

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

August 11, 2014

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair (Out 10:40 a.m.)
Councilmember Gladys C. Baisa, Member (Out 11:40 a.m.)
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member (Out 10:40 a.m.)
Councilmember Don S. Guzman, Member (In 9:07 a.m.)
Councilmember Michael P. Victorino, Member (Out 11:40 a.m.)
Councilmember Mike White, Member

STAFF: Carla Nakata, Legislative Attorney
Kimberley Willenbrink, Legislative Analyst (Item PIA-3(6))
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.: John Buck, Executive Assistant, Office of the Mayor (Items PIA-2(33), -2(34))
Clarence S. Kenui, Captain, Department of Police (Item PIA-68)
Victor K. Ramos, Assistant Chief, Department of Police (Item PIA-1(41))
Kyle K. Ginoza, Director, Department of Environmental Management (Item PIA-1(3))
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel
(Item PIA-68)
Thomas W. Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel
(Item PIA-1(41))
Richelle M. Thomson, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item PIA-1(3))
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Bryan Esmeralda (nominee, Real Property Tax Review Board)
Raymond Sung (nominee, Board of Variances and Appeals)

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

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CHAIR HOKAMA: . . . *(gavel)*. . . The Counsel's Committee on Policy and Intergovernmental Affairs shall come to order. This is our regular meeting of 11th of August, 2014. Present this morning at this Committee meeting is our Vice-Chairman, Mr. Couch.

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

CHAIR HOKAMA: Good morning and we have Committee members, we gotta adjust this --

VICE-CHAIR COUCH: Yeah the audio...

CHAIR HOKAMA: --microphone levels, please. Mr. Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR HOKAMA: Good morning, beautiful lei, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you.

CHAIR HOKAMA: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: Good morning, Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Good morning, Chair.

CHAIR HOKAMA: Good morning. Ms. Baisa, Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR HOKAMA: And Mr. Victorino.

COUNCILMEMBER VICTORINO: Aloha, and good morning, Chair.

CHAIR HOKAMA: Beautiful leis all of you.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR HOKAMA: Excused is...

Note: Technical difficulty with sound system.

COUNCILMEMBER WHITE: Carla, I think it's the overall.

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VICE-CHAIR COUCH: It's the overall.

COUNCILMEMBER VICTORINO: Yeah it's not that. I don't think...

COUNCILMEMBER BAISA: Josiah to the rescue.

CHAIR HOKAMA: -Okay, we're gonna take a short recess. . . .(gavel). . .

RECESS: 9:04 a.m.

RECONVENE: 9:05 a.m.

CHAIR HOKAMA: . . .(gavel). . . Okay we shall reconvene, my apologies, Members, and to our community. First please, Members, let us put our requirements of communications to vibration or silent mode please as well as everyone else. This morning before we take up the items on the agenda before the Committee, we shall see if we have anyone wishing to provide public testimony before the Members. Ms. Frias, is there anyone wishing to provide testimony in the Chambers?

MS. FRIAS: No, Mr. Chair.

CHAIR HOKAMA: Thank you. We'll go to our East Maui Office and ask Ms. Lono is there anyone wishing to provide testimony?

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

CHAIR HOKAMA: Thank you very much. To our Lanai Office, Ms. Fernandez, anyone wishing to provide testimony?

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

CHAIR HOKAMA: Thank you, and to Molokai we'll ask Ms. Alcon if there is anyone wishing to provide testimony.

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

CHAIR HOKAMA: Okay. Thank you very much, ladies. Members, since there's no request for public testimony with no objections, we shall close testimony for today's meeting.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you very much, so ordered.

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**ITEM PIA-2(33): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(REAL PROPERTY TAX REVIEW BOARD) (CC 13-42)**

CHAIR HOKAMA: Before we start I'd like just share with and say to everyone I'm happy to see all of you. We recognize Mr. Guzman's presence also.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR HOKAMA: Good morning and I am very grateful that we went through a very mild hurricane, with lots of blessings from above that our people were safe and the County was very well prepared in our response to potential natural hazards. So I just wanted to make that comment before we started our business today. First item may I direct you please to Policy Item 2(33) that is under the heading of NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS specifically this is regarding the REAL PROPERTY TAX REVIEW BOARD under County Communication 13-42. We have from the Mayor, the nomination of Mr. Bryan Esmeralda, which would be a replacement due to a resignation for a term expiring March 31, 2018. Your Chair has requested Mr. Esmeralda and he has graciously accepted to be before us this morning. Members, I'll ask Mr. Esmeralda if he would please come down to the podium. Introduce yourself and share a few comments with us especially about your desire to give service to your County and your community.

MR. ESMERALDA: Sure, good morning Counsel, I appreciate the opportunity to meet with you guys this morning. I am a, I'm a planner, I work for Munekiyo & Hiraga just across the street, and my interest in serving the board is purely to serve and work with the County and also for my own professional development.

CHAIR HOKAMA: Okay, is there anything else you wish to share, Mr. Esmeralda?

MR. ESMERALDA: No, not at this time.

CHAIR HOKAMA: Okay, well thank you very much. The members will be asked if they have any questions for you and if you have any experience regarding the real property component. If you have you have any type of potential conflicts we'd ask that you'd share that with us so that we can assist you in trying to make sure that we eliminate those potential issues as well as the ability for you to serve on an unbiased basis.

MR. ESMERALDA: Okay.

CHAIR HOKAMA: I'll ask Mr. Carroll from East Maui first, you have any questions for Mr. Esmeralda? Ms. Crivello, questions for Mr. Esmeralda?

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COUNCILMEMBER CRIVELLO: No, but thank you for applying for the position. Are you familiar as to exactly what they do with the Real Property Tax Commission?

MR. ESMERALDA: I've never attended a meeting but I have been reviewing the information available online as well as the Maui County Code. So that's the extent of my familiarity with the board. As I understand it's to hear appeals that are filed on assessed real property taxes for the year.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Esmeralda, for being here and willingness to serve the community. And you're with Munekiyo Hiraga currently --

MR. ESMERALDA: Correct.

COUNCILMEMBER COCHRAN: --as a analyst it says. What is exactly is that and your position there, how would, what's the relation to this particular, you know, responsibilities of this board?

MR. ESMERALDA: Okay, actually I was recently promoted to associate and my duties there is well I'm a planner. So we work with developers on getting the necessary permits and entitlements for their projects. Don't think there's a direct relationship between what I do and what the real property tax review board does. So, yeah.

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

CHAIR HOKAMA: Okay, thank you very much. Mr. Couch, any questions for the nominee?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and thank you, Mr. Esmeralda, for being here. I just noticed that you did work for the County of Maui for a couple months. Was that an internship or

...

MR. ESMERALDA: Yeah. I was hired as a private contractor with the Maui Redevelopment Agency and the current Planning Division.

VICE-CHAIR COUCH: Oh okay. And then the other stuff for the City of Spokane or Eastern Washington University, that was more consulting kind of stuff?

MR. ESMERALDA: With the City of Spokane it was an internship, and then with Eastern Washington University was employed work.

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

CHAIR HOKAMA: Okay, thank you very much. Ms. Baisa?

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

MR. ESMERALDA: You're welcome.

COUNCILMEMBER BAISA: And I'm very happy to see that the younger generation is stepping forward, it's nice to have you. Just a quick question trying to understand your familiarity with the stuff you'll be working on. Are you an owner of real estate on Maui?

MR. ESMERALDA: I'm not.

COUNCILMEMBER BAISA: Not yet.

MR. ESMERALDA: Not yet.

COUNCILMEMBER BAISA: Yes, I understand in today's world it takes quite a while before one can, you know, get ahold of something like that, it's getting so expensive.

MR. ESMERALDA: Right.

COUNCILMEMBER BAISA: I see but you are familiar more or less with our property tax system.

MR. ESMERALDA: Yes.

COUNCILMEMBER BAISA: Well, thank you very much for volunteering. Thank you.

MR. ESMERALDA: Thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair, and thank you also for offering yourself up for this kind of service. Ms. Baisa asked the same question I was going to ask. Because I think it's important to feel what it's like to get taxed --

MR. ESMERALDA: Right.

COUNCILMEMBER WHITE: --and the degree to which you're being taxed to really have a good feel for the folks that are going through the appeals process. So I appreciate having youth and energy on our boards. So from that standpoint and, you know, with your background I think you're probably gonna do a good job and bring a good perspective, but please keep in mind what it must feel like to be taxed as you take on those responsibilities.

MR. ESMERALDA: Right. Thank you.

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COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Guzman, any questions for the nominee?

COUNCILMEMBER GUZMAN: Nothing further. Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And many of the questions I would've asked has been asked and I agree with the same sentiments as my colleagues here. But let me ask you this question in the overall you've gone online, kinda got an understanding. What do you understand your responsibility to this point for, to this Commission? What would your task be from your perspective by reading up what you have to this point?

MR. ESMERALDA: What I take away from what I've reviewed so far is --

COUNCILMEMBER VICTORINO: So far, yes.

MR. ESMERALDA: --to serve on the board and to hear the appeals that are filed by the taxpayers in the County. And then to just make a decision on whether the appeal is valid or not.

COUNCILMEMBER VICTORINO: Okay, no, no and I think that's, you know, kinda summarizes it in a nutshell. Obviously if you are a real property taxpayer you have a better feel and understanding on that one.

MR. ESMERALDA: Right, I understand that.

COUNCILMEMBER VICTORINO: But I understand buying real property in Maui today for young people is not the easiest thing.

MR. ESMERALDA: Right.

COUNCILMEMBER VICTORINO: In fact, probably one of the more difficult tasks we face, yeah. And wasn't that much easier when I was your age but it was a different time and a different method we could do it then. Anyhow I think you will do a good job also and I wish you nothing but continued success and thank you for serving, and Mr. Chair, I await your recommendation. Thank you.

MR. ESMERALDA: Thank you.

CHAIR HOKAMA: Thank you. Members any other questions you may have for Mr. Esmeralda? I'm assuming even if you're not a current property owner you're renting or leasing --

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MR. ESMERALDA: Yes.

CHAIR HOKAMA: --something for your housing. So you do get impacted in a sense, 'cause the owner normally will adjust rent or lease rates --

MR. ESMERALDA: Right.

CHAIR HOKAMA: --according to valuation and taxation. So it's something you can I guess will be better able appreciate from that perspective also.

MR. ESMERALDA: I think so, yeah.

CHAIR HOKAMA: Yeah. I would agree with the some of the comments from the Members. I believe it is important that we have our younger people step up into governance, 'cause eventually all of us will be depending on people like you to continue to carry on the good work of our County and to ensure the fairness to all our citizenry. So I thank you very much for volunteering. But before you go I'll ask Mr. Buck since Mr. Buck is here also to represent the Administration if they have any comments they wish to share regarding this consideration?

MR. BUCK: Yeah. Thank you, Mr. Chair. It should be also noted that he's educated in Hawaiian history and political science. He's attentive to detail and organization and has expressed an interest in serving the board. He also's indicated to us his employer has authorized him to take the time needed to serve our community in this capacity should he be confirmed by the Council. Thank you, Mr. Chair.

CHAIR HOKAMA: Okay. Thank you very much and thank you for that reminder to us. There will be a period where, you now, the appeals must be adjudicated.

MR. ESMERALDA: Right.

CHAIR HOKAMA: And so again I'm appreciative that you and your employer understand that during the appeals period it's critical for your ability to attend and assist in the decision making of those appeals before the board. So you are quite aware of those responsibilities, Mr. Esmeralda?

MR. ESMERALDA: Yes.

CHAIR HOKAMA: Okay, any concerns regarding the position you are being nominated to?

MR. ESMERALDA: Not at this time, Chair.

CHAIR HOKAMA: Okay, very well, thank you very much. Anything else, Members?

COUNCILMEMBER COCHRAN: Chair.

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CHAIR HOKAMA: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Buck, for being here and putting in the comments in regards to your background with Hawaiian culture and as in your, what you hope to contribute. So my question is, how are you wanting to contribute or incorporate your appreciation and knowledge of Hawaiian culture and the Maui lifestyle which you stated in your comments for in the app?

MR. ESMERALDA: Just oh at any capacity that I can. I am interested in serving the County, like I said, and working with the County and any opportunities that come up for me to provide my knowledge and from my background I'd be happy to.

COUNCILMEMBER COCHRAN: Okay, thank you again for being here. Thank you, Chair.

CHAIR HOKAMA: Thank you, anyone else? If not, Mr. Esmeralda, thank you very much for making yourself present.

MR. ESMERALDA: Thank you, Chair.

CHAIR HOKAMA: We appreciate getting to know, put a face to the name that we are considering so we appreciate your presence, and again we thank you for your willingness to serve the people of the County of Maui.

MR. ESMERALDA: Thank you, Chair. Thank you, Members.

CHAIR HOKAMA: Please have a seat. Members I am going to recommend that we place the name of Mr. Bryan Esmeralda on Exhibit "B" for approval to the Counsel for final action. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution appointment of a member to the Real Property Tax Review Board for the County of Maui by putting Mr. Bryan Esmeralda's name on Appendix "B".

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

CHAIR HOKAMA: Thank you. We have a motion made by Mr. Couch, seconded by Ms. Baisa. Discussion members? Having none, all those 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 and thank you again for your presence, Mr. Esmeralda.

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

ITEM PIA-2(34): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(BOARD OF VARIANCES AND APPEALS) (CC 13-42)

CHAIR HOKAMA: May I direct you now to Policy Item 2(34), also under the heading of **NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**, subheading specific regarding the **BOARD OF VARIANCES AND APPEALS**. We have, Members, from the Mayor, a nominee of Mr. Raymond Sung. Sung, my apologies sir. Mr. Raymond Sung and this will be for term expiring March 31, 2016, due to a resignation. So I'll ask Mr. Sung if he would please come forward, introduce yourself please and share comments with us regarding your willingness to serve on this board, please.

MR. SUNG: Thank you. Good morning and aloha, Chairman Hokama and members of this Committee. My name is Raymond Sung. My nomination is before you today to become a member of the Board of Variances and Appeals. By profession I am a self-employed transactional attorney licensed to practice in Hawaii and California and I specialize in business and commercial law. My wife and I and our two children live Upcountry. And I believe very strongly in serving the communities in which we live and of which we are members. So I volunteer as a Director on the Boards of Directors of the Seabury Hall Parents Organization as well as of our Homeowners Association in Pukalani. I and my colleagues on the homeowners board have responsibility for reviewing and deciding on homeowners applications for variances and appeals based on our community's CC&Rs and design standards. And I have a skill set and experience as an attorney that I believe would be a valuable contribution to the board. That experience and skill set includes structuring, analyzing, negotiating, and drafting transactional documents, and advising on the legal and practical consequences of noncompliance. I also through my experience have learned to appreciate understanding the real world interest and needs of the people who are most affected by those documents and transactions. I believe I'm a good listener and I can fairly evaluate the issues before the board. I would like to be able to examine and understand the rules

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and regulations and make good decisions and practice the highest ethical standards if I were to serve on the board. I would like to contribute my skills and experience and most importantly my time in serving in serving our community as a member of the Board of Variances and Appeals and I thank you for your favorable consideration of my nomination. Thank you.

CHAIR HOKAMA: Thank you, sir. If you'd please wait for us for a few moments while I ask Mr. Buck if he has anything he would like to share with the Members at this time, please.

MR. BUCK: Yeah. I really have no additional comments 'cause I think he covered about all I was gonna say so.

MR. SUNG: Sorry about that.

MR. BUCK: He saved me the speech.

CHAIR HOKAMA: He did a great job.

COUNCILMEMBER VICTORINO: He did.

CHAIR HOKAMA: Mr. Carroll, any questions for the nominee?

COUNCILMEMBER CARROLL: No questions, but I think this candidate would be a very positive asset to that committee. Thank you.

CHAIR HOKAMA: Thank you. I'll reverse, Mr. Victorino, questions?

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. And really not too many questions. This guy is very impressive. Thank you. I mean you came well prepared and you sound very much like an attorney. Just ready to go and I'm very impressed. I have one quick question and how long have you lived here in Hawaii, on Maui?

MR. SUNG: Coming up on three and a half years.

COUNCILMEMBER VICTORINO: Three and a half years. And so you understand the different dynamics of the cultures and the way we here in Hawaii and Maui how we live our lives you've got a good understanding of that?

MR. SUNG: I am humble enough to realize that I don't understand completely but I do my best to try to understand and am constantly learning and can appreciate the differences between how we do things here on Maui and how things are done on the mainland. And I would not be so arrogant or ignorant to assume that the way things are done on Maui are the way things are done here.

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COUNCILMEMBER VICTORINO: Yeah, well thank you and I'm very impressed with that answer, you know, at least you admit and that's something that I can look at any person and be very humbled with the fact that they will admit they're still learning 'cause the learning is lifelong.

MR. SUNG: We're always learning.

COUNCILMEMBER VICTORINO: Yeah and so no matter where you live like the old saying when in Rome do like the Romans and I appreciate that. So that, you know, recognizing our differences here versus LA and other areas that you might have lived in. So thank you and I welcome you here and I think I'll wait for Mr. Hokama's recommendations, but I think you're a tremendous asset and look forward to you being a community member also. You know.

MR. SUNG: Mahalo.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I don't have any questions. I think that Mr. Sung is well qualified. I do know him. He does, his children also go to Seabury so I think he's very well qualified, will serve the board well and his background and having that legal education and technical skill, so I would hope that the Members go along and support his nomination. Thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I had a great conversation with Mr. Sung last week over the phone and I appreciate his reaching out to us, and I think having somebody who's a transactional attorney who's got an eye for detail and making things understandable is probably a very good trait to have on the Board of Variances and Appeals, because it's a, it is a board that requires a lot of thought and fairness, and I'm sure that his background is gonna help the board and so I would support his nomination and I thank him for coming down today. Appreciate it.

CHAIR HOKAMA: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you, Mr. Sung, for being here. I couldn't meet with Mr. Sung personally so I too had a phone interview with him. And it was delightful. I am happy to say he lives in my district and he's a certainly a welcome addition and he certainly is very familiar with what is going on and he brings excellent credentials. But more than the credentials he brings a wonderful attitude, you know, he's moved into our community, has tried to be a part of it and is willing to contribute and that's really admirable. I think he brings excellent skills to this kind of a situation where you're dealing with appeals to existing laws and ordinances and whatever. I know that he will be able to handle it very well. And so I am in full support of the nomination. Thank you.

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CHAIR HOKAMA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I just have one question just to get as much on the record as we can. Is your time commitment...this one is probably one of the busier boards so you would have to do some homework as well as your meeting time commitment as well. How you fixed for that especially it looks like you travel back and forth to LA a lot.

MR. SUNG: Actually I don't travel back and forth to LA.

VICE-CHAIR COUCH: Oh.

MR. SUNG: Not as much as my parents probably would like, although I've made it clear to my clients on the mainland that I'm available to travel if needed. Due to the wonderful advances of technology I can do most of the work by remote and frequently do so. I think that having my own law practice and being more in control of my schedule as opposed to working for another law firm with partners and I am better positioned to have control over my schedule as much as anyone can. And I am prepared to make the time commitment and I am not adverse to reading and doing homework even in off-hours.

VICE-CHAIR COUCH: Okay.

MR. SUNG: Thank you.

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

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Sung, nice to put a name to the face. I too had the opportunity to talk story over the phone with him and it was a wonderful exchange. And Mr. Couch touched on the part hearing, you know, his firm based out of LA, I thought well, how do you, how are you gonna commute back and forth and, you know, have the time so he just explained that concern that I did have. So I'm glad that it is on the record and out in the open, 'cause that was my question that so everyone else could understand 'cause that was one of forefront of my questioning with him. But had a great talk and go Seabury, thank you for being here. Thank you, Chair.

CHAIR HOKAMA: Ooh, from a Luna.

COUNCILMEMBER COCHRAN: Hey, went Seabury.

COUNCILMEMBER BAISA: Go Sabers.

CHAIR HOKAMA: Ms. Crivello?

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COUNCILMEMBER COCHRAN: Yeah.

COUNCILMEMBER CRIVELLO: ...(*Clears throat*)... Excuse me. Thank you, Mr. Sung, for being here. I wanna thank you for putting in your application. Can you kind of, you touched on being on the board for your homeowners as far as listening to any appeals that come from your homeowners with your association or before your association, can you kind of expand on what you meant by?

MR. SUNG: Well our CC&R open bylaws do provide for a mechanism to listen to requests for variances as well as provide for the process for appealing any decisions. So we've, I've been on the board for now two and a half years and there has not been an, a formal appeal yet made for us to hear, but we have heard various variances, some that we've granted and some that we have not, and so that is part of the process. And if and when a appeal request were to be formally made and then we would abide by the CC&Rs and the bylaws and go through that process to hear the appeal.

COUNCILMEMBER CRIVELLO: Okay. So the variances that your homeowners are asking for any kind of process, is it in relation just to your CC&Rs or does it have to do with building?

MR. SUNG: Well, our community CCRs do have a provision that make them subject to any overriding provision of applicable statutes and ordinances. So to the extent that our CC&Rs provide greater restrictions or parameters that need to be adhered to and a homeowner finds himself or herself in the position of not being in technical compliance or prospectively planning to not be in technical compliance, they would request a variance and we would consider that.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR HOKAMA: Okay. Thank you very much. My question, I don't know if it's a question, I would just ask that you keep in mind I have a great sense of where this Committee's gonna go this morning, but part of your, you know, the variance and appeals board has a difficult at times decisions to make regarding to follow the laws, the ordinances, specific rules that apply, but one of the things that I would hope you keep in mind, sir, is that every part of this County is slightly different and so for the needs of Molokai, the needs of Lanai, even on Maui island, some of our communities have been developed, maintained with the new growth of new housing and new type of developments. Sometimes a broad general law doesn't take in account some of those unique qualities that makes us very special, and those appeals will come before more than likely the board that you're being nominated for. And for me it's not a cookie cutter, black and white decision many times. It takes into account the locality, its history, its people and what they desire to maintain that makes that unique part of Maui County a very special place. So I share that with you, I don't know if you have any comments you might wanna share with us regarding my statement, but I hope you can appreciate that we are a unique County, we are multiple island County, each island has its own slightly different ways of doing things also. And that it's

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something to be appreciated and not just I would say regulated through a County Code or a County department rule. Yeah, any thoughts, Mr. Sung?

MR. SUNG: Why thank you, Mr. Chair, for sharing those concerns of yours and I do recognize and as I've said before one is always learning, one never stops, and so I would look forward to keeping those concerns in mind when I try to make as fair a decision as I can.

CHAIR HOKAMA: That's all we can ask of you to do the best you can. Do you have any closing comments you wish to share with the Members before we move on, sir?

MR. SUNG: Just to say thank you very much for considering me and I appreciate having the opportunity to serve if you so confirm the nomination.

CHAIR HOKAMA: Thank you. Members, any other questions for our nominee this morning? Thank you very much for your presence. Again, we appreciate getting to see a face and getting to know the individual, so thank you for making the time and again we appreciate your willingness to volunteer and serve the people of the County of Maui.

MR. SUNG: My pleasure, thank you very much.

CHAIR HOKAMA: Thank you, sir.

MR. SUNG: Thank you.

CHAIR HOKAMA: Members, your Chair is gonna recommend that we forward the name of Mr. Raymond Sung to -- Mr. Sung, excuse me on it, Sung, I said it right the first time, for Mr. Sung, thank you, sir, my apologies for the mistake -- for Exhibit "B" to approve to forward to the Council for final approval. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution entitled APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS; and placing Mr. Sung's name on Exhibit "B".

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

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

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, no. Motion carries with nine ayes. Thank you very much for your presence, sir.

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

ITEM PIA-3(6): HAWAII STATE ASSOCIATION OF COUNTIES (“HSAC”) (2015 HSAC LEGISLATIVE PACKAGE) (CC 13-43, CC 14-176)

CHAIR HOKAMA: May I direct you please now to Policy Item 3(6). This is under our heading of the HAWAII STATE ASSOCIATION OF COUNTIES, specifically the subheading would be the 2015 HSAC LEGISLATIVE PACKAGE. We have received let’s see, a few considerations before the Committee this morning. We have one from Ms. Baisa, County Communication 14-176. We also have correspondence June 18, 2014, from Councilman Mel Rapozo, HSAC President, providing us with a timetable regarding the proposed legislative package. We have from July 30, 2014, from Committee member Victorino a proposed resolution which is APPROVING FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATIONS OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE COUNTIES’ SHARE OF TRANSIENT ACCOMMODATIONS TAX REVENUE. As well as a correspondence dated August 1, 2014, also from Mr. Victorino, with a proposed resolution APPROVING HAWAII STATE ASSOCIATION OF COUNTIES’ LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION. This morning I will ask Mr. Victorino as our representative on the State Executive Committee if he has some comments for us, please.

COUNCILMEMBER VICTORINO: Thank you Mr. Chair and I will yield to Ms. Baisa but I just want to and we’ll go more into details at a later point if you don’t mind, Mr. Chair. On the Legislative priorities I wanted to make sure people understand that this really is a methodology for HSAC to have various priorities throughout the State for the counties so when issues occur at the State Legislature that we don’t have to come back to every county and ask every council in every county to ask them if we can take on this issue. You and I well know and a lot of us in this room and many and the public understands that when the Legislative Session starts it’s very fluent, things change, things come up, bills that were going one direction changed to go to another direction, and so we must be more proactive to be able to react to different changes. So if we

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have priorities this enables the board to say okay, this is part of our priorities, like for example right now, two of our priorities is fiscal or home rule, these are some of the priorities that HSAC has in their bylaws and so that helps us to move in certain areas. We're allowed and not have to come back because most of the councils at that point in time are in their budget session so to have special meetings to discuss a certain issue sometimes makes it very, very improbable and unlikely. So we're hoping that this will give us an opportunity to be able to bring things forward if they fall under the various priorities as listed below. So I'll let Ms. Baisa start and then I'll go more in details after that as far the priorities and our Legislative Package as we hope to bring forward, Mr. Chair. And you as NACo President, I wanna say thank you very much, because you've been a part of this process for many, many years and truly understand. And I think we have seen a real paradigm change in how we approaching as councils, as counties with along with each of our mayors, and I'll let Ms. Baisa discuss a little bit about that because we had a meeting last week, two weeks ago and we've discussed some of the priorities or some of the issues that we wanna bring forward and combining all our forces together. So thank you, Mr. Chair.

CHAIR HOKAMA: Thank you very much. Ms. Baisa, any...anything you wish to share with us at this point?

COUNCILMEMBER BAISA: Thank you very much, Chair, just a few brief comments. I'm very excited about the fact that HSAC is really looking at Statewide participation in getting things through the Legislature. You know, I see, I view HSAC as a very powerful organization that I believe has been underutilized for a long, long time. You know, when you have four counties, four counsels, four mayors getting together and saying hey, State, this we are the State so kinda listen to us, that is a very powerful message and I think we need to make the most of it. And so we tried it out last year and it worked very, it worked well but we want it to be better this year so I want us to get going early. We have the timetable that we got from HSAC before us and it's very tight. On August 29th is the deadline to receive proposals from each county to be included in the 2015 HSAC Legislative Package. So I thought it was imperative that we call attention of each county to getting this done because we do want to be part of that Legislative Package. We also are hoping that the Council of Mayors will also adopt, you know, the same package and of course they'll have their own additions. But we want our stuff in their package. So that we're speaking with one voice and, you know, we know that after yesterday there's going to be a lot of change at the Legislature administratively as well as in the organization of the Legislature, and so we have to be prepared and we have to start doing our work. We cannot show up at the Capitol on the third Wednesday of January and assume that everything's gonna be okay. We need to start today and so I'm very excited and thank you very much for putting it on the agenda, and we have a proposal before us that we can discuss today but I think there may be others. So thank you very much.

CHAIR HOKAMA: Okay. Thank you very much. Members, is there anyone wishing to give some general comment at this time? If not, I will, before we start I'll just also share a few comments as we move along with this item on the agenda today. I think what we're doing is very thoughtful and being preemptive in positioning the counties' positions on a very important issues

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that will be before the State Legislature. My only slight hesitation, Members, and I hope you can appreciate within the cycle is that things still can change November. Okay, we still have a general election to do and we still have races too that needs to be decided upon. But I have I believe that it is responsible for this Committee to get the ball rolling. 'Cause I can assure you there's many other balls that are not stopping either, they're continuing to maintain their momentum, especially a momentum of success that we've had last year so I would agree with Ms. Baisa and Mr. Victorino. So why don't we just first of all take the first more specific, it is a specific consideration which is from Mr. Victorino regarding a resolution, and he also has assisted us by attaching a proposed Bill for an Act, under the title relating to Transient Accommodations Tax, and this would be to I guess us for us to go back to the old 44.8% of the revenues collected. Although we have as we currently know and for the community to understand, we're in the middle of a two-year general agreement, if I can call it that, for us to get a few cents back that is what we believe is the counties' appropriate revenue. So I'll ask Mr. Victorino first since you proposed it, any comments at this time, Mr. Victorino on the first Item which is regarding the TAT?

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. And as I put forward, the basic premise is simply getting back what we deserve. Yes, I know we're in a two-year period which also if you recall the Legislature has proposed and still hasn't brought together a task force to review the specific usage of these monies by the various counties. If there was something that came across loud and clear from some of the Legislators and the Administration is that they wanted to know specifically how we utilize this money. We talk about police, we talk about lifeguards, we talk about parks, we talk about various entities. But they wanted it more specific and I think it's time, you know, I agree, maybe it's time to show 'em. Because I think they'll be very surprised how much beyond the monies we received we actually expend to take care of our visitors here in Maui County, roadways, I mean we can go on and on and on, you know, so I won't belabor the point. This is and again I want thank my colleague, Mr. White. Because he was very instrumental in giving the numbers to us and obviously the numbers changed from year. Mr. White would probably attest to that. But this would be a methodology of getting back what all of us believe to be our fair share. Now whether we get it or not, it's gonna be very interesting. As Ms. Baisa mentioned we're gonna have change administratively. We don't know who and what but we'll have a change in the Administration and we will definitely have changes in the Legislature both the House and Senate. To what degree none of us know and it will be November 4th before we really realize the true impact. But like Ms. Baisa mentioned, we cannot wait till that point, obviously we need to move on these issues. We need to make sure we get all our ducks lined up. I think this very important whether they're just TAT and I know there's others out there, environmental and we still have the litigation issue still that has not gone away, we just got a three-year extension. There's many things still out there that to be worked on. But this was just one of many and I think this is what the counties and the mayors have always kind of homed in on was the TAT and getting our fair share. So that's why this is brought forward. There's others, I know there's others and I'd like them to come out too because what we wanna do is go down there hand in hand with HCOM and our chairs and say hey, this is what we like and get maybe one, two, maybe possibly three what we call complete State priorities. All the Counties agree upon this so when we walk in to the Legislature, when we walk in and say we

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need this, we really speaking for the whole State. 'Cause they have and you know their methodology, what does Maui County think of this, what does Maui County need, you know, they divide and conquer. No, we wanna go in as a united front. And we did this, this past session to some degree of success. But we cannot let it go to the wayside. We must continue on this track and so I'm very happy to say that serving with you and Ms. Baisa and all the rest of our colleagues, having them coming down from not only this County but all the counties have made a tremendous impact. We are being noticed that we haven't been for a long time. We were being underutilized and now I believe we are being recognized and I think that's very important. We've gotta work collaboratively. It's not us against them or them against us. It's we and I think that's what we try to come across it last year is it's a we. We are the State and we need to work together 'cause our problems here on Maui exist maybe on the Big Island, on Kauai, Oahu, maybe in a bigger way and different manner but they still exist and solutions can be done Statewide. We just gotta sit there and put our heads together. So that's my take on this and this is what I wanna present to the Members here and if they have other questions or comments and other issues and I know there are some out there, I welcome them 'cause HSAC welcomes any suggestions and any ideas. Thank you, Mr. Chair.

CHAIR HOKAMA: Okay, I'll ask Ms. Baisa before I ask the other Committee members for their comments. Ms. Baisa, anything else you wish to add?

COUNCILMEMBER BAISA: No, Mr. Chair, I think Mr. Victorino did an excellent job of explaining why we are on this TAT thing here. We have to keep the pressure on, it is our money, we earn it, we spend it, and I think that we would have no problem in documenting what we spend. Problem is we might forget some stuff but there's tons of it and it would far exceed the amount of TAT that we're being given. I don't have any doubt about that and I'm sure that we can get that information from our financial people in the Administration to justify. But we need to start collecting that and as Mr. Victorino says, there's supposed to be task force or committee or somebody to do this. But we may have to push the issue. Because I hate like I said for us to go January and not be ready. The sooner we have information in hand, the sooner we start meeting with players, and like you say Chair there will be changes. We know, you know, we had some surprises yesterday and we're gonna have some more and I may not be here. But, you know, I'd certainly like to prepare everything so that if I'm not here whoever comes has it in hand, you know. We cannot operate waiting for decisions to be made. We have to take the bull by the horns and let's go. Because this is money for our County and we need it, you know, the tourists keep coming. Hurricane or no hurricane, my goodness it was a really interesting, too, as we watched the watch unfold to hear about all the tourists and where they were and how they were being taken care of and, you know, it is an issue for our community. It's a big issue for our community and we need that money and so it's not it's just one issue, you know, TAT is just one issue but it's a big issue it's a money issue. We all know that without money nothing happens. So we need to make money a priority whether we like it or not. And so I'm really excited that we're here today doing this and I really encourage my Members. I encourage the public to let us know if they have Legislative priorities. What do they want us to do, tell us now so that we can do the ground work. Thank you.

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CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR HOKAMA: Something that you take great interest in for our behalf.

COUNCILMEMBER WHITE: Well I been dealing with TAT for almost as long as I've been alive it seems. But, you know, for me like Ms. Baisa said it's a fairness issue. Because the money is generated here on Maui and it goes to Honolulu, and certainly everyone supports a good chunk of the money going towards the marketing efforts from the Hawaii Tourism Authority. But one of the things that we're paying for is the Convention Center on Oahu and we don't get much benefit from that. But set that aside, what took place several years ago was that the rate of the TAT was increased. Well, that tax increase took about \$24 million more out of Maui's economy that's not in the visitors' pockets to spend on activities or restaurants or retail or whatever else they would like to do here on Maui, and in return we got just this year \$2.3 million dollars back so we got 10 percent of what they took instead of our normal amount. So I appreciate this being brought up again. I think it's something that we need to continue to go after because Maui generates and this is a rough estimate but it's, we generate about a \$110 million a year in TAT and we get back now about 23. So it's time that the Legislature live up to the promises that have been made in the past and provide us with the share that they promised us a long time ago. And we all know that certain priorities change and there are financial challenges that the State is facing just like we are. But it's important I think for the government entities to live up to the promises that they make. And a deal's a deal; don't go back on it just because your wallet showing up a little bit shorter than somebody else's. Their tax revenues have significantly increased since the time they implemented the tax and it's important for them to realize that, so. Thank you very much Chair for bringing this forward and I also wanna thank Ms. Baisa for being the push at the HSAC level to get things put front and center and to pull the various counties together in ways we haven't seen in a while. So I appreciate her efforts and those of yourself and Mr. Victorino and the others that have gone down to the legislature to push the various issues that are very, very critical to us. Thank you.

CHAIR HOKAMA: Thank you. One thing I can before I recognize Mr. Guzman I will say definitely also works is like how we've asked nominees to come. Well I think when we go down it's harder to say no in our faces.

COUNCILMEMBER WHITE: Absolutely.

CHAIR HOKAMA: Okay and that's why active participation being visible is also part of the success that I think Ms. Baisa and Mr. Victorino has done a great job with, being visibly present and being available to respond to a changing dynamics. But I'll also say before I recognize it's interesting that the Legislature members ask us what we do. They live in our communities like everybody else okay so something's not right if they're not paying attention to what the county's doing in their own community that they live in. Something's not right. Mr. Guzman?

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COUNCILMEMBER GUZMAN: Thank you, Chair. I just would echo my colleagues' concerns and I also agree with you in that statement that you just mentioned. But yeah, I think the time is appropriate for us to start planning. It's always appropriate to start that ball going and so I would support this. Thank you. Thank you, Chair.

CHAIR HOKAMA: Thank you. Mr. Carroll? Any comments, Mr. Carroll?

COUNCILMEMBER CARROLL: Not at this time, Chair.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: I too wanna thank our Chair Gladys Baisa for taking this proactive approach with Mr. Victorino and to have us front and center in dealing with our law makers on a State level. And, you know, often when there are emergencies it's public safety and lots of times it's the visitors that we're making sure that they're safe and well protected as well as just the provisions. I mean if we look at how much we have to put out it's just, it amazes me. So I think we can appreciate being proactive and Mr. White with all of his spreadsheets can help us to understand it further as to why it is so that we're not getting our full share. So thank you.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah I accolades to the Council members who have shown face up at the Capitol and as you say it's harder to say to no to someone directly into their eyes and face than on via paper or something. I guess my question and I'm in support of this definitely but I guess my question is for whoever, Chair, yourself or Mr. White probably, the 44.8 percent that we're looking to put it to what is the total amount the County's, what is the dollar amount and thereby what is, 'cause I guess we have a temporary raise at 103 mil through 2016. But with this boost in percentage that was originally called for, what kind of monies would we be looking at I guess is my question.

CHAIR HOKAMA: I think Mr. White can give us some projected estimate, the ballpark numbers, yeah.

COUNCILMEMBER COCHRAN: Well, yeah, just a ballpark.

COUNCILMEMBER WHITE: Yeah, if we were to...the 44.8 is the total for all counties.

CHAIR HOKAMA: Yes.

COUNCILMEMBER COCHRAN: Right.

COUNCILMEMBER WHITE: So if the 44.8 were restored and Maui's current share remain the same it would result in an increase of about 16 million over what we had before they gave us 2.3 so somewhere in the neighborhood of a little under 14 million, so 13 something.

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CHAIR HOKAMA: Additional.

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER WHITE: Additional, right.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Oh, sorry. So 16 mil additional for County. I mean --

CHAIR HOKAMA: Maui.

COUNCILMEMBER COCHRAN: For just Maui?

COUNCILMEMBER WHITE: Just Maui.

COUNCILMEMBER COCHRAN: Oh, okay. Okay but the overall number which will then be divvied up amongst all Counties is what, Mr. White or Chair?

CHAIR HOKAMA: What would be the --

COUNCILMEMBER COCHRAN: You know the overall --

CHAIR HOKAMA: --the 44.8 percent.

COUNCILMEMBER WHITE: I recall it would be in the neighborhood of --

CHAIR HOKAMA: Yeah.

COUNCILMEMBER WHITE: --120 to 130 million.

COUNCILMEMBER COCHRAN: Okay.

CHAIR HOKAMA: That's the big ball.

COUNCILMEMBER COCHRAN: Right, right, right and then it gets divvied up amongst the four counties.

CHAIR HOKAMA: Yes.

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

CHAIR HOKAMA: Okay.

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COUNCILMEMBER COCHRAN: Thank you, Mr. White.

CHAIR HOKAMA: Okay. Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and I wanna echo my colleagues' sentiments as well and congratulate them on, congratulate us all on a good job of lobbying. They did most of the lobbying but I think all of us have been there some time or another.

CHAIR HOKAMA: Yes.

VICE-CHAIR COUCH: And along with the, along the lines of Ms. Cochran's question, would it be possible to throw in a whereas to say what the amount would be in say 20, Fiscal Year 2015 or something like that, just to show the big discrepancy to make it more graphic in the resolution, just one more whereas to say Fiscal Year 2015's...

CHAIR HOKAMA: I would say we could conceivably add language regarding projected estimates.

VICE-CHAIR COUCH: Yeah, something like that just to show that there's a huge difference in the cap verses what we should be getting, and that, you know, it'll be in black and white and people can say oh wow, that's a big difference in the numbers.

CHAIR HOKAMA: Yeah, that's a good comment. Members I'm gonna work with consensus on this, I'm not gonna ask for any formal vote. Is there any objections for us to --

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: --consider that type of addition in the Whereas clause?

COUNCIL MEMBERS: No objections.

COUNCILMEMBER VICTORINO: No objections. Go ahead.

CHAIR HOKAMA: Okay we'll ask Staff to assist us in revising the resolution. Any other comments, Members, regarding this specific proposal? Mr. White?

COUNCILMEMBER WHITE: Just to correct the record. I just wanna mention that the amount is closer to 70 to 75 thousand rather than the 120 to 130, that I just mentioned, so.

CHAIR HOKAMA: Okay, thank you for that correction.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR HOKAMA: Yes. Mr. Victorino?

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COUNCILMEMBER VICTORINO: And also one of the other as Ms. Baisa said, what we should also be inclusive is as close as possible an estimate in the actual expenditures directly to our visitor industry, you know, what we do and what we put in money wise for parks, for police, for fire, our rescue services, our air ambulance, all these entities that contribute great deals of to the safety and wellbeing of our visitors along with our locals, yes but really to our visitors. And when distress calls come out and they gotta go out and bring these people back in and, you know, go up in the mountains and rescue them, you know, these are expenditures that, you know, you and I well have seen, well, all of us has seen in our annual budgets, you know, the OT 'cause people don't get into trouble between 9:00 and 5:00. Not that I know of anyhow and at 5 o'clock I'd hate to have somebody say oh, I'm off duty sorry I can't help you now. I mean, you know, all joking aside that's not a funny issue. So I really think if it is possible to ask, to ask the Administration to provide us something that we could attach to this or it could be a supplement I don't know what, whatever it may be but on some actual expenditures that they have data on, you know, from the police, and the fire, and others to show what kinds of monies we're expending each and every year. Because I agree with Ms. Baisa we will definitely exceed any even if we got the full share we will still exceed what we expend versus what we receive back. So I think it's really time for us to make the reality the picture on the projection but more important the picture on the expenditures. I think that probably can be more profound for these Legislators to actually see what we spend as a County each and every year. Thank you, Mr. Chair.

CHAIR HOKAMA: No, good point, Mr. Victorino. I would agree with that and I think it's important that we move this out this morning, Members. The community, you know, doesn't see potholes or anything else in a partisan manner. They just see an issue that needs to be addressed and get the work done, and I can tell you nationwide leadership is being provided by local governments across our country because State and Federal leadership is wanting and lacking. So I can tell you now this is a good time for local governments across the country and I think that this would be a very good head start in our being proactive, that's the great phrase, proactive, and make our feelings known as well as to also inform our citizenry of the importance of being successful. 'Cause it will impact their quality of life. Any other comments on this one? I'm going to recommend, Members, that for a motion to move this with revisions as we've discussed as well as to allow Corp. Counsel and our Staff to do additional nonsubstantive changes 'cause the proposal, proposed revised proposed resolution will need to be reviewed and signed off by Corporation Counsel. Mr. -- yes.

COUNCILMEMBER VICTORINO: Mr. Chair, I move that we pass this resolution as submitted with the changes as you recommend.

CHAIR HOKAMA: Okay. Thank you.

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

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CHAIR HOKAMA: Thank you. I have a motion made by Mr. Victorino, seconded by Ms. Baisa. Members, any additional comments or discussion on the motion? Having 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.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution (Transient Accommodations Tax Revenue).

CHAIR HOKAMA: Let's bring up the second component of the item this morning, Members. And so I'll let the either who would like to start, Ms. Baisa or Mr. Victorino.

COUNCILMEMBER VICTORINO: I will allow Ms. Baisa, please.

CHAIR HOKAMA: Okay, thank you, Ms. Baisa for your comments regarding the second proposed resolution which is regarding Legislative priorities.

COUNCILMEMBER BAISA: Chair, don't really, you know, have a lot of comments on this other than to say that I am in full support of it. I think it's very important that we have priorities that are supported by the HSAC and I'd like to say that I have, I fully support the TAT, the matter of a retail sales tax, the general excise tax, open government including the Sunshine Law and Uniform Information Practices, transportation and CIPs. I did wanna make a general comment, Chair.

CHAIR HOKAMA: Yes.

COUNCILMEMBER BAISA: And it's been mentioned, you know, those of us who go to the Legislature and lobby, I wanna say that, you know, all of the Members contribute. The fact that I

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happen to be the Council Chair at this moment, you know, I see it as my responsibility to kinda take the lead, and I just want everybody to know that it's not that the other Members are not participating, because every single member brings their own personal contacts and relationships to bear, but it is because I'm the Chair that I have the opportunity to be working with the other council chairs and to attend the HSAC meetings. And then we have HSAC representatives that we have elected and that's Mr. Victorino and yourself and that's why we tend to be in the leadership here. I just want the community to know that it's not that any of the other Members are not doing their job. It's just that we have these assigned responsibilities. Also we have made use of Mr. White's unusual talents, our spreadsheet guy who can quote numbers like, you know, he just memorizes all these numbers and he knows them so well that if we need a spreadsheet showing whatever Mr. White can bring it up very quickly and so we have sent him as a representative so that he could sit there and discuss all of this with the other islands and with the Administration fiscal folks on a level that is very comfortable. I'm very proud when we send our people to Oahu. Because they represent us very well but I want the public to know that this is a group effort, this is our entire Council, and the only reason why I'm, you know, happen to be, get mentioned so often is 'cause I am very concerned when I'm there. I want us to make the most of what HSAC has to offer. Thank you.

CHAIR HOKAMA: Thank you. That was well said, Chair, well said. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you and I can, I echo the same sentiment and I've said many times in this Chamber and there it's not about me it's about we. It's we the people, we the Council, we the counties work together, working together we are able to accomplish a lot of things and we continue to move in that direction. So I concur wholeheartedly with Ms. Baisa. Again, you know, these priorities make it or enables us should there be a major shift, a paradigm that comes up that we need to move on very expediently this allows us to do that. Because it is really challenging to come back to this Council to post a seven day, then have the discussion and agree on something and then go running back down there, by that time we all know that we, it'll be done, you know that, Mr. Chair. It's gone, it's been decided upon and by the time you run in and say oh by the way, and they say oh, too late. So this gives us that at least that flexibility and I think that's all we asking for at this point time. And this is really mimicking NACo 'cause NACo has a very long list of priorities, Legislative priorities which makes us available as you as President can assign anyone of our Staffer's to go up and speak or bring in any Chair or any particular entity to come in and speak on a matter that our, that meets one of our priority list so this is why we just wanted to make sure this gives us that flexibility, that ability to walk in and say by the way HSAC doesn't agree with this. Oh, we do agree this however and then give our take on it and then, and in closing I'll say this anyone of these Council members, you know, in this Chamber or throughout the State have any ideas, they have come down. I've had you and others from other councils sit there, Mr. White and Council members from other councils throughout the State and give their manao, give their experience, give their knowledge, and it's invaluable 'cause none of us know everything, you know. I know Mr. White sleeps with those, those spreadsheets so he just whips 'em right out. But I've become very accustomed to looking at it so when I need something I go, Mike, can you get this for me and he's so gracious, ho, here you go, and it makes the job so much easier because when they can see a visual graphic or a

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spreadsheet so they can understand, our Legislators many of them too I'll say don't really understand what's going on. Unfortunately some of them don't, they don't have a concept of what's going on, so this helps them to re-visualize what we're trying to present and the fairness that we're looking for. So I thank, everyone, in this room. I thank you, Mr. Chair, because many years ago you took me under the wing and, you know, gave me guidance and helped me get started in this whole area of national and then State level participation, and I, you know, I've, I feel very good that there's got a good relationships, again that's the thing that we have down there Maui has great relationships. They recognize us. I was very proud whenever Ms. Baisa sent me down, I could meet with chairs I could meet with members of different committees. They met with me. I was very impressed that they would allow that because Maui has such a great reputation and thanks to you and our predecessors who made this very possible. So that's enough, I think I've said enough. Thank you.

CHAIR HOKAMA: Okay. Thank you. Mr. Carroll, any comments?

COUNCILMEMBER CARROLL: No comment.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you I think Mr. Victorino said it all.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Not at this time.

CHAIR HOKAMA: Mr. Couch?

VICE-CHAIR COUCH: No thank you.

CHAIR HOKAMA: Mr. White, anything else?

COUNCILMEMBER WHITE: No.

CHAIR HOKAMA: I would just ask both Chair Baisa and Mr. Victorino that this may be something we need for a mid-year type of conferencing to help work on the more specifics of the priorities. I'm happy to be supportive but sometimes I think we need to kinda fine tune it a little better so that as it happens during conference process that we know, you know, what the parameters are and what if it's within those two parameters then more than likely you can get great support. And that's something I think we might wanna consider because I think it's critical the counties keep talking with each other also.

COUNCILMEMBER VICTORINO: Yeah. And so Mr. Chair I would be more than happy to bring that as an agenda item at our mid-year conference, you know, and that would probably, I'm thinking November and I'm not sure yet about who's hosting or whatever. But we'll look at that.

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CHAIR HOKAMA: Yeah, please.

COUNCILMEMBER VICTORINO: But yeah, we'll definitely look at something like that.

CHAIR HOKAMA: 'Cause I think, you know, what you and Ms. Baisa have done already I think that also keeps us cohesive, because we're also talking with each other on issues that we all face together.

COUNCILMEMBER VICTORINO: Absolutely, absolutely, so yes, I will do that on the behalf of this Council and the entire State on your direction as NACo President. Thank you, Mr. Chair.

CHAIR HOKAMA: Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. One of the other things that I'm doing as Chair is I continued to try to pull my colleagues together and every opportunity I have where I can get four of us together I try. Because I think it's really important like you said it's about relationships, you know, being able to say hey, what are guys doing about this, what's your problem, how can we help each other? What are your solutions can you share so that maybe we can borrow? And so I think that all of us can continue to try very hard to reach out. You know, you're being the NACo President is a big advantage to us because now we not only have a local perspective, we have a national perspective and that is valuable. That comes down to our State, comes down to our counties and then we can work it upward --

CHAIR HOKAMA: That's right.

COUNCILMEMBER BAISA: --from our counties to our State to our national and so we've got a good thing going here. It's really an exciting time to be part of this effort. So again it's a group effort. Thank you.

CHAIR HOKAMA: Thank you. Any other comments, Members? If not, also I would recommend that we move out this second resolution entitled APPROVING HAWAII STATE ASSOCIATION OF COUNTIES' LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION; and allow the Staff to make any nonsubstantive changes.

COUNCILMEMBER VICTORINO: So moved, Mr. Chair.

CHAIR HOKAMA: Okay.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: I have a motion made by Mr. Victorino, seconded by Ms. Baisa. Is there any further discussion, Members?

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COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR HOKAMA: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly I wanna thank Mr. Couch for allowing me to make the motions. Thank you and I wanna say thank you to you, sir, and to all my colleagues for allowing me to serve and be a part of this. And, you know, I look forward to not only this year as you being the Chair but also as being the Rural Action Caucus Chairman which you appointed me and I thank you very much, to bring more recognition not only to our State but the ability for us to work with other counties and collaborate and bring good things at the Federal level. So thank you very much, Mr. Chair.

CHAIR HOKAMA: No, thank you, you know Hawaii's basically looked as a rural State although we do have, you know, Oahu with its metropolitan planning abilities and size. But Members, counties are basically out of 3,069, 3,000 are basically rural counties. Okay there's about 112 large urban counties that control 4.8 of the total land mass but impacts the country's economy by 85 percent. One hundred and twelve counties impacts us that way so. We are very active and we shall maintain our position of leadership. To that, 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.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution (Legislative Priorities).

ITEM PIA-68: ALARM SYSTEMS AND FALSE ALARMS (CC 14-100)

CHAIR HOKAMA: I would like to take-up one more item before recess, Members, and that may I direct you to please now at this time Policy Item 68. It is under the heading of Alarm Systems

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and False Alarms. I'll ask our representatives from the Police Department would also come and join us, please. Okay, Members, this . . . under this item we have a County Communication 14-100 from Mr. Guzman, with your proposed bill, and we also have correspondence dated August 4th, from the Department of the Corporation Counsel, with a revised proposed bill for an ordinance that impacts, amends Chapter 8.34 of the Maui County Code relating to Alarm Systems and False Alarms. I wanna thank Mr. Guzman for his original communication, but I did wanna state before we move on, the work of the Department and of the retired Chief Yabuta and interim Chief of the great work that the Department did in assisting us in the revisions so thank you very much for the good work. This morning, Members, let's see, I'll ask the Captain first to introduce himself and give us some opening comments regarding the proposal since this is something that the Department supports.

MR. KENUI: Good morning, Chair Hokama.

CHAIR HOKAMA: Good morning.

MR. KENUI: And members of the Committee. I'm Captain Clarence Kenui of the Wailuku Patrol District. I command the largest patrol district in the Department so we kinda mostly impacted by the false alarms. Of course false alarms are a tremendous problem for us. Since 1998, you know we've ran on average approximately 5,000 false alarm calls Department wide. And for what's more than 90 percent of those calls of are, were false and it just creates a huge strain on our limited resources. We believe that the changes in the ordinance, the registration of all alarm users, you know, will help us to reduce the number of false alarms in the County, you know, and improve efficiency and the effectiveness of police services.

CHAIR HOKAMA: Okay, thank you very much, Captain. Do we have any other comments? Do you have any comments? Would you like to introduce yourself, please and share any comments you have with this item?

MS. SHEPPARD: Thank you. Thank you, Chair. My name is Jerrie Sheppard, Deputy Corporation Counsel with Maui County. I've been working with Chief Kenui on those, I mean Captain Kenui on this. The document that you have in front of you attached to the August 4th correspondence does have one segment that needs an underline under the penalties in Section 8.34.070 we added the phrase "upon conviction". That distinguishes the penalties which would be criminal in nature through the court system from the fees and the service charges which are Administrative in nature to promote how this registration system is to work and be self-sustaining.

CHAIR HOKAMA: Okay, have you shared that comment with Staff already.

MR. SHEPPARD: No, that was something I just found this morning.

CHAIR HOKAMA: Okay well thank you very much for informing us. Let's see, Mr. Couch, questions on this item for either the Captain or Deputy Corp. Counsel?

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VICE-CHAIR COUCH: Thank you. Yes ...(*adjusts microphone*)... still a little loud.. The question I have is having known someone who started one of the bigger alarm companies on this island, has anybody talked to any of the alarm companies here to vet this through them as well see if it's a doable and how much effect it would have on their business?

CHAIR HOKAMA: Captain?

MR. KENUI: You know, we did have one meeting where it was a very poor showing. I think one person attended the meeting. So not much interest from the alarm companies.

VICE-CHAIR COUCH: Okay, that's interesting. The other thing would be, you know somebody who's had an alarm system for a number of years, how are they going to be notified that they need to register and what not, is that up to the alarm company?

MR. KENUI: If they've not currently registered, once the bill passes then obviously we'll find out about the alarm once we respond to that location. Once we do that then we'll advise them they'll need to comply with the ordinance and register.

VICE-CHAIR COUCH: Okay so there's not gonna be, not gonna be any kinda proactive through the alarm companies themselves saying hey, tell your customers that they need to register.

MR. KENUI: That would be a good thing to happen, yeah.

VICE-CHAIR COUCH: Okay and I think that's it for now. I'll let other Members.

CHAIR HOKAMA: Okay, thank you. Ms. Cochran, comments, questions?

COUNCILMEMBER COCHRAN: Yeah, no, not really, I think it's definitely, I, probably need to do another reach-out to the companies as Mr. Couch pointed. It's amazing that only one person I guess showed up to chime in and see what this was about, so perhaps a little more outreach and education awareness to what this is about and if it gonna be impacted, you know, on their services and businesses would be a good thing to hear and alert them about it so. That's all I have for now, Chair, thank you.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No comments now, Chair.

CHAIR HOKAMA: Thank you. Mr. Carroll? Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah and thank you very much and I think this is long overdue, Mr. Chair, and for the Police Department. Yes, I agree with my colleagues a definite proactive educational program would definitely be needed, and I'd like to see us put something forward if we do pass something like of this nature. So people understand the ramifications and also what

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they need to do, you know. I'm all for that and unfortunately I have an alarm system, my house and I, we've had a couple of false alarms. In fact about three weeks ago the police actually showed up at my house, and I apologized profusely 'cause I had called back and we had corrected it and the alarm company tried to reach the Police Department but, you know, in just that period of time of getting back and getting the response or getting the call, called off, the police showed up and that's how efficient our Police Department is so thank you very much, you know. And I apologized to the guys, I actually gave them water and said thank you very much for stopping by, but I understand because three police officers showed up and I understand that takes three policemen off the road, off of, you know, any other maybe accident or any other major emergencies there now at somebody's business or home with an alarm that has falsely gone off. So I have no qualms with that just so long as, you know, again and I thank Mr. Guzman for bringing this forward and helping us get this, but I thank you folks because you guys been working on it for a long time and I thank you very much. But I'd like to make sure that the impact although punitive and making people understand you gotta do this or else, that we don't adversely impact everybody that may really trying their best to comply. I guess that's what I'm trying to get to. You know compliance is very important but let's give some leeway. I'd be more, you know, I'd be more inclined in reviewing this to be more strict with businesses than maybe homes, because homes are a little more difficult to deal with, you know, 'cause lot of us have home systems and they have challenges, and we don't have the resources to get them to come to our home like you would have in a business. Obviously, there's a difference there. So, you know, in reading this I understand and I thank you and I, the fines they're not egregious I just, you know, again after so many times if you don't comply and fix the system then I really believe you should pay the penalty, 'cause it's costing the taxpayers money and as I say, you know, I don't want our police officers at somebody's house when there's a bank robbery or some other major event and by the time they can respond maybe tragedy's occurred. So thank you very much. Thank you, Captain Kenui, for coming forward and bringing this and thank you. And thank you, Mr. Chair, and again thank you, Mr. Guzman, for working so hard in bringing this.

CHAIR HOKAMA: Mr. Guzman, questions?

COUNCILMEMBER GUZMAN: Yes, thank you, Chair. I pretty much know the answers to my questions but I will ask the questions for on behalf of the, my Members here. So Captain Kenui, we started working on this extensively back in 2013 February, and I went to several meetings with the Department and you did present a nice I guess Excel program where a sheet where I saw how you guys broke down the expenses per what it costs the County to respond to these false alarms. You mentioned earlier 5,000 the number, was that 5,000 per month or 5,000 per year of false alarms that the Department responds to?

MR. KENUI: That was 5,000 per year.

COUNCILMEMBER GUZMAN: Five thousand per year. And roughly around how many per month false alarms do you respond to?

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MR. KENUI: It's for my District, I can speak for my District, we on average we handle about 5,000 calls for service and 10 percent of that on a good month will account for the false alarms or alarms in general.

COUNCILMEMBER GUZMAN: So from that breakdown how many of those are let's say residential verses commercial?

MR. KENUI: I couldn't tell you, you know, all I can tell you now is that there're a lot of residential alarms now, you know, and almost every business has an alarm system so, you know, then it's, I couldn't give you the breakdown though, you know, but there are a lot of alarm systems.

COUNCILMEMBER GUZMAN: And you mentioned that...my understanding was 98 percent of all alarmed responses were false but you mentioned earlier it was 90 percent so –

MR. KENUI: No, on average we have statistics that go back to 1998 to 2013 and it's ranged from 89 to 97 percent, you know, so that's why I chose 90% but it's a huge problem.

COUNCILMEMBER GUZMAN: Right and when each time of each alarm that goes off and you respond to, how many officers are usually assigned to respond?

MR. KENUI: We try to send a minimum of two because it's actually the report of a alarm activation that signifies somebody breaking into a house. So that's a two-man call. When two officers aren't available though, you know, we'll send whoever we do have so at a minimum it's one officer.

COUNCILMEMBER GUZMAN: Okay, on average on a daily basis would that be one or two that's a false alarm, two officers responding to how many false alarms per day estimation?

MR. KENUI: You know, I couldn't, maybe ten to twenty every day.

COUNCILMEMBER GUZMAN: Okay.

MR. KENUI: You know but, you know and it's a lot, I mean if you listen to our police radio.

COUNCILMEMBER GUZMAN: Okay.

MR. KENUI: You know it's a constant thing to respond to an alarm so.

COUNCILMEMBER GUZMAN: And then so, Captain, how many, how long does it take per response, like an hour or two hours that are these two officers are being held up, not held up but...

MR. KENUI: You know, from the time we receive the assignment, you know, it'll probably be a half an hour depending on the location, you know, how involved the property is. How big if it's a warehouse and obviously it's gonna take longer. You know, residential alarms are pretty quick to

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determine whether or not we did, do have a problem there. But it's real difficult to say and it varies. But, you know, to be safe there's a response time, you know, some of these alarm systems are located out in isolated areas, you know, so it's, you know, I would say maybe three and a half an hour to an hour sometimes, yeah.

COUNCILMEMBER GUZMAN: So on, I know we did some number crunching before back in 2013, in regards to how much the County would, actually spends per officer unit responding to these false alarms, and the number was given to me but off the top of my head I can't remember. Do you recall how much the County's actually, you know, estimated expenses to respond on a monthly basis to these false alarms?

MR. KENUI: You know, I've been involved in this project since 2013 and I've never, we've never broken down the cost per officer. But we do know that it takes a huge toll on our resources. You know, and, you know nationwide, I can tell you nationwide that we spending millions and millions of dollars on these responses, you know, and Maui is no different. You know, a huge amount of our resources go towards, you know, responding to these alarm systems.

COUNCILMEMBER GUZMAN: And so, also, Captain, we, in your reference to nationwide, this ordinance you basically went out and looked at other jurisdictions nationwide, and how they implement some of their false alarm ordinances as well. Is that correct?

MR. KENUI: Yes, that's correct.

COUNCILMEMBER GUZMAN: Okay and then also in 2009 Honolulu also implemented a similar ordinance such as this --

MR. KENUI: Right.

COUNCILMEMBER GUZMAN: --before us. The one thing that was I guess lacking in the Honolulu ordinance was a third party collection agency or a different I guess a third monitoring system for the HPD which basically...I don't wanna be testifying, I better ask you the question so what was the issue with Honolulu's ordinances? And what, what's the difference between their ordinance and what we've, what you've produced here?

MR. KENUI: Honolulu is basically running almost the same ordinances as us. You know, what they do though is they handle the administration of the ordinance in-house. The Maui Police Department we plant the contract that work out, you know the companies who handle the registration and fee assessments, and then it's web based and, you know, it's friendly to everybody and then we just, we'll let 'em let the companies, you know, handle that portion of it.

COUNCILMEMBER GUZMAN: And why did you, if this were to pass why would you go that route instead of doing it in-house?

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MR. KENUI: It's much more feasible for us, Honolulu's problem right now is having the sufficient staffing to man that task, you know, so for us we've already decided that we don't wanna do that and we would prefer the contract that services out. They have these management companies throughout the nation who does that specific work, you know, and that would be better suited to, for us.

COUNCILMEMBER GUZMAN: And Captain, how do you expect to appropriate monies to hire that third party?

MR. KENUI: They take a percentage of the registrations and use that money to a function off of so. I, there's no upfront cost for us.

COUNCILMEMBER GUZMAN: And that's also tied into the ordinance where you have a special fund here.

MR. KENUI: Correct.

COUNCILMEMBER GUZMAN: The alarm system fund that's within the ordinance itself, correct?

MR. KENUI: Right, yes.

COUNCILMEMBER GUZMAN: I, Chair, I have a couple amendments that need to be made but --

CHAIR HOKAMA: Ready? I can get it next time.

COUNCILMEMBER GUZMAN: --I can... Okay. Thank you.

CHAIR HOKAMA: Mr. Victorino, you have a quick?

COUNCILMEMBER VICTORINO: Yeah, before, yeah, I have a couple quick questions because, you know, he's, if he wants to make amendments then I wanted to make sure that I'm also clear on this. On the fines themselves, are these like all the other fines we have here when a policeman cites or they're fined? These fines will stay within Maui County not be going into the Judiciary like other fines?

MS. SHEPPARD: Service charges.

COUNCILMEMBER VICTORINO: No, not service charges.

CHAIR HOKAMA: No, Ms. Sheppard.

MR. SHEPPARD: Penalties now.

COUNCILMEMBER VICTORINO: Yes, the penalties now, I'm referring to the penalties directly.

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MR. SHEPPARD: No, the penalties would go to the Judiciary.

COUNCILMEMBER VICTORINO: Okay and that's, that was another thing that bothers me to no extent. Every time we make rules and laws, the money goes somewhere else and I, you know, I mean we're not gonna get in that right now I'm not, you know, but I'm not, I'm very concerning about that part. I understand the fees, the registration, all that. That stays within here, you hire a company, they do that, but if somebody is fined for false alarms that still goes to the Judiciary and has, it does not stay here in Maui County.

MR. SHEPPARD: And that would be for somebody who is refusing to pay their service charges, refusing to register, refusing to comply with the program outright being contemptuous of the law.

COUNCILMEMBER VICTORINO: Okay and now if my alarm was to go off okay, as it says here now, on the second false alarm, under Section 8.34.030, the service charge and false alarms, okay right. But it has after the second false alarm \$50. After the third false alarm \$100.

MR. SHEPPARD: That's actually bracketed information so that's coming out of this proposal.

COUNCILMEMBER VICTORINO: No, it's not, it's underlined. I am not, it is not bracketed.

VICE-CHAIR COUCH: There's a later version.

CHAIR HOKAMA: Members, may I please direct you to the August 4th response from Deputy Sheppard.

COUNCILMEMBER VICTORINO: August 4th okay, I apologize. I was right where the bill was starting, okay. Thank you. August 4th okay, thank you, got it. Let me make sure that again, you know, I just wanna make sure that okay so you bracketed the entire, okay, now you have bracketed it entirely. Okay, thank you very much 'cause that version did not.

MR. SHEPPARD: Right, and the change then will be that, that service fee will be set in the annual budget.

COUNCILMEMBER VICTORINO: That would be in the annual budget the service fee itself.

MR. SHEPPARD: Yes.

COUNCILMEMBER VICTORINO: However, the fines would be someone who doesn't comply entirely not just for false alarms. If I've complied and I get the false, two false alarms and I gotta pay whatever that will stay here and not go to the Judiciary.

MR. SHEPPARD: That's correct.

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COUNCILMEMBER VICTORINO: Okay that's more palatable for myself, thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I fully support this measure, just wanted a couple of things clarified. Captain Kenui, you mentioned 5,000 calls. It sounded to me that, that's just in your District in Wailuku, is that correct.

MR. KENUI: That's actually throughout the County.

COUNCILMEMBER WHITE: Oh, it is.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER WHITE: Okay. But then you mentioned about 500, well anyway it's very important. But one of the things I was concerned with, Chair, and maybe this is one of the amendments but under the alarm system registration. We give the, we give companies just 60 days within which to register and unless there's some sort of a notification and that seems like it's a little bit short.

CHAIR HOKAMA: I keep, Members if you would also please review --

COUNCILMEMBER WHITE: Oh yeah.

CHAIR HOKAMA: -- the response from the Department dated August, excuse me, May 15th to my April 28th letter, I believe you'll notice in the Chief's Yabuta's response to the Committee on question 2-2.b the Chief responds written notice will be sent by certified mail to the monitoring company or the alarm user. Okay, certified mail so they will be notified, Members. Okay, they will be notified and then if you look also on the last page and the Chief's response to question seven on the May 15th response from the Chief, second paragraph to the response of question seven, the Department does not see a need at this time to require monitoring companies or alarm businesses to register their business. Okay, so that's the Chief on behalf of the Department has made some comment in response to the Chair's questions that you're also posing this morning, Members. I think the Chief with the Captain and the support of Ms. Sheppard has really thought this out well, they have revised this bill multiple times because of your Chair's questions to them, and that's why I appreciate the hard work that they have done on this, and again, Members, I think this is a well thought-out piece of legislation, we still can tweak it a little bit more. I think they've addressed the concerns of notification. I think to be this great we wanna be additionally, expand the pro activeness of notification and that's something that I think through with the Department we can assist with our office of information or whether would be from our Council's Staff support when we post for the Council meeting and whatnot that we can provide detailed information to the public and businesses of Council's intensions and they can continue to give public comment at the Council level also. Mr. White?

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COUNCILMEMBER WHITE: Another clarification. Captain Kenui, how many of the false alarms are generated by governmental facilities, whether they be County or State or Federal?

MR. KENUI: It's just a small fraction. You know the National Guard will activate an alarm every now and then but really small. You know the schools also will fall under the government and then they also have alarms that get activated every now and then but, you know otherwise it's small. It's a small fraction.

COUNCILMEMBER WHITE: Okay that's good to hear 'cause I, I'm not excited about exempting government from rules that we've put on everybody else but if they're small piece of it I'm okay with that. I had one other question, Chair, but I'll let you move on.

CHAIR HOKAMA: Sure, no, no, ask it.

COUNCILMEMBER WHITE: No, I can't remember what it was right now.

CHAIR HOKAMA: Okay ...*(inaudible)*... that's a good reason. Ms. Baisa?

COUNCILMEMBER BAISA: No specific questions, Chair. I think most of it's been taken care of, I am anxious to see what the amendments are that we're talking about. Thank you.

CHAIR HOKAMA: Okay. Mr. Guzman, do you have it written?

COUNCILMEMBER GUZMAN: Yeah, I do not have it written, Chair. I have it written on a little piece of paper on my yellow paper.

CHAIR HOKAMA: You know, I'm gonna take a recess 'cause we've already passed our midmorning so if you'd work with Staff I would like the Members to have it in front of them, please. So if you'd work with Staff we will assist you once we get the main motion on the floor. Okay, we'll take a short five-minute recess. ...*(gavel)*...

RECESS: 10:40 a.m.

RECONVENE: 11:06 a.m.

CHAIR HOKAMA: ...*(gavel)*... The Policy Committee shall return to order. My apologies for the slightly longer break. Staff is assisting the Committee. We are passing out for you proposed amendments to the legislation under the Chair will take up after a main motion is accepted. So at this time the Chair is open for a motion to recommend to Council a passage of a proposed BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34 MAUI COUNTY CODE RELATING TO ALARM SYSTEMS AND FALSE ALARMS. Mr. Guzman.

COUNCILMEMBER GUZMAN: So moved, Chair.

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COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: I have a motion and a second made by Mr. Guzman and Mr. Victorino. Is there any motions for, Mr. Guzman, motions for?

COUNCILMEMBER GUZMAN: Yes, Chair. I propose amendment to Section 8.34.021 of the Maui County Code, specifically the first paragraph beginning of the second sentence. Well, I'll just wait for the second on the.

COUNCILMEMBER VICTORINO: Second, Mr. Chair. I'm sorry.

CHAIR HOKAMA: No, no, no, I need for you to read the amendment first.

COUNCILMEMBER GUZMAN: Okay thank you. In Section 8.34.021, Maui County Code, the first paragraph, beginning of the second sentence, insert the phrase "or alarm system users" after the phrase "Alarm system monitoring companies", and delete the phrase "they service, and individuals with no monitoring companies shall register their alarm system" and insert in its place the phrase "that is in service", to read as follows: "Alarm system monitoring companies or alarm system users shall register each alarm system that is in service as described herein:".

CHAIR HOKAMA: Okay.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: I have a motion to amend made by Mr. Guzman, seconded by Mr. Victorino. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. The rationale behind this amendment is to be consistent with No. 6 which is under that same Section 8.34.021. No. 6 basically says the alarm systems installed on or before the effective date of this ordinance shall be registered by the alarm system user or the monitoring company. Which basically is an option either/or so in terms of making it, the, making it a requirement to register, I feel that is more consistent to have it an either/or, either have the monitoring company register or the alarm system user. In some cases you would probably want the user to register it, or if you're a smaller monitoring company you would provide that service for your clients to register for them. So I would rather see it as an option as opposed to a mandatory requirement, and I would just like to see it be consistent with Subsection 6. Thank you.

CHAIR HOKAMA: Okay, thank you very much. Captain Kenui, do you or Ms. Sheppard have any comments regarding the proposed amendment?

MS. SHEPPARD: I can say the reason that it read the way it did was because up in our discussions we did not feel it appropriate to have alarm companies and alarm users questioning who of the two of us is supposed to register our system. And many times the monitoring company just simply

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does it for their customer and then adds it into their bill, and then that like your credit card gets renewed and you just get that automatic extra \$10 added on whatever each September, so maybe the bi-annual time the monitoring company would say hey, your bill has that additional \$10 bi-annual registration fee, your system is still registered and then the user is content to do that. That's why we said shall. And then the ones who had no monitoring system then they were required to do it for themselves. So monitoring companies would do that as part of their business service to their customer, just include the billing in their regular billing to their customer for and notifying that it's an additional for the re-registration or the registration, and then the user who doesn't have that service would be responsible for themselves. That's why it said shall.

CHAIR HOKAMA: Okay, thank you. Captain, any comments you wish to share?

MR. KENUI: No, we don't have a problem with that, that change.

CHAIR HOKAMA: Thank you. Members, discussion on the amendment...Mr. Kushi?

MR. KUSHI: Yes. For clarification, Section 8.34.021 contains three full sentences as submitted. So the amendment would just revise the third full sentence?

COUNCILMEMBER GUZMAN: Yes.

MR. KUSHI: Is the second sentence to be left alone?

COUNCILMEMBER GUZMAN: No, it's going to revise the second sentence and the first sentence is ending with registration right, Mr. Kushi? Is that what you're referring to?

MR. KUSHI: Correct.

COUNCILMEMBER GUZMAN: Yes. So...

MR. KUSHI: Second sentence.

COUNCILMEMBER GUZMAN: Yeah, the second sentence is not, is amended to alarm system monitoring companies.

COUNCILMEMBER WHITE: It looks like it's the third.

COUNCILMEMBER GUZMAN: Is that the third sentence? Where's that?

MR. KUSHI: Seems like the third sentence is to be amended.

CHAIR HOKAMA: Yeah, correct.

MS. NAKATA: I apologize Chair, yes, that should've been the third sentence.

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CHAIR HOKAMA: Okay, thank you for the yes.

MR. KUSHI: So the first and the second sentences would be left alone?

COUNCILMEMBER GUZMAN: Yes.

MR. KUSHI: Okay fine.

CHAIR HOKAMA: Okay, thank you for that --

COUNCILMEMBER GUZMAN: Thank you.

CHAIR HOKAMA: --question, Mr. Kushi. Okay, Members, again for clarification third sentence or the last sentence in the first paragraph regarding Section 021, any further discussion on the proposed amendment, Members? If not, all in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no. Motion passes with seven ayes, two Members excused - Ms. Crivello and Mr. Couch.

VOTE: AYES: Chair Hokama and Councilmembers Baisa, Carroll, Cochran, Guzman, Victorino, and White.

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Crivello.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVE amendment.

CHAIR HOKAMA: Okay we are in back...

COUNCILMEMBER GUZMAN: Chair?

CHAIR HOKAMA: Yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yes, I also would like to propose another amendment.

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CHAIR HOKAMA: Please do so.

COUNCILMEMBER GUZMAN: My proposal to amend Section 8.34.040 would be the first sentence. Replace the word “shall” with the word “may” to read as follows: The Chief may suspend the responses to any unregistered alarm system after the first response to any alarm or when a registered alarm has been delinquent in paying registration fees or service charges as described in the rules pursuant to Section 8.34.080.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: Okay, I have a motion to amend made by Mr. Guzman, seconded by Mr. Victorino. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair, and the reason why I, I’m proposing this amendment to amend the word “shall” to “may” is to allow the Chief of Police the discretion to base his decisions on a fact to fact basis. You may have in one instance where a user is really trying their best to comply and due to some uncertain unforeseen circumstances they’re not able to versus a user that is just thumbing their nose at the ordinance or the Department and blatantly disregarding the regulations. So I would rather have it as a “may” to allow the Chief to base his decisions on a fact to fact basis. That’s my rational for the amendment. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Captain Kenui, Ms. Sheppard, any comments?

MR. KENUI: No.

CHAIR HOKAMA: Okay, thank you. Mr. Guzman, your intent is those factors will be clearly stated through the promulgation of the rules that the bill will authorize the Chief to do so?

COUNCILMEMBER GUZMAN: Yes, yes, Chair that is also in the ordinance to allow the Department to promulgate their internal rules to execute the ordinance or implement.

CHAIR HOKAMA: Okay and just for community’s general information, rules that will be promulgated by the Department are required to go through an all open process. So there will be opportunity for the public to comment on proposed rules before it is finalized as your Chair understands the Hawaii Administrative Procedures Act. So there’s still public input on the final outcome of what the rules will state as the factors in determining whether the Chief may exercise his authority regarding suspension of service. Is that your understanding, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yes. Thank you, Chair.

CHAIR HOKAMA: Okay. Thank you. Members, further discussion on the amendment? Having non all in favor of the motion, please say “aye”?

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COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no. Motion passes with seven ayes, two excused.

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

MOTION CARRIED

ACTION: APPROVE amendment.

CHAIR HOKAMA: We are now back to the main motion as amended. Mr. Guzman, any additional discussion?

COUNCILMEMBER GUZMAN: Nothing further, Chair, I just wanted to put this, my statement, on the record, and I do thank you for your leadership in helping draft and facilitate further the refinement of this ordinance and working with the Department. I truly do thank you for taking the, that time and diligently asking the right questions. Thank you, Chair. Thank you.

CHAIR HOKAMA: I think this proposal will assist everyone not only the users but also assist our businesses that are in this specialty to help Maui be a safer place and allow the police to respond to the necessary calls that they needs to for public safety purposes. So I appreciate the initiative on your part, Mr. Guzman. Any other discussion, Members? Mr. White?

COUNCILMEMBER WHITE: Just one clarification, if somebody pulls a fire box alarm that has nothing to do with the business that they're in, is that considered a false alarm under the Statue or under this ordinance?

MS. SHEPPARD: This ordinance does not apply to fire alarms; it applies to more like burglar alarms. Alarms of intrusion.

COUNCILMEMBER WHITE: Okay, so it doesn't apply at all to fire alarms?

MR. SHEPPARD: No.

COUNCILMEMBER WHITE: Okay, great. Thank you, Chair.

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CHAIR HOKAMA: That was a good question for clarification purposes, Mr. White. So thank you for that question. Okay I think we're back on the main motion as amended. Members, any further discussion? Having none, all in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no. Motion passes with seven ayes, two excused.

VOTE: AYES: Chair Hokama and Councilmembers Baisa, Carroll, Cochran, Guzman, Victorino, and White.

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Crivello.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FIRST READING of revised bill.

CHAIR HOKAMA: Thank you, Ms. Sheppard and Captain, for your presence --

MS. NAKATA: Excuse me, Chair.

CHAIR HOKAMA: Oh, excuse me, I need a motion. Chair will accept a motion to file County Communication 14-100, please.

COUNCILMEMBER GUZMAN: So moved.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: Okay I have a motion by Mr. Guzman seconded by Mr. Victorino to file the Communication. Any discussion, Members? With none, all those in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no. Motion passes seven ayes, two excused.

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

NOES: **None.**

EXC.: **Vice-Chair Couch and Councilmember Crivello.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: **Recommending FILING of communication.**

ITEM PIA-1(41): LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41)

CHAIR HOKAMA: Okay, Thank you very much, we are through with this item. We need to take up two additional items today. Members, may I direct you to Policy Item 1(41) under LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41). We are in receipt, Members, of correspondence dated August 4, 2014, from the Department of the Corporation Counsel, who has given us a proposed resolution, entitled “INDEMNIFYING GARY YABUTA IN MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIVIL NO. 14-00278 BMK”. This morning we’ll ask Mr. Kolbe for comments in general session please.

MR. KOLBE: Thank you, Mr. Chair. This is a lawsuit filed by plaintiff who is a former police officer, in Circuit Court, alleging discrimination and retaliation. Based on what was in the complaint, we removed this case to Federal Court where it is now pending active litigation. This resolution requests that the County Council provide indemnification and legal representation to Maui Police Chief Gary Yabuta. Because this is an active litigation I would request that any discussions regarding the state of the case and the indemnification be done in executive session.

CHAIR HOKAMA: Okay, thank you. Members, any questions you have for Corporation Counsel or the Police Department in open session, Members?

COUNCILMEMBER VICTORINO: No, not at this time.

CHAIR HOKAMA: We have heard the, Mr. Kolbe’s request for executive session. The Chair is happy to consider that as provided pursuant to Section 92-5(a)(4) of the Hawaii Revised Statutes which

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allows us 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.

COUNCILMEMBER BAISA: So moved, Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: I have a motion made by Ms. Baisa, seconded by Mr. Victorino. Any further discussion, Members? With none, all in favor of the motion, please say "aye"?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say no. Motion passes with seven ayes two excused.

VOTE: AYES: Chair Hokama and Councilmembers Baisa, Carroll, Cochran, Guzman, Victorino, and White.

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Crivello.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

ITEM PIA-1(3): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION, STATUS, AND SPECIAL COUNSEL ADDITIONAL COMPENSATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK) (CC 13-41)

CHAIR HOKAMA: Okay before we enter into executive session, I'm gonna bring up also in general, open session Policy Item 1(3) also under the heading of LITIGATION MATTERS (SETTLEMENT AUTHORIZATION, STATUS, AND SPECIAL COUNSEL ADDITIONAL COMPENSATION: HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL 12-00198 SOM BMK) (CC 13-41). Members, as an update we have received correspondence dated July 22nd, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK". I'll ask Ms. Thomson for opening comments, please.

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MS. THOMSON: Thank you, Chair. So just a briefed update on the status of the lawsuit. As you're aware the UH, the University of Hawaii did a tracer study in 2011 and '12 that concluded that there's a hydrologic connection between the Lahaina Wastewater Treatment Facilities Wells 3 and 4 and the nearshore waters. The tracer study did not conclude that the discharge caused harm to the ocean or to the biology. The Federal District Court determined in May that the discharge violated the clean water act because the discharge occurred without an NPDES permit. So the remaining issues in the lawsuit are liability under the Clean Water Act, for Wells 1 and 2 no trace or dye injected into Well 2 is found off shore, and then moving on to the penalty phase either for the two wells that have liability determined or for all four depending on what happens for Wells 1 and 2. As far as timing, the liability phase for Wells 1 and 2 is in April of next year and then in August of next year we move on to the penalty phase. So we're requesting additional compensation for outside counsel. Thank you, Chair.

CHAIR HOKAMA: Thank you. We also have Director Ginoza present. Director, any comments in general session?

MR. GINOZA: No, nothing further. Thank you.

CHAIR HOKAMA: Okay are you gonna request executive session, Ms. Thomson?

MS. THOMSON: If the Members have any questions that we can't answer in open session I'm we're, I'm happy to answer those in executive session.

CHAIR HOKAMA: Okay, Members, what is before us as we have notified the community we do have a resolution requesting additional compensation. It is for an additional \$300,000 not for a, total amount not to exceed \$850,000. The resolution also states the history of our, the Council's funding regarding this item. Questions, Members, from you, is there any request of the Members for executive session? Okay, having none, the Chair's gonna ask again questions either for Mr. Ginoza or Deputy Thomson regarding this matter before I put the question, request the question before the Committee?

COUNCILMEMBER BAISA: Recommendation?

CHAIR HOKAMA: Okay, the Chair is recommending that we forward to Council adoption of the proposed resolution "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI; CIVIL NO. 12-00198 SOM BMK".

COUNCILMEMBER BAISA: So moved, Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

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

NOES: **None.**

EXC.: **Vice-Chair Couch and Councilmember Crivello.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: **Recommending FILING of communication.**

ITEM PIA-1(41): **LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41)**

CHAIR HOKAMA: Okay, Thank you very much, we are through with this item. We need to take up two additional items today. Members, may I direct you to Policy Item 1(41) under LITIGATION MATTERS (INDEMNIFICATION AUTHORIZATION: MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL.; CIVIL 14-00278 BMK) (CC 13-41). We are in receipt, Members, of correspondence dated August 4, 2014, from the Department of the Corporation Counsel, who has given us a proposed resolution, entitled “INDEMNIFYING GARY YABUTA IN MARVIN KALANI MILES V. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIVIL NO. 14-00278 BMK”. This morning we’ll ask Mr. Kolbe for comments in general session please.

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CHAIR HOKAMA: Okay, thank you. Members, any questions you have for Corporation Counsel or the Police Department in open session, Members?

COUNCILMEMBER VICTORINO: No, not at this time.

CHAIR HOKAMA: We have heard the, Mr. Kolbe’s request for executive session. The Chair is happy to consider that as provided pursuant to Section 92-5(a)(4) of the Hawaii Revised Statutes which

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COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: DGC, GCB, SC, MPV).

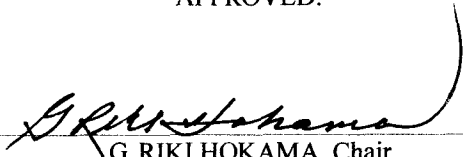
CHAIR HOKAMA: Thank you. Policy Item 1(41) is deferred and we shall have that rescheduled at the appropriate time, Members.

ACTION: DEFER pending further discussion.

CHAIR HOKAMA: So with no further business before the Committee, this meeting is adjourned.
...*(gavel)*...

ADJOURN: 11:44 a.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:140811

Transcribed by: Jean Pokipala

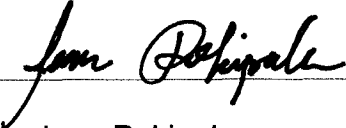
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CERTIFICATE

I, Jean Pokipala, 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 4th day of September, 2014, in Wailuku, Hawaii



Jean Pokipala