the three different sizes 16, 18 and 19.5 is that one size doesn't fit all? I thought that was a very important question to ask.

MR. LOPEZ: Yes, our officers come in all different size and shapes so we hope to accommodate our officers with these bicycles. Very good question, thank you.

COUNCILMEMBER VICTORINO: Thank you, just wanted to make sure and like Ms. Cochran said we're going to have officers in great shape after trucking up and down from Kapalua across, oh that's a long truck. And I will also say that I'd like to thank the Hotel Lodging Association, Maui

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Hotel Lodging Association. Again, it's the people that make it happen, the people who walk, the people go out and get donations, but more importantly it's another segment of our community that gives back day in and day out. And so when our...I hear people complain about the hotel industry, this is an example of giving back not just for nonprofit, Mr. Chair, not just for community groups but also for the welfare and safety of our citizens in South Maui as well as West Maui. So I think that's something that I hope people don't forget and next year give more because we need more. Thank you, Chair.

CHAIR HOKAMA: Thank you. But we do know who the real people are in those walks, it's our own residents that are giving back to their own community. So we thank them for their generosity. Mr. Carroll?

COUNCILMEMBER CARROLL: I support that, I saw how effective they were once. A person that snatched this ladies purse, he started to run, when he saw the policeman on the bike, he just gave up.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I too would like to thank the walkers and the Hotel Association to help deter the kind of incidents that colleague Carroll just mentioned. I do approve this resolutions for us to proceed with these donations.

CHAIR HOKAMA: Thank you. Okay, Members if...are there any further questions?

COUNCILMEMBER COCHRAN: Yes, Chair.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Yeah, real brief in regards to the ATV being utilized in South Maui, Makena to Maalaea. I'm just curious so it will be specific to the shoreline only and nothing mauka? Or if called to such service it can be used this way?

MR. FAAUMU: Yes, Councilwoman. We do use that and sometimes the Central Maui will need the ATV so we'll bring them over and they will use it in the mac nut field areas where they need to go out and look for things.

COUNCILMEMBER COCHRAN: Okay, thank you and another follow-up, Chair, if you don't mind.

CHAIR HOKAMA: Proceed.

COUNCILMEMBER COCHRAN: In regards to the shoreline usage, how will they be interaction with our ocean safety people who also have ATVs?

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MR. FAAUMU: Yes, we do that and I think...the whole idea behind using the ATV and even the bicycle is the interaction between the officers and the public. As you all know, we have police cars, we roll up the windows, and we just drive right on the main road. But having the ATV and the bicycle I highly recommend my officers to stop and just say hello to people. And also we do interact with the lifeguard, the water ocean safety folks, they do bring their concern. And when they go out on patrol I make sure they stop at the tower and talk to them and see if there's any issues or anything. We believe working together in collaboration will help us.

COUNCILMEMBER COCHRAN: Yes, okay very good. Thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. So Captain, is there a coordinated communication effort between Parks, Rangers, your people, fire response, there's a...are communications are in sync whereby...we don't have problems like other places like the District of Columbia?

MR. FAAUMU: Yes, Mr. Chairman, we do have a working collaboration with the Parks Department. We work very close with I believe she was the Assistant Director Brianna Savage. So anytime we have issues at the park or anywhere on South Maui, what we do is we carbon copy everybody on the e-mail. And we do work that in area where the Park Rangers can help us...they will assist us.

CHAIR HOKAMA: Okay. But you let us know if it's an issue that we need to assist the Departments in improving communications. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And first I want to apologize to Lieutenant Lopez, I called him Officer...Lieutenant. But, Captain, you said you only...your Sergeants will do this only if there's...you've got the full automobile patrol available and then the Sergeants may say that okay, we got...we have a situation where we want to take them out of the cars and put them into the...on to the bikes or the ATVs?

MR. FAAUMU: Yes, Councilman Couch, we...that's the first option we have, we refer to it as overload days. We have more officers than the minimum requirement, and the ATV, the bicycle and traffic enforcement are some of the option that the supervisor can use. But however if we do have issues report from the public, let's say underage drinking or drunk and disorderly at the park. What I do as a Commander I will work it out where I can send these officers, we don't need to wait for overload days. We will address those issue when it comes to my office.

VICE-CHAIR COUCH: Okay. And you say you're short...there's a shortage, is that because of the EPs that you have or is that just because you haven't been able to fill the vacant EPs that you may have?

MR. FAAUMU: I believe it's both. Yes, I would fill some of that but I know our Department is working and looking at it. And for me it's one district, like any other commander I would like to fill mine, but I know the Chief has six districts and other sections he's looking at. So I hope that answered your question.

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VICE-CHAIR COUCH: Yup, thank you. Thank you, Chair.

CHAIR HOKAMA: Okay. Any further questions for the Captain or Lieutenant? Okay, having none, this is a long ways from when I looked at a Schwinn bicycle. Big price difference too, anyway the Chair will be entertaining a motion to move both resolutions, one regarding the ATV donation from Maui Hotel Association in the value of 7,695.89 and a second donation...resolution regarding six Trek bicycles valued at \$5,321.45 and the filing of County Communication 13-304. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the both resolutions identified by you and in County Communication 13-304 and then file County Communication 13-304.

COUNCILMEMBER WHITE: Second the motion, Mr. Chair.

CHAIR HOKAMA: Okay. I have a motion made by Mr. Couch, seconded by Mr. White.

MS. HAMMAN: Mr. Chair.

CHAIR HOKAMA: Oh excuse me, that's right, I said we're going revise it. The Chair's ruling is that this is a nonsubstantive change on the ATV resolution unless there's an objection by the Members whereby the Chair is also asking you to allow the Staff to make that nonsubstantive change to be forwarded in its revised form to the Council for final decision making.

COUNCIL MEMBERS: No objections.

**COUNCIL MEMBERS VOICED NO OBJECTIONS.**

CHAIR HOKAMA: Okay, thank you Members. So ordered. With that, Members, we're ready to vote. All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no". Motion passes with nine ayes. Thank you very much, Captain and Lieutenant and Mr. Ueoka.

**VOTE:           AYES:           Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White.**

**NOES:           None.**

**EXC.:           None.**

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**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED**

**ACTION:** Recommending **ADOPTION** of revised resolution, **ADOPTION** of resolution, and **FILING** of communication.

**ITEM PIA-1(29)** **LITIGATION MATTERS** (**SETTLEMENT AUTHORIZATION: KASEY L. BALCO AND DEAN J. BALCO V. COUNTY OF MAUI, ET AL.**; **CIVIL 12-1-0780(3)**) (CC 13-41)

CHAIR HOKAMA: We go to now to Policy Item-1(29) under the heading of Litigation Matters. This is a Settlement Authorization request from Kasey L. Balco and Dean J. Balco v. County of Maui, et al.; Civil No. 12-1-0780(3). This morning we have besides Mr...our first Deputy, Mr. Kushi, we have Deputy Kolbe also assisting us in this matter. Deputy, if you'll please give us any opening comments in open session, please.

MR. KOLBE: Good morning Council members and Mr. Chair. This is a Circuit Court case involving a trip and fall that occurred on Front Street in Lahaina. A visitor from California fell and broke her ankle and has proceeded with this lawsuit. This is in active litigation at this time and in order for us to be able to discuss position with regards any settlement I would request that more discussion be only in executive session.

CHAIR HOKAMA: Okay. Members, any questions for Counselors in open session? If not, the Chair will be entertaining a motion to enter into executive session pursuant to Section 92-5(a)(4) Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council and this Committee, as well as Section 92-5(a)(8) of the Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires a consideration of information that must be kept confidential pursuant to State or Federal law or a court order. Mr. Couch.

VICE-CHAIR COUCH: Mr. Chair, I move that we go into executive session pursuant to Section HRS 92-5(a)(4) and 92-5(a)(8).

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR HOKAMA: Thank you. We have a motion made by Mr. Couch, seconded by Ms. Baisa. Members, discussion. All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

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**VOTE:**        **AYES:**        **Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White.**

**NOES:**        **None.**

**EXC.:**        **None.**

**ABSENT:**     **None.**

**ABSTAIN:**    **None.**

**MOTION CARRIED**

**ACTION:**     **APPROVE; RECESS open meeting and CONVENE executive meeting.**

CHAIR HOKAMA: We shall enter into executive session, and Members, you may take a short five-minute break. . . .(*gavel*). . .

**RECESS:     9:42 a.m.**

**RECONVENE: 10:29 a.m.**

CHAIR HOKAMA: . . .(*gavel*). . . Okay, the Committee shall return to open session. We are on Policy Item-1(29), Members, which is a Settlement Authorization request Kasey L. Balco and Dean J. Balco v. County of Maui, et al.; Civil No. 12-1-0780(3). It is your Chair's recommendation to move forward with the proposed resolution entitled Authorizing Settlement of Kasey L. Balco and Dean J. Balco v. County of Maui, et al., Civil No. 12-1-0780(3) under the terms and conditions as discussed in executive session. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the proposed resolution as described.

COUNCILMEMBER BAISA: Mr. Chair, I second the motion.

CHAIR HOKAMA: Thank you. We have a motion made by Mr. Couch, seconded by Ms. Baisa. Any further discussions, Members? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no". Motion passes with eight ayes and one excused, Ms. Cochran.

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**VOTE:**       **AYES:**       **Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Crivello, Guzman, Victorino, and White.**

**NOES:**        **None.**

**EXC.:**        **Councilmember Cochran.**

**ABSENT:**     **None.**

**ABSTAIN:**   **None.**

**MOTION CARRIED**

**ACTION:**     **Recommending ADOPTION of resolution.**

**ITEM PIA-4:        MAUI COUNTY LEGISLATIVE PACKAGE (CC 13-44)**

CHAIR HOKAMA: Mr. Kolbe, thank you very much for your assistance today. We have one last item, Members, which is under Policy Item 4, the Maui County Legislative Package. This is, stems from a County Communication from Chair Baisa under 13-44. What the Chair is going to do is real quickly today is state that we currently do have still in the State Legislature currently two bills that are alive. One is House Bill 230, this is also being considered for the upcoming HSAC package. But House Bill 230 would allow the County of Maui to use liquor commission fees and fines and access for educational and treatment purposes. I believe that was a very important matter for Chair Baisa that we have supported. Also in the Maui County package still viable in this session is House Bill 174, House Draft 2 along with its companion Senate Bill 468 and this is relating to the food labeling of genetically engineered food. That is also currently in the Legislative Committees. We can discuss some items but I think that what I would like you to know is that the Chair is open to allow until November 1<sup>st</sup> at this time to allow you to consider what you would like to submit to this Committee for further consideration of a Maui County Package proposal. That will still allow us sufficient time to have a Committee meeting on it and allow Council to make its final determination. Also I think that...the Chair felt it was important to give you enough time after the 22<sup>nd</sup> meeting of the Statewide general meeting where then you have additional...over a week to think about if you may want to put in another proposal for the count...our package as another vehicle to address your issues or concerns. Questions? Thank you, I'm happy to hear that. That's what I wanted to bring up, let you know you have time to...for consideration, inform you of the other current still bills in Legislature, and other than that I'm open to any questions regarding this matter. No questions, Members? We've conducted our business of the day.

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

CHAIR HOKAMA: Thank you very much for your presence. This meeting is adjourned. . . .(*gavel*). . .

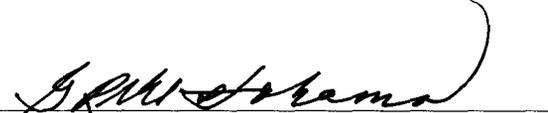
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**ADJOURN:** 10:33 a.m.

APPROVED:

  
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G. RIKI HOKAMA, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:131014: km

Transcribed by: Karen Maeda

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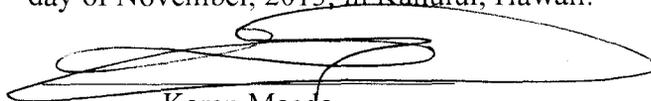
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CERTIFICATE

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

DATED: the 4<sup>th</sup> day of November, 2013, in Kahului, Hawaii.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

Karen Maeda