

# BUDGET AND FINANCE COMMITTEE

Council of the County of Maui

## MINUTES

April 11, 2014

Council Chamber

**CONVENE:** 9:10 a.m.

**PRESENT:** Councilmember Mike White, Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Elle Cochran, Member  
Councilmember Donald G. Couch, Jr., Member  
Councilmember Don S. Guzman, Member

**EXCUSED:** VOTING MEMBERS:  
Councilmember G. Riki Hokama, Vice-Chair  
Councilmember Robert Carroll, Member  
Councilmember Stacy Crivello, Member  
Councilmember Michael P. Victorino, Member

**STAFF:** Michele Yoshimura, Legislative Analyst  
Chancy Hopper, Legislative Analyst  
Jordan Molina, Legislative Analyst  
Yvette Bouthillier, 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.:** Sananda Baz, Budget Director, Office of the Mayor  
Michael M. Miyamoto, Deputy Director, Department of Environmental Management  
Eric Nakagawa, Wastewater Reclamation Division Chief, Department of Environmental Management  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel  
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel  
Edward S. Kushi, First Deputy, Department of the Corporation Counsel

Seated in the audience:

Michael P. Ratte, Assistant Solid Waste Division Chief, Department of Environmental Management

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**OTHERS:** Alison Cohan, The Nature Conservancy  
Jim Smith  
Others (5)

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

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CHAIR WHITE: . . . (*gavel*) . . . The Budget and Finance Committee meeting will be called to order. This morning we have our . . . I better give you a little time there.

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: I'd like to welcome Council Chair Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair, and it's Friday.

CHAIR WHITE: It is Friday.

COUNCILMEMBER GLADYS: Congratulations for getting through the week.

CHAIR WHITE: I'm sure we've gotten through the week un\_\_\_\_. I'm having a little trouble verbalizing this morning. I'd also like to welcome Members Elle Cochran.

COUNCILMEMBER COCHRAN: Good morning and aloha, Chair.

CHAIR WHITE: Aloha. Don Couch.

COUNCILMEMBER COUCH: Good morning, aloha, Chair.

CHAIR WHITE: And Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR WHITE: Good morning. Okay, this morning we have with us Yvette Bouthillier.

MS. BOUTHILLIER: Good morning.

CHAIR WHITE: And Michele Yoshimura and Chancy Hopper. And to the right of me we have Corporation Counsel Jeff Ueoka, Sandy Baz, and we're joined by Solid Waste folks so that we can finish . . . I'm sorry, Wastewater folks so that we can finish up on our Capital Improvements Program this morning. And we also will move into a review of the Equipment Bond under Finance to review the Solid Waste equipment requested on the equipment bond. So with that, my recollection is that we finish up and are now on Page 711 of the Capital Improvement Program. So you can go ahead and start us off again.

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COUNCILMEMBER COUCH: Chair . . . public testimony.

CHAIR WHITE: Oh, I'm sorry. Thank you very much.

COUNCILMEMBER COUCH: Oh, it's going to be a long day.

CHAIR WHITE: I'm glad it's Friday.

COUNCILMEMBER BAISA: Amen.

CHAIR WHITE: So we will begin our public testimony here in the Chambers, and the first testifier is Alison Cohan.

***. . .BEGIN PUBLIC TESTIMONY. . .***

MS. COHAN: Good morning.

CHAIR WHITE: Good morning.

MS. COHAN: Aloha, Committee Chair White, Council Chair Baisa, and County Council Members. Mahalo nui for the opportunity to provide testimony today, and for your hard work on this year's County budget. My name is Alison Cohan and I've worked for the Nature Conservancy of Maui for the past seven years and have enjoyed the privilege of living on Maui for 15 years. First, I'd like to extend my warmest and most heartfelt thanks to each of you for being such generous supporters of watershed management. Maui County, the Mayor's Office, and the Maui County Council have been and continue to be leaders throughout the State for environmental and watershed protection. Since the start of the East Maui Watershed Partnership in 1991, Maui County has played a leading role in supporting these partnerships. In recent years, the County Council passed a resolution on the importance of our native watersheds and another on the importance of biological control of our most invasive weeds that threaten our forest, water supply and livelihood. All of us in the environmental sector appreciate your efforts and your accomplishments and we applaud you. The work at the watershed partnerships that are crews do day in and day out in harsh and rainy weather and in remote and rugged terrain protect our native forests and give us our water. The East Maui Watershed Partnership lands provide 60 billion gallons of fresh water to Maui's businesses and residents every year. This water is the life blood of Maui's economy. Water is essential to every single aspect of life on Maui as you know from local ag to the visitor industry to the clean water our families need to survive. We've made a lot of progress over the years in reducing the impacts of feral animals and invasive weeds to our native forests. County funding has allowed us to leverage millions of dollars in funding from other sources just for the watershed partnerships on Maui. Continuing this level of funding is critical and avoiding setbacks with our basic watershed protection and achievements in keeping Maui County free of more serious invasive pests. Maui County government stands

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out among Hawaii's other counties in their commitment to conserve natural resources through a funding of active protection and management. All natural resource, conservation agencies are greatly indebted to the Council and Administration for their unwavering support over the years. We hope with your continued support of the Department of Water Supply's and other grant programs to continue the protection of our watersheds utilizing innovations that will ensure Maui County maintains its natural resources and abundant fresh water supply well into the future. Thank you for your time, your attention, and your hard work on this year's budget.

CHAIR WHITE: Thank you, Alison. Members, any questions of the testifier? One question.

MS. COHAN: Okay. Mahalo.

CHAIR WHITE: One question.

MS. COHAN: Okay.

CHAIR WHITE: You mentioned that we provide more funding or it sounded like you're suggesting that we provide more funding than the other counties. Do you have any idea what the ratio is?

MS. COHAN: No, I don't have those numbers on what the other counties provide. All I know is Maui No Ka Oi and we provide a lot better and we're the leaders and I know there are some counties such as Hawaii County is definitely lagging the furthest behind.

CHAIR WHITE: My daughter is part of one of the partnerships on the Big Island and she said that their funding is not terribly big but they, like all the rest of us, they make it stretch.

MS. COHAN: Right.

CHAIR WHITE: And this Council and the Administration, this Council going back many, many Councils has been focused on protecting our watersheds and funding Maui Invasive Species Council and other projects that have been very, very critical to protecting our environment. So, we're just carrying on a long standing tradition, that's all.

MS. COHAN: Well, thank for doing so. It's very important.

CHAIR WHITE: Well, thank you for recognizing it. I appreciate it. If there are no other questions, thank you much.

MS. COHAN: Mahalo.

CHAIR WHITE: Our next testifier here is Jim Smith. And then we'll go to the district offices.

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MR. SMITH: Good morning, Chair White.

CHAIR WHITE: Good morning.

MR. SMITH: Members of the Budget Committee. I have some concerns. I thought today was Corporation Counsel. Are they coming up today?

CHAIR WHITE: They're coming up in about a half hour, 45 minutes.

MR. SMITH: Oh, okay. That's good. See I don't know and when I look at your agenda I just see thousand pages and numbers. I have two items that I want to talk about. One is the Office of the Corporation Counsel. Okay. I would ask you to establish a fund within the Office of Corporation Counsel to hire special counsel when the Corporation Counsel decides that he must be exempted from all reasons or ethical reasons or financial or any reason. Okay. But at least the funding will be there and I would suggest \$500,000 okay, which probably won't be spent, but may be it should be spent. Okay. So I would just suggest that it's valid to do that on the basis that from my read of the Charter Corporation Counsel is responsible to represent the County, and that means all branches. So under that umbrella he certainly could have that fund there. It would make it a lot simpler if you needed to use it. Just a thought on that and a suggestion requesting . . . You see I'm not always negative.

The second idea is this Office of the Mayor is absolutely out of this world. The word "galactic" was going to come to mind but I wanted to be more specific, okay. He has got a budget, and I bring this up because I testified at a Board of Variance and Appeals on putting windmills up above Paia. And the funding for that infrastructural problem came from the Office of the Mayor. And I'm looking at an Office of the Mayor that wants . . . gee . . . \$7 million in bonds, general fund looking at 12 million. We just total it up it's like 19 million for that office with no oversight on capital improvements. I don't see any page in here that says this is what we're going to do with the money. And \$19 million and that may be on the low side stirs the embers. To say we have a Legislative branch that suppose to identify and keep a tab on where the monies going, and we have a Mayor that doesn't want that to happen. He wants to just flow with the water in the stream and feel good at the end. Well, I'm hoping that you'll erect a bit of a dam --

MS. YOSHIMURA: Three minutes.

MR. SMITH: --to at least check the flow so it doesn't drown people. Thank you very much.

CHAIR WHITE: Thank you, Mr. Smith. Members, any questions for the testifier? Seeing none; thank you for your always insightful testimony. We'll go to our district offices starting with Hana. Dawn, do you have any testifiers this morning?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

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CHAIR WHITE: Thank you very much. And we'll go next to our Lanai District Office. Denise, do you have any testifiers this morning?

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

CHAIR WHITE: Thank you. And next we'll go to Molokai. Ella, do you have any testifiers this morning?

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

CHAIR WHITE: Thank you very much and we have no one else in the Chamber, so I want to thank you ladies and, Ella, we'll see you tonight.

MS. ALCON: See you tonight.

CHAIR WHITE: Looking forward to being on Molokai. Aloha, ladies. Okay, with that, without objections the Chair would like to close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

**...END OF PUBLIC TESTIMONY...**

**ITEM BF-1:                    PROPOSED FISCAL YEAR 2015 BUDGET FOR THE  
   COUNTY OF MAUI (CC**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

CHAIR WHITE: And we'll move on to the . . . as previously mentioned page 711. Okay, please proceed.

MR. NAKAGAWA: All right. Good morning, Chair. Good morning, Council. Next project that we're . . . for Wastewater Division is the *Waiko Road Subdivision Sewer System*. This . . .

COUNCILMEMBER COUCH: Move closer to the mike, please.

MR. NAKAGAWA: This will basically entail sewerage for this Waiko Subdivision right here. It's approximately 31 lots; it's existing and it will just tie these existing customers into our County sewer.

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CHAIR WHITE: When you mentioned the word “existing” customers, they’re not --

MR. NAKAGAWA: Oh, sorry.

CHAIR WHITE: --sounds like they’re currently hooked up.

MR. NAKAGAWA: Yeah, I meant existing homes I guess. Sorry about that.

CHAIR WHITE: Thank you. I just wanted to be sure. Members, any questions on this?

COUNCILMEMBER COCHRAN: Chair?

CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Oh, all right. So I think I had a question in regards to sewerage people that are not currently and here’s a project that addresses that and so how was this area chosen and not others or why?

MR. NAKAGAWA: Um . . .

MR. MIYAMOTO: This area is that long standing existing neighborhood that’s mauka of the Honoapiilani Highway at the intersection of Waiko Road. When there was a new subdivision that came in just mauka of the roadway we had them put in the dry system. So as we looked to, as we developed our reliability of our existing system we looked to expand it. This was one area that wasn’t sewerage. It’s at the very ends of our system in the Waikapu area so we put it in to start expanding out into those areas that weren’t sewerage but we did prepare for it in the future by requiring the subdivision that’s on the mauka side on the Tropical Plantation side of the intersection - that quadrant. They did put in the dry system. We’re going to make it connect to our system now.

COUNCILMEMBER COCHRAN: And what do you mean by dry system?

MR. MIYAMOTO: They installed the collection system but it wasn’t connected to our system so they still have septic tanks, and when we do connect this to our system then they can get rid of their septic tanks and use the County’s sewer system.

COUNCILMEMBER COCHRAN: Okay. All right. Well, good. Thank you. I’d like to see more.

CHAIR WHITE: You know you bring up a very good point and that is a lot of the money that we’re spending is, is simply replacement. We’re not expanding into collecting, we’re protecting more areas. Could you give us a sense of what percentage of the funding is replacement versus expansion of the existing system? We don’t need it right now but . . .

MR. MIYAMOTO: We can send it to you.

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CHAIR WHITE: Okay. Thank you. We'll send you a note. Okay, other questions, Members? Mr. Guzman, did you have a question?

COUNCILMEMBER GUZMAN: No. Mine was more in line with Ms. Cochran's -- how did they come up with which areas to maintain or replace? Is there some type of calendar or systematic method determining which areas get replaced sooner or later?

MR. NAKAGAWA: Chair, so when it comes to maintaining and replacing that's when we . . . I think Elle was asking about our EPA Consent Decree, and basically that program what it did was we cameraed all of our lines, high priority lines, medium priority lines, low priority lines, and from there you basically systematically just kind of prioritize which places need to be replaced on a . . . based on those reports. So the places that we're . . . I think we tackled a lot of the high priority lines and so we're kind of trying to move along to the medium priority lines and it's such a big system that you can only do portions at a time.

COUNCILMEMBER GUZMAN: What determines a high priority versus a medium priority and low priority?

MR. NAKAGAWA: There's various things like the environment that it's in, the type of pipe that was before. Back then they had cement-type pipes that corroded easily from the H2S from our sewer. They had clay pipe that was very resistant but yet so brittle that the vibrations of the roadways and that kind of stuff, it cracks and a lot of that stuff comes back to whatever the reports we get that it will show like the type of pipe - is it cracked, is it degraded, is it deteriorated, you know, all those different factors. And then that's when we try to prioritize. Okay, this one has a hole, okay, this is the place that we gotta go and there's a lot of places based on those reports that we prioritize on it.

COUNCILMEMBER GUZMAN: Reports from the residents or reports from the . . .

MR. NAKAGAWA: No, these are these reports that we've contracted out to CCTV and then what happens is we get a generated report of the line, the length and I guess the status of that line.

COUNCILMEMBER GUZMAN: What's that acronym?

MR. NAKAGAWA: CCTV so that's closed caption or closed circuit, sorry, closed circuit television.

COUNCILMEMBER GUZMAN: Okay, okay, very good. Thank you, Chair.

CHAIR WHITE: Okay. We're starting off as we left off . . . Okay, and just to be sure that the area that you're talking about is the shaded area on the map provided, correct?

MR. NAKAGAWA: Yes, it is, sir.



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CHAIR WHITE: Okay.

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR WHITE: Mr. Couch?

COUNCILMEMBER COUCH: Thank you. Just to clarify as well, I know it says here in the Project Justification but anybody listening to this might not get that. This is adding more customers to an existing system. So it's more income to the wastewater system, is that right?

MR. NAKAGAWA: Yes, it is.

COUNCILMEMBER COUCH: Thank you.

CHAIR WHITE: Okay, any further questions on the Waiko Road Sewer Upgrade? Seeing none; let's move on to the next project.

MR. NAKAGAWA: Next project is *Waiehu Force Main Replacement*. This is one of those lines that have been prioritized for replacement. It will pump from the Waiehu Pump Station all the way up to our next pump station and to the gravity line.

CHAIR WHITE: Okay, any questions, Members?

COUNCILMEMBER GUZMAN: Chair?

CHAIR WHITE: Yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: I have a question. On the residents that are living near the coastline area they're not online right?

MR. NAKAGAWA: No. That's an expansion area and actually I believe two years ago I think we allocated funds to slur that little section.

COUNCILMEMBER GUZMAN: Right.

MR. NAKAGAWA: There's about 20 homes over there that we would take off of septic tank systems and then put 'em into our system.

COUNCILMEMBER GUZMAN: So what's the status on that progress or . . .

MR. NAKAGAWA: That one is already finished design so it should come up for construction soon.

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COUNCILMEMBER GUZMAN: And soon meaning because I have constituents that are in that area that have asked me when that was going to happen. And so it would be appreciative if I could give them a . . .

MR. NAKAGAWA: Okay. I'll get back to you in writing.

COUNCILMEMBER GUZMAN: Okay. Thank you. Thank you, Chair, if I could get that in writing.

CHAIR WHITE: So this is actually just the completion of the replacement, correct? Because there have been earlier portions done.

MR. NAKAGAWA: This is actually a force main project so it has nothing to do with that other . . .

CHAIR WHITE: That wasn't related . . .

MR. NAKAGAWA: Oh, sorry.

CHAIR WHITE: . . . his question.

MR. NAKAGAWA: Oh.

CHAIR WHITE: But it says the balance of the construction was completed in 2014. Is this the final phase of the force main replacement?

MR. NAKAGAWA: Yes, that's correct.

CHAIR WHITE: Yeah, it's a little confusing because we usually have an amount in the prior year's expenditure, and there isn't any here.

MR. NAKAGAWA: Oh.

CHAIR WHITE: Any further questions, Members? Okay, let's move on to the next project - *Lahaina Wastewater Reclamation Facility Odor Control*.

MR. NAKAGAWA: Okay. The next project is Lahaina Wastewater Reclamation Facility Odor Control. This is a continuation of the design part. We're going to actually construct the improvements. This includes covering one of our basins and upgrading our odor control systems at our headworks.

CHAIR WHITE: Okay. Any questions there?

COUNCILMEMBER COCHRAN: Chair?

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CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: So that's going to contain the odor, the covering the basin you just mentioned?

MR. NAKAGAWA: Yeah. What that will do is cover that basin. It will, basically, all the H<sub>2</sub>S gases will be able to go up and above so that the people below don't smell it . . . basically treating it.

COUNCILMEMBER COCHRAN: Okay. So this is an entire building over it?

MR. NAKAGAWA: Yeah, like a dome I guess basically.

COUNCILMEMBER COCHRAN: Okay. I thought when I had done my tour where we put the sludge or stuff into our trucks and trailer over here to Kahului that also causes the odor to occur from that building. And I was told that that building would need to be within a building so to speak. So is that not an issue any more or . . .

MR. NAKAGAWA: Based on our study with our consultants and they did odor monitoring at different locations in our plant one of the basins was the highest I guess odors emitters I guess. And so that's the one we're tackling right now to cover that and then that will hopefully reduce the smell enough. We're also improving our headwork side where raw sewage comes in so typically that's where we generate a lot of odors also. So we would be rehabilitating the odor control system in there to handle the H<sub>2</sub>S.

COUNCILMEMBER COCHRAN: Okay. Thank you. Thank you, Chair.

CHAIR WHITE: Any other questions, Members? Seeing none, let's move on to the next project - the *Lahaina Wastewater Reclamation Facility Modifications, Stage 1A*.

MR. NAKAGAWA: The next project the Lahaina Wastewater Reclamation Facility Modifications, Stage 1A - this is another project that we kind of budgeted for regulatory requirements as well as reliability. As you all know, this treatment plant is under a fine microscope and so we do whatever improvements is required to meet our regulatory requirements as well as provide reliability for our customers out there.

CHAIR WHITE: Members, questions? Ms. Baisa followed by Mr. Couch.

COUNCILMEMBER BAISA: Uh, yes. In the justification it states that this project will restore the 9 mgd capacity at the site. What is it currently?

MR. NAKAGAWA: The actual current capacity of that plant is 9 mgd and the way that plant was designed and developed in the past years is we have the older side - it's called the 1975 side, which is the first initial build-out. That part we recently resurrected. We changed all the

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motors, changed all the equipment so that actually can run. However, as the years went by and we got tighter regulatory requirements they had to design another side which we call the 1985 side, which met those requirements. So, technically, we do have 9 mgd at that plant. It's just what this is going to do is figure out on that '75 side do we actually have to do even more improvements to meet our regulatory requirements in the future.

COUNCILMEMBER BAISA: Okay, doesn't sound . . . doesn't make sense to me. If you have it, then why is it going to restore it?

CHAIR WHITE: Mr. Miyamoto?

MR. MIYAMOTO: The initial like . . . as Mr. Nakagawa was saying, the initial construction were designed to certain regulations for EPA --

COUNCILMEMBER BAISA: Right.

MR. MIYAMOTO: -- the '75 side. So when we got under stricter regulations we developed the '85 side. Rather than try to retrofit the '75 side it was easier to develop a newer section adjacent to the '75 side that met the newer requirements. The newer section does not necessarily . . . the newer section isn't 9 mgd. It's less than 9 mgd, 6.7.

COUNCILMEMBER BAISA: Now I get it.

MR. MIYAMOTO: The flows don't meet that volume so we don't have to run the '75 side. So we've not decommissioned but we haven't run the '75 side because we didn't want to waste electricity running it through a system that it didn't need to go through. So as the volumes are increasing as we're anticipating growth we're redeveloping that '75 side so that it can work with the '85 side and then we can have the . . . restore that full 9 mgd capacity.

COUNCILMEMBER BAISA: Thank you, Mike. I understand that. Thank you, Chair.

CHAIR WHITE: Thank you for asking that question. I think we both were thinking the same thing. So if you were to take the increase in capacity that this will provide you and divide it into the projected \$25 million cost, what is that based on that increased capacity? If you were to take the cost and divide it by the gallons per day or million gallons per day is the increase the 2.3? So the cost is about \$10 a gallon the processing capacity if my math is right?

MR. NAKAGAWA: Yeah, that's correct.

CHAIR WHITE: Is there a standard? I know each side is different; the configuration of the sides probably changes the cost. But it's a lot of bucks. So I'm just wondering if that's a normal cost for development.

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MR. NAKAGAWA: Um . . . yeah, Chair, thanks. That's actually um . . . it's a renovation so a lot of the infrastructure could be reused. The number that we typically get is \$25 to \$30 a gallon.

CHAIR WHITE: Okay. Holy cow. Mr. Couch?

COUNCILMEMBER COUCH: Well, cow wasn't the word I was going to use but . . . um . . . so my question is you have expended a million already and it's going to be \$2 million to design? That seems to be an awfully high amount for design and then you still have the \$25 million for . . . so it's \$27 million but which, like you said, it's a lower amount but \$2 million to design this?

MR. NAKAGAWA: Yes. That's kind of what we were estimating on what it would take for that design.

MR. MIYAMOTO: Retrofitting is a little bit more complicated than rather than just building brand new. It would be great if we could just build it brand new then we could typically hang around the 5 percent of the construction cost. Retrofitting in trying to make the '75 side work with the '85 side is a challenge that we were looking at making sure the electronics, all our alarms can be synchronized. So it's a little bit more challenging when we do retrofitting.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR WHITE: I'm looking at some of the other projects on the following pages the design fees look like 10 percent, not 5 percent. That's one of the questions we've always or one of the issues we've always had a little bit of a challenge with is that we don't put the design work out to bid. We just select somebody and negotiate a price. Do you have enough designers that can handle this kind of work to actually put it out as a bid and see if that changes the pricing?

MR. NAKAGAWA: Yeah, Chair. In my experience when we've dealt with smaller projects to bigger projects, the 10 percent of the design does come pretty near when the quantity of your construction, the cost of your construction is lower. Like you're mentioning the following pages if it's a \$3 million project it's 300,000. However, as you can imagine like if you start to get to the tens of million, twenty million, 30 million, 40 million what I've experienced is that your cost of design doesn't nearly go up with that. It's always going to be smaller and that's where we got that 5 percent from Mr. Miyamoto. So that's just kind of a basis of how we utilize that budgeting for that design cost. So if there's a \$100 million project which I haven't had yet, I don't imagine it to be \$10 million worth of design. The order of magnitude always seems to come down a little more than a 5 percent range.

CHAIR WHITE: But have you taken any opportunities to put project design out on a bid basis as opposed to a non-bid? Or do you have projects that you put out to bid?

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MR. NAKAGAWA: For the design side we do not. It goes through this QBS process which is a qualified bid selection process through the Finance, and basically that's a process to where we analyze. We do have enough consultants that you ask to do this type of work, and what they do is you kind of analyze based on whatever their resume they submit every June, they'll submit their whole portfolio on what their expertise is, where they've worked and all that kind of stuff and they're rated accordingly. And in that there's no place for the bidding part.

CHAIR WHITE: Right. I understand how the process works and I think the Members understand it. I guess my concern is that if we have enough people that are qualified it would be interesting to see what the bids might come in at.

MR. MIYAMOTO: And fortunately, for our Wastewater Division we have very experienced engineers and you know how we develop our engineers when Mr. Taylor was in our Department we do this . . . we cradle the grave. So basically they know the project from its inception through the process of actual implementation. So even through the QBS process we do some level of scrutiny of what they propose to us. We go through it. The engineers are experienced enough that they've done enough projects where they go through these proposals, and we do some negotiations downward. We don't just accept what they send us initially and just go with it. We do a scrutiny of it and we do tend to reduce some of their proposed costs.

CHAIR WHITE: Okay. Mr. Couch followed by Ms. Cochran.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I guess this question is for Mr. Ueoka or Mr. Baz. It's my understanding that the procurement process for bids, bid on design if you have QBS in place. Is that right . . . for design purposes?

CHAIR WHITE: Mr. Ueoka?

MR. UEOKA: Mr. Chair. Fairly confident what they're doing is a perfectly acceptable practice but we'll follow up with Mr. King to confirm.

COUNCILMEMBER COUCH: Okay.

MR. UEOKA: But we're fairly confident that it's acceptable.

COUNCILMEMBER COUCH: No question on that. I'm just confused. He was asking why it doesn't go out to bid and it's my understanding that you can't if you got QBS for design, but I'm not sure. I heard that that was a requirement.

CHAIR WHITE: So the question is, does the procurement law prohibit us from going out to bid on design projects? Is QBS the only option is the question?

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MR. UEOKA: Yeah, we can follow up with Mr. King but I don't . . . I'm not aware of any restrictions but we can follow up with Mr. King.

CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm kind of bouncing back. I'm looking at the operating impact narratives of this project, and the last one we spoke about the covering of the basin for odor control. In that one there is an expected electrical, it says electrical media cost of \$250,000 annually. Media meaning newspaper ad . . . what kind of media?

MR. NAKAGAWA: You're asking . . . (*inaudible*) . . . odor controls?

COUNCILMEMBER COCHRAN: Yeah, sorry, because I'm jumping back to the odor controls . . .

MR. MIYAMOTO: Usually when you have odor control you have some kind of carbon to try and capture the gas so that's generally how we refer to the media that you use for filtering foul gases.

COUNCILMEMBER COCHRAN: Oh, okay.

MR. NAKAGAWA: We have pump stations that we replace the filter media that we use to capture the foul gases in.

COUNCILMEMBER COCHRAN: Okay. And then this current page we're talking about the overall Lahaina Wastewater Reclamation Facility Modifications, it shows no . . . well, increase electrical cost but I guess no dollar figure. So that . . . of that 250 we'll probably be incorporated if you were to pencil out a figure anticipated additional annual cost, you know what I mean, Mr. Miyamoto?

MR. MIYAMOTO: Yes. As we're trying to do some retrofitting hopefully we'll get a little bit more efficient equipment in when we replace the older equipment that's there. So we're hoping that we get some energy savings through newer equipment, and then hopefully, with this photovoltaic system that we can cover some of those additional costs.

COUNCILMEMBER COCHRAN: Okay. Very good. And sorry, Chair, and jumping back to the Waiko Project and the significant impacts or operating impacts it says that each lot owner will be expected to pay \$3,000 or \$15,000 per lot. So these homeowners are willing, I mean, they understand and they obviously know upfront that it's going to cost in order to hook up to the system?

MR. MIYAMOTO: Yes. When we developed the project then we will talk with the homeowners because generally we'll build the system to come up to their property line, and then from their property line to their existing system that's their responsibility to connect. And so the

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way we look at it they'll be getting off of a system that requires some level of maintenance in connecting to what should be a more maintenance free system for them.

COUNCILMEMBER COCHRAN: Okay. Thanks.

CHAIR WHITE: Is that amount, the span of pricing, I would assume reflects either just a connection charge versus a removable of your septic tank or . . .

MR. MIYAMOTO: No, actually it depends on where their property sits relative to the elevation compared to the sewer line so some areas it may be very deep so they may have a deeper trench to connect to the sewer line whereas in other areas because it's not just one flat terrain in that area. It's a rather hilly area. So depending on the design of that line their property may be . . . like for example the homes near the stream are much lower than the roadway. So we're going to be dropping the sewer line so that those people can connect to the system. So you can imagine if the manhole is 20 feet deep they have a 20 foot depth that they're going to have to come through to connect to the sewer line. So it varies and the cost is mainly for their hookup from their house to the County sewer line which we'll put right at their property line. You know how we have those service cleanouts they'll be able to connect it to that location.

COUNCILMEMBER COCHRAN: Okay, thank you, Chair. Thank you, Department. Oh, Mr. Nakagawa, you have comments?

MR. NAKAGAWA: No, just one additional. It is possible that they would have to if there are so low and we can't go any lower, they would have to put a little pump so that they can come up. And that's kind of the extreme end of that probably the \$15,000.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: So is the connection optional or mandated?

MR. NAKAGAWA: By ordinance if we put the County sewer in front of the residence they are mandated to tie in. And then usually if they've recently built a new system where there's some type of agreement that's worked out within the next year or two years or whatever it is they need to tie in.

CHAIR WHITE: Okay.

COUNCILMEMBER BAISA: Chair?

CHAIR WHITE: Yes, Ms. Baisa?

COUNCILMEMBER BAISA: I'm really grateful for this discussion. It's another thing for all of us to think about you know that are not on sewer systems because if we are going to be then



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we have to be prepared that it is going to cost us money. It isn't that the County is going to do it all and the homeowner just gets off scot-free. The homeowners will be expected to cough up their part of it too and I think a lot of us are not aware of this so I think I'm glad we're talking about this today so that as we progress here and talk about doing more areas that are unsewered that the residents need to be aware that there will be a cost to them also. And something I learned today. Thank you.

CHAIR WHITE: I was just going to see what the cost is for the County per lot. The County's cost is about \$27,000 per lot so it is a significant investment. Okay, any further questions on the Lahaina Reclamation Modification page? Mr. Ueoka?

MR. UEOKA: Mr. Chair, I looked up HRS 103D and it appears that Mr. Couch was correct - design and professional services are limited to, I guess, the QBS type procedure as opposed to just bids.

CHAIR WHITE: So bidding is not an option?

MR. UEOKA: Yeah. It seems that it's either pursuant to 304 or 307. 307 is . . . 103D-307 which is emergency procurement. 103D-304 is the . . . essentially the outline for the QBS process.

CHAIR WHITE: Did you find anything that says that it is prohibited? I know that the guidance is the direction . . .

MR. UEOKA: I guess it's not a prohibition. It just instructs them that they shall procure according to this section or 103D-307. So, I guess, essentially you have to do it by QBS or emergency procurement services.

CHAIR WHITE: Okay.

MR. UEOKA: Thank you.

CHAIR WHITE: Okay, we'll move on to the next project which is *Napili 5 and 6 Force Main Replacements*, Page 719.

MR. NAKAGAWA: Next project - Napili No. 5 and 6 Force Main Replacements. This is another force main replacement project that these force mains have been assessed at its end useful life and we're replacing it with PVC piping.

CHAIR WHITE: Okay. Any questions, Members?

COUNCILMEMBER COCHRAN: So I guess . . . sorry, Chair.

CHAIR WHITE: Yes.

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COUNCILMEMBER COCHRAN: This one claims no operating impacts so nothing . . . it's not going to be costing, it says no impact for staffing or operating budget or . . . it just said switch out pipes and everything is good to go.

MR. NAKAGAWA: That is correct. It's just a straight replacement of a metal pipe with a plastic pipe that would last, hopefully, a hundred years.

COUNCILMEMBER COCHRAN: And as in . . . I'm just trying to see roadways aren't going to be obstructed or need to be sort of detoured away on this one?

MR. NAKAGAWA: In all of our construction projects there is some type of traffic impacts and we try to minimize that with traffic control plans and we also meet whatever type of . . . there's County or State Highways restrictions on hours when you can work and that kind of . . . so we meet those requirements to minimize the amount of traffic impacts. And whenever we dig up roadways we always need to repave them so . . . in better or I mean in the same or better shape that it was.

COUNCILMEMBER COCHRAN: Okay. I appreciate those considerations. Thank you. Thank you, Chair.

CHAIR WHITE: Any further questions on that project? Seeing none; move on to the next - *Sheraton Wastewater Lift Station Modifications*.

MR. NAKAGAWA: Sheraton Wastewater Lift Station Modifications - this is a pump station that we would be replacing. I believe we've come through in previous sessions where we've designated all . . . this is one of those can stations which is a metal station that's underground that is susceptible to corrosion and so we've been replacing all of these with newer stations and this is one of those that we've kinda going down the line this is the one that's in line for the next replacement.

CHAIR WHITE: Okay. Any questions, Members? Move to the next - *Napili Wastewater Pump Station's No. 1 thru 6 Modifications*.

MR. NAKAGAWA: Napili Wastewater Pump Station's No. 1 thru 6 Modifications - this is another, these are another station that has been built 20 - 30 years ago that is in line for replacement. And it is the same story of . . . these are can stations in the past and we're trying to upgrade them all. Once we finish replacing all these stations, hopefully we'll move on and it should be done for a good number, 30 years or so.

CHAIR WHITE: Any questions, Members? Ms. Baisa?

COUNCILMEMBER BAISA: Perfectly makes sense to me but I'm just curious. We say when we're finished replacing all. Any idea on how many more we've got pending?

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MR. NAKAGAWA: Yeah. We have 42 pump stations total in the County. I can get back to you exactly in writing how much we've renovated but . . .

COUNCILMEMBER BAISA: Are we half way there? Are we just starting, are we getting to the end? I mean, it doesn't have to be exact.

MR. NAKAGAWA: I think we are probably one-third of the way that I know of. I've renovated at least ten pump stations.

COUNCILMEMBER BAISA: So my point is, we're going to be doing this for a while. This is going to be an ongoing thing. That's why I was wondering. So we're going to see this again and again.

MR. NAKAGAWA: Right. And it's kind of similar to our force main projects that we did our analysis on. All these low lying areas get rid of these old, decrepit metal pipes getting done our new systematic replacements basically.

COUNCILMEMBER BAISA: Okay. Thank you very much. No need for any more depth. Thank you.

CHAIR WHITE: Any other questions, Members? Seeing none; let's move on to Page 725, *Lahaina Wastewater Reclamation Facility Concrete Rehabilitation*.

MR. NAKAGAWA: This project is a . . . we've analyzed certain concrete structures within our Lahaina facility and it just needs concrete rehabilitation. So it's a small project of various concrete structures throughout our facility that kind of need immediate attention.

CHAIR WHITE: What is the picture we're looking at?

UNIDENTIFIED SPEAKER: You don't want to know.

CHAIR WHITE: Is that a picture looking down or looking horizontally?

MR. NAKAGAWA: It's one of the concrete chambers and I believe you're looking down into it. And I believe this is the . . . we have a concrete structure that we're going to replace where both of our main force mains so all of the sewage coming into that treatment plant is very deteriorated and I think this is the picture of that one concrete structure.

CHAIR WHITE: Is this part of the '75 section?

MR. NAKAGAWA: Yes, this is one of those structures that was built originally back in the day.

CHAIR WHITE: Okay. So this is not in conjunction but at least part of the earlier project. Questions, Members?

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COUNCILMEMBER COCHRAN: Yeah, just . . .

CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: How big is this thing? Looks like a chamber, yeah, like a box or something.

MR. NAKAGAWA: Yeah, it's a pretty big structure. I mean, it's not a building but it's a good size probably . . . yeah, you have all of our flow coming through it so I don't know 15 x 20 maybe. It's not a building where we all go into but it's a pretty big structure.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR WHITE: Any further questions? Move on to the next project - *Honoapiilani Highway Recycled Water Lateral Installation*.

MR. NAKAGAWA: This is a project that will allow certain additional properties to tie into our reclaimed water source or system.

CHAIR WHITE: Members, questions?

COUNCILMEMBER COCHRAN: Chair?

CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And it's nice to see that this is being looked at, and again, talking about the Waiko Project this one too I guess people through ordinance are in a sense have to tie in once the pipeline goes adjacent to or near their dwellings of 150 feet or so.

MR. NAKAGAWA: Yes, that is correct. Once we have reclaimed water lines available in front of your property, if they utilize it for . . . if they have irrigation or that kind of systems then, yes, they are required to utilize the R-1 water.

COUNCILMEMBER COCHRAN: And is the pricing roughly around the 3,000 or 15,000 or that just varies as to cost for tie in per lot?

MR. NAKAGAWA: I'm not too sure on their end how much it would cost to tie in the system but we basically provide a lateral with a meter so they can tie in. It probably will roughly be in that range though I would think depending on how complicated their system is. But typically what we try to do is to ask them what their location of their water meter is, and usually we try to keep them all the same location so that it's a less burden on them.

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COUNCILMEMBER COCHRAN: Okay. Thank you.

CHAIR WHITE: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. So, you give them a meter and they hook it in. So who does all the collection, you know, the data collection on your meters, is that part of the Water Department because of the water bill or is it two separate people doing, reading two separate meters? How does that work out?

MR. NAKAGAWA: Data collection and billing all comes from our reclaimed water coordinator which we talked about earlier. We're actually going to switch to that seat or position. So we actually . . . I have a person who actually goes out, collects data, meter reader, works with the properties on what it takes to get it done and we bill accordingly.

COUNCILMEMBER COUCH: Just out of curiosity, why wouldn't you . . . I mean, if it's a meter I would assume and you have the Water Department going through reading everybody's meter why not have them read your meters as well because it's on their bill.

MR. MIYAMOTO: We don't, I mean, obviously it would be nice if we could arrange that but for us we don't have as many customers as the Water Department so also by going out there because we only have this one person that pretty much maintains our reclaimed water system it also provides him a good opportunity to get out there and he can take a look at the system, see if they're having challenges, he can talk with the operators of the reclaimed water system. Reclaimed water is much more stringent . . . has tighter regulations so if there's any kind of leaks he can look at the system; he can let them know that any kind of spill is considered a wastewater spill so for us it's a good opportunity for the guy to get out there. Pretty much every month he goes out to see . . . he has to read every meter so he can see every customer and do sort of a site check on their system.

COUNCILMEMBER COUCH: Okay. And I'm assuming they don't have to pay a sewer charge on the water that goes through that meter, right, 'cause it's a landscaped meter?

MR. NAKAGAWA: That's correct. There's no sewer charge.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR WHITE: But there is a charge for the water.

MR. NAKAGAWA: Yes. There's no sewer charge. We charge people accordingly for their reclaimed water.

CHAIR WHITE: Mr. Miyamoto, you bring up a very interesting comment - that a leak in the reclaimed water system is considered a wastewater spill. What happens when you turn on the sprinkler is that a wastewater spill as well? Just asking because . . .

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MR. NAKAGAWA: The Wastewater Division does not make those rules. The Department of Health makes those regulation rules, and my understanding of it is if it is a controlled spray, then it's considered legitimate. And if there is a break in the system which is considered not controlled, then it becomes a spill.

CHAIR WHITE: Sounds like so many rules we have to put up with. Ms. Cochran, I'm sure you have something to add.

COUNCILMEMBER COCHRAN: Chair, interesting . . . yeah, to contemplate. But anyway, getting back to this lateral installation, so the current main pipeline is existing, that's what feeds Kaanapali Golf Course? So these are just extended what's called laterals. They come off the main pipeline which will expand, reach for other users to tie in.

MR. NAKAGAWA: Yes, that's correct.

COUNCILMEMBER COCHRAN: Okay. Thank you. Thank you, Chair.

CHAIR WHITE: To what degree do you coordinate with Public Works on County highways and with DOT highways on State highways with respect to pipe replacements and the repaving process . . . repaving and resurfacing projects that they undertake?

MR. NAKAGAWA: Every project we coordinate with them because we have to go through a permit process through each agency.

CHAIR WHITE: Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, thank you, Chair. Looking at the pipeline when was that installed and built? Was that from the '70s? I mean, is that due for an upgrade too? Is it ductile, iron 'cause we're switching out all our iron into PVC? Is this . . . should be one of 'em for switch out?

MR. NAKAGAWA: Yes, that . . . and the analysis of those pipes will probably be done shortly. But the . . . and the analysis of changing out metal pipes with PVC pipes there's many different factors also in that and these lines are all out of watt. There's no groundwater there. It's not near the shorelines so the corrosion factor, I guess you could call it of those lines is less significant as our force mains at the low lying areas.

COUNCILMEMBER COCHRAN: Okay.

MR. NAKAGAWA: And I can get back to you in writing as far as when exactly we built that line.

COUNCILMEMBER COCHRAN: Okay. Thank you. I mean, just wondering if this is something we need to start looking at and if it was going to be a big ticket item for us to fund or look at

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in the near future I guess since all these other lines were being switched out. I was thinking perhaps this could be next on the list to do is my question.

CHAIR WHITE: Everything in wastewater is a big ticket item.

COUNCILMEMBER COCHRAN: Yeah, I agree.

CHAIR WHITE: Was considering asking them to do a summary of how many lines . . . what's the total line capacity in the larger size lines. How much are they replacing and how many homes does it serve and just try to get a sense of what it costs per customer when we're going through all these replacements. These are huge numbers. And I think it's important that the customers understands why their rates are fairly significant because we're investing a lot of money in preventing spills and it's something we have to do. But it's being done at a significant cost.

If there are no further questions on this project, we are at the end of the CIP and we'll move to the Equipment Bond review and I believe that is . . . well, do you all have any equipment on the Equipment bond on page 732?

MR. BAZ: Mr. Chair, only the Solid Waste Division.

CHAIR WHITE: That was my recollection. I just wondered. Ask them the question before we cut them loose. Okay, you gentlemen are free to go. Thank you very much for your assistance. And ask Mr. Ratte to join us.

MR. BAZ: Mr. Chair?

CHAIR WHITE: Yes.

MR. BAZ: While Mr. Ratte is coming down, I did get a response from our Central Purchasing Agent about the Professional Services procurement.

CHAIR WHITE: Uh-huh.

MR. BAZ: And he confirmed what our Corporation Counsel stated is that HRS 103D, the professional services method is required for architects, engineers, professional engineers, architects - landscape architects, and surveyors. The rationale that he gave for this is shown in this example. It said, ten projects per year with five consultants participating. If the project is bid, each consultant will have to thoroughly review each of the ten projects and spend a lot of man hours in order to provide a price that they can commit to. On average, they will receive only two of these projects. When you rank under the QBS process you negotiate with the highest ranked organization first and then you can go down the list until you get someone with reasonable costs. And so, we're not necessarily restricted to choose one vendor or another. We can negotiate and I know that they do negotiate for lower costs

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depending on what the availability of the bidders are and the selection and their expertise as long as the architect and the engineer has that expertise that's required for the specific items that we do. Since we're not doing normal project . . . a lot of times we're not doing a project that an engineering or architect firm would do on a regular basis. A lot of times they are required to have specific knowledge about water, wastewater systems, different things like that. So the availability of that expertise is fairly limited. But that's the rationale that the Central Purchasing Agent referred to.

CHAIR WHITE: Okay, thank you for that perspective. My sense is that those disciplines are getting special treatment. Contracting companies all have different specialties and capacities, capabilities, et cetera, and yet if there are five contractors, five construction companies and ten projects the same thing does not apply to them. If they want to bid on projects they've got to go through each one, evaluate all the costs. And so they don't have the same benefit that the professional designers do, and I realize it's a very significant cost just like the construction portions are. If we're stuck with it, we're stuck with it. Okay, moving on . . . I'm sorry, Ms. Cochran? Oh, we'll take a quick little break. This will be our mid-morning break for 10 minutes. Please be back by 10:25 a.m. Recess . . . *(gavel)* . . .

**RECESS:** 10.12 a.m.

**RECONVENE:** 10:39 a.m.

CHAIR WHITE: . . . *(gavel)* . . . The meeting of the Budget and Finance Committee will reconvene. And Members, we're on Page 732, which is the Countywide Equipment Bond. So, gentlemen, if you could please provide us with your explanation of the five items for your Department that are included in this list. Do you know which . . . Okay, the first item is a *20-cubic yard rear loader refuse truck with lifters for Hana area in the amount of \$300,000.*

MR. MIYAMOTO: Yes, it's a 2004 unit so it's over ten years old. And by the time we get it, it will probably be 11 to 12 years old when we get it to placement.

CHAIR WHITE: Okay. Members, questions?

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Seeing none; the next item is *(2) - 28-cubic yard automated refuse trucks for Upcountry area in the amount of \$819,000 or (2) at \$409,500.*

MR. MIYAMOTO: Those vehicles are our 2008 vehicles that have met the seven years, and by the time we get them they'll be even one, two years older. And we seem to have more challenges in the Makawao area because of the terrain. So if the vehicles are being taxed more, then the maintenance will start to go up.

CHAIR WHITE: How old did you say the vehicles were?



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MR. MIYAMOTO: They're from 2008 so roughly about 6 years now and by the time we get them replaced it will probably be 7 to 8 years.

CHAIR WHITE: Did I hear Mr. Ratte say they're 2006?

MR. MIYAMOTO: 2008.

CHAIR WHITE: Yeah, it says 2008 here. If you can just get back to us on the . . .

MR. MIYAMOTO: We'll confirm. Yeah.

CHAIR WHITE: Okay. The next item is the *28 cubic yard automated refuse truck to replace another 2008 truck with refuse collection in the Lahaina area.*

MR. MIYAMOTO: Similar vehicle, I mean, for the Lahaina area it's a little bit linear in the area that it serves so that one by the time we get it will be at least 7 to 8 years old.

CHAIR WHITE: The one in Hana you stated was . . . oh, that's not automated though, right? Okay. Questions, Members? Ms. Baisa?

COUNCILMEMBER BAISA: Just a quick one because you know we need it, we need it but what is the normal life of this kind of equipment?

MR. MIYAMOTO: What we had stated earlier was roughly around seven years. We've been stretching ours out to about ten years. And actually some of this equipment we wanted to get replaced last year but it just didn't make it into the cuts. But we estimate one to two years before we get it replaced actually on the road. And this one for Lahaina is an automated refuse truck.

COUNCILMEMBER BAISA: So, good. This will cut down on breakdowns and not being able to do our stuff or having to do it late or whatever.

MR. MIYAMOTO: Yes. Any missed route translates into overtime.

COUNCILMEMBER BAISA: Right. We don't need that. Thank you.

CHAIR WHITE: Okay. Any further questions, Members? And we have requested, I believe through Finance to have the age and mileage of these various pieces of equipment.

Okay, the next item is a *6-8 cubic yard mini refuse truck with lifters for Makawao in the amount of \$157,500.*

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MR. MIYAMOTO: Yes, and that's a smaller manual refuse truck that we use in those tighter neighborhoods that have the smaller streets. This one is greater than ten years old. I think it's about 16 years old and we've stretched its useful life beyond what it should be.

CHAIR WHITE: Maybe we should try to do that with the big boys too.

MR. MIYAMOTO: Yeah, we've looked at on the automated trucks when you think the average driver has two routes per week which he picks up one on . . . cause typically you pick up on Monday, Thursday, Tuesday, Friday route so you have two routes. They're limited by union contract to 2000 but let's say they 1,700 vehicles, um, homes they pick up per week. So you figure on an average year that arm actually lifts 86,000 times. So that's one of the challenged areas that we have a lot of break downs and the vehicles traveling the great distances that we have in the rural areas.

CHAIR WHITE: Okay, any questions, Members?

COUNCILMEMBER BAISA: No.

CHAIR WHITE: *20 cubic yard rear loader for Molokai in the amount of \$300,000.*

MR. MIYAMOTO: For Molokai we utilize Public Works to do our refuse collection for us. So they've tried to keep that piece of equipment operational for all these years and that one is about ten years old now. Hopefully, we can make it stretch a little bit longer but right now they don't have a back up at this point.

CHAIR WHITE: Okay. So the existing one would be kept as a back up?

MR. MIYAMOTO: Yes. To keep it and in situations where the other one has problems we'll use this one as a backup.

CHAIR WHITE: Okay. Questions, Members? Seeing none. That completes our review of the Countywide Equipment Bond list for Environmental Management. And that concludes our review of Environmental Management. Thank you, gentlemen.

**DEPARTMENT OF THE CORPORATION COUNSEL**

CHAIR WHITE: And we'll move into our review of the Office of Corporation Counsel. It's on Page 123. And I'd like to welcome Corporation Counsel Pat Wong and . . . good morning.

MR. WONG: Good morning.

CHAIR WHITE: Please proceed when you're ready.

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MR. WONG: Just had some general comments about our proposed budget. I'm sure you've reviewed it. There's not a whole lot of changes from previous budget except to reflect the salary increases that were passed by ordinance, and there's a few other increases in there but very nominal amounts. I believe we'll be able to answer all the questions that you may have this morning.

CHAIR WHITE: Okay.

MR. WONG: Thank you.

CHAIR WHITE: Members, any questions for Corp. Counsel? Ms. Baisa?

COUNCILMEMBER BAISA: I can't resist. I don't know if they were watching us as we began the meeting this morning but we had a testifier who suggested that we should create a half a million dollar special counsel fund rather than handling it the way we do now where you folks have to come and request permission to hire or authorization to hire special counsel. Any thoughts?

MR. KUSHI: Yes, Mr. Chair, Member Baisa, I was watching. And it's one of the few times I've ever agreed with the testifier and we will invite him to our next Christmas party. But again his idea is a novel one. And even if that were to come true, the appointment of special counsel will still have to go through with this body but at least it will be funded.

COUNCILMEMBER BAISA: I was intrigued. I was thinking of time. You know I'm always looking at how precious our time is, and we're always under the gun to get things done. You know we're always on a deadline and never seem to have enough time to sit here and talk about a lot of things that are really important. So I was kind of intrigued by it but of course I'm just one person but I was interested in what your reaction was. Mr. Chair, I don't know if Mr. Wong wants to say anything. He looks like he does.

MR. WONG: Mr. Chair, if I may. I agree with First Deputy Kushi. I did not hear the comments by the testifier. I was apprised of it by Mr. Kushi as I approached. It certainly is a novel idea and we can explore that. I agree with you that under most circumstances when we're confronted with litigation and the timing typically is problematic for us in responding and getting appropriate calendar time for the topic of engagement of special counsel. We, as you may know, we on an annual basis advertise for perspective special counsel engagement anyway so we maintain an ongoing list of attorneys in their areas of practice in our office and so we receive those on a regular and consistent basis and it's just a matter of identifying the appropriate law firm in the event that we need one for the appropriate topic. Thank you.

COUNCILMEMBER BAISA: What would it take in order for us to make that change? What do we have to do?

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MR. WONG: I believe we'd have to within our budget identify an item for that. And I'd have to speak with Director Baz about that but we would still as First Deputy Kushi mentioned we'd still be required to seek this body's approval of any appointed special counsel. But in terms of having an item in our account, we can certainly do that and that's something I would have to speak with Director Baz about.

COUNCILMEMBER BAISA: So this Council would have the authority to establish that?

MR. WONG: Yes.

COUNCILMEMBER BAISA: Okay. I just thought maybe it was worth really taking a look at. Thank you.

CHAIR WHITE: Members, other questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Department for being here. I had . . . can we address the goals and objectives, Chair?

CHAIR WHITE: Anything in the Department is --

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: --open for discussion.

COUNCILMEMBER COCHRAN: Thank you. And I was looking at the I guess Page 129, Goal #1 and #2, "Raise safety awareness by providing annual training and education" which totally agree. And then it says, percentage decrease of employees trained, and you want to drop it by 10 percent. So how does that equate? I would think training employees to . . . not put themselves at risk would be a high priority and not to decrease that level if I'm trying to read this correctly. Is there a typo of some kind maybe? Maybe it's legalese jargon that I cannot understand.

MR. WONG: Council member, thank you for the question. I believe that's a typographical error. We certainly provide currently training on a regular and consistent basis for all safety topics that are covered by Risk Management and it would be to increase the number of employees trained and the effectiveness of that training.

COUNCILMEMBER COCHRAN: Thank you. That makes more sense. And then, I'm jumping to Goal 2 on Page 130. No. 2 - Ms. Baisa brought up the special counsel discussion and it says, number of contracted special counsel per year and you want to keep it to no more than five. And so, that's a pre-determined amount that you can foresee. I mean, that I would think would be really hard to foresee 'cause you never know what's going to come at this, you know, this County.

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MR. WONG: That is correct. It's a difficult number to identify in advance but it would be the goal of the Department to minimize the use of special counsel in every aspect of our defense of the County. So we laid out a target amount there not to exceed amount hopefully with the level of experience and skill that our deputies currently maintain and continue to improve upon that we will not need to engage in special counsel not even for the five occasions that we anticipate having to do that.

COUNCILMEMBER COCHRAN: Okay. Thank you. That's fair. Chair, thank you.

CHAIR WHITE: Okay. Mr. Couch?

COUNCILMEMBER COUCH: Good.

CHAIR WHITE: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I have several questions. Starting with . . . what caught my eye is Page 131, Goal #6 - *Establish a departmental revolving fund for budgetary purposes by providing an incentive-based compensation directly related to performance, active team engagement and recognition of completed service.* And so if that could be explained and what is actually this program involve?

MR. WONG: Good question, Council member. Several years ago I formulated that goal as a prospect moving forward. I can tell you, to date, we have not been able to implement and/or approach that goal. The whole purpose of it is to . . . and my mindset has been to minimize the amount of reliance that we have on the General Fund and, hopefully, be able to start bringing in money to be able to start supporting our Department independent of the General Fund. And that's what the basis of that goal was targeting. We do have collection matters that we pursue. We do have on occasion times where we are the party plaintiff and in those scenarios it would be prudent for us to be able to supplement our budget. It's a discussion that I've had with the Administration also with Director Baz in the past. We haven't quite explored that entirely and what I've suggested also is the concept of maybe allowing our Department to charge the departments by a billable rate which we have not done. And quite frankly if we were to do that, it would change the way our Department operates. It may increase or decrease the amount that our Department receives in terms of funding. So it's a thought. Hopefully we can pursue that goal. If we cannot, then by next budget cycle we'll eliminate that or be able to implement something.

COUNCILMEMBER GUZMAN: It sounds like a very interesting idea and I'd like to see that goal maybe moved up to Goal #3 - the Department to generate revenue that sounds pretty good or at least some billable times. The other question I have is on Page 128, the Legal Assistant. You have it down as 1.5. Is that a full-time and a part-time person?

MR. WONG: That is correct. We have one full-time Legal Assistant and one part-time Legal Assistant.

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COUNCILMEMBER GUZMAN: Okay. And then on the same page on Operations under the Legal Services Program, you have on Services right under Other Costs you have the actuals of 2013 - \$66,449 and then 2014 Adopted - \$204,500 and then you have a negative change in the proposed 2015 of \$60,000. So is that something that we've dropped in terms of a service or I don't know why is that becoming a negative?

MR. WONG: That wasn't a drop in a service. It was a one-time fee that we paid for a software management program. And so we would not be experiencing the same expense.

COUNCILMEMBER GUZMAN: Okay. So that's a software management?

MR. WONG: Yes.

COUNCILMEMBER GUZMAN: Okay, okay. And then on Page 125 the Equipment - Lease Purchases, is that . . . it looks like it dropped from the actual of 2013 to the adopted 2014 and then proposed it's consistent. What's going on with that? Did we . . .

MR. WONG: Council member, that's for our copy machine and I believe the decrease was because we changed vendors.

COUNCILMEMBER GUZMAN: Oh.

MR. WONG: And we experienced a better product for a lesser cost.

COUNCILMEMBER GUZMAN: Okay. And then on the same page - Other Costs from an actual of 2013 - \$117,905 and then it boost up to your proposed \$164,612. Is there a reason why there's an increase? Same page - Other Costs under Operations.

MR. WONG: Council member, the requested budget amount appears to be identical to the previous and . . .

COUNCILMEMBER GUZMAN: Yeah, it is identical; however, in 2013 and it looks as though there was \$117,000 and then what have we actually spent so far, Mr. Baz? Where are we at in terms of actuals right now?

MR. BAZ: As with most, unless it's identified, those were the budgeted amounts. And if they didn't need to spend all of the budgeted in that item we encourage the departments to save money.

COUNCILMEMBER GUZMAN: Right, right.

MR. BAZ: But I'll pull up their actuals.

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CHAIR WHITE: Yeah, we'll be going through the Details.

COUNCILMEMBER GUZMAN: Oh, okay.

CHAIR WHITE: The Details have . . . the Details don't always roll up specifically into these numbers. You have to pick and choose so it's easier to find the differences in the Details as opposed to the budget pages.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair. I'll yield to my colleagues.

CHAIR WHITE: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: Yeah, I'm intrigued by Goal #2 on Page 130. At the top it says, *Reduce the # of hours spent in meetings by 3%*. And it lists the percentage of attorney hours reduced for board, commission and advisory meetings, and for Council and Council committee meetings, and then of course it gets into the special counsel. I'm wondering, Mr. Wong, if you can give us any idea of how we're going to accomplish this.

MR. WONG: Um . . . Council member . . .

COUNCILMEMBER BAISA: Or how we could accomplish it.

MR. WONG: Actually, Councilmember Baisa, it's a very good question and I believe that the Chair of this Committee has already started that implementation by asking our Deputy to monitor the proceedings from his office which, quite frankly, is something that I agree with and can be implemented and should be implemented for most committees and also for most boards and commissions. And in that scenario I believe Deputy Ueoka probably is monitoring at this moment but should be.

CHAIR WHITE: Better be.

MR. WONG: Should be multi-tasking and being able to draft and continue to do research and/or writing. A lot of our work can be done while we monitor and we can still receive phone calls, we can still do research, we can still write letters, we can still address the concerns for our other departments. So I appreciate Chair White's offer to allow Deputy Ueoka to monitor from afar. It really has allowed him to do other work while there. And that's not an unusual thing for attorneys to be able to do. So as we implement that goal it would be to address at which with every Council Chair, every Committee Chair and ask, do you really need or do you anticipate during the progress of that meeting to seek some legal question. In some occasion I think you can anticipate --

COUNCILMEMBER BAISA: Right.

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MR. WONG: --questions that will be arise and you can either frame it early or have the Deputy present. In those occasions when the Deputy need not be present, that's certainly a huge cost savings in my mind and it allows us to do a lot of the other counseling and drafting responses that we could do while we're back at our office.

COUNCILMEMBER BAISA: You know it's so common sense. It's almost as amazing that you know this has to be put out this way but I think it's wonderful and I certainly would like to hope that a lot of my Chairs will adopt that idea. 'Cause usually when we're preparing agendas we kind of know where the pitfalls are and we could possibly do that right up front and then you wouldn't have to sit here the whole time. But I think it's a really good goal. Thank you very much.

CHAIR WHITE: And to Mr. Wong's point, when we started going down the road that we maybe shouldn't have been traveling yesterday they were up here in very short order. So . . . pardon?

COUNCILMEMBER COUCH: Just give 'em that phone number too and they call up and say shut up.

CHAIR WHITE: That's true.

COUNCILMEMBER BAISA: I know, Chair, I know it works because even for me sometimes I have administrative duties that I have to do in my office because I might be returning a phone call or having to sign stuff or whatever. But I can have the TV on monitoring and if it became important I could come down. So I understand especially in your case where you folks have this really important work on your desks that you can be doing while you're keeping an eye on what we're up to. So it makes perfect sense to me, and I thank Chair White for instituting that. I think it's good.

CHAIR WHITE: Well, I think it's much easier in the Budget Committee than it is in some of the other when you're drafting legislation.

COUNCILMEMBER BAISA: You know if we were in Land Use it probably be very difficult but there are a lot of times when we're just talking about things that don't have legal implications. Thank you.

CHAIR WHITE: Any other questions, Members?

COUNCILMEMBER COCHRAN: Chair?

CHAIR WHITE: Ms. Cochran?



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COUNCILMEMBER COCHRAN: I'm just trying to relate . . . I'm back in the book at Page 128 and 129, trying to relate under Operations - Services on 128 negative 60,000. And then on 129, under Services negative 88,000? Are those . . .

CHAIR WHITE: You'll see that if you go through the Details.

COUNCILMEMBER COCHRAN: Yeah, I was still trying to reference it though and it still wasn't jiving as far as exactly.

CHAIR WHITE: They don't . . .

COUNCILMEMBER COCHRAN: Oh, they won't.

MR. BAZ: Mr. Chair, if you look at the negative \$88,000 on Page 129, the correlation is that there's a positive \$28,000 in the expansion section right below that. So that's why you net out the 60,000 so it does balance out. Yeah, there's in the Budget Details as well. And Mr. Chair, I do have a response for Mr. Guzman's question about the actual expenditures?

CHAIR WHITE: If you don't mind, I've got a couple of questions in the Details so we can cover that as we go through that.

MR. BAZ: Okay, great.

COUNCILMEMBER COCHRAN: Okay, I see that now. Thank you.

CHAIR WHITE: Okay. I just have one question on Budget Detail Page 2-4 and it's regarding position number CP-0026. It looks as though that was a vacancy that was filled. It was a significant increase and I'm assuming it's due to the person coming in having a higher level of experience than that person replaced. Is that correct?

MR. WONG: I'm not certain by the Budget No. which individual that references. But that may be the case. We currently have, well, we're just filling as we speak current vacancies and the applicants have been of a greater number of years of licensure. So . . .

CHAIR WHITE: So this could . . . do you know which positions are vacant currently?

MR. WONG: Yes.

CHAIR WHITE: By position number?

MR. WONG: No, I don't.

CHAIR WHITE: Okay, if you could just send us a note with the position numbers that are vacant. I'm just interested in knowing whether this is, the increase is a cautionary increase or a

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budgeted increase that we may or may not use depending upon the level of experience of the Deputy coming in.

MR. WONG: I'll offer to you at this moment that more than likely it would be a budgetary amount that will be used.

CHAIR WHITE: Okay. Then on Page 2-7 of the Details under Professional Services half way down the page, Index Code 6132 in 2012 there is an expense of 36,000; in 2013 - 20,000; then for this fiscal year we've bumped that up to 80,000 so Mr. Baz if you could check and see what we've spent out of that. If you could . . . if Mr. Wong could give us an explanation of what types of things that they're using that for.

MR. BAZ: Which one of us would you like us to go first?

CHAIR WHITE: Well, you look it up . . .

MR. BAZ: I already looked it up.

CHAIR WHITE: Okay, so what has been spent year-to-date?

MR. BAZ: Including expenditures and encumbrances it looks like around 63,500 so we have 19,120 left in the whole program for Professional Services or 23.6 percent. For services in general the 204,500 that Mr. Guzman requested, there is only 35,038 remaining balance or 17.1 percent so they are expending that.

CHAIR WHITE: Okay.

MR. BAZ: Mr. Wong can expand if he pleases.

CHAIR WHITE: It shows that we'll exhaust that.

MR. BAZ: Yes.

CHAIR WHITE: Is Item 6 on the next page about half way down again - Claims, Settlements and Judgments - is that included in the services totally just related to us? I don't believe it is but . . .

MR. WONG: No.

CHAIR WHITE: Okay.

MR. WONG: Those are separate.

CHAIR WHITE: So if you could look that up and see what we spent out of the 2014 budget.

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MR. BAZ: That is Sub-Object Code 61 . . ?

CHAIR WHITE: No, 6313.

MR. BAZ: Mr. Chair, we only show a \$500 expenditure year-to-date for that so there's \$71,500 remaining balance.

CHAIR WHITE: Okay. Those are the amounts where you all have the ability to settle up to I believe - total of \$5,000. Is that what comes out of this account?

MR. WONG: Actually the, Chair, the ordinance value is not 500. It's \$7,500.

CHAIR WHITE: Oh, I thought I said 5,000.

MR. WONG: Yeah, it's 7,500.

CHAIR WHITE: So it's 7,500. Okay. And then under just below that about seven lines there's Other Services - Index Code 6129 you can see what we've spent there.

MR. BAZ: Mr. Chair, that is included in the services object that I mentioned before.

CHAIR WHITE: That's alright. You don't need to look it up.

MR. BAZ: Specifically it's \$14,921 expenditure and then a couple hundred dollars encumbrance so the balance left over is about 48 percent.

CHAIR WHITE: Okay. But we've significantly spent down the overall services.

MR. BAZ: That's correct.

CHAIR WHITE: And then the last item is Computer Software expense at the bottom of the list on Page 2-9 for \$20,000. Is that . . . looks like it's a one-time charge for this year and I'm just wondering if that's a necessity for next year?

MR. WONG: That's as it relates to Risk Management and the projected software that they wanted to acquire for . . .

CHAIR WHITE: If you could speak into the mike.

MR. WONG: It's identified under the Risk Management component of our budget, and that number was in there relative to the software acquisition that Risk Management was interested in purchasing.

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CHAIR WHITE: But is that going to be an ongoing expense?

MR. WONG: I do not anticipate that it would be an ongoing expense, no. It's a one-time . . .

CHAIR WHITE: Okay. So are you suggesting that you don't need the \$20,000 item listed for the 2015 Budget?

MR. WONG: Well, actually, I would need it for the 2015 Budget. That would probably be the extent of it.

CHAIR WHITE: Okay. Mr. Baz, how much of the 20,000 for this year have we spent?

MR. BAZ: I believe it was only \$615.

CHAIR WHITE: Okay. So you need it in this year because you didn't use it in 2014.

MR. WONG: Right.

CHAIR WHITE: Okay. So you're not likely to spend that between now and the end of the year?

MR. WONG: Correct.

CHAIR WHITE: Okay. Any other questions, Members, on the Details; if not, I think that brings us to the close of our review of Corp. Counsel. Staff, do we have any other items . . . Okay. We do have the . . .

MS. YOSHIMURA: Insurance and Self-Insurance.

CHAIR WHITE: Yeah. What pages are those on? We'll just get your comments on the insurance and other . . .

MR. BAZ: Mr. Chair, in the finance details we have the Insurance and Self-Insurance program on Page 6-58.

CHAIR WHITE: Okay. So, Mr. Wong, whenever you're ready. We can go over the insurance premiums and your sense on whether the settlements and judgments and other items that come under your purview.

MR. WONG: I'm comfortable discussing to the extent possible in open session the insurance coverage, issues, as it relates to the settlements, judgments values. If you don't mind, I would prefer to have that type of discussion in an executive session.

CHAIR WHITE: That's fine. Once you've cover the insurance issues and then we'll . . .

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MR. WONG: Sure. Currently as it's reflected in the Finance Budget there is a flat proposed amount I believe about two million and that would be an amount attributable to the perspective premiums that we may experience at the end of the calendar year. And we typically have a very good ongoing relationship with our insurance broker. It's such that they were able to provide us very competitive premiums for types of coverage that we acquire. And I believe the amount reflected in the budget is a not to exceed amount and I don't believe we will exceed those amounts. As it relates to the work comp. amounts it does reflect a half a million dollar increase as it relates to our handling of our claims. I cannot project currently and we may need to experience a budget amendment into the next fiscal year given our most recent tragedy. And I'm unable to, at the moment, provide a more accurate information.

CHAIR WHITE: That's certainly understood. Members, is there any desire for executive session to learn more? The Chair is reasonably comfortable with the number and I'm sure that it's gone, unless Mr. Wong there is any change in circumstances since the budget was drafted that you feel needs to be discussed in executive session.

MR. WONG: No, I don't believe so.

COUNCILMEMBER BAISA: I'm fine.

CHAIR WHITE: Okay. Everybody okay? Okay. With that I want to thank Corp. Counsel for being here and that will conclude our review of their Department and we will adjourn here and see you all on Molokai at 6 o'clock.

COUNCILMEMBER BAISA: Travel safe everybody.

CHAIR WHITE: Thank you.

MR. WONG: Thank you.

CHAIR WHITE: We are adjourned. . . .(gavel). . .

**ACTION: DEFER pending further discussion.**

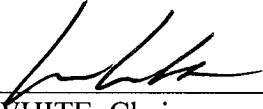
ADJOURN: 11:19 a.m.

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APPROVED:



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MIKE WHITE, Chair  
Budget and Finance Committee

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Transcribed by: Jo-Ann Sato