

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Council of the County of Maui

MINUTES

November 6, 2014

Council Chamber, 8th Floor

CONVENE: 9:14 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Elle Cochran, Member (In 10:29 a.m.)
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member (Out 10:42 a.m.)
Councilmember Mike White, Member (Out 12:52 p.m.)

EXCUSED: Councilmember Robert Carroll, Member
Councilmember Michael P. Victorino, Member

STAFF: Carla Nakata, Legislative Attorney
Mark Pigao, Legislative Analyst
Tammy M. Frias, Committee Secretary
Tina Thompson, Executive Assistant to Councilmember Crivello, assisting at 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 (Item PIA-2(39))
Kyle K. Ginoza, Director, Department of Environmental Management (Item PIA-82)
Michael M. Miyamoto, Deputy Director, Department of Environmental Management (Item PIA-82)
Sananda K. Baz, Budget Director, Office of the Mayor (Item PIA-82)
David C. Goode, Director, Department of Public Works (Item PIA-1(45))
Thomas W. Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-1(45))
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(45) and -1(3))
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel (In 11:47 a.m.) (Items PIA-1(45) and -1(3))
Richelle M. Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Rosemary Robbins (Items PIA-1(3) and -82)

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

November 6, 2014

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

CHAIR HOKAMA: . . .(*gavel*). . . The Council's Committee on Policy and Intergovernmental Affairs shall come to order. This is our regular meeting of the 6th of November, 2014. Present this morning, we have our Vice-Chair, Mr. Couch.

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

CHAIR HOKAMA: Good morning, congratulations to you. We have our Chair, Ms. Baisa.

COUNCILMEMBER BAISA: Good morning.

CHAIR HOKAMA: Good morning. Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR HOKAMA: And Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning.

CHAIR HOKAMA: Mr. Guzman is also joining us at this time. Excused are Mr. Carroll, Ms. Cochran, and Mr. Victorino for today's meeting. Ms. Cochran is, has a doctor's requirement that she needs to take care of. Before we work on the agenda items, Members, we shall take public testimony whereby we allow anyone wishing to provide testimony an agendized item has three minutes to speak on that item. We shall assist you with your time with the lighting at the podium. When you start, the green light goes on. At the two-minute thirty-second mark with thirty seconds remaining, the yellow light goes on to indicate you should start concluding, and at the three-minute mark, the red light goes on. If you should have a need for closing additional comments, you will request that to the Chair first before proceeding and upon being granted that additional time, you may conclude. Comments are addressed to the Chair, not the audience and I would ask that all of us give the courtesy of putting our individual devices on vibration or silent mode, please. That would be appreciated. Before we start, I'd also like to state that at the Molokai Office this morning, we are having some technical issues that we are trying to work out. We have Staff going to this office to provide that opportunity. Again, we are, our policy is to provide the best available ability to conduct those District Offices' communications for testimony. If for whatever reason, the difficulty cannot be fixed by the end of this meeting, I would say that we continue to take written testimony and as this is the Committee, you will also still have a final opportunity to give testimony at the Council level before a final decision is made by Council. So stating that, we'll ask at this time, we have one person, Ms. Rosemary Robbins, if she would please come down. She has comments for two items today.

. . .BEGIN PUBLIC TESTIMONY. . .

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

November 6, 2014

MS. ROBBINS: Good morning, everybody.

CHAIR HOKAMA: Good morning.

MS. ROBBINS: Rosemary Robbins, concerned citizen. Welcome to a new era of what we've been dealing with pretty heavily recently so I appreciate the people here this morning. The item that I would like to speak to first is PIA-1(3) and I would like to read to you from the 8, 9 and 10 excerpts that I found in the binder when I was down doing homework last week and earlier this week. So reading from that statutory background, the Clean Water Act 42 years ago in 1972, was enacted by the US Congress. It was titled the Federal Water Pollution Control Act. We all know it as the Clean Water Act and its purpose is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters". To further this central goal, the Clean Water Act prohibits the discharge of any pollutant into the nation's waters except when specifically authorized under the Clean Water Act. So if you had two catastrophes, the lesser one might be put aside while we try and work with the really killer one. However, Clean Water Act defines the term pollutant broadly to include dredge to spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked, or discarded equipment, of rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. And that applies to navigable waters including territorial seas. It also applies to surface waters and applies to subsurface water with a hydrological connection and the injection wells come under that one. So Page 9, 10, and what I'm reading this from is from a 59-page of a lawsuit, which ended up being the stage that this address is at right now. It's a 59-page lawsuit filed in the US, the United States District Court on April 16th in 2012, so this has been around for a while. The County Corporation has not been able to settle this so they hired people from another corporation to be able to do this and the County Council has over that amount of time, between then and now, passed three different financial caps, has passed two and is offering a third one today.

MS. NAKATA: Three minutes.

MS. ROBBINS: Thank you.

CHAIR HOKAMA: ...*(Inaudible)*... please start your conclusion, Ms. Robbins.

MS. ROBBINS: Yes. Uh-huh. So, they had been warned and warned in the County, finally took it to court and the Federal judge has found that the injection wells are polluting the coastal waters and ecosystems. The County said that it would only pay so much for the legal rep and then up'd it, and then up'd it again, and this morning you're going to be dealing with a resolution that says it will have gone from 250,000 to 800,000. And it's already been found as a guilty situation by the Fed court so seems to me that we need to listen to the concerned citizens who were saying you gotta do better. So let the cap be the cap. And the other issue that I wanted to speak on this morning was in terms of PIA-82, which is a performance audit in the Solid Waste Division, Department of Environmental Management. Seems like a good idea to deal with these things

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

November 6, 2014

and lift the weight that they are involved in in order to not have to lift heavier weights and financial burdens that end up eventually being on the taxpayer. Thank you.

CHAIR HOKAMA: Thank you. Any questions for Ms. Robbins on her testimony, Members? Having none, Ms. Robbins, thank you for sharing your thoughts with us this morning.

MS. ROBBINS: You're welcome.

CHAIR HOKAMA: Is there anyone else wishing to provide testimony this morning? Since we have none in the Chambers, we'll ask our Hana Office, Ms. Lono, is there anyone wishing to provide testimony this morning?

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

CHAIR HOKAMA: Thank you. Lanai District, Ms. Fernandez, anyone wishing to provide testimony, please?

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

CHAIR HOKAMA: Thank you very much. What the Chair would like to do, Members, with your consensus is to allow us, the Chair would like to keep testimony open for a little longer to try and allow the Molokai Office to at least participate and if there is someone there to give them an opportunity to share their thoughts. So I'm going to leave testimony open at this point but we will move on with the business of the Committee's agenda.

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

CHAIR HOKAMA: I am going to make one, with no objection, Members, the Chair will ask that we place the first item that we have put forward for today, PIA-1(3), toward the end of the agenda. We'll take all litigation matters together since Special Counsel is not able to be with us this morning and therefore we have additional time to take care of the other requirements of the Committee.

ACTION: DEFER to the end of the calendar.

ITEM PIA-2(39): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (PUBLIC WORKS COMMISSION) (CC 13-42)

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

November 6, 2014

CHAIR HOKAMA: So stating that, we'll move on to Policy Item 2(39). This is under the heading of Nominations to Boards, Committees, and Commissions. More specifically, this is regarding the Public Works Commission. We have received from the Mayor, correspondence dated October 15th, with a proposed resolution entitled, Appointment of a Member to the Public Works Commission. The proposal puts forth the nomination of Flordeline Vila to the Public Works Commission, for a term expiring March 31, 2017, to fill a vacancy due to the resignation of June Davis. This morning, we have Mr. John Buck, representing the Administration and I would ask if he has any comments he wishes to share with the Committee. Mr. Buck.

MR. BUCK: Yes, Mr. Chair. First of all, let me just congratulate everybody for being re-elected. I look forward to working with everybody in the next coming years. Flora, okay. As far as in regards to the nomination, Flora, Ms. Vila is a Lanai resident and our intent is, from the Administration, was to have her replace a fellow Lanai resident. We just discovered the error that we had put in your transmittal that it was to replace June Davis. June Davis is actually the Hawaiian-speaking person on the Committee so we do have another nominee to replace June but we'll have to do, in other words, what I want to try to just say, Chair, that we want to defer this matter so we can submit the, because Flora was supposed to replace Alan Fernandez from Lanai and we also have a nomination for, to replace June Davis, who would be the Hawaiian-speaking person on the Public Works Committee.

CHAIR HOKAMA: Uh-huh. Okay. For the Committee's understanding, okay, the County is currently in control of the nomination. What is our deadline for action on the initial transmittal, please? Ms. Nakata?

MS. THOMSON: Mr. Chairman, we have until December 14th.

CHAIR HOKAMA: Fourteenth? Okay, thank you. Ms. Thomson, the Council can, by the Mayor's...Chair's understanding is the Council can either adopt and accept the recommendation, deny the nominee, or take no action. Since we heard Mr. Buck explain the unique situation we are in, taking no action still leaves the nomination as is within this Committee. Does this help the Administration work out their requirements of adjustments, or is there a denial that we need to go through to allow them to submit a preferred proposal that they've brought forward to the Committee?

MS. THOMSON: I spoke with First Deputy Ed Kushi on this and he recommends that you defer this item and then allow the Administration to submit corrected information to you and then take action on both of the nominees at the same time.

CHAIR HOKAMA: Okay. You know, for me, I would like it to be as clean as possible. You know, for us, the Members who have already noted that on the cover letter of October 15th communication from the Mayor, the term that they have placed on that sheet in front of us is for a term expiring March 2017, if it's for Ms. Davis; yet by our resolution, Ms. Davis was granted a term of that would end in March 2019. So we already have a discrepancy on what is the true term of this nominee. And if it's for the Lanai one, then of course we understand it's only until 2016. I

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

November 6, 2014

prefer not to deal with many floating resolutions on one item so I'll be happy to defer it but we need this to be done much better, please. Okay, you hear the issue, the concerns. Is there any objections to deferring this matter?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: RC, EC, MPV).

CHAIR HOKAMA: Okay, thank you. Policy Item 2(39) regarding the nomination and appointment of a member to the Public Works Commission will be deferred.

ACTION: DEFER pending further discussion.

**ITEM PIA-82: PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT** (CC 14-229)

CHAIR HOKAMA: Okay, let us move on to Policy Item 82. Thank you, Mr. Buck, for your presence and --

MR. BUCK: Thank you, Chair.

CHAIR HOKAMA: --the explanation. I will ask our Deputy and our Director of Environmental Management if they would please come and join us.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR HOKAMA: Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you. We just received this response in the Mayor's Office. May we have some time to go through it, or is this something that isn't relevant at this point?

CHAIR HOKAMA: I'm happy to grant a short recess for your request, because I think it's important that we have a chance to see what we received. So we'll take a five-minute recess. . . .(gavel). . .

RECESS: 9:30 a.m.

RECONVENE: 9:42 a.m.

CHAIR HOKAMA: . . .(gavel). . . The Policy Committee shall return to order. Before we start on the work of Policy Item 82, we will go and check now with our Molokai District Office, since we have communications restored.

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

November 6, 2014

...CONTINUE PUBLIC TESTIMONY...

CHAIR HOKAMA: Molokai, Tina, is there anyone wishing to provide public testimony for today's agenda?

MS. THOMPSON: No, there's no one waiting to testify here at the Molokai Office.

CHAIR HOKAMA: Thank you very much. Hana, we'll go once more. We'll check with you again. Is there anyone else, Ms. Lono?

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

CHAIR HOKAMA: Thank you. Lanai, Ms. Fernandez, anyone else wishing to provide testimony?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR HOKAMA: Okay, one last offer in the Chambers for testimony. Having none, with no objections, testimony shall be closed for today's meeting of November 6, 2014.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you. So ordered.

...END OF PUBLIC TESTIMONY...

**ITEM PIA-82: PERFORMANCE AUDIT OF THE SOLID WASTE DIVISION,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (CC 14-229)**

CHAIR HOKAMA: Let us now go back to Policy Item 82, this is the heading of Performance Audit of the Solid Waste Division, Department of Environmental Management. We are continuing our discussions today, Members, on this item. I am hopeful we can set the parameters of recommendation, we can forward to the Chair for her consideration of an audit contract. We have received also from the Department a list of suggestions that they would like to offer us for consideration. They have five points that they have made and that is also for your use and consideration. I'll ask Mr. Ginoza as our Director regarding a November 5, 2014 transmittal, which you have responded to our request so thank you very much first, Director, for your cooperation in providing us with this information. Is there anything you would like to make in an opening comment to the Committee at this time?

MR. GINOZA: No, Chair. Thank you.

CHAIR HOKAMA: Okay. Mr. Miyamoto, anything as the Deputy?

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

November 6, 2014

MR. MIYAMOTO: No.

CHAIR HOKAMA: Okay, the Chair is open regarding the parameters. Is there any questions or ideas or thoughts you want to provide at this time? You guys want to use the, any questions on the findings and responses to the questions that the Department has provided for the Division? I will bring up one, so we can have a sense, this is on Page 2, Director, Deputy. You know on Number 4, the statement is the Division needs documentation of control system, this is about procedures, for managing, monitoring, and controlling CIP, and there are three CIP control measures are recommended: Project Management Manual, Construction Management Manual, and Quality Management Manual. Since the response is these are, I'm trying to understand the question. There is no documents at this time regarding those areas of quality control?

MR. MIYAMOTO: Mr. Chair?

CHAIR HOKAMA: Mr. Deputy?

MR. MIYAMOTO: When the Department was part of Public Works, we had one document that identified all of this. So basically we've adopted very similar guidelines to what Public Works has. We basically have those guidelines which cover these three, but the Solid Waste Division, as we're finding out, their projects are very different because there's a lot more regulatory-type requirements so we haven't developed new ones, we've just gone ahead and kept going with the general outline that we've had in Public Works and then try to fit our projects into those guidelines.

CHAIR HOKAMA: If you can answer, has the Department's maintaining this current structure created compliance concerns because we haven't moved forward to the more specific type of what the Division needs? You want me to restate the question? It's not having these updated or those controls that are more specific to the Division at this time a hindrance or an obstacle or creates additional issues for us regarding compliance?

MR. MIYAMOTO: It really doesn't hinder us from getting the projects done. I mean, it's more about the documentation and should we run into problems down the road that the audit was really concerned about. We didn't have the full documentation on all of our projects. I mean, at the time they did this study, we were somewhere between one and two engineers in the Division that had a budget over \$20 million.

CHAIR HOKAMA: Was this something the Department considered to contract out for a third-party professional consider helping to assist in development of a plan?

MR. MIYAMOTO: Since this audit, we have a consultant that we've used consistently to help start developing guidelines and recording recommendations. It's more that we want to develop this staffing in-house so that we can create some sustainability within the Division, so that's why we started putting in for more engineering-type positions to start developing it. But we have a

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

November 6, 2014

consultant that is helping us with establishing procedures and guidelines for our Solid Waste projects.

CHAIR HOKAMA: If you had to rate this from one being the most important to five least important, what kind of priority would you give this consideration regarding this control system comment? And again, you know, we're just asking for what your best estimate is at this time.

MR. MIYAMOTO: I mean, it is important to protect the County from future problems. The unfortunate thing is we don't have the staffing to execute the project and maintain the records in the manner that would be appropriate.

CHAIR HOKAMA: Okay. Will these things change if, let's say the County working together, you know, your Department and the Council to update the Integrated Solid Waste Management Plan and make it something that is more realistic regarding affordability and what we need to be in compliance with regulatory requirements? Because I read in one of your responses, you know, part of it is the current Integrated Plan was pretty much, now that's what you want in the sky and this is what you can get, but it's again, a consideration of affordability and what we can ask the taxpayers and the users to put up so is that something that needs to be considered?

MR. MIYAMOTO: Actually, as I showed in my presentation the last meeting, we've started looking at all of the recommendations in the Integrated Solid Waste Plan and some of it has been pushed into, onto the private sector. For example, a lot of the construction men, demolition and materials being sort of materials recovery facility types, they've been looking into it. So we're going to start the process of updating this ISWMP to take more into account the current actions that we have. For example, the waste conversion we feel is a significant change, rather than putting it in at the back like the ISWMP had proposed, we're putting it at the forefront because it affects all, a lot of the other recommendation, for example, like curbside recycling. You know, those types of programs will be handled with the waste conversion project, because we're going to have our, there's going to be a materials recovery facility there at no cost to the County, direct cost to the County. So we're in the process of starting the update of that ISWMP and it should help us with this. Right now, a lot of our projects are more regulatory compliance-type things like for example the gas collection systems, opening and closing new cells for our landfills, and that's going to happen regardless of where we're going in the future right now, because it's going to be several years before we can get the waste conversion facility online. So in the long run, yes, it will help us. Right now, we just need the staffing to get the job done.

CHAIR HOKAMA: Based on the current existing Solid Waste Management Plan? Is that a good understanding on our part?

MR. MIYAMOTO: Yes.

CHAIR HOKAMA: That it's based, your projections are based on what the current plan that we've submitted to the State?

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

November 6, 2014

MR. MIYAMOTO: Yes.

CHAIR HOKAMA: We're trying to comply with?

MR. MIYAMOTO: Yes.

CHAIR HOKAMA: Okay. Mr. Couch? Yes, sir?

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you for the responses here. Mr. Ginoza or Mr. Miyamoto, sorry, Michael, especially on Page 2, if you go look at number 2, 3, 4, 5, and 6. All of that seems to be a one-off, you know, get it done and you have your manuals and then you can update them as time permits. Any thought to, I know you mentioned some of this could be outsourced, have a consultant do it, any thoughts of having all this done, you know, the big bang, get it done and then use your staff, maybe one more person or whatever to continually update as opposed to hiring a bunch of staff to do all this stuff? And you know how long that takes to just hire people but then to get it done, if you do it, especially if you do it sequentially as opposed to getting a big group and get it all done in one big chunk, and if you have considered that have you come up with a potential cost for that?

CHAIR HOKAMA: Director?

MR. MIYAMOTO: Thank you. We're very fortunate in the Environmental Management Department. We have two very regulated Divisions and they're very different. For like our Wastewater Division, we have a lot of engineers, we have a lot of regulatory requirements, so we have the established guidelines. We had a consent decree that really defined how we were going to do things, and we're hoping to emulate that in our Solid Waste Division. That's something that we're looking to have consistent in our Solid Waste Division. So we have a good model that we can start emulating, but the challenge that we have in our Solid Waste Division is up until probably around 2000, around the time of this audit, we only had one engineer in that Solid Waste Division, a Division whose operating budget was somewhere in the \$20 to \$25 million range. So it was a challenge to just have one engineer handle all of the CIP. So we've added another one and we're looking to add more engineers so that we can have engineers doing this type of work rather than engineers just managing contracts to do the work for us. So we're trying to build a level of sustainability within the Division.

VICE-CHAIR COUCH: Okay. The other question I would have is I would assume that these aren't something new that you have to think out of thin air? There's these kind of operating manuals and procedures and whatnot all throughout the country. Yes, Maui is unique but trash is trash sometimes and you can tweak existing policies and guidelines, so have you looked into that as well?

MR. MIYAMOTO: Yes. We have, like I said, we had mentioned about our Wastewater side. We're, when the audit was done, we generally, you know, we were shorthanded basically. And so a lot of the paperwork, the final paperwork wasn't getting done. So that's what they saw was lacking

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

November 6, 2014

in, you know, we're, are working to establish better guidelines for our engineers now, how projects are getting done. So the procedures, we're not really looking for a consultant to help us with getting those procedures, because we pretty much have County procurement procedures and documentation procedures. It's getting the work done. For example, we had engineers that had to manage all parts of the project. He had to be the field inspector, he had to take care of all of the fieldwork so he didn't have time to take care of all the paperwork that needed to be done in office. So that's the challenge that we were running into is our engineer wasn't really able to do the paperwork, and it's been going on for years like that that she's been, she was the only engineer, my understanding, for many years. So we're growing the Division. We're growing it, we want to grow towards what we have in our Wastewater Division so we can use a lot of the information we have our Wastewater Division about policies and procedures, but it's getting the engineering help to do the work that is what's really critical for us at this point.

CHAIR HOKAMA: Okay, thank you. Ms. Baisa, question?

COUNCILMEMBER BAISA: Thank you, Chair. I'm a little confused. I was thinking along the lines of Mr. Couch. You know, having had to come up with a lot of manuals in my former life, there were always national organizations or national resources that are available, training resources or whatever and I'm sure they're available in this area because this is even bigger than, much, much bigger than when I was involved in it. So I'm sure it's available but what I'm hearing is essentially two things, lack of time, lack of money. And if you read this, it sounds like if you had enough money, you might get the time. So my concern is what is the situation with money? And I think that we need to look at that very carefully, because what I'm really hearing, the bottom line is if we had the resources, we could solve all these problems and we could get all these manuals and do all this work and do all the things that you want, but because we don't have enough money we don't have the staff to do the work. So I think we need to get to the bottom of that because otherwise we're not going to clear all this other stuff. We're going to keep hearing we can't, we wanna do it, we know it's good, it's important but we can't get to it. So I think the money question needs to be looked at. Thank you.

CHAIR HOKAMA: Thank you for that comment. Mr. White, questions at this time?

COUNCILMEMBER WHITE: Not yet, Chair. Thank you.

CHAIR HOKAMA: Okay, Mr. Guzman, any questions at this time?

COUNCILMEMBER GUZMAN: Not at this time but I do have a question but I, it might be a little bit pointed but I'll reserve that for later, thank you.

CHAIR HOKAMA: Okay, thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: I guess I'll just ditto what my colleagues have mentioned, Chair Baisa as well as Mr. Couch. If, as I highlight this I see, you know, exactly no more time, no more money, you know, basically that's what's being said, and so we're not able to, you know,

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

November 6, 2014

organize in a way that the manuals, the procedures, and even if when you talk about measurement of goals and for the goals and measures for you to determine how much resources that is needed, how are you ever going to, how will the Department ever be able to come before requesting a budget if we don't have it all in our details? So and I agree, there's, we're not the only Solid Waste people in the world that have to be in compliance. We've got Oahu probably, that can reference to what's the cost of bringing in a contractor to pull all these matters together and so that the time and efforts the Department needs can fulfill all these questions. I'm kind of dumbfounded coming from the expertise of management, you know, that there's not enough time and resources. So how do you impress upon subordinates that how we can make time with the resources we have? I think that's what I would like to hear. How do you make time with the existing resources?

CHAIR HOKAMA: Director?

MR. GINOZA: I think to really understand the, kind of at a global level, the picture of where we stand with Solid Waste, we need to look at, you know, in the, over the last I'd say decade-plus of operations, you know, we've had a lot of, more of our blue-collar staff that are in management positions, administrative positions, and very limited white-collar staff doing the administrative work that's required. And so for the last three plus years that we've been here, we've been trying to kind of reorganize the Division to have the necessary administrative resources to be able to monitor the compliance, monitor the operation, you know, better forecast budgeting and so forth, but it has been a struggle because of the nature of civil service where, you know, we can't just move people, shuffle people around. And so it is a gradual process to change from a...we serve the public at all, you know, at all costs without necessarily looking at some of the other implications of doing so. And as we try to change that mindset to take into account health and safety concerns, compliance concerns, as well as customer satisfaction, that's where we're running into this resource shortage of, like Mr. Miyamoto had mentioned, you know, we've had one, maybe two engineers. When we have a number of CIP Projects that they're concentrating on, Capital Improvement Projects that they're concentrating on and yet we do need resources to look at our operating permits and, you know, in that respect. As far as looking at other counties, I mean, that's where other counties have privatized landfill services. So Waste Management operates the landfill at Oahu and Kauai and the Big Island and, you know, that's something that, you know, should this County want to explore that, I mean that's something that kind of shifts that management responsibility. That's not something we're advocating here but that's been the challenge for us in trying to utilize the references of our sister counties. But it is something that we recognize is a slow and gradual process as we try to get the inherent knowledge within the Division with our human resources to move forward, and it's something that we felt that the Public Works policies and procedures that we've adopted have been adequate to continue the operations until we get the necessary staffing to develop the Department and Division-specific procedures that we need. Thank you.

CHAIR HOKAMA: Any other questions at this time? At least we are comforted to know that you folks have some kind of control system in place currently and that there's, you know, if taking care of that requirements at least so that it's good on our part to be aware of, Director. Well, let me

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

November 6, 2014

move on to another component of your response, please, and that would be under Number 6, Director and Deputy Director. Your assessment and your best comment to us is if we support in-house additions, that the construction management work would be, in another way to look at it I guess, one-third the cost of currently contracting outside for those requirements. Is that a good understanding on our part?

MR. GINOZA: Yes.

CHAIR HOKAMA: Okay. Is this just, besides the CIP, is this all that those people will be working on, your CIP projects, period, Director?

MR. GINOZA: Yes. It's something we'd like to mirror what we have like with our Wastewater Division where we see the low-hanging fruit of what we can bring in-house as far as engineering services, is the CM or construction management portion, which due to having only, as I mentioned, one or two engineers for the number of CIP projects we have, we've had to in essence farm out some of that responsibility that we see the value in bringing it in-house by hiring an engineering staff to do so.

CHAIR HOKAMA: Okay. So currently if, so at this time then, you are sharing with this Committee that would make us happy is that if we move to this direction, you would automatically have a savings because of the need not to have outside third-party contracts?

MR. GINOZA: I would say so.

CHAIR HOKAMA: I mean, that's part of the question Ms. Baisa asked is the money side so that for us, you know, we will be...

MR. GINOZA: That is something we need to show justification for when we ask for expansion positions. What kind of monetary or community benefit there may be for such an expansion.

CHAIR HOKAMA: Okay. And then again, I just bring this in our previous discussion on Number 4, Number 8, whereby your best comment to us at this point in time with the existing management plan is that it'll cost us two to six times more than the current budget?

MR. GINOZA: Yes.

CHAIR HOKAMA: What would be your best estimate on, for us to come up with a revised management plan for this County that is something more affordable and still takes care of the requirements of what we need to be within regulations?

MR. GINOZA: When you say best estimate, you mean for developing the update? I was actually intending on just doing it in-house based on the knowledge we have. I mean in this, if you look at the girth of the existing Solid Waste Management Plan, it includes a lot of kind of Web research and, you know, I mean a lot of what is in there is, you know, components of what you

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

November 6, 2014

could add to a solid waste system and the update is really responding to the recommendations put forth in the Solid Waste Management Plan. So for instance, I reviewed City and County of Honolulu's update and they've responded to how they're addressing the different recommendations. And so I was intending on just using the recommendations as a base and explaining how we've progressed and where we are and how we're going in the future. So I didn't anticipate that we'd need funding to develop the update.

CHAIR HOKAMA: Okay, okay. So that we can be clear and we can assist you the best we can with this proposal, Director, do you mean to tell me we would not need to have any type of State review or State acceptance of the adjustments then? It's just within the County's purview and authority?

MR. GINOZA: Yes. The, in my discussions with the State Department of Health, the requirement to do an Integrated Solid Waste Management Plan is so that the respective counties, at least every decade, reexamines what their current condition is of Solid Waste Management and has thought of a short- to mid- to long-term plan of Solid Waste Management. At the same time, there is no requirement where if we deviate from that plan we need to revise the plan nor advise the State on a certain basis of changing the plan.

CHAIR HOKAMA: Okay.

MR. GINOZA: Which is why we've gone since 2009 and haven't really followed the plan to a "t" since then. And what they've, and I've asked them that when I first started is okay, you know, what are the ramifications of if we cannot meet the resource requirements as a County of what the plan entails, you know, what do we need to do? Do we need to revise the plan or ask for reconsideration or what our our options, and they said no, it's really a document for us to use and for us to keep track of where we stand and where we want to go. So it is not something that they approve per se --

CHAIR HOKAMA: Okay.

MR. GINOZA: --but they just kind of check the box, say, okay you did it or you didn't.

CHAIR HOKAMA: Okay, thank you for that explanation, Director. I appreciate that. So when you say internal, is there an opportunity, because the Council members deal with all this time about transparency, is there an opportunity for public to give comment on the adjustments of the internal policy or the plan?

MR. GINOZA: Sure.

CHAIR HOKAMA: So you go through, you'll do your own public meetings and whatnot, or you're going to ask Council to assist your Division in getting comments? I'm just curious.

MR. GINOZA: I didn't think we would have a Council meeting on it but if, I mean...

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

November 6, 2014

CHAIR HOKAMA: Oh, no, so that's why we're asking.

MR. GINOZA: Oh, okay.

CHAIR HOKAMA: How would you approach, under this internal adjustments, the ability to have interested parties or general public to give comment and say yes, we can, this is more affordable, we support your adjustments or no, we still want the pie-in-the-sky system.

MR. GINOZA: We were just thinking of asking for written comments and then just summarizing the written comments as part of the report.

CHAIR HOKAMA: Okay. Because, you know, for me, your responses to us this morning will assist us in how we're going to try and come down to the points of the proposed audit and allow whatever the auditor finds to assist you in making these moves forward and improving our services so we appreciate that. Any questions for the Department at this time...Mr. White?

COUNCILMEMBER WHITE: Yeah, on Number 6, regarding the additional cost of the project management, who's currently contracted for project management for your CIP projects?

CHAIR HOKAMA: Deputy? Mr. Director?

MR. MIYAMOTO: Assisting us at this time we have two consultants that are very familiar with our facilities. One is, I think it's Amir, Inc., and the other one is Cornerstone. So those two consultants we've used consistently over the last few years to get them familiar with our systems.

COUNCILMEMBER WHITE: And can you provide the Committee the amount of time billed for those, from those two consultants?

MR. MIYAMOTO: We should have that in the contract record as far as the pay, what we're paying them.

COUNCILMEMBER WHITE: Okay. And if there was a need to provide an engineering staff to cover that instead of contracting it out, did you consider transferring the Wastewater position that you asked us to transfer to Public Works to Solid Waste instead?

MR. GINOZA: We just asked for expansion, justified expansion positions and it's the Budget Office that decides which ones become new expansion positions versus transferred ones. So it was not...

COUNCILMEMBER WHITE: These are positions that are in, this is a position that's in your Department. Don't you have say over where that goes? Or did you recommend that it go to Solid Waste instead of Public Works?

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

November 6, 2014

MR. GINOZA: For us, because we got the positions we wanted in the Mayor's Budget, we, I mean we don't care how they, where the money comes from per se, if it's from Wastewater or I mean because it's, whether it's General Fund or Wastewater Fund it's the Budget didn't come from there. It was just the E/P and we got the E/Ps that we had requested. So it didn't matter that it was a Wastewater E/P or a new E/P for us.

COUNCILMEMBER WHITE: Okay. I have questions on other items but that's it for now.

CHAIR HOKAMA: Okay. Anyone have anything else at this time? Okay, the next one I would like to ask for a comment, please, gentlemen, is Number 4. In it, in your public response to us, you mention the average cost for compliance-related issues has risen from 560,000 to 870,000 per year on average. We understand the additional requirements your Division faces with additional Federal oversight and potential policy adjustments. The last sentence, is this something, I would ask the Committee besides the Director, I'm happy to consider an executive session if need be. I was hoping not but again if we need be I'm open to it. Is there anything at this time you might want to expand on in an open meeting, Directors? Is there anything you wish to add regarding your response to Number 4 in an open meeting or is --

MR. GINOZA: No.

CHAIR HOKAMA: --anything that you wish would be more appropriate in executive session?

MR. GINOZA: Nothing to add.

CHAIR HOKAMA: Okay. Any questions on this area, Members? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I think the reason for this question, in my memory, was that the document that we were provided during Budget, I don't remember exactly the date that it was provided, but that had a certain amount of violations listed on it, and when we received a subsequent document, there were items from 2013 that were on the more recent document that weren't on the previous one. So I don't know whether they can provide an explanation for that in open session or not, but it seems a little bit odd that we would not have gotten an accurate document during Budget.

CHAIR HOKAMA: Do you folks wish to respond, Director?

MR. GINOZA: I'm not sure which document that is. We'd have to check. But I know that sometimes we don't actually report on the violation until the settlement of that violation is actually complete so I don't, I need to look at what documents you're referring to.

COUNCILMEMBER WHITE: Then, Chair, I would request that they provide us with whatever documentation there is from the Department of Health or other sources regarding the, I don't know whether it's a violation, only once they get a notice of violation or whether there's something that you would be able to provide in the lead up to that notice, but I think it's

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

November 6, 2014

important for us to understand the true level of exposure that we have, and I know that that has to be discussed in executive session, but I think it's important for us to not necessarily know what the financial exposure is but at least for us to know what's currently under review or where the issues are or what the issues are.

CHAIR HOKAMA: Okay, thank you for that. Anyone else at this time? Okay, let's continue to move forward with the Director's responses. I appreciate one part of your response to Number 5, which was the assessment of the Division's compliance with the 2009 Plan. I appreciate your candidness. One factor in your response is that the Plan is cost prohibitive and so we appreciate your recognition of that financial issue that Council has to deal with it on an annual basis. The one that I wanted to ask you about on seven, regarding a copy of your procedures, policies, work instructions, and delegation of authority, I understand the request about making copies for this Committee. The main thing I'm concerned about is that there is such a document, is that correct? Mr. Deputy?

MR. MIYAMOTO: Yes, Mr. Chair. We do have the document from, like I had mentioned before, when we split from Public Works, we did have a copy of the Public Works Policies and Procedures, and Guidelines, and so we are looking at those, trying to see how we can adjust those to fit more our specific Department because we have Wastewater and Solid Waste.

CHAIR HOKAMA: Okay, I understand that. Has the Division utilized the assistance of the Risk Manager or the Risk Management Unit of the County to assist you folks in adjusting the procedures or policies to more appropriately address the needs of those Divisions instead of being just a generic type of comment or policy?

MR. MIYAMOTO: Well, relative to safety to risk management, they've helped us a lot and, you know, now each one of our Divisions has sort of a risk, a safety person that takes care of training and making sure that we operate in a safe manner, and we have coordinated with Risk Management. They have done some surprise visits to some of our projects to review what's going on at the projects.

CHAIR HOKAMA: Okay. Any questions in this area regarding operations and policies as part of Number 7. I appreciate the attachment, Director and Deputy, so thank you very much for assisting the Committee with the attachment that you've provided us to the response. Okay, I understand the rest of your responses so I'm going to ask the Members now if...yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Mr. Ginoza, regarding Number 9, and I guess sort of Number 3 are combined, you talked about your Budget amendment that's going to come out will include the four positions cut by Council, and then in Number 3 we asked and I'm not sure even Mr. White just asked, and I'm not sure I understood the answer. You know, you're looking for four positions, and I understand that, but at the same time this year, you asked to transfer an E/P from Wastewater to the Department of Public Works. How come you didn't keep that inside your Department? And I know Mr. White asked it but I'm not quite sure I understood your answer.

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

November 6, 2014

CHAIR HOKAMA: Director?

MR. GINOZA: When we asked for expansion, when we discussed the expansion positions in the Administration, we asked, we justify why we need it from, as I mentioned, a cost-effectiveness and a community benefit perspective. And basically we fight for it and so we were able to get these expansion positions from the Mayor, from the Administration and how it's actually kind of taken from here or taken from there, we don't really get involved in. So...

VICE-CHAIR COUCH: Well...

MR. GINOZA: Is that what you're asking?

VICE-CHAIR COUCH: No. There's a position that was, we were requested to take out of your Department, you know, Department of Environmental Management and put into Department of Public Works. Why couldn't you take, fill one of those four positions from that position that we were asked to move?

MR. GINOZA: Why, because it's in that program?

VICE-CHAIR COUCH: Well, I mean, you're asking for us to put four E/Ps into the Department of Public Works, but at the same time you're asking us to...well, I mean Solid Waste Division but it's the, I'm sorry, Department of Environmental Management. Okay, so you're asking for four positions and then at the same time you're asking us to take one E/P out of Department of Environmental Management and move it over to Public Works. Why not just change Divisions within Department of Environmental Management instead of moving it over to Public Works?

MR. GINOZA: But that position was already moved in the Fiscal '15 Budget so it's already in a different program, right? I mean, I don't know if I'm understanding the position you're asking about. There was one position that we had in Environmental Management that was transferred to the Public Works Director's Office.

VICE-CHAIR COUCH: Why? I guess, when you asked for four positions in Environmental Management?

MR. GINOZA: Yeah, so that's something that you'd have to ask the Budget Office, because whether we get three brand new E/Ps and one from Wastewater to Solid Waste or we get four brand new E/Ps and one, they take the one from Environmental Management to Public Works, I don't know why they did that. But it, to me it didn't really matter because we got the E/Ps that we had requested, so I don't know why that was done that we get four new...anyway, the new E/Ps were new E/Ps rather than the one that, one vacancy we had in Wastewater get transferred to Solid Waste. That's something I don't know. It wasn't my decision.

VICE-CHAIR COUCH: Okay.

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

November 6, 2014

CHAIR HOKAMA: Thank you, Mr. Ginoza.

VICE-CHAIR COUCH: Thank you.

CHAIR HOKAMA: That was a good question. Mr. White?

COUNCILMEMBER WHITE: Yeah, I guess I'm having the same challenge that Mr. Couch is having because if it's my Department, I'm going to want to move people around in my Department with the E/Ps that I have control over to satisfy specific needs, and if the need was specific and it was known well before Budget, why not start that process anyway? Because you know we're very, you know, very much interested in scrutinizing new positions, expansion positions. So if I'm the Director of the Department, I'm going to hang on to my E/Ps. And that's, I think, the problem that Mr. Couch and I are having. Why didn't you? And I, you know, I understand the fact that the Administration has the ability to move, but as the Director, you've got the ability to fight for your own, you know, your own kuleana and your own turf. So anyway, it just in my mind it somewhat diminishes the argument that we're in a really tough position.

CHAIR HOKAMA: Okay. Mr. Guzman...yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you. Along his same line of questioning, is there, since what's happened at the Budget level, is there a chance of getting the Budget Director here and seeing if he can answer that?

CHAIR HOKAMA: We are, we can request his presence. I don't know if Mr. Baz, what his schedule is or his availability but we're, I know we can, I'm happy to request if he's able to attend.

VICE-CHAIR COUCH: If he can.

CHAIR HOKAMA: Yeah. Sure, we'll ask.

VICE-CHAIR COUCH: Thank you.

CHAIR HOKAMA: I'll have Staff contact Mr. Baz to his availability and please understand he may not be accessible due to his requirements.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Mr. Guzman, any questions at this time? Okay, Mr. White?

COUNCILMEMBER WHITE: Yeah, another point along the same lines, was that during Budget we had a significant discussion on the fact that Anaergia having just been contracted was going to result in significant reductions in operations at the landfill, and that was another reason why we chose not to increase the staffing because we would be increasing it for a limited amount of time

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

November 6, 2014

before the projected changes were going to reduce that level of required staffing anyway. So I would appreciate it if we could get some details on what the future staffing levels are likely to be once Anaergia is in operation. And the other concern I have, on Item Number 2, the answer is that the Budget was exactly, the Budget that was presented to us was exactly the same as the Budget that was presented to the Administration and yet the Division Chief is on record here in the Chambers saying that there were at least two and possibly three positions cut by the Budget Office or the Administration. I'm not sure where that decision was made. So this leaves me wondering exactly what took place.

CHAIR HOKAMA: Okay.

COUNCILMEMBER WHITE: So maybe the Budget Director can assist us with that question as well.

CHAIR HOKAMA: Yeah, we'll be happy to, I'll be happy to refer that should Mr. Baz be able to join us, but I would ask the Director or the Deputy if you can respond please to the concern Mr. White brought up regarding the potential savings that the Division would have with its Anaergia proposal and why would we still consider the additional positions since eventually there should be a reduction of E/P requirements in the future. Director?

MR. GINOZA: We never envisioned that we just get rid of employees with implementation of the waste conversion project. There are a number of facets of Solid Waste management that we currently do not do because we don't have staff that we might consider taking in-house and repurposing some of the staff that would not be doing what they currently do.

COUNCILMEMBER WHITE: So that brings up another question because that's not my recollection of what was presented to us, but it brings up a concern, Chair, that if we're not going to be reducing costs and by virtue of some estimates we're going to be paying out more, then is the Anaergia contract truly a no-cost contract or is it a contract that's going to end up costing us more money because we're not saving on employment costs to offset whatever is happening with Anaergia? And if that's the case, then that's, that would say that it's a contract that should have come before the Council for review. So, you know, the more I'm listening to this and with what we've seen over the last two Budget cycles where we seem hell bent on throwing recycling under the bus, I'm kind of feeling like we need to focus this audit on the Anaergia issue and are we, you know, are we going to save money, were all the proper procedures followed? This estimate of potential exposure to cost that was provided by one of the private folks, I'd like to know whether this is accurate or not. I'd like to know what the County can do or would do should the private haulers find a less expensive place to take their greenwaste, fats, oils, and grease because, you know, until I, I mean, until I turn my fats, oils, and grease over to Pacific Biodiesel, that's mine. Once I turn it over to them, it's theirs and they can choose whether it goes through the landfill process or not. So I'm getting a little more concerned about whether this is a no-cost contract or not.

CHAIR HOKAMA: Okay, thank you for that. Ms. Baisa?

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

November 6, 2014

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm looking at the suggestions, you might remember at the last meeting I had asked Ms. King for a list of suggestions.

CHAIR HOKAMA: Yes.

COUNCILMEMBER BAISA: And theirs very clearly laid out the economic benefits to County of existing operations previously the EM's actions in signing the Anaergia contract, so I think it's already listed in here as one of the possible things that we might want to include in the audit so, you know, I don't want to beat it to death.

CHAIR HOKAMA: Yes.

COUNCILMEMBER BAISA: There's a limited amount of time to do this.

CHAIR HOKAMA : Yes.

COUNCILMEMBER BAISA: And I need direction so I can go, this Council wants me to move with an audit but, you know, if we're going to conduct an audit in this Committee, then I don't know why we're going to have an audit.

CHAIR HOKAMA: Right.

COUNCILMEMBER BAISA: We just have it right here and we bring everybody and sit here for hours and deal with it. I just wanted to, and the reason for my request was to give me suggestions as to what you want to see included in the scope of the audit and then we'll give it to the auditors, and when they give it back to us, then we'll sit here and analyze the conclusion.

CHAIR HOKAMA: Right.

COUNCILMEMBER BAISA: But, you know, I just really want us to focus on what our job is here today.

CHAIR HOKAMA: Thank you.

COUNCILMEMBER BAISA: And I think we got some really good information, both from the Department and from Ms. King to begin. Thank you.

CHAIR HOKAMA: Thank you, Chair Baisa. Also I forgot to acknowledge the presence of Ms. Cochran. So thank you for joining us.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

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

November 6, 2014

CHAIR HOKAMA: If you have time, please review the responses and the Chair's happy to give you your opportunity to question, provide questions or comments. Mr. Baz, thank you very much for your availability. You know this was a last-minute verbal request so I appreciate your presence.

MR. BAZ: I understand, Mr. Chair. Good morning, everybody.

CHAIR HOKAMA: We have a few questions for you and, Members, please, you know we've got things to do so we're not here to debate or anything. I'm happy to have you present your questions and to get a response from Mr. Baz. And again, we understand the purview and authority within the Administration regarding certain budgetary considerations prior to Council's receiving it, so Mr. Baz, I would ask if you would...was it Mr. White, did you have the...Mr. Couch? You had the question for Mr. Baz, please?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and thank you, Mr. Baz, for coming down on such a short notice. In response from Mayor Arakawa to Mr. Hokama, one of the questions that we asked was, or Mr. Hokama asked is, you know, there were four positions that were requested by the Department in Solid Waste and at the same time, there was, the Administration asked Council to transfer a Wastewater position that was vacant to the Department of Public Works. We're just wondering why would that happen? If you already have four positions you need, why not take that position and just do an interdivision transfer?

MR. BAZ: Okay, so for that position, I don't know if you remember two years ago during the Budget deliberations, there was a discussion with the Department of Public Works where they desperately needed a fiscal analyst, somebody in their Department that was going to help them with their analysis of financial information. That position was a vacant position that we identified during, right after the Budget deliberations to transfer, temporarily transfer to the Department of Public Works. So Mayor did a temporary transfer of that position. Then during the proposed Budget, all we did was effectuated that transfer by permanently moving it to Public Works. So in actuality, what we were doing was basically doing what the Council had asked us to do in transferring that position.

VICE-CHAIR COUCH: So that was all done before the request for the other four positions?

MR. BAZ: Yes.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you and thank you for that answer but it still leaves a question in my mind that if the Department had a concern about having to contract out project management and they needed the engineer position to provide the same service at one-third the cost, why was that not something left in the purview of the Department manager to decide on his own where best to put that individual or put that position, not the individual?

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

November 6, 2014

MR. BAZ: That wasn't part of the original discussion. It was, that position was moved because of the request from Public Works during the deliberations from the previous year.

COUNCILMEMBER WHITE: No, I understand that. I have, we're being asked to fund or to provide this position because of work that's costing us three times more than it would had we had this position filled by the same, you know, by transferring that position over. Instead, we've moved it somewhere else and so I understand the shell game but the challenge I have is we've got a department who's got a manager who's got a vacant position and if we're spending three times as much contracting out, I would think that he would have the ability to utilize that position the way he saw fit rather than transferring it out of the Department?

MR. BAZ: That's true. I don't remember a conversation, if one happened, with the Director about that. I mean, he could have identified another position as well rather than just that one single position, but that position was moved because of the prior year's request so we did that.

COUNCILMEMBER WHITE: Okay, so there was no evaluation of what, where else it could have gone in the Division to save the County money?

MR. BAZ: We are evaluating on a regular basis vacant positions and where we can transfer them, and you'll see more transfers as, you know, the year goes through and in the next year's Budget but each one will be individually reviewed.

COUNCILMEMBER WHITE: Okay. Then the other, I guess the other question was my question, and that was the Division Chief a couple of weeks ago made the statement that the Budget that was presented to the Administration by the Environmental Management Director, I guess, was reduced by at least two positions, possibly three positions, before it came to Council. And then today's response it states that there was no difference between the Budget presented by the Division versus the, to the Administration versus what was presented to the Council.

MR. GINOZA: Initially...

CHAIR HOKAMA: Director?

MR. GINOZA: Initially when the Department was looking at the Budget, the Solid Waste Division had asked for I think another engineer and a couple of mechanics to be within the Department, and as we discussed that at a Department level and with the Budget Office, we felt that getting the one engineer would be a start in seeing, rather than getting two, we should start off with one and the mechanic's services were already being provided by Public Works so we tabled those expansion positions. So what we did finally submit was not what we, or if we had all of the money in the world kind of budget but after discussions with, at a Department level and at an Administration level, we took out those positions. So that's why those three positions, which the Division really wanted, did not make it into the Council Budget, or the Mayor's Proposed Budget to Council.

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

November 6, 2014

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

CHAIR HOKAMA: Okay, thank you. Are there any other questions for Mr. Baz? Okay, because I would like to, you know, excuse Mr. Baz if he's not, the Committee does not need additional responses from him.

COUNCILMEMBER WHITE: I don't have any further.

CHAIR HOKAMA: Okay. Mr. Baz, we really appreciate your appearance and assistance to the Committee this morning.

MR. BAZ: No problem, Mr. Chair and Members. Thank you.

CHAIR HOKAMA: Thank you. Okay.

COUNCILMEMBER BAISA: Mr. Chair?

CHAIR HOKAMA: Yes, ma'am?

COUNCILMEMBER BAISA: Excuse me. I've been asked to ask you if we could have a very brief recess because they want to move their cars before they get tickets.

CHAIR HOKAMA: Sure, sure. My apologies. We'll take a short midmorning break. We got litigation matters so 9, 10...wait, what are we, 10:50 we'll return. . . .(gavel). . .

RECESS: 10:42 a.m.

RECONVENE: 10:57 a.m.

CHAIR HOKAMA: . . .(gavel). . . We shall return to order. We are still on Policy Item 82. Members, at this point, I would ask us to consider now to work on the parameters of the scope we are going to recommend to the Chair. There are things that we can definitely get into the weeds after the audit is completed and returned so I would prefer that we not go there at this time. I would say that after listening to some of the comments, reading the recommendations and thoughts from the Division as well as from public recommendations or suggestions, I would say that I am very open and I would ask to get the parameters started. That I would ask us to consider the following things for the auditor. Is the Solid Waste Division sufficiently staffed and equipped to provide, I would say, the required services to the public? And we can have them go and check against national standards as well as how we are measured against our own Solid Waste Management Plan measurements or goals for this County. Two, what it would take for this Division to be self-sufficient regarding its resources? Three, the review of the Anaergia proposal and cost benefits of this project continuing to move forward regarding positions and financial resources regarding the RFP as it was explained to the Council. So those are my initial thoughts for you to consider as parameters. Again, I, my general statement earlier was between three to five points

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

November 6, 2014

so that the _____ can focus and get the information that this Council has requested and not be just a general and division-wide type of review but a little bit more specific so we can work on those high areas of concern. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Two questions. One, as far as the referrals, are you going to just do it as a matter of a letter to Chair Baisa so it's not a formal...

CHAIR HOKAMA: Okay, thank you for the question. It is going to be my recommendation to you, the Committee, that I will be recommending filing of the communications and use the, utilize the Committee's report that we would send forward for the Chair to agendize as the vehicle, you know. My understanding of our task is to provide some recommendations to the Chair and therefore I don't want it to be so structured and rigid in a way that we take away that flexibility that I believe the Chair should have. I appreciated when I was in that position. I would like us to give Ms. Baisa that same opportunity, because she's going to have to deal with the third parties and to see what we can do and within the price that we are willing to expand on. So my intent is to recommend that through the Committee report, we will state that the Committee is recommending to the Chair the following for the scope of the audit.

VICE-CHAIR COUCH: Excellent. Thank you.

CHAIR HOKAMA: So it will be on an official document. It'll be part of public record. But there will be no formal ordinance or resolution attached to it.

VICE-CHAIR COUCH: Perfect.

CHAIR HOKAMA: That is my recommendation on how to move forward.

VICE-CHAIR COUCH: Alright.

CHAIR HOKAMA: Because the Council will still need to take action on that Committee report.

VICE-CHAIR COUCH: True. Alright, well thank you, Mr. Chair. The other question I had is, you know, we heard a lot about the existing Integrated Solid Waste Management Plan versus reality. Is there something in there that we want to work on in the audit or is that something on the side? I'm just, because I am concerned about the cost of that plan.

CHAIR HOKAMA: So, that's why the two of the three areas that I did mention for your consideration, the Committee's consideration is the staffing and equipment of the Division to currently provide the service, and that is as I mentioned should be against the national standards as well as the Solid Waste Management Plan of the County's measurements, and then also that other, the next component would be what would it take for the Solid Waste Division to be self-sufficient. So that would take, kick in the financial component and it'll be connected to the first one, which is the staffing and the standards.

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

November 6, 2014

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

CHAIR HOKAMA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, yeah, I just wanted, I guess, clarification on your suggestions in regards to the staffing and putting it up against, you know, I guess, you said national standards or standards within maybe the Solid Waste Management Plan or whatever. Is that also in regards to personnel-type issues? I think Ms. King mentioned in her first bullet point, do you see any bearing upon that first bullet point of hers to even divulge into that arena?

CHAIR HOKAMA: You know, personnel issues has been my experience I prefer that to be retained within the Administrative Division. If the personnel issues become to a magnitude that the Council must address it, then I would say it has gone way beyond control. Okay, because for me, the personnel issues is already part of an agreement that is covered by collective bargaining, and that is why also as the Committee has expressed earlier, the concern of the procedure manuals, operation manuals, is things that eventually the auditor should be reporting back to us on whether it is good enough, it's deficient, it needs to be addressed because of some of the issues that may come out of personnel components or whatnot but I would prefer this time, you know, it's not a really giant pressing thing for me. I think, you know, what we really want from the auditor is about the financial component, the standards, and the compliance --

COUNCILMEMBER COCHRAN: Okay. And I...

CHAIR HOKAMA: --from a regulatory standpoint.

COUNCILMEMBER COCHRAN: Right.

CHAIR HOKAMA: You know, Administration management of personnel, if there are major issues, I would assume the employee would go to their collective bargaining agent and follow the contract procedure to deal with those personnel issues.

COUNCILMEMBER COCHRAN: Thank you. Thank you for your comments, Chair. I guess I was looking more towards litigation-type matters too, things that have come to that head. And of course it's going through PIA currently.

CHAIR HOKAMA: Would come to this Committee.

COUNCILMEMBER COCHRAN: Right.

CHAIR HOKAMA: Correct.

COUNCILMEMBER COCHRAN: So I mean I see that but I hate to see things get to that point is the concern here. Right? Why do things come to such a boil and to a head that now it's a litigation

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

November 6, 2014

matter? There's something going on from...so that's kind of where I was driving towards personnel-type issues and looking to possibly address or look into what is the cause, why is this happening and things of that nature. But I understand what, you know, what you're saying in regards to staffing. And then equipping as in equipment?

CHAIR HOKAMA: Correct.

COUNCILMEMBER COCHRAN: As...okay. And then also the Department being self-sufficient, that means self-funding?

CHAIR HOKAMA: For me, that would especially in this Division, there's a lot of Special Funds, so, you know, one of the things the auditor would be tasked if he takes this recommendation as part of the contract I would assume is this is, the right way would be, one way to address it is how we would progress that readjust those Sewer Funds, or I mean Solid Waste refuse fees. The auditor may say because you deal with all of these other things if you do this, the County may be at a point where it really needs to consider universal pickup through property tax assessment. You take it one time from the property owner. He deal with these tenants in the manner he chooses but maybe one way is to, that might be one way for the auditor to consider a recommendation for us to how to make sure we get the funds to pay for the programs --

COUNCILMEMBER COCHRAN: Okay.

CHAIR HOKAMA: --as from the current way where, you know, you apply for the bin, then you pay the County. And if you don't want to pay, you know, some people take innovative ways of dumping trash.

COUNCILMEMBER COCHRAN: Right.

CHAIR HOKAMA: But no matter what way, it still costs money.

COUNCILMEMBER COCHRAN: Yes. Yeah.

CHAIR HOKAMA: So.

COUNCILMEMBER COCHRAN: Okay, well very good, Chair. And I know Kauai passed the pay as you throw.

CHAIR HOKAMA: Right.

COUNCILMEMBER COCHRAN: Yeah, pay as you throw policy.

CHAIR HOKAMA: Every County does it differently. You mentioned Kauai, yes. City and County of Honolulu contracts to a third party Waste Management to help them with their solid waste

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

November 6, 2014

program so, you know, it's, even in Hawaii the counties have chosen different ways for what works for their own county so it's something the auditor can report back for us for consideration.

COUNCILMEMBER COCHRAN: Sure. Very good. Okay, well thank you, Chair.

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

VICE-CHAIR COUCH: Thank you. The other thing, in your, when you talked about your third item, reviewing the contract with Anaergia, is that going to include the, whether it was really a no-cost contract?

CHAIR HOKAMA: That's the sense I got from listening to the discussions and comment from the Committee members. Again, it's just my recommendation, I'm happy to, you know, we, you can adjust it. You know, propose and we can amend, I mean, there's nothing formal at this point so.

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: I'm very flexible in adjusting the...

VICE-CHAIR COUCH: Yeah, I would like to see that, you know, make sure that it was truly is going to be no cost versus having to come before us as to --

CHAIR HOKAMA: Okay.

VICE-CHAIR COUCH: --for approval. So thank you.

CHAIR HOKAMA: Other comments? Well, let me ask Chair Baisa because she's going to have to administer it. Do you feel that you have a sense of where the Committee is recommending for you for the audit, Chair?

COUNCILMEMBER BAISA: Yes, Chair. Thank you very much. Thank you for narrowing it down, and I'm pretty clear as to what this Committee would like to see, and after we've drafted it, I'll discuss it with you to make sure that, you know, we have it together before we actually go ahead. Thank you.

CHAIR HOKAMA: Ms. Crivello, is there, are there other things you want to wish for consideration in the audit?

COUNCILMEMBER CRIVELLO: No, I think you've listed it quite well and then, you know, if it gets too expansive then we're going to be all over the place so I appreciate the focus that we're going to work on.

CHAIR HOKAMA: Okay. Ms. Cochran?

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

November 6, 2014

COUNCILMEMBER COCHRAN: No, I'm comfortable with what you have suggested, Chair. Thank you.

CHAIR HOKAMA: Okay, thank you. Mr. Couch, anything further, sir? Chair, anything further you might want to wish?

COUNCILMEMBER BAISA: No, thank you, Chair. I'm ready to be a part of the decision.

CHAIR HOKAMA: Okay, thank you, thank you. Okay, Staff, do you need any clarification? Are you folks clear and understanding what, where we're recommending?

MS. NAKATA: Mr. Chair, Staff is just unclear on the second question, what would it take for the division to be self-sufficient with respect to resources. What programs, did you want to specify what that would include or?

CHAIR HOKAMA: I would just like it to be from a Division-wide approach because even for the first one, which is the staffing, I want it to be from a Division-wide approach so we can understand and part of the strategy, because I think if we make it too narrow and too minute then we tend to lose how it fits in the overall Divisional picture. So I would ask if there's any objections that we approach from a Divisional structure?

COUNCILMEMBER BAISA: No objections, Chair. That's how I understand.

CHAIR HOKAMA: It's not a Department structure, it's a Divisional structure.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: RC, DSG, MPV, MW)

CHAIR HOKAMA: Okay. Is there any other need for clarification? Okay, so you've heard the recommendations, Members. The Staff has taken it down so my recommendation would be for a motion to file the Communications attached to Policy 82 and that to the Committee report we recommend to the Council Chair the recommendation for scope of audit in our report. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, I move that we file County Communication 14-229 and 14-98 and include in the Committee report your recommendations.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: I have a motion made by Mr. Couch, seconded by Ms. Baisa. Is there any further discussion on the motion before you, Members? Having none, all in favor of the motion, please say "aye"?

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

November 6, 2014

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say “no”? Motion passes with five ayes and the following excused, Mr. Carroll, Mr. White, Mr. Guzman, and Mr. Victorino. Thank you very much, Members. Director, thank you very much for your assistance. Deputy Miyamoto, thank you for your participation. We definitely could not do this without your work with the Committee, so thank you very much for your assistance this day.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Cochran, and Crivello.

NOES: None.

EXC.: Councilmembers Carroll, Guzman, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FILING of communication.

ITEM PIA-1(45): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHARLES E. BICK V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0086(1)) (CC 13-41)

CHAIR HOKAMA: May I move us on now forward, Members. We have two more things. Let me bring up first, Item 1(45) under Litigation Matters, this is a Settlement Authorization, Charles E. Bick versus County of Maui, et al., Civil Number 13-1-0086(1). Okay, joining us is Deputy Counsel Rowe, who will inform the Committee of the situation on this matter. So, when, at your convenience, Counselor. Excuse me, today representing the settlement request to us is Counselor Tom Kolbe. My apologies, sir.

MR. KOLBE: Good morning, Mr. Chair.

CHAIR HOKAMA: Good morning. We are ready for your, any statements you can provide us in this format, Mr. Kolbe.

MR. KOLBE: Well, just briefly, I'm here to discuss a potential settlement with you of a lawsuit involving a trip and fall matter on Kenolio Road in Kihei on the sidewalk. And would like to discuss the strengths and weaknesses of the case in an executive session and so that would be my request that we do that.

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

November 6, 2014

CHAIR HOKAMA: Okay. Thank you very much. Questions, Ms. Cochran? Any questions?

COUNCILMEMBER COCHRAN: Oh, sorry. No. I'm just scratching my head. Sorry.

CHAIR HOKAMA: Okay. The Chair will entertain that motion at another time. So at this time, I'll ask Ms. Thomson to come up. You can stay there, Mr. Kolbe.

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

CHAIR HOKAMA: We'll also bring up Policy Item 1(3) right now under Litigation Matters. This is also under the heading of, subheading of Settlement Authorization and Status, Hawaii Wildlife Fund, et al. versus County of Maui, Civil Number 12-00198 SOM BMK. Ms. Thomson, your comments in open session, please.

MS. THOMSON: Thank you, Chair. So just briefly, the status of this case back in May of earlier this year, Federal Court granted the plaintiff's motion for a partial summary judgment relating to the County's operations of Wells 3 and 4 at the Lahaina Wastewater Treatment Facility. Her decision was based on a dye-tracer study that showed that the dye injected into those two wells was found offshore with the peak detection in about a year and a total travel time for that material being about four years. Yesterday, both the plaintiffs and the County filed motions for partial summary judgment relating to the remaining two wells, Wells 1 and 2 at the facility. The UH tracer study and prior studies showed no evidence that Well 2, that any dye injected into Well 2 has reached the ocean; no tracer study has been done on Well 1. So the hearing on those two motions for summary judgment will be in January on January 12th of 2015 and the remaining status update I'd prefer to do in executive session.

CHAIR HOKAMA: Okay, thank you very much. One second, Members. Thank you. Okay, Members, we have heard the requests from Corporation Counsel for executive session on Policy Item 1(3), which is the Hawaii Wildlife Fund versus County of Maui, as well as Policy Item 1(45) for executive session, which is for Charles E. Bick versus County of Maui. So the Chair will first take, entertain a motion for executive session for Policy Item 1(3), Litigation Matters. This is regarding the Settlement authorization for the Hawaii Wildlife fund versus County of Maui, and we would consider this pursuant to Hawaii Revised Statutes, Section 92-5(a)4, which allows this Committee 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. Mr. Couch?

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

COUNCILMEMBER BAISA: Second.

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

November 6, 2014

CHAIR HOKAMA: Thank you, I have a motion made by Mr. Couch, seconded by Ms. Baisa. Any discussion? If not, all in favor of the motion, please say “aye”?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say “no”? Motion passes with five ayes, four excused.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Cochran, and Crivello.

NOES: None.

EXC.: Councilmembers Carroll, Guzman, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

ITEM PIA-1(45): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHARLES E. BICK V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0086(1)) (CC 13-41)

CHAIR HOKAMA: The Chair will now also entertain a motion for executive session for Policy Item 1(45) also under Litigation Matters regarding Charles E. Bick versus County of Maui. An executive session is being requested as is allowed by Hawaii Revised Statutes, Section 92-5(a)4, which 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, as well as Section 92-5(a)8 of the Hawaii Revised Statutes, which allows us to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to a State or Federal law or a court order. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move that we go into executive session on this item in regards to, or under the authority of Hawaii Revised Statutes, Section 92-5(a)4 and 92-5(a)8.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: Thank you. I have a motion by Mr. Couch, seconded by Ms. Baisa for executive session on Policy Item 1(45). Any discussion? If not, all in favor of the motion, please say “aye”?

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

November 6, 2014

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say “no”? Motion passes with five ayes, four excused.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Cochran, and Crivello.

NOES: None.

EXC.: Councilmembers Carroll, Guzman, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR HOKAMA: We shall go into recess and prepare for executive session. . . .(gavel). . .

RECESS: 11:19 a.m.

RECONVENE: 12:55 p.m.

CHAIR HOKAMA: . . .(gavel). . . Policy Committee shall return to open session. Members, we have two Items to deal with.

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

CHAIR HOKAMA: On Policy Item 1(3), Litigation Matters, this was regarding the settlement authorization and status of the Hawaii Wildlife Fund, et al. versus County of Maui. With no objections, we shall defer this Item.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: RC, DSG, MPV, MW).

CHAIR HOKAMA: Thank you.

ACTION: DEFER pending further discussion.

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

November 6, 2014

ITEM PIA-1(45): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CHARLES E. BICK V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0086(1)) (CC 13-41)

CHAIR HOKAMA: The final item before the Committee for today is Policy Item 1(45), also under the heading of Litigation Matters, Settlement Authorization Charles E. Bick versus County of Maui. The Chair will entertain a motion to recommend forwarding to the Council a proposed resolution, entitled “Authorizing Settlement of Charles E. Bick versus County of Maui, et al., Civil Number 13-1-0086(1)” under the terms and conditions as discussed in Executive Session. Mr. Couch?

VICE-CHAIR COUCH: Mr. Chair, I move that we adopt the resolution as you read.

COUNCILMEMBER BAISA: Second.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Baisa. Is there any further discussion? Having none, all in favor, say “aye”?

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say “no”? Motion passes with five ayes and four excused.

VOTE: AYES: Chair Hokama, Vice-Chair Couch, and Councilmembers Baisa, Cochran, and Crivello.

NOES: None.

EXC.: Councilmembers Carroll, Guzman, Victorino, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

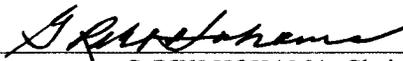
POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES
Council of the County of Maui

November 6, 2014

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

ADJOURN: 12:56 p.m.

APPROVED:



G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:141106:krr

Transcribed by: Kekai R. Robinson

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

November 6, 2014

CERTIFICATE

I, Kekai R. Robinson, 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 this 2nd day of December, 2014, Wailuku, Maui, Hawaii.


Kekai R. Robinson