

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

December 8, 2014

Council Chamber, 8th Floor

CONVENE: 9:07 a.m.

PRESENT: Councilmember G. Riki Hokama, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member (In 1:40 p.m.)
Councilmember Michael P. Victorino, Member
Councilmember Mike White, Member

EXCUSED: Councilmember Gladys C. Baisa, Member

STAFF: Carla Nakata, Legislative Attorney
Tammy M. Frias, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Molina, Executive Assistant, Office of the Mayor (Item PIA-2(40))
John Jakubczak, Captain, Criminal Investigation Division, Department of Police (Item PIA-46))
Jeffrey A. Murray, Fire Chief, Department of Fire and Public Safety (Item PIA-38)
Paul Haake, Captain, Support Services Division, Fire Prevention Bureau, Department of Fire and Public Safety (Item PIA-38)
Scott English, Fire Fighter IV, Support Services Division, Fire Prevention Bureau, Department of Fire and Public Safety (Item PIA-38)
Richelle M. Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-1(3))
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-1(44))
Kristin K. Tarnstrom, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-1(40))
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(18), -1(26), -38))
Patrick K. Wong, Corporation Counsel, Department of the Corporation Counsel (Items PIA-1(3), -1(44), -1(46), -1(11), 1(40))
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

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OTHERS: Rosemary Robbins (Item PIA-1(3))
Kula Gaughen-Haili, nominee, Board of Water Supply (Item PIA-2(40))

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 scheduled meeting for the 8th of December, 2014. Present for today's meeting are its Members, the Vice-Chairman, Mr. Couch.

VICE-CHAIR COUCH: Good morning. Merry Christmas, sir.

CHAIR HOKAMA: Happy holidays to you. And our Committee members, Mr. Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR HOKAMA: Good morning, sir. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR HOKAMA: Good morning. Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR HOKAMA: Aloha. Mr. White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR HOKAMA: And Mr. Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR HOKAMA: Excused this morning is Mr. Guzman and Ms. Baisa. I apologize in advance, we have a very aggressive agenda, Members, so I would ask for all of us to work on this together and we will get it, get the job done. Before we start we do the ability to take public testimony of anyone wishing to provide comment on any of the agendized item for today. Do we have any requests? Thank you. Great. Before we allow our community to testify, you have three minutes by our Rules. Please state your name, the item you wish to speak on, and we will assist you with your time through the lighting on the podium. Green is speak, yellow means ready to terminate, and red means please stop speaking. Okay, with that we'll ask Ms. Robbins, Ms. Rosemary Robbins if she would please join us this morning for her comments, please.

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...BEGIN PUBLIC TESTIMONY...

MS. ROBBINS: Good morning, everybody.

CHAIR HOKAMA: Good morning.

MS. ROBBINS: Rosemary Robbins, concerned citizen. Here we are on the 8th of December and on the 6th of November we handled what's established today is PIA(3) [*sic*] having to do with taxpayer money--people keep reminding me--to settle litigation because we didn't get stuff done as we might have to better serve the community originally. So we're talking about the third increase for attention being given to the fact that we've been operating with injection wells that has gone to the court. The court has found that the County was guilty of not doing keep-the-community-safe stuff with the injection wells, and so...and that's Civil Case 12-00198 SOM BMK as they've written this up. And so there has been testimony given here by a concerned citizen that talked about the fact that originally the resolution was for \$250,000, so for a quarter of a million dollars to be able to pay for outside legal representation for the Council. And it says very clearly that this compensation is not to exceed \$250,000. Then it came up again...that passed. It came up again for an additional 300,000 and again was written not to exceed the new total of 550,000. And here we are, the numbers that are going to be addressed today have this, have an escalating cost up to 1,250,000. Whoa. Not to be exceeded from that number. When the community has heard this over and over again and the response has been well let's up it, something is terribly wrong here, and we've got a very dissatisfied community out there feeling that they had no say in the decision to begin with. The harm was done as far as contaminating the water and the land around it, and all they're getting to have to say is oh, we have to pay more taxes in order to try and overcome this. We can do better. Please do better. Thank you.

CHAIR HOKAMA: Thank you, Ms. Robbins. Any questions for the gentlewoman on her testimony this morning, Members? Having none, thank you very much for your testimony this morning, Ms. Robbins.

MS. ROBBINS: You're welcome. Blessed holidays.

CHAIR HOKAMA: We'll ask our District Offices if there is anyone at those offices wishing to provide testimony. Hana Office, Ms. Lono?

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. Ms. Fernandez on Lanai, 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 Ms. Alcon on Molokai, anyone wishing to provide testimony?

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

CHAIR HOKAMA: Okay, Members, there is no further request for testimony for today's meeting, so with no objections, we shall close testimony for the meeting of December 8, 2014.

COUNCIL MEMBERS: No objections.

CHAIR HOKAMA: Thank you, Members. So ordered.

...END OF PUBLIC TESTIMONY...

ITEM PIA-2(40): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(BOARD OF WATER SUPPLY) (CC 13-42)

CHAIR HOKAMA: We'll move on now to our agenda. We'll bring up first under PIA-2(40). It's under the heading of Nominations to Boards, Committee, and Commissions. Subheading is the Board of Water Supply. This morning--let's see--we have from the Mayor, correspondence dated November 24 [*sic*], 2014, where Mayor Arakawa is proposing the nomination of Mr. Kula Gaughen--I apologize if I mispronounced your name--Haili to the Board of Water Supply. This would be for a term expiring March 31, 2016. And as the request to fill was of course due to the unfortunate passing of Mr. Rust. So at this time I'll ask Mr. Gaughen-Haili to please come forward. We'll give him an opportunity to share some thoughts about himself, his desire to serve, and if there are questions from the Members the Chair will allow that also.

MR. GAUGHEN-HAILI: Aloha. Good morning.

CHAIR HOKAMA: Aloha. Good morning. So why don't you just introduce yourself, tell us who you are and your interest in serving on this important Board of Water Supply.

MR. GAUGHEN-HAILI: All right. My name is Kula Gaughen-Haili. I'm vice principal at Kamehameha Schools. I've been in education for over the last ten years, prior to that I worked at HPD on Honolulu as an officer. My background in water, I'm still learning, I'm kind of get up to speed. I've been attending school, I'm educated, and I probably would defer to best practice and research to guide me. And I'm open to any questions.

COUNCILMEMBER VICTORINO: Chair? Chair?

CHAIR HOKAMA: Thank you very much. But before...that was very concise, you must be one good educator. We'll ask Mr. Molina if he has any comments he would like to share on behalf of the Mayor and the Administration. Mr. Molina, good morning.

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MR. MOLINA: Okay. Good morning. Thank you, Mr. Chair. And good morning, Committee members. And happy holidays. The Administration would like you to consider Mr. Kula Gaughen-Haili for the, to fill out the rest of the term for Jimmy Rust who of course Chairman Hokama referred to, passed away recently. The term would expire March 31, 2016. Mr. Gaughen-Haili has an extensive background as you already noticed on his application, formerly employed with the Honolulu Police Department as well as Olomana School on Oahu as both a counselor and administrator, and currently he's an administrator over at Kamehameha Schools Maui. And he is in the process as he stated, getting up to speed on the water systems and the obvious importance of water itself. But the Administration feels it's important to have a layperson's perspective on the Board as well, and with his background in education he obviously knows the importance of studying, preparing prior to a meeting to offer his thoughts on any agenda items that may come up. So with that being said, Mr. Chairman, I'm available for questions, but we'll leave it to Mr. Gaughen-Haili to respond to the Committee. Thank you very much for the opportunity.

CHAIR HOKAMA: Thank you, Mr. Molina. We'll have...I'll have everyone have an opportunity, but I'll start with Mr. Victorino this morning.

COUNCILMEMBER VICTORINO: Thank you. And I'm going to just go, Raymond, 'cause I don't want to go with the rest, Mr. Haili. I not going use the rest. Yeah. First of all, I want to thank you for offering your services. I appreciate it. And one who has served on this Board for nearly five years prior to coming onto the Council, there's quite an extensive amount of education that needs to be done. And I was also a layperson, had much...not much knowledge and background when it came to water. And but today I feel like I have a better grasp on the system because of the years of working and understanding and learning what Maui and Maui County system is all about. My question to you, I notice you're a vice principal at Kamehameha Schools Maui. Again, time wise, because you know the meetings are usually that fourth Thursday of each month --

MR. GAUGHEN-HAILI: In the morning, yeah.

COUNCILMEMBER VICTORINO: --you know and that's usually a school day.

MR. GAUGHEN-HAILI: Right.

COUNCILMEMBER VICTORINO: So will you be able to be there? I mean I think that's important because if you're knowledgeable you need to be there to extend that knowledge and to receive whatever reports and other issues that may be on the Board's agenda.

MR. GAUGHEN-HAILI: Yeah. Prior to actually putting in my application, I already cleared it with my supervisors that the possibility of me missing a day would be real, so I already got that cleared up and shouldn't be an issue.

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COUNCILMEMBER VICTORINO: Okay. And then the other question I have for you and then I'll let others ask is the learning curve on water is very extensive and, you know, there's many aspects. And because you are part of the Kamehameha Schools system, kuleana water and other issues, Hawaiian rights are going to be very prevalent and especially in the next couple of years with Na Wai Eha and others. Even though many of them fall in the State realm it still comes back to us in some manner. Are you willing to work with that and understand that there's both, there's two sides to every issue?

MR. GAUGHEN-HAILI: Oh, yes. I think I hold true to my old values growing up and looking at things completely as, you know, based on research, data, and best practice. So I can separate myself from that.

COUNCILMEMBER VICTORINO: Very good. Thank you. And I appreciate it. And good luck to you. I think from my perspective and reading on your...I think you're an excellent candidate, but we'll see how the rest of us feel about this and how we vote on it. But I will welcome you upfront --

MR. GAUGHEN-HAILI: Thank you.

COUNCILMEMBER VICTORINO: --'cause I think you will do a very good job.

MR. GAUGHEN-HAILI: Thank you so much.

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

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

COUNCILMEMBER WHITE: Thank you, Chair. I'd just like to comment that I would agree with Mr. Victorino that water issues require a whole lot of study, and so I'm glad you're willing to take the time and make the effort to get up to speed. So with that, Chair, I think we need to have laypeople on the Board. And as Mr. Victorino said we need to have people that are willing to put the time and energy into being up to speed with the issues and making good calls on behalf of the other laypeople out there like myself. So thank you very much.

MR. GAUGHEN-HAILI: Thank you.

COUNCILMEMBER WHITE: And you go by Kula or Raymond?

MR. GAUGHEN-HAILI: Kula. Kula is better.

COUNCILMEMBER WHITE: Okay.

COUNCILMEMBER VICTORINO: Okay.

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COUNCILMEMBER WHITE: Thank you. Thank you, Kula.

MR. GAUGHEN-HAILI: Thank you.

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

VICE-CHAIR COUCH: Thank you, Mr. Chair. And thank you, Kula, for being here. And also I just want to echo the sentiments of my colleagues is just know that it's going to be a lot of work but we appreciate your willing to, willingness to step up. And hope to see you at the meetings and hear more from you as time goes. Thank you.

MR. GAUGHEN-HAILI: Thank you.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And good morning. Aloha.

MR. GAUGHEN-HAILI: Good morning.

COUNCILMEMBER COCHRAN: Thank you for being here and the willingness to serve --

MR. GAUGHEN-HAILI: Aloha.

COUNCILMEMBER COCHRAN: --on this, the Board of Water Supply. So I know you mentioned you want to get up to speed and learn all you can and what have you, and you did mention that you like to base I guess your decisions perhaps on data and research. I was...what about our culture? Being Kamehameha Schools, you know, do you place that, where do you place that in your decision making?

MR. GAUGHEN-HAILI: I think staying true to who I am is at the forefront, but with that I think emerging of best practice is always, is critical in making any kind of decisions.

COUNCILMEMBER COCHRAN: Okay. And also are there current, I guess current projects or current...or in the future maybe with Kamehameha Schools in particular having any type of dealings or conflicts with our water resources, the County level?

MR. GAUGHEN-HAILI: At this time I wouldn't be privy to anything in the future with Kamehameha except for the educational component with dealing with kids. I didn't actually specify what board I wanted to work on, I just said I wanted to help any board. So I guess that was a fit that they decided on. And I still stand true to that that I'd help on any board that you guys want me on. I really don't have a specific area, but I know that I'm educated enough to get up to speed on this issue or this Board. And so yeah, I don't know nothing about the future with Kamehameha Schools as far as land and assets or water and whatnot. But I can speak to the educational

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component and I don't see anything "controversial" or anything like that with the elementary school.

COUNCILMEMBER COCHRAN: Okay, thank you. Being from West Maui I know there is some stuff going on with the Kuia lands in West Maui below Lahainaluna High School which is Kamehameha Schools' property --

MR. GAUGHEN-HAILI: Okay.

COUNCILMEMBER COCHRAN: --in regards to development and water and things of that nature. So that will come across the desk perhaps in this Board of Water Supply. So just to keep an eye on that. And so thank you for your --

MR. GAUGHEN-HAILI: Thank you.

COUNCILMEMBER COCHRAN: --participation.

MR. GAUGHEN-HAILI: Yeah, I work there but I'm not a Kamehameha product, I'm a public school product.

CHAIR HOKAMA: Anything else, Ms. Cochran?

COUNCILMEMBER COCHRAN: No, that's all. Thank you, Chair.

CHAIR HOKAMA: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Aloha and mahalo for being here this morning --

MR. GAUGHEN-HAILI: Mahalo. Thank you.

COUNCILMEMBER CRIVELLO: --and applying to serve on...I guess to serve Maui County. I appreciate it. I don't have any particular questions or...just some comments that to recognize that we're Maui, Molokai, and Lanai. And the uniqueness puts us in different situations when it comes to water and the delivery as well as all the different conservation processes and all that. But I appreciate you coming forward.

MR. GAUGHEN-HAILI: Mahalo.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR HOKAMA: Thank you. Mr. Carroll?

MR. GAUGHEN-HAILI: Aloha.

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COUNCILMEMBER CARROLL: Thank you for coming forward. We really appreciate having good people volunteer to serve on our different boards.

MR. GAUGHEN-HAILI: Thank you.

COUNCILMEMBER CARROLL: And, Chair, I support the nomination. Thank you.

MR. GAUGHEN-HAILI: Thank you so much.

CHAIR HOKAMA: Not necessarily Lanai but Molokai is, has, is part of the County's water supply system, so travel if required is not an issue for you?

MR. GAUGHEN-HAILI: Oh, no, not at all.

CHAIR HOKAMA: Okay, very good. At this point in time with the way the Charter sets up the Department as well as the Water Supply, you are...have you been made aware of how the Water Director is selected in this County?

MR. GAUGHEN-HAILI: Not yet.

CHAIR HOKAMA: Okay. Well, one of the unique things is it takes the Mayor and the Council in agreement --

MR. GAUGHEN-HAILI: Oh.

CHAIR HOKAMA: --regarding the hiring and termination of the Water Director. It's a unique situation. It was basically done to ensure that the Water Director does not what is good for the Mayor or good for the Council, he's supposed to be there to do what is right for the people.

MR. GAUGHEN-HAILI: I agree, yeah.

CHAIR HOKAMA: And that's why we have a unique way of appointment or hiring regarding this unique...and the Board plays a unique role in its governance. Have you been at least informed about the level of governance that you would take on as part of your responsibilities as a Board member, Mr. Kula?

MR. GAUGHEN-HAILI: Not in any detail yet. Sorry.

CHAIR HOKAMA: Okay, okay. I do not doubt your ability to learn, and I kind of find it refreshing that the Members find it great to have a layperson on a technical, at times technical type of board. And I believe it's important also. Have you done anything in water in the past, whether it be support for ag water or any issues regarding flow, amounts of flow, storm...stream restoration or protection of certain, you know, special areas regarding its ecosystems, whether it be for our native birds or our unique type of fauna? Have you...

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MR. GAUGHEN-HAILI: Sorry, no. I haven't done any type of water issues or training of any kind.

CHAIR HOKAMA: Okay. No, no, no. I mean no apologies necessary. You know you're willing. Actually what I'm looking forward to is you going be like one sponge --

MR. GAUGHEN-HAILI: Yeah.

CHAIR HOKAMA: --you know, you will be very open to a lot of different thoughts and ideas which is kind of refreshing, 'cause most of us have specific ideas already or philosophies regarding governance of public water. So and again I would just ask at the appropriate time if you get, you do get confirmed, there is a Board of Ethics filing that we all participate to avoid any potential areas of conflict. And again, you would be made aware by our attorneys if you need to recuse yourself because your employer --

MR. GAUGHEN-HAILI: Oh, I see.

CHAIR HOKAMA: --has a specific application that would go through the Water Department and may have the Board required to give comment on. So those situations, you know, we'll...you should be advised in advance --

MR. GAUGHEN-HAILI: Okay, great.

CHAIR HOKAMA: --of potential conflict and advise you of your ability and how to serve --

MR. GAUGHEN-HAILI: Thank you. Yeah.

CHAIR HOKAMA: --not to jeopardize the decision of the Board. Do you have questions for us, Mr. Gaughen-Haili?

MR. GAUGHEN-HAILI: No, not really. I'm just glad to be in this position to serve. I think because my kids are already...this is a good time right now for me. So right on.

CHAIR HOKAMA: Okay, good. Well, one of the reasons is we wanted to see the face with the name, and this also helps the community to know of your willingness to serve. So we appreciate your presence this morning. Thank you very much.

MR. GAUGHEN-HAILI: Mahalo.

CHAIR HOKAMA: Any additional questions for the gentleman, Members? If not, I'm going to excuse the gentleman, and say thank you very much for your presence this morning. And we wish you well and happy holidays to you and your family, sir.

MR. GAUGHEN-HAILI: Same here. Aloha. Thank you.

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CHAIR HOKAMA: May I please now move you to Litigation Matters. Members, we have a bunch today, so we'll take up the first one which is authorization and status regarding special counsel compensation. This is Policy 1(3) heading under Litigation Matters. Subheading is the Hawaii Wildlife Fund, Et Al. V. County of Maui; Civil No. 12-00198 SOM BMK. We'll ask Corporation Counsel to please give us whatever comments is allowed in open session, please.

MS. THOMSON: Thank you, Chair. So as we provided an update on the status of this lawsuit last month, today we're requesting additional funding for special counsel. On January 12th, two motions for a summary judgment filed both by the plaintiff and by the County of Maui will be heard in Federal Court. Depending on the outcome of that hearing on April 7th, we move on to the liability trial for Wells 1 and 2, and then on August 11th, the penalty phase trial will begin. So today is additional funding, and if you have any questions I'm happy to answer them. Thank you.

CHAIR HOKAMA: Okay. Mr. Couch, questions for Corporation Counsel?

VICE-CHAIR COUCH: Not in open session.

CHAIR HOKAMA: Okay. Any Member has a question for open session? Okay. Did you request executive session? I'm sorry, I did not hear.

MS. THOMSON: I did not request it, but I'm, you know, happy to answer questions that relate to executive session matters if necessary.

CHAIR HOKAMA: Mr. Couch.

VICE-CHAIR COUCH: Thank you. Then I'll ask one. You know you gave us, I think it's sometime in October, a status. That status hasn't changed at all?

MS. THOMSON: No, the status hasn't changed. So the judge in this case found that the County violated the Clean Water Act as to Wells 3 and 4. Wells 1 and 2 liability hasn't been determined yet, and then the penalty for the violations has not been determined. So that's still same. What has changed since the last update is that both parties have filed motions for summary judgment, and so that's going to be heard in early January.

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

CHAIR HOKAMA: Questions, Members? Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, Mr. Chair, I notice Mr. Wong has come in and I would like to ask him if he has anything else he'd like to add to what miss...I'm sorry, I...your name

UNIDENTIFIED SPEAKER: Thomson.

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COUNCILMEMBER VICTORINO: I apologize.

MR. WONG: Thomson.

COUNCILMEMBER VICTORINO: Thomson, okay. Senior moment again. Ms. Thomson had to add. If that's okay with you, Mr. Chair?

CHAIR HOKAMA: That is, that would be permissible.

MR. WONG: Thank you, Chair. Thank you, Mr. Victorino. No, I don't have anything further to add at this moment, but I'm here to assist and respond to any questions the body may have.

CHAIR HOKAMA: Okay. Thank you very much, Mr. Wong. Mr. Carroll, any questions for...Ms. Crivello? Ms. Cochran?

COUNCILMEMBER COCHRAN: No, Chair.

CHAIR HOKAMA: Mr. Couch, anything further?

VICE-CHAIR COUCH: No.

CHAIR HOKAMA: Mr. White?

COUNCILMEMBER WHITE: Not for open session but I do have a question that I think needs to be asked during executive session.

CHAIR HOKAMA: Okay. It's usually our attorneys who ask for executive session, not too often the Members ask for it. But the Chair is happy to entertain the request for executive session since if I believe it'll assist you in making a decision on the request. Therefore, at the appropriate time...let's see, I will entertain a motion for executive session on Policy Item 1(3) as permitted to this body under Section 92-5(a)(4) of the Hawaii Revised Statutes, which allows this Committee to consult with legal counsel on questions and issues pertaining to its powers, duties, privileges, immunities, and liabilities of the Committee, this County, and this Council. Mr. Couch.

COUNCILMEMBER WHITE: So moved, Chair.

CHAIR HOKAMA: Mr. White.

VICE-CHAIR COUCH: Second.

CHAIR HOKAMA: I have a motion by Mr. White, seconded by Mr. Couch. Any discussion, Members? Mr. White.

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COUNCILMEMBER WHITE: Chair, if you would like to do executive session for this item in conjunction with other items that would be fine with me.

CHAIR HOKAMA: We'll take up all exec matters at one time --

COUNCILMEMBER WHITE: One time. Okay.

CHAIR HOKAMA: --but we'll do this motion at this time.

COUNCILMEMBER WHITE: Thank you.

CHAIR HOKAMA: Okay. No further discussion? All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

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

NOES: None.

EXC.: Councilmembers Baisa and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR HOKAMA: . . .(*clears throat*). . . Excuse me.

ITEM PIA-1(44): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JAMES P. NELSON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-11-00780) (CC 13-41)

CHAIR HOKAMA: Okay, I'll take up Policy Item 1(44) at this time. This is also under Litigation Matters Settlement Authorization. Subheading is regarding the James P. Nelson V. County of Maui, Disability Compensation Division Case 7-11-00780. Okay. We'll have our Deputy Corporation Counsel give us his comments in general session, please.

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ITEM PIA-1(46): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TOMMY RUSSO V. COUNTY OF MAUI, ET AL.; CIVIL 13-00165 HG RLP) (CC 13-41)

CHAIR HOKAMA: May I take you to Policy Item 1(44) [*sic*], also under Litigation Matters, Settlement Authorization. This is about Tommy Russo V. County of Maui, Et Al.; Civil No. 13-00165 HG RLP. And this is a proposed settlement proposal regarding an alleged complaint of civil rights violations and physical injuries involving an incident with the Department of Police on April 12, 2011. Mr. Wong, you or Mr. Kushi.

MR. WONG: It'll be me. Thanks, Chair. Members, this case again involves alleged violations of civil right amendment, First Amendment rights with Maui Police Department. What I'm here to report is the results of the settlement conference that had occurred on October 27 of this year. I'd like to present the information and the strategy moving forward in executive session.

CHAIR HOKAMA: Okay. Thank you very much, Mr. Wong. You have heard the request, the Chair will entertain a motion for executive session based on two areas of the statute, Section 92-5(a)(4) and Section 92-5(a)(8). Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to go into executive session on this matter pursuant to Hawaii Revised Statutes, Section 92-5(a)(4) and 92-5(a)(8).

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

CHAIR HOKAMA: Thank you. We have motions, a motion made by Mr. Couch and a, that has been seconded by Mr. Victorino. Further discussion? All in favor of the motion, please say "aye".

COUNCILMEMBERS: Aye.

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

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

NOES: None.

EXC.: Councilmembers Baisa and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

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ITEM PIA-1(11): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JOSHUA NAKAGAWA V. COUNTY OF MAUI, ET AL., CIVIL 11-00130 LEK BMK; AND ANTHONY LUM-JOHN V. COUNTY OF MAUI, ET AL., CIVIL 12-00569 JMS RLP (CONSOLIDATED))
(CC 13-41)

CHAIR HOKAMA: May I now direct you to Policy Item 1(11) under Litigation Matters also, Settlement Authorization. This is a joint consolidated case, Joshua Nakagawa V. County of Maui, Et Al., Civil No. 11-00130 LEK BMK; and Anthony Lum-Joy [sic] V. County of Maui, Et Al., Civil No. 12-00569 JMS RLP (Consolidated). Mr. Wong.

MR. WONG: Thank you, Chair and Members. I'd like to correct, you mentioned Anthony Lum-Joy, it's actually Anthony Lum-John.

CHAIR HOKAMA: Oh, excuse me. Thank you for that correction.

MR. WONG: And in both matters although consolidated they both are currently pending appeal before the Ninth Circuit. And so at this time unless the body has any questions that's the current status. And we are not at this moment seeking any settlement authorization. Thank you.

CHAIR HOKAMA: Okay, thank you. Questions on this, Members? And you've heard Mr. Wong not requesting executive session. Mr. Carroll, any questions? Ms. Crivello, questions?

COUNCILMEMBER CRIVELLO: No, not at this time, Chair.

CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: No, not a question. But I don't know the gentleman personally but I do know of his family, the Nakagawa boy. So I don't know if that's any kind of conflict on my behalf. I don't know him per se but I do know his family. But --

CHAIR HOKAMA: Which...

COUNCILMEMBER COCHRAN: --so I...

CHAIR HOKAMA: Yeah. We'll check. I would say no, but, Mr. Wong, any comments?

MR. WONG: Yeah. Chair, based on that description I don't believe that there would be any conflict for you to sit during any presentation of this matter.

COUNCILMEMBER COCHRAN: Okay, thank you.

MR. WONG: Thanks for providing the information though.

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COUNCILMEMBER COCHRAN: Thank you.

CHAIR HOKAMA: Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Did I hear you say they're not requesting executive session or not discussing a settlement?

CHAIR HOKAMA: This is not requesting executive session at this time.

VICE-CHAIR COUCH: Okay.

MR. WONG: Correct. We currently as you may recall, we prevailed on motions for summary judgment --

VICE-CHAIR COUCH: Right.

MR. WONG: --on these matters, and the plaintiffs have appealed and the briefings have occurred, so we wait for the Ninth Circuit to determine whether or not we're entitled to oral argument. And so it's a wait and see. And typically matters of this sort take some time, so I don't anticipate anything in the next year or so actually.

VICE-CHAIR COUCH: Oh, wow. Okay.

CHAIR HOKAMA: Mr. White, any questions, sir?

COUNCILMEMBER WHITE: No questions.

CHAIR HOKAMA: Mr. Victorino?

COUNCILMEMBER VICTORINO: They've been answered. Thank you.

CHAIR HOKAMA: Yeah. Basically, Members, the Chair posted this as, because of the current status that Mr. Wong gave us, as well as in your binders we have a written communication from Deputy Lutey, dated November 19, 2014. Because of the status this is also, the Chair's going to be recommending filing of this agenda item. So that is what I'm looking for is a motion to file.

VICE-CHAIR COUCH: At this time?

CHAIR HOKAMA: Yes, sir. Unless you guys wanna...

VICE-CHAIR COUCH: Can I discuss it for a second first, only...

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CHAIR HOKAMA: Sure, sure. Again, I, you know, this is something that because of the appeal as your Chair understands it, it's dependent on the Ninth Circuit's clock and calendar, it's not on our clock, it's not on Corp. Counsel's clock. So this could be years --

VICE-CHAIR COUCH: Years.

CHAIR HOKAMA: --away. And then Corp. Counsel can then resubmit an appropriate and current consideration through a resolution request.

VICE-CHAIR COUCH: Yeah. Because there isn't a lot of paperwork involved, would this come back? The paperwork? My only concern about filing it is the fact that we lose, technically we have to go back and dig up all this paperwork. But there isn't a lot there so it's a little...

CHAIR HOKAMA: Well, we'll ask Mr. Wong, he's our legal Counsel. So we'll ask Mr. Wong.

MR. WONG: Chair. Excellent question, mister...Councilmember Couch. In terms of this matter because it's pending appeal before the Ninth Circuit, if in the future we need to agendize this matter, it's not that difficult for us to provide you with the necessary information. It would probably be in our appellate briefs, and that information can be provided to you in quite frankly one document.

VICE-CHAIR COUCH: Okay, that's fine. It's just a lot of times Members sometimes have notes that they keep on, you know, they write on the papers, things that can be in open session, and once we file that, those go in a file somewhere.

MR. WONG: Well, to the extent that your notes would be helpful, you know, I'm not certain how long this matter will be held in abeyance with the Ninth Circuit. As Member Hokama said, you know, we don't have any control over the Ninth Circuit's calendaring, and it could take one or three years. And it may be beyond, you know, anyone's tenure, quite frankly. When it becomes relevant again, this Department will provide this body with accurate information inclusive of its appellate brief and a summary of it in order for you to be able to better digest it in the future.

VICE-CHAIR COUCH: Okay.

MR. WONG: Thank you.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR HOKAMA: Yeah, I appreciate the question, Mr. Couch. Any other questions, Members? Okay, the Chair's recommendation is to file this item.

COUNCILMEMBER VICTORINO: So move, Mr. Chair.

VICE-CHAIR COUCH: Second.

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EXC.: Councilmembers Baisa and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

CHAIR HOKAMA: So we'll take this into exec.

ITEM PIA-1(18): LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION TO ADVISE AND REPRESENT THE COUNCIL ON POTENTIAL MISUSE OF COUNTY FUNDS)
(CC 13-41)

CHAIR HOKAMA: Okay, I will move forward to Policy Item 1(18) under one, Litigation Matters. This is a subheading regarding Special Counsel Authorization to Advise and Represent the Council on Potential Misuse of County Funds. And this proposed resolution was to authorize employment of special counsel for a sum not to exceed 20,000. And this was as it regards prior to the County Auditor taking up this item as it regards to the County funds for the rehabilitation of the Old Wailuku Post Office. Mr. Ueoka, good morning. Long time no see. Any comments for us this morning, Mr. Ueoka?

MR. UEOKA: No comments, Chair. Just here to assist if I'm able.

CHAIR HOKAMA: Again, Members, the Chair was planning this for, more for filing because under the Auditor's direction to us in two communications, January 8, 2014 as well as June 30, 2014, from Mr. Taguchi, County Auditor, he states both times that he is conducting an audit on this subject matter area and we, the Council is currently waiting for the conclusion and submittal of this audit. This is under self-initiated projects by the Auditor, and that is the status, Members. Questions? Comments? None?

COUNCILMEMBER WHITE: Okay to file.

CHAIR HOKAMA: Yeah. If not, I'm, will entertain a motion to file, Members. Mr. Couch.

VICE-CHAIR COUCH: Mr. Chair, since 1(26) appears to be the same, can we include those both in the same motion or do you want to discuss those separately?

CHAIR HOKAMA: Procedurally I'd just like to --

VICE-CHAIR COUCH: Okay.

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CHAIR HOKAMA: --take it up independently, please.

COUNCILMEMBER VICTORINO: So move, Mr. Chair, on your filing of County Communication PIA-18.

CHAIR HOKAMA: Okay.

VICE-CHAIR COUCH: Second.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Victorino, seconded by Mr. Couch to file items attached to Policy Item 1(18), subheading the Special Counsel Authorization to Advise and Represent Council on Potential Misuse of County Funds. Any further discussion, Members? 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, Vice-Chair Couch, and Councilmembers Carroll, Cochran, Crivello, Victorino, and White.

NOES: None.

EXC.: Councilmembers Baisa and Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FILING of correspondence dated May 17, 2013.

CHAIR HOKAMA: Thank you very much.

ITEM PIA-1(26): LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: FORMAL INVESTIGATION OF COUNTY EMPLOYEES, RELATING TO RESOLUTION 13-83)
(CC 13-41)

CHAIR HOKAMA: I'll direct you now to Policy Item 1(26) also under Litigation Matters. Subheading for under Special Counsel Authorization: Formal Investigation of County Employees, Relating to Resolution 13-83. Mr. Ueoka, any comments on this before we move forward?

MR. UEOKA: No comments, Chair. Just here to assist if possible. Thanks.

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CHAIR HOKAMA: Okay. Members, you've heard my comments as it regarded to the previous Item 1(18). Mr. Taguchi, County Auditor is doing a self-initiated audit of this subject matter. The Chair would recommend filing of this matter, and if we need to we can always resubmit in the new term.

VICE-CHAIR COUCH: Mr. Chair, I move to file all communications regarding PIA-1(26).

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: Thank you. We have a motion to file items attached to Policy Item 1(26), made by Mr. Couch, seconded by Mr. Victorino. 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, seven ayes, two excused.

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

MOTION CARRIED

ACTION: **Recommending FILING of correspondence dated August 13, 2013.**

CHAIR HOKAMA: What I'll do now, Members, at this time is what I plan to do is recess, go into executive session. I want to deal with all items that you have approved for executive session and dispense with those requirements. Because once we start on the new Fire Code I would like us to have some momentum. Because I believe it's something doable today for this Committee in my estimation as your Chair. If it doesn't happen, it doesn't happen. But I'm very pleased with the new submittal and I appreciate the Fire Department's very conscientious efforts to make it possible for us to be the first County in the State to be updated to the newest Fire Code standards. That's the Chair's plan. Any questions on the, how we're going to move forward, Members? Okay, if not, we're going to take a recess to prepare for executive session, and please take your short morning break at this time. . . .(gavel). . .

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RECESS: 9:56 a.m.

RECONVENE: 11:28 a.m.

CHAIR HOKAMA: . . .(*gavel*). . . General session for the Committee on Policy shall come to order. Thank you, Members, for our need to complete the work of executive session for various items of today's agenda.

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: May I direct you please now to Policy Item 1(3) under Litigation Matters. This is the Settlement Authorization, Status, and Special Counsel Additional Compensation: Hawaii Wildlife Fund, Et Al. V. County of Maui; Civil No. 12-00198 SOM BMK. The Chair will entertain a motion after hearing the discussion in executive session, to recommend to the Council adoption of the proposed resolution to increase authorization by \$400,000 for Hunton & Williams LLP. Mr. Couch.

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

COUNCILMEMBER COCHRAN: Second.

CHAIR HOKAMA: Thank you. I have a motion made by Mr. Couch, seconded by Ms. Cochran. Members, is there a need for any further discussion? This is again under the terms and conditions of executive session. Having none, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no"? Motion passes with five ayes, four excused, Baisa, White, Guzman, and Victorino.

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

NOES: None.

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

ABSENT: None.

ABSTAIN: None.

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MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

ITEM PIA-1(44): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JAMES P. NELSON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE 7-11-00780) (CC 13-41)

CHAIR HOKAMA: May I now take you to Item 1(44). Settlement Authorization: James P. Nelson V. County of Maui, Disability Compensation Division Case 7-11-00780. The Chair is open for a motion to recommend to Council the adoption of an authorized settlement proposal as we have discussed under the terms and conditions of executive session. Mr. Couch.

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

COUNCILMEMBER CARROLL: Second.

CHAIR HOKAMA: I have a motion by Mr. Couch, seconded by Mr. Carroll. Members, any further discussion on the motion? If not, all in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no"? Motion passes with five ayes, three excused...six ayes, six ayes, three excused, Ms. Baisa, Mr. Guzman, and Mr. Victorino.

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

NOES: None.

EXC.: Councilmembers Baisa, Guzman, and Victorino.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

CHAIR HOKAMA: Thank you for that.

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ITEM PIA-1(46): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: TOMMY RUSSO V. COUNTY OF MAUI, ET AL.; CIVIL 13-00165 HG RLP) (CC 13-41)

CHAIR HOKAMA: Now may I direct you to Policy Item 1(46) also under Litigation Matters (Settlement Authorization: Tommy Russo V. County of Maui, Et Al.; Civil No. 13-00165 HG RLP). I will entertain a motion to recommend to Council the adoption of a proposed resolution regarding the settlement of Tommy Russo versus County of Maui as, under the terms and conditions of executive session. Mr. Couch.

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

COUNCILMEMBER CARROLL: Second.

CHAIR HOKAMA: I have a motion made by Mr. Couch, seconded by Mr. Carroll. Members, any further discussion? All in favor of the motion, please say "aye".

COUNCILMEMBERS: Aye.

CHAIR HOKAMA: Opposed, say "no"? Motion passes with six ayes, three excused, Baisa, Guzman, and Victorino.

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

NOES: None.

EXC.: Councilmembers Baisa, Guzman, and Victorino.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution.

CHAIR HOKAMA: Let's see...

VICE-CHAIR COUCH: One forty.

ITEM PIA-1(40): LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. VICTOR CAMPOS, ET AL.; CIVIL 11-1-0289(3)) (CC 13-41)

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Chief Murray, Captain [*sic*] English, Captain Haake if they would come and join us, please. So, gentlemen, thank you for joining us this morning and for the time we will use this afternoon regarding the proposed newest edition of the Hawaii State Fire Code. So this is our understanding, gentlemen, and we would appreciate any correction. What is before us is 2012 Fire Code that is being asked to for this County to adopt. Our understanding is the State has already adopted the general basic umbrella document. The Maui Fire Department has reviewed it and also has recommendations of amendments to us that are more pertinent and specific to Maui County's specific rules and Code requirements. Would that be correct, gentlemen?

MR. MURRAY: Yes, that would be correct.

CHAIR HOKAMA: Okay. So first the Chair wants to acknowledge the hard work of these three gentlemen on behalf of their Department. The Chief, Captains Haake and English did a lot of heavy lifting to get it to us end of this term. I had, it was my desire that basically we would have been the last to adopt the old code, but I was not thrilled with the old code and I was prepared to wait for the new code. Well, the new code is here, and with the support of Ms. Nakata we've reviewed it. And I think Maui County can now be the first County to adopt the new code as well as taking into consideration the Department's request to amend the code to fit our County's unique requirements. And it is also my understanding, gentlemen, so now is the best time to correct us if we're, our understanding is incorrect that even after we adopt it, if there are additional revisions or amendments that need to make it fit to this County the Council can take up those amendments at a later date and have it for consideration to be included in the then current Code.

MR. MURRAY: That is correct, Chair.

CHAIR HOKAMA: Okay, thank you very much for that. Chief, why don't...we would be very happy to hear you and as well as your two captains' opening comments regarding the proposal before us today.

MR. MURRAY: All right. Good morning, Chair and Council members. I would like to have Captain Haake answer any questions and explanations that you may have questions for. So, Cap. Thank you.

CHAIR HOKAMA: Okay, thank you, Chief. Captain, any opening comments you'd like to share with us?

MR. HAAKE: Yes, thank you, Chair. Thank you, Council members. I'd like you guys to know that in August of this year, the State adopted NFPA 1, the 2012 edition. Previously they were in the 2006 edition which Chair Hokama said we were looking to adopt, but because of the switch or the adoption of the 2012 edition in August it was proposed that we move forward with getting the 2012 edition online. The 2012 edition of NFPA 1 which is the book that you have, it was amended prior to the State's adoption, and what was done in the State version was they took out a whole bunch of provisions so that we could have a Fire Code that could apply to the entire

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State. Some of the things that were taken out were permit requirements and some fire protection requirements in the code with the thought that when the counties adopt the Fire Code, they would put in the correct requirements for that particular county. So what they did was they made, the State, the model code, NFPA 1 2012 fit all the counties and then when we come in and adopt this then we put in county-specific requirements which wouldn't apply, you know, wouldn't be...you'd have a lot of trouble getting the counties to adopt it if the model code wasn't amended during the State version. Okay. So the amended version of the State Code was worked on by a committee of, the Fire Prevention Committee which is a committee made up of the different representatives from the four counties. And so one of them was myself. And then we had the captain from Kauai, the battalion chief from Big Island, and then another captain from Oahu. And then we were also assisted with a representative from the National Fire Protection Association which is the publishers of this code. And so we worked on the State amendments, made sure that the State could adopt it and the counties wouldn't have any problem with it. And then later we worked together to come up with our county amendments. Of course we weren't able to agree on all the things county-wise, but we did our package for Maui County. And that's what we have before you guys. So you're going to have a copy of the model code, then you're going to have a document titled Department of Labor, Industrial Relations and that's all the amendments that were done, the State amendments. And then you're going to have a document with, which is the bill that we are proposing.

CHAIR HOKAMA: Okay, thank you for that quick overview, Captain. Captain [*sic*] English, you have anything you'd like to share with us at this time? Okay, thank you. Members, any questions for our administrative staff from the Fire Department, from the Chief or the two captains? I will just also let you know that the Committee Staff under the direction of Ms. Nakata has reviewed it. There are a few what the Chair would term nonsubstantive changes. And so upfront I would ask Members if you would allow the Staff, with no objections, to take care of those nonsubstantive adjustments in the proposed legislation?

COUNCIL MEMBERS: No objections.

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

CHAIR HOKAMA: Okay, thank you for that. Okay. I think how we're going to move forward today is to use the separate attachment provided by the Fire Department, and that would be the consideration of amendments, the one with their explanations alongside of the bill proposal as we proceed through the review.

VICE-CHAIR COUCH: What's the date on that, Chair?

CHAIR HOKAMA: One second. Ms. Nakata, you have the...

MS. NAKATA: Thank you, Chair. It was all part of the packet submitted alongside with the bound volume. So...

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VICE-CHAIR COUCH: What's the date on that? Because we have three documents with different dates.

CHAIR HOKAMA: Yeah, yeah. Hold on there, mister...

MS. NAKATA: It was submitted under a cover of correspondence dated December 1, 2014 from the Fire Chief.

VICE-CHAIR COUCH: Thank you.

CHAIR HOKAMA: It should be like the last big thick --

VICE-CHAIR COUCH: Yep.

CHAIR HOKAMA: --component in your binder for that item.

VICE-CHAIR COUCH: Thank you.

CHAIR HOKAMA: And I can tell you lately the last few submittals from Fire and Police have been well, well done.

VICE-CHAIR COUCH: Oh yeah.

CHAIR HOKAMA: Yeah. And I want to recognize the efforts of those two Departments 'cause they could give some other departments some lessons in submittals.

VICE-CHAIR COUCH: So, Mr. Chair?

CHAIR HOKAMA: Okay. Mr. Couch.

VICE-CHAIR COUCH: We have and I'm not sure how it's organized per se, but we have the Department of Labor and Industrial Relations which basically took away a lot of things to allow the County to put in what fits theirs. And then we have the bill. So the bill doesn't really take into account anything in the Department of Labor and Industrial Relations. It doesn't refer to that. The bill says okay, if the Department of Labor and Industrial Relations removed this and you agree that it is removed, it is removed in your bill. Is that correct? Or because of the way this ordinance works as well with the Building Code, it refers to this book and then the bill is any amendments to this book, but the Department of Labor and Industrial Relations is also amendments to this book.

CHAIR HOKAMA: Under the rules, procedure, the APA procedure, you're correct, Mr. Couch, but before you go any further I will ask Mr. Ueoka to give comment --

VICE-CHAIR COUCH: Sure.

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CHAIR HOKAMA: --to bring some clarity, please. Mr. Ueoka.

MR. UEOKA: Thank you, Chair. My understanding is that the national committee gets together and creates the NFPA.

VICE-CHAIR COUCH: Right.

MR. UEOKA: The State committee gets together and creates the DLIR rules which are our State Fire Code which I'm not sure, I'm pretty sure there's some additions also. It adds and subtracts from the NFPA.

VICE-CHAIR COUCH: Right.

MR. UEOKA: Then the counties individually look at the State Fire Code and the first section incorporates the State Fire Code, and then it continues to make additions and subtractions from the State Fire Code. However, everyone references the NFPA as the base book just because it's for simplicity. So when you're looking at the County Fire Code you just need to look at the NFPA book --

VICE-CHAIR COUCH: Okay.

MR. UEOKA: --and the State Fire Code of course, as opposed to having to look up and cross reference. But it's just for consistency, everyone references back to the NFPA.

VICE-CHAIR COUCH: Okay.

MR. UEOKA: But we are amending the State Fire Code in our amendment with reference to the NFPA if that makes any sense.

VICE-CHAIR COUCH: I just want to know if it, if there's a change that was made in the DLIR but it wasn't...I mean it's referred to, it says it accepts the DLIR and we don't make any changes in here...let's say the DLIR pulls out Section 1.3.3.3, okay, but we don't make mention to that in here, in our ordinance. Is 1.3.3.3 still removed? And how would we know that? We'd have to look at all three documents, is that right?

CHAIR HOKAMA: Mr. Ueoka.

MR. UEOKA: Thank you, Chair. Yes.

VICE-CHAIR COUCH: Okay. Good. That's what I want to know. Thank you.

CHAIR HOKAMA: Okay. I'm going to go through this review at this time with the notes that I have and the Staff has assisted me with which we'll go from the start of the proposal on through. But

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these are the areas that I believe I wanted to have some focus and at least make the Committee aware of, and if there's additional input from you, that would be appreciated. The areas that I do not bring up, if you would like to bring it up, then when we're in the appropriate sections, please make the Chair aware, and I'm happy to entertain your issues and concerns as well as receive the comments from the Chief and the captains that are, will be assisting us. So if you take a look at the proposal, Members, I would like to direct you to...well, first I just wanted to let you know that what we have noticed that in some instances like fire sprinkler systems for various types of occupancies, it is my understanding that our Department will be recommending that we add back certain things that the State has deleted with some adjustments that are specific to our County. Would that be correct, Chief, in our, on my understanding currently?

MR. MURRAY: Yes, Chair.

CHAIR HOKAMA: Okay. And so that's why we have the Chief and the captains here to give, if need be, their position on why they would, are recommending such consideration. Okay. And again I said and I appreciate you already allowing the Staff to take care of the nonsubstantive revisions. But the first area I'd like to take you to please, Members, is Page 4 of the proposal, and that would be more under the area of 7 point...there's a lot of points, so 7.7.11.1.1, the Plan review fee. Let's see, my notes, the notes, my notes say that there appears...

VICE-CHAIR COUCH: Pardon me, Mr. Chair.

CHAIR HOKAMA: Yes?

VICE-CHAIR COUCH: You said 7.7.11.1.1, it's 1.7.11.

CHAIR HOKAMA: Correct. I'm sorry. You're correct.

VICE-CHAIR COUCH: Okay, all right. I just was confused. Sorry.

CHAIR HOKAMA: No, I apologize. My brain's a little tired. But thank you for that correction, Mr. Couch. You're a good vice-chair. But anyway, on Page 4, again it appears exemptions to plan review fee for residential workforce housing units have been deleted from what is now Maui County Code Section 16.04B.050. And I'm not too sure if this is something intentionally or we need to reconsider this. Or is, do we believe that the way it's being proposed is sufficient enough if the exemptions are covered in the budget. I would think if this is part of the Code I would prefer it to be part of the MCC than the budget document itself, but that's just my preference. Any comments, Chief? You or Captain Haake in this area, plan review fee. You know 'cause it was deleted in this area, the exemptions for the housing.

MR. HAAKE: Chair, you're saying it's deleted because it's not being shown in the proposal?

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CHAIR HOKAMA: That's how, you know, I'm receiving it. Now is that not correct, Chief? And that's why we appreciate your presence for clarification of this proposal. We weren't sure, so it's more of a question, Chief, than a statement.

MR. MURRAY: Cap.

MR. HAAKE: So, Chair, I would think if you guys, if the Committee would need to see those exemptions in the proposal then it could be added.

CHAIR HOKAMA: Okay. 'Cause, you know, 'cause one way we could do it is definitely through the Budget Ordinance regarding these type of fees, but I'm thinking maybe it's easier we put it in the actual Code.

MR. HAAKE: That would make sense, Chair. Because there's a lot of times when different projects come up and, you know, it's always a question as to will the fee apply to the project or not. So if there was wording to say what type of projects were exempt from the fee, that would be appropriate.

CHAIR HOKAMA: Okay. Mr. White, any thoughts as our current Budget Chair?

COUNCILMEMBER WHITE: No, I would agree.

CHAIR HOKAMA: Okay. Mr. Couch, comments, concerns?

VICE-CHAIR COUCH: Thank you. I'm not quite sure what was deleted because I don't see anything about exemptions here, and I'm looking quickly at 1.7.11.4. Is that this list of stuff? Has that been actually deleted?

CHAIR HOKAMA: Well, the comparison is more toward 16.04B, Mr. Couch.

VICE-CHAIR COUCH: Oh, okay.

CHAIR HOKAMA: And that's why the question is where, you know, if we're going to put it, is it better in the Budget document, is it better in the Code document within MCC, Maui County Code. It's something that, you know, I would agree with our Staff, you know, we need to make a decision on how we want to approach the document and where we're going to put the appropriate kind of requirements like the fee structure, what is exempted, what is applicable.

VICE-CHAIR COUCH: So we need to have 16.04B in front of us too then, huh? I'm looking for it all. Sorry.

CHAIR HOKAMA: No, no, no, no, no. I mean this is how strong this, our Committee Staff is, they've thought about all this different components that impact this Code proposal.

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VICE-CHAIR COUCH: Along those lines, you're on Page 4, if we had questions before that is this the time to bring it up or after?

CHAIR HOKAMA: After we finish this discussion --

VICE-CHAIR COUCH: Yeah, okay.

CHAIR HOKAMA: --if you have something before it I'm happy to entertain it after lunch.

VICE-CHAIR COUCH: Sure.

CHAIR HOKAMA: Okay. Ms. Cochran, any questions --

COUNCILMEMBER COCHRAN: Not on this line.

CHAIR HOKAMA: --at this time on this one? Or any preferences or thoughts where you think we should take care of these areas regarding the exemptions for workforce housing?

COUNCILMEMBER COCHRAN: As you recommend.

CHAIR HOKAMA: Okay, thank you. Ms. Crivello, any thoughts? You, you know, you've worked hard on workforce housing so, you know, I'm very open to your thoughts and what you would recommend for us.

COUNCILMEMBER CRIVELLO: I think we still having discussions about what sort of incentives of what will work for the workforce, to add to that framework. So I haven't had chance to really go over this and...

CHAIR HOKAMA: I will not force a quick decision on this, 'cause this is going to stand on the books for some years.

COUNCILMEMBER CRIVELLO: Yeah.

CHAIR HOKAMA: Yeah, so I want you guys to be comfortable and be able so that the Department can move forward with confidence.

COUNCILMEMBER CRIVELLO: I need to do more of my homework.

CHAIR HOKAMA: Okay. That's fine. Mr. Carroll, questions on this area at this time?

COUNCILMEMBER CARROLL: ...*(inaudible)*...

CHAIR HOKAMA: Thank you. Anything else, Mr. Couch?

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VICE-CHAIR COUCH: Yeah. In looking up 04B I do see what is, was there is no longer there, and that is a good question as to why. And your point is to where we may want to put that. And I think the Budget might be a valid spot for that. And just for the other Members' sake, in 04B it says a residential workforce housing unit as defined in Section 2.96.020 of this Code shall be assessed 50 percent of the fee. And that's nowhere near, nowhere in this new section. So I agree with Mr. Hokama as to what we're going to do with that, and Budget might be the best place for that.

CHAIR HOKAMA: Yeah. Well, we'll stick and talk about it. You know right now I'm presenting it.

VICE-CHAIR COUCH: Sure.

CHAIR HOKAMA: I know Mr. Victorino wanted to participate more and whatnot, so we're doing all the quick lifting now.

VICE-CHAIR COUCH: Yep.

CHAIR HOKAMA: And then, you know, we'll come back and make the final decisions. But I just wanted us to start the ball rolling on...and again, get comments from the Department on what their preferences are for Maui's, our County needs. You know what, before we get to cryogens we're going to take a midday break. So, Members, 1:30, is that to your working, does it work for you until 1:30? We recess 'til 1:30? Okay. This Committee shall stand in recess 'til 1:30 p.m. today and we shall return back in the Chambers at that time. We are in recess. . . .(gavel). . .

RECESS: 11:57 a.m.

RECONVENE: 1:39 p.m.

CHAIR HOKAMA: . . .(gavel). . . We shall reconvene the Committee meeting for the Policy Committee for December 8, 2014. We are on the review of Policy Item 38 which is the consideration of the new updated Fire Code of 2012 to be the County's, the version that we will be working from for the County of Maui. At the end of the morning, we were finishing up with the component on Page 4, so we had the discussion on how we might want to approach some of the exemptions, particularly with the residential workforce housing. So we'll note that there's couple of ways we can approach it, either under the residential housing component of the Code, through the Budget document, to this vehicle of using the Fire Code itself, but I will not...we're going to keep moving forward, Members. I'll get, I'll come back later with my recommendations. I know Mr. Couch had an item but since he's not here we're going to move on with my list, so please go to Page 8. And we have Mr. Guzman joining us.

COUNCILMEMBER GUZMAN: Good afternoon . . .(inaudible)...

CHAIR HOKAMA: Thank you. On Page 8 [sic], Table 1.12.8(b). This one covers the area of permit amounts for cryogens. And so the question that we have for the Department to assist us with

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would be should we have a permit requirement for cryogenics be referenced in this subsection which is the Table 1.12.8? So we just ask the Department for their thoughts on this one, please. Either Captain Haake or Lieutenant English. My apologies, Members, I was giving the Lieutenant an early promotion, so I was corrected. It's eventually Captain English. So, Captain Haake, any comments regarding this, please?

MR. HAAKE: Yes, Chair. Thank you. There is a typo in Table 1.12.8(c) --

CHAIR HOKAMA: Okay.

MR. HAAKE: --under the item cryogenics where it says See Table 1.12.8(a), that should say 1.12.8(b).

CHAIR HOKAMA: Okay. Okay. You think we should have this incorporated? The permit requirement in that sections, Captain? Would you...or someplace else?

MR. HAAKE: So, Chair --

CHAIR HOKAMA: Yes.

MR. HAAKE: --cryogenics would fall under 1.12.8, No. 4, hazardous materials. And then that would refer you to 1.12.8(c) which would take you to 1.12.8(b).

CHAIR HOKAMA: Right. Okay. Carla, you got that? Okay. Tammy, you need any additional clarification? Okay. That was what the Chair wanted to bring up. Members, anything in this area? Questions for the Chair or Fire Department at this time? Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I don't know all the qualities I guess of liquid natural gas. I know there's a lot of talk about utilizing it here. So is that, does that need to be listed as a type of material, hazardous or flammable or anything of that nature?

CHAIR HOKAMA: You're talking about LNGs?

COUNCILMEMBER COCHRAN: LMG [*sic*]...liquid natural gas. Is that right?

CHAIR HOKAMA: Okay, that's a good question, and I'll ask Captain Haake if he has a comment or response. He or Lieutenant English.

MR. ENGLISH: Yeah. The natural gas, it will list it under the...it's the same use and Code requirement for the LPG, the liquid petroleum gas. It's real similar.

COUNCILMEMBER COCHRAN: Okay. Okay. So it would be covered under that category basically? Okay, good. Okay, thank you.

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MR. ENGLISH: Yeah. It would be under that permit, and there's a section in this Code that covers the LPG and the natural gas.

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

CHAIR HOKAMA: Thank you. Any other questions for our Department in this, on this area? Okay, we'll continue to move forward. Page 11, gentlemen and Committee members. This is under that section regarding warning notices and Notices of Violation. Also our understanding is 1.16.2 basically covers the warning notices, and 1.16.3 covers the Notices of Violation. We were wondering, gentlemen, if you folks had a...you know for us the language doesn't kind of flow well when we read that section. So under the violation section, 16.3.1, we are wondering whether language that states something like this might be more applicable whereby our recommendation or...would be to you, any warning notice issued pursuant to this Code shall be served upon the owner, occupant, operator, or other person responsible for the condition or violation of this Code by personal service, by registered or certified mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. We feel that this was pretty much more a complete idea put through in our proposed language. Any thoughts, Captain, Lieutenant, Chief, regarding this area on Page 11?

MR. HAAKE: Chair, are you referring to Section 1.16.3.1 or 1.16.2?

MS. NAKATA: Excuse me, Chair. I think that's for 1.16.2.1.

CHAIR HOKAMA: Point one, yes. Yeah, yeah. One sixteen point two point one, Cap.

MR. HAAKE: Yeah, Chair, we don't see a problem with your recommendation.

CHAIR HOKAMA: Okay, great. And since we're in the same subject area, then as it flows into Page 12 regarding 1.16.3.2(8), should we include the language or the number of the permit? And we ask you for your thoughts on that because it is referenced in an earlier section, 16.2.2, Subsection 3.

MR. HAAKE: Yes, Chair. One point sixteen point three point two, No. 8 should match the same wording as No. 3 of 1.16.2.2.

CHAIR HOKAMA: Okay.

MR. HAAKE: To add the wording "with reference to a permit number if applicable".

CHAIR HOKAMA: Okay. We appreciate it. Thank you.

MR. HAAKE: Okay. And, Chair --

CHAIR HOKAMA: Yes.

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MR. HAAKE: --I'd like to point out one more thing.

CHAIR HOKAMA: Please.

MR. HAAKE: In 1.16.2.2 there's a sentence that should be deleted which is right after the word "following". So you'll see on the last sentence there's a word "following" and then there's the underlined, "the notice of violation and order shall include the following information". That should be deleted.

CHAIR HOKAMA: Okay.

MR. HAAKE: Because that section is only for warning notice.

CHAIR HOKAMA: Okay. Carla, do you and Tammy have that? Okay, we're good. Great. We thank you for that recommendation, Captain.

COUNCILMEMBER CRIVELLO: So, Chair, clarification.

CHAIR HOKAMA: Yes, ma'am. Yes.

COUNCILMEMBER CRIVELLO: So the deletion should be what was added? The notice of violation and order shall include the following information. Okay.

MR. HAAKE: Yes.

CHAIR HOKAMA: Okay, thank you for that. Page 12, just in general, gentlemen, we would be working with you but we thought part of the numbering of the subsections unnecessarily make it more difficult for the regular people who don't work with this. And so we were wondering if you would work with us, 'cause I would like to try and find a renumbering method that makes it very clear and easy to follow. So it's just a request from us in this area if you would mind working with us to make it easier than and less confusing, you know, in the style that we presented it.

MR. HAAKE: Yes, Chair. We'd be willing to work with the Committee.

CHAIR HOKAMA: Okay. We...

MR. HAAKE: Which particular sections you were talking about?

CHAIR HOKAMA: The Subsections A through D under 1.16.3.3.

MR. HAAKE: Okay.

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CHAIR HOKAMA: Yeah.

MR. HAAKE: Yes, Chair. We'd be willing to work with the Committee, and we may also have a suggestion.

CHAIR HOKAMA: We are very open to those, Captain.

MR. HAAKE: So maybe Item A could become 1.16.3.4, and Item B become 1.16.3.5. Item C become 1.16.3.6, and Item D become 1.16.3.7.

CHAIR HOKAMA: Okay. Thank you for working with us on that. Carla, you got that? Great. Members, any questions? Okay, thank you. On Page 13, gentlemen, the question we have is the heading of 1.16.5, Abatement. When we read the following from that heading, it doesn't seem to kind of apply to abatement. So, Mr. Ueoka, any thoughts?

MR. UEOKA: Oh, thank you, Chair. Yeah, I believe we could delete the abatement and just continue with the numbering.

CHAIR HOKAMA: Okay, okay. I mean it's not major, major things, Mr. Ueoka. We just obviously, you know, our Staff has done a great review job and we're just doing some minor tinkering to...

VICE-CHAIR COUCH: Mr. Chair?

CHAIR HOKAMA: Yes, Mr. Couch.

VICE-CHAIR COUCH: On that one it, what it used to talk about was, you know, if there's an eminent danger and the owner needs to clean things up. So you're pulling it out of there, where is it going into? We're not getting rid of that altogether are we?

CHAIR HOKAMA: We're on abatement.

VICE-CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Yeah, people need to do it.

CHAIR HOKAMA: Captain, you have a...

VICE-CHAIR COUCH: 'Cause I mean I don't see it in the near...does that kind of weigh down to 16.04C.210 maybe? Is that where it all moves to? On Page 15.

CHAIR HOKAMA: Yeah, wait now. We gotta go there.

VICE-CHAIR COUCH: I just want to make sure that we don't get rid of...

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CHAIR HOKAMA: No, no, no, no, I understand --

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: --your concern 'cause all the districts have a concern. Okay, Mr. Ueoka, Captain.

MR. UEOKA: Mr. Chair? We still do have the authority in 1.7.15. That authority still exists. It wouldn't hurt to include the abatement language in 1.16. I don't see a harm in it, but just if it's not included we still do have the authorities contained in 1.7.15. Thank you.

CHAIR HOKAMA: Okay. Mr. Couch.

VICE-CHAIR COUCH: Okay. Just as long as we...

CHAIR HOKAMA: No, no, no, no, yeah, no, that was a very good question. Any other question from the Members at this time? Okay. I was wondering also on Page 13, Mr. Ueoka and Department, 1.16.4.2.1, I'm wondering if this provision belongs under the heading of penalties or should we relocate it and put it in another provision of the proposal? 'Cause I'd like you to look at that as well as 16.5 and 16.6. Should we move that under a penalty section or another component of the proposal? ...*(clears throat)*... Excuse me.

MR. UEOKA: Chair, if I may?

CHAIR HOKAMA: Mr. Ueoka, please.

MR. UEOKA: Thank you, Chair. I believe the overarching section is 1.16.4, so yeah, I think it would be very appropriate for us to...the 4.1 is related to penalties/violations, 4.2 would be the refusal section. Probably 4.3 should be the "nothing herein shall be construed", and we should probably make the 1.16.5 be 4.4; 1.16.6 should probably be 4.5. So they would all fall under the penalty section.

CHAIR HOKAMA: Thank you for that comment. Ms. Nakata, you have a...okay, you understand what Mr. Ueoka just shared? Repeat that please, again, Mr. Ueoka, your thoughts.

MR. UEOKA: Okay, thank you. The 1.16.4.2.1 --

CHAIR HOKAMA: Okay.

MR. UEOKA: --probably would be more appropriate as 1.16.4.3. And 1.16.5 should probably be 1.16.4.4; 1.16.6 should probably be 1.16.4.5. So they would all fall under the subject of penalties.

CHAIR HOKAMA: Any questions, Carla?

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MS. NAKATA: The only question is 4.2.1, so you're still viewing that as falling under the penalties provision as opposed to a separate enforcement section or...

MR. UEOKA: It could go under 1.16.5. It could become a new section 1.16.5. I believe it is in relation to the penalties though and the further action beyond the penalties provisions contained in the Code.

CHAIR HOKAMA: Okay. Well, we're going to rewrite this bill with the adjustments and the nonsubstantive adjustments, so we'll have an opportunity to review everything. Okay. Let's see, I'm done with Page 13. Page 19.

VICE-CHAIR COUCH: Wait. Mr. Chair, real quick before you go on.

CHAIR HOKAMA: Oh, I'm sorry. Yes, Mr. Couch.

VICE-CHAIR COUCH: In 1.16.7, criminal prosecution, it says the fine of \$1,000, is that normal or is that just because of our Charter limitation?

CHAIR HOKAMA: Mr. Ueoka? Captain Haake?

MR. UEOKA: I believe we're following the Charter limitation.

VICE-CHAIR COUCH: So I mean normally the fine would be higher if people were willful and found guilty in other jurisdictions? Is that normally the case? Anybody know?

CHAIR HOKAMA: Mr. Ueoka.

MR. UEOKA: That's a jurisdictional question, it depends. It would vary by jurisdiction. I guess I don't think there's a standard.

VICE-CHAIR COUCH: Okay. And we can't go any higher because of the Charter, right?

MR. UEOKA: I believe it's a State law also that only allows for counties to do misdemeanors.

VICE-CHAIR COUCH: Okay. Thank you.

CHAIR HOKAMA: Okay, thank you very much. If I can move to Page 19. I have a Section 13.3.2.27.6. This is more about...okay. Now my, the notes I have, these concern...what...okay, my concern was the, what wording should be for this section. I was wondering if we should put something like shall be equipped throughout as approved, automatic fire sprinkler systems or something.

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MR. HAAKE: Yes, Chair. In our 2006 amendment package, that wording was under a section that said automatic fire sprinkler protection shall be provided in the following and then that wording was listed.

CHAIR HOKAMA: Okay.

MR. HAAKE: So right now if...that's the intent of this Code section but I don't think it spells it out correctly. So there should be wording in there to say an automatic fire sprinkler protection shall be provided in all new buildings.

CHAIR HOKAMA: Right. Right. And your intention is that it be throughout the whole building, right? The structure? Not just in one specific but the whole structure gets equipped with the system? Is that the intent?

MR. HAAKE: Yes. If a building, if a new building is proposed and its floor area is greater than 5,000 square feet and its average ceiling height is greater than 16 feet then it should be required to have an automatic fire sprinkler system.

CHAIR HOKAMA: Okay. Okay. Yeah, we appreciate you helping us with this 'cause it's kind of like hanging, I mean you told us the dimensions but then, you know, I just wanted it clear so that you don't get those calls that say oh, I don't know what you guys meant by that. You know it's going to be real clear to the applicant if they meet over 5,000 square feet and higher than 16 feet you going be required to put a...

MR. HAAKE: Yes. Thank you, Chair. Thank you very much.

CHAIR HOKAMA: Yeah.

MR. HAAKE: It's when you look at these things over and over again you start seeing...you know what you mean but you better make sure you say what you mean.

CHAIR HOKAMA: We appreciate working with you folks.

MR. HAAKE: Thank you, Chair.

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

COUNCILMEMBER WHITE: If we could go back to Page 17 on the same subject of fire protection.

CHAIR HOKAMA: Okay.

COUNCILMEMBER WHITE: On the bottom of the page --

CHAIR HOKAMA: Yeah.

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COUNCILMEMBER WHITE: --13.3.1.10, compliance. All existing occupancies, that are under this Code are required to be protected by an automatic fire sprinkler system, shall be in compliance with this provision within three years of adoption of this Code. Can you explain to us exactly what is covered by this compliance issue?

MR. HAAKE: Thank you, Councilmember White. That provision is in place because there are occupancies identified within this Fire Code, although they are existing they will need to be protected with fire sprinkler systems if this Code is adopted. And one such occupancy is listed on Page 18 under Section 13.3.2.8 which refers to existing assembly occupancies.

COUNCILMEMBER WHITE: Okay. So this is a new requirement?

MR. HAAKE: This is a requirement that is part of the model code.

COUNCILMEMBER WHITE: No, what I'm trying to get an understanding of is as we're going through this what items are being added to the Code that are not currently required to be fire sprinkled? Because I don't know if you guys have gone out to the public or met with contractors or property owners to explain to them what will be required of them now. Because one of the questions is, is this building because it's a place of gathering, is this going to be required to be fully sprinkler'd within the next three years?

MR. HAAKE: So there's two questions in that statement. So the first one is this Code section was part of the model code and it was deleted in the adoption of the State Code, and then it is added back here in our County amendment.

COUNCILMEMBER WHITE: But it's not currently in our, the Fire Code that's applicable now?

MR. HAAKE: No.

COUNCILMEMBER WHITE: That's what I'm...Chair, what I'm trying to understand is as we go through, this I don't believe there's been any public hearings on all the various changes that you guys are proposing. Has there? Have you gone out to any of the communities and discussed what the changes are?

MR. HAAKE: No.

COUNCILMEMBER WHITE: So I think it's important for us to help the public understand who's going to be getting a phone call and saying well, you're not in compliance, that didn't know about it, and is all of a sudden going to be facing a significant cost to implement a fire sprinkler system.

MR. HAAKE: That's correct.

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COUNCILMEMBER WHITE: So what...so would this building, the County Building be required to retrofit based on this new change?

MR. HAAKE: The County Building, not under this section.

COUNCILMEMBER WHITE: Okay. Can you give us an...oh, but another section?

VICE-CHAIR COUCH: Yeah. Look at the look on his face.

COUNCILMEMBER WHITE: I'm just trying to --

MR. HAAKE: Yes.

COUNCILMEMBER WHITE: --get an understanding of what elements we're passing here that are going to cause heartache for people that are building owners or building occupants, because it's...

MR. HAAKE: That's a good question, Councilmember White. And if you look at the provision itself it talks about the occupancy, this particular one talks about the occupancies that will be required to be protected with fire sprinklers. Now these are existing occupancies, so it's out there right now, it doesn't have fire sprinkler protection. And if they fall under the provisions of the Code where the occupant load exceeds 100 persons and they do bars with live entertainment, dance halls, discotheques, nightclubs, and similar usage, assembly occupancy with festival seating, then they'd be required to put in fire sprinklers. And this is all in, related to the events that happened nationally regarding The Station's club, for Station fire. So these were are, these are all provisions that were put in the model code and which was deleted out in the State version, and then we as a Department are recommending that we put this back in. But you are correct that we have not been out to the community and let them know that this is what's going to happen. We have identified three occupancies that will probably, will need to be sprinkler'd if this provision is adopted as is.

COUNCILMEMBER WHITE: And have you communicated with those three properties?

MR. HAAKE: Yes, and they're against it.

COUNCILMEMBER WHITE: So if...so do they know that we're hearing this today?

MR. HAAKE: No.

COUNCILMEMBER WHITE: Well, if you've identified three, how many more do you think might be out there? Wouldn't this apply to any catering business, anyplace that has a meeting room or a ballroom or a function room that can handle 100 people or more?

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MR. HAAKE: Possibly if they have bars with live entertainment, if they're doing dancehalls, discotheques, or nightclubs. So it's...

COUNCILMEMBER WHITE: Where is that identified?

MR. HAAKE: Those are Items 1, 2, 3, 4, and 5 under the provision on Page 18.

COUNCILMEMBER WHITE: Yeah but then if you go to the one down below, it's any assembly occupancy used or capable of being used for exhibition or display purposes --

MR. HAAKE: Right.

COUNCILMEMBER WHITE: --shall be protected as long as its display area exceeds 15,000 square feet.

MR. HAAKE: Right.

COUNCILMEMBER WHITE: Right? So that goes to a whole nother group of structures, doesn't it?

MR. HAAKE: Right. And so then that threshold of 15,000 square feet needs to be met.

COUNCILMEMBER WHITE: Right. And then you mentioned that the County Building wasn't covered under this section, but the inference was that it might be in another section. Which section is that?

MR. HAAKE: Yeah, so that would be under Section 13.3.2.26.2 on Page 19. And we'll try to get you the page number in the model code.

COUNCILMEMBER WHITE: Okay. Yeah, the...Chair, the, my concern is that when you have a building like, you know, an older building, you're generally paying much higher insurance rates if you're not sprinkler'd. So we already have an incentive to, you know, have buildings get sprinkled. But for whatever the reason this building hasn't been sprinkled except for I believe the ninth floor when that was remodeled, and I'm a little bit uncomfortable with the fact that the public doesn't really know what we're doing. And I think we need to allow them an opportunity to come in and at least make their feelings known before we pass something. And I'm guessing that that might be why the State pulled it out of the model code. So anyway, I think I've...you've answered all my questions. Oh, I had just one other question. On Page 19, it says where an automatic sprinkler system is installed, either for total or partial building coverage, the system shall be in accordance with Section 13.3, as modified in buildings up to and including four stories in height. My recollection is that the current requirement is buildings that are in excess of 72 feet in height. Is that right?

MR. ENGLISH: The 75-foot ruling will be for the definition of a high-rise building which the County Building is being sprinkler'd under the 2000 and...1997 edition Fire Code which required it to

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be sprinkler'd. It's...unfortunately this floor is not sprinkler'd yet because of the ceiling height, so it's being sprinkler'd as we...for the last...I mean it's been...the sprinkler construction has been going on for probably about a year now for this County Building. As far as for this section here, the Code, the Uniform Fire Code, the '97 required any building three stories or more in height to be sprinkler'd already.

COUNCILMEMBER WHITE: But why was the, why was it 72 [*sic*] feet? Is that new buildings or existing buildings, the three, something about three story?

MR. ENGLISH: That would be new buildings.

COUNCILMEMBER WHITE: Okay. Yeah, my concern is the existing buildings because we've got a lot of existing buildings that aren't sprinkled. So, okay, thank you.

MR. HAAKE: Council member, just to make sure you know that this all falls under 13.3.2.16 so it's talking about hotels and dormitories, right. So hotels and dormitories that meet the definition of a high-rise building. So then in that sense if that building met the definition of a high-rise building, and the definition of a high-rise building is a building where there is occupancy 75 feet above the level where the fire truck approaches the building.

COUNCILMEMBER WHITE: Seventy-five feet above --

MR. HAAKE: Yes. So...

COUNCILMEMBER WHITE: --above where the fire truck can approach?

MR. HAAKE: There's people that occupy a space that is 75 feet above where the fire truck approaches. So say like for this building that would be the first floor, the fire truck would, that's where the fire truck would approach this building if there was a fire. And then for this building to be considered a high-rise we'd have to have people in this building that are 75 feet above that level. So this section is just talking about buildings that meet that definition.

COUNCILMEMBER WHITE: Okay. I think I've got my questions answered. Thank you, Chair.

CHAIR HOKAMA: Okay. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Along those same lines, first of all, talking about stories, we had that situation come up in our Committee about the definition of a story, there's no height. Or is there height somewhere buried in this big book, of a story? So a story can be 10 feet high, 20 feet high, 30 feet high. So you're worried about the number of floors that have people on them versus how high above the ground it is or a little of both? 'Cause we took out the definition of stories basically --

MR. HAAKE: Right.

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VICE-CHAIR COUCH: -- in the Planning.

MR. HAAKE: So that's why this Code section...that's why the definition of a high-rise building has nothing to do with stories, it talks about feet, 75 feet.

VICE-CHAIR COUCH: Well, 13.3.2.16.2 says 4 stories.

MR. HAAKE: Right. And in that definition there, they're just talking about what type of sprinkler system you can provide for that building. So the first part of that provision says if you meet this description then you need to have sprinklers, and then the second part, 13.3.2.16.2 tells you what type of sprinkler system is allowed in that building.

VICE-CHAIR COUCH: Okay. The other big thing I have, I want to echo Mr. White's concern. First of all in 13.3.2.8 just in general it talks about bars, dance halls, discotheques, nightclubs and other...or similar usage--which that's wide open--or assembly occupancies with festival seating. First of all what is festival seating?

MR. HAAKE: Festival seating is seating where there are no seats, so you have a large room and the occupant load is based upon...right, what they call festival seating. Meaning there's no seats in place, so you use the occupant load of five square feet per person to determine how much people you can have in that room. And usually those are for concerts and things like that. And what happens with that type of seating is that as soon as the concert begins, everybody stands up and rushes the stage. And then what happens in, after that is it looks like the place is large enough for more people because everybody's crowded at the front.

VICE-CHAIR COUCH: Well...

MR. HAAKE: So that's what festival seating is.

VICE-CHAIR COUCH: Gotcha. Understood. Thank you for that description. I guess I share the same concerns as Mr. White is that this needs to go to the folks 'cause I know you may have only identified three buildings that this falls into, but I'm assuming, I'm guessing that there's more, A, B, you know, has anybody talked about the costs of doing that? That's kind of, as Mr. White says there's insurance. If the cost of the insurance is too high then maybe they would go for that. Also, I understand assembly occupancies. I'm assuming there's things in this book that have, talk about restaurants and stores and all kinds of other places that are just as big as that. Are they required also? Are they going to be required to get sprinkler systems now? Things that maybe were taken out by the State or maybe not taken out by the State and that are existing in here that you don't want to change, are there things in this Code that are going to cause a lot of retrofitting of existing buildings that have been around for, either brand new or been around for a while?

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MR. HAAKE: There are some provisions that are going to require existing buildings to be sprinkler'd. This is one of them and there's a couple more. I have identified them on my amendment explanation sheet for you.

VICE-CHAIR COUCH: I understand that.

MR. HAAKE: . . .*(inaudible)*. . .

VICE-CHAIR COUCH: That's on your amendments, that's fine.

MR. HAAKE: Yes.

VICE-CHAIR COUCH: But are there things in here that you don't need to amend, the State didn't need to amend but have been amended to then, have been amended from 2006 Code to the 2012 Code?

MR. HAAKE: No.

VICE-CHAIR COUCH: No. So whatever was in the 2006 Code or whatever code we've been working on to this Code other than what you have in here, other entities aren't going to be required to --

MR. HAAKE: No.

VICE-CHAIR COUCH: --retrofit...

MR. HAAKE: No.

VICE-CHAIR COUCH: Okay.

MR. HAAKE: Only if these provisions are adopted then those will be retroactive. There's no other.

VICE-CHAIR COUCH: Okay, nothing out...

MR. HAAKE: Yeah. Right.

VICE-CHAIR COUCH: Okay. So --

MR. HAAKE: So if you...

VICE-CHAIR COUCH: --then that...

MR. HAAKE: If we choose not to adopt these then there'll be none.

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VICE-CHAIR COUCH: Understood. So that brings up the question again, how come restaurants? I mean you would think that restaurants would be huge in needing sprinklers no matter what size because they use fire. I mean they got fire in their buildings.

MR. HAAKE: Well, this one, this Code section is in place because of the incidents that we've had nationally, and they were not in restaurants, they were in these types of assemblies that did live entertainment and they served alcohol. And so that's, this is what is happening nationally. It was taken out in the State version but it is our recommendation to our County that we put it in place.

VICE-CHAIR COUCH: Okay. And then that's my other question is why was it taken out of the State version? Did they see an issue with that or...I'm just curious as to why they pulled it out.

MR. HAAKE: I would think that, yes, that's definitely why, because places like Oahu would probably have a very major problem with this as far as cost and getting the Code adopted with the provision in place.

VICE-CHAIR COUCH: Well, Mr. Chair, I tend to agree with Mr. White that we need to bring this in front of the public a little bit more other than just through this notice here. Because there's potentially a bunch of costs for a bunch of folks, especially small businesses that it could be an issue with. I'm not worried...I mean we do want to see the safety involved, but maybe we can work on...three years, I think it was three years in one of these things. For a big huge system that might be a little bit difficult. And I agree that, you know, you had the issues on the mainland with everybody crowding around and then panicking and whatnot. I know I think this needs to be vetted out a bit more and see what the costs are, 'cause that's kind of, it looks like it's going to be kind of expensive. And, you know, existing hotels and dormitories, you know.

MR. HAAKE: They have to meet the requirement for the definition of high-rise.

VICE-CHAIR COUCH: Yeah.

MR. HAAKE: So and there's, the County currently has a high-rise Code. So there's no high-rises here on Maui that are not sprinkler'd.

VICE-CHAIR COUCH: Except for this building.

MR. HAAKE: Yes.

VICE-CHAIR COUCH: Except for this floor of this building. So everybody else, every other high-rise on the island is fine?

MR. HAAKE: Every other building that meets the definition of a high-rise on Maui is sprinkler'd.

VICE-CHAIR COUCH: Now. Okay.

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MR. HAAKE: Yes.

VICE-CHAIR COUCH: That's a little bit better for the, on the hotel side at least, but this assembly occupancies are a little scary too. What if you have a large building that is a, let's say a church gathering? They don't have their own church, they go into a warehouse and they put 300 seats and they all put up their seats, you know, folding chairs, et cetera. Does that count or... 'cause it's an assembly that can be used for display purposes but also can have seats. I'm just worried about unintended consequences and huge expense for the folks that are out there trying to do small business or even nonprofits.

MR. HAAKE: I understand the concern, Council member, but we're trying to be pretty specific here and say, you know, with these items here that these are the assemblies that we're looking at. You know pretty much this is a nightclub atmosphere that we're looking at that we believe needs to be protected with sprinklers. You know so there's a couple of things that could be done here with this Code section. We could increase the threshold, right.

VICE-CHAIR COUCH: It's not so much the threshold, it's the other similar usage language and capable of being used for...yeah, I mean it seems like it could be interpreted broadly. You guys may not but your predecessors could potentially say oh, you know what, this means that building and that's...so if you're going for nightclubs let's go for nightclubs or that kind of thing and specifically list...maybe take out the "or similar usage" kind of thing. Or what was your thoughts about the similar usage?

MR. HAAKE: We just took the word out of the model code --

VICE-CHAIR COUCH: Oh, okay.

MR. HAAKE: --when we put it back in. That's, so the wording here is what was exactly deleted out of the model code.

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

COUNCILMEMBER VICTORINO: Chair?

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

COUNCILMEMBER VICTORINO: Thank you, Chair. And first of all I apologize for being late, I just couldn't get --

CHAIR HOKAMA: That's okay.

COUNCILMEMBER VICTORINO: --you know I apologize for that. So I missed some of the early discussion. But since I've been here I've been listening very intently. And let me say this, that first of all my world revolves around this not as an expert but as a person who does a lot of this

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stuff. I protect the public, I understand what these issues evolve [*sic*] around. And all it takes is one incident, one incident and you'll never forget what you didn't do. And if we leave certain things out, and I believe and I'll ask Corporation Counsel later, that puts some burden back on the County, so I'm very leery of that. I differ with the other two gentlemen, I think it's important that updates be made. Honolulu went through this for a long time, many of their buildings. In fact some of the tragic fires that occurred in Oahu in some of the high-rises were buildings that had not yet been sprinkled. Had not yet been sprinkled. They were in the process because they had so many years to do it. And that's another thing we can do, we can give, allow time just like anything else for these people to do it if it's necessary. If it's necessary. Fire doesn't take a day off. Fire doesn't happen in the middle of the day, it happens when and where it chooses to happen, and if it does, especially if it's a seated facility where there's lots of people, Mr. Chair, you're talking tragedy. You're talking tragedy. Been around and seen it. I've read enough case studies that tells me what these gentlemen are trying to do is something I would support. Yeah, I know it costs money, but what's a life worth? What's a life worth? Too late then if someone dies because we didn't act properly. But that being said I'll stop at this point. My question to you is this, you say there's three buildings, I've heard that a number of times that you can identify. If we were to say there were more than that, let's say there were 10, 12, whatever it may end up. Would it be part of our responsibility as a County to give them a time period for which they can retrofit or do the corrections that are necessary? Because many of 'em are doing 'em already. New buildings pretty much all come up with sprinklers in 'em. If you've been in any construction lately you'll see new buildings are being put in with sprinklers, new commercial especially. Not so much residential but commercial. I have not been in one and I've gone to see just one recently 'cause I did insurance on it, sprinkled, all sprinkler system inside there. So I know this is happening but we're talking more retrofit which is really the expensive part of the whole issue is getting in those walls again. But would we give them time? Could we put somewhere that, you know, you got five years, seven years, whatever. Three years? We'd allowed three years? It's in here already. But could we extend it?

MR. HAAKE: Yes.

COUNCILMEMBER VICTORINO: I mean okay.

MR. HAAKE: Yes, Council member.

COUNCILMEMBER VICTORINO: I mean that's something that, you know, I think, you know, talking the impact, financial impact to lessen that, to give people opportunities to make correction.

MR. HAAKE: Yes.

COUNCILMEMBER VICTORINO: And I can also say that you guys talked about insurance rates. Insurance rates are not only based on the building, that's just one segment. It is also based upon the distance from the fire station to the structure. It is based on accessibility from that structure to any fire apparatus as well as firefighting piping or hydrants and all these other issues. So there's a lot else in this whole equation that comes up versus just because you sprinkled the...or

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you retrofitted or anything. It still has other bearings. Because there's places up in Kula that's still more than five miles, and there's other places all around this island that are more than five miles from a fire station. No matter what they do they're still going to pay higher rates because it's based upon response time. Five miles is the limit, beyond that it goes into the higher classification automatically, Mr. Chair. So but going back to this subject matter, I'm for whatever needs to be done to protect the public, especially establishments for which drinking and entertainment, especially when you get all excited and you're having a great time, you're not paying attention to any, any chance of disasters happening. New York which has one of the strongest fire codes, tragedies happen right there in New York City. So you cannot tell me, you cannot tell me it's not possible. It's very possible anywhere. So I'll wait to hear what others have to say but I strongly would encourage us to look at whatever the Fire Department thinks it's important make sure that they are accommodated the best we can. If you want public hearings, fine, you know, but again I don't want to save a dollar here and pay thousands of dollars later for some tragedy that we could have avoided, we could have prevented, Mr. Chair. Thank you. That's all I have to say.

CHAIR HOKAMA: Thank you. Anyone else in this area want, has a question or a comment?
Mr. Couch.

VICE-CHAIR COUCH: In the area of fire sprinklers in general, the next, on Page 19 you have 13.3.2.27.6. Basically that says, it seems to say and, you know, I'm looking at the list in the original draft, I guess that's still...oh no, that's new storage occupancies. So --

MR. HAAKE: Yes. Yes, sir.

VICE-CHAIR COUCH: --it's just storage buildings then?

MR. HAAKE: Yes.

VICE-CHAIR COUCH: Because it's kind of interesting the way it reads. It reads that any building with a floor greater, area greater than 5,000 square feet and average ceiling height greater than 16 feet, whether it's a storage building or not. I don't know how...yeah, it's listed under new storage occupancies but...

MR. HAAKE: Yes.

VICE-CHAIR COUCH: Is that defined somewhere in the...I mean...

MR. HAAKE: Yes. Storage occupancy is a defined occupancy.

VICE-CHAIR COUCH: Okay. Just reading it from here it looks like you don't know what it is so you have to go into the Code here and then into the State Code. It's kind of...

MR. HAAKE: Yeah, that's the tricky part about the --

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VICE-CHAIR COUCH: Yeah, I know.

MR. HAAKE: --Building Code and the Fire Code. You could just open it up and think that --

VICE-CHAIR COUCH: Yeah.

MR. HAAKE: --a provision applies to any building --

VICE-CHAIR COUCH: Yeah.

MR. HAAKE: --but you really have to get back and look at the root of the provision.

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

CHAIR HOKAMA: Okay, thank you. Anyone else with a question or comment in this section? Okay, I'm going to move on. I didn't think going to that page would stir up so much good discussion, so thank you, Members. And I appreciate the Department being able to respond. So thank you very much, everyone. One area I want to direct you to is now on Page 22, please, gentlemen. This is regarding Section 18.2.3.6.2 which talks about the multiple access roads. And yet we find it interesting it starts with when a single road serves more than 20 parcels. Can you give us a little bit more clarification, Captain, if, that you know of? I just found it interesting, you know, because we're talking about multiple access roads, but when you look at it it talks about a single road with more than 20 parcels.

MR. HAAKE: Thank you, Chair. Yes, the wording here may be incorrect and not written properly. Our office reviews subdivisions, and if there is a subdivision that comes in with a lot of parcels and in this provision we've identified it as more than 20 then that subdivision should have more than one way into it.

VICE-CHAIR COUCH: Shall, not should.

MR. HAAKE: Yes, shall. Well, I'm saying should now but in our Code we're, if it's adopted it's going to be a shall. So that's what we're trying to avoid here is a subdivision that has 20 or more parcels that is served just by one road. So maybe it should say something like "all new subdivisions with more than 20 parcels shall be provided with multiple access roads" --

CHAIR HOKAMA: Okay.

MR. HAAKE: --or thereabout, instead of starting with single road.

CHAIR HOKAMA: Okay. Okay. Well, we appreciate that comment, Captain. And again, for clarification, we're talking only about new subdivisions, correct?

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MR. HAAKE: Yes, Chair.

CHAIR HOKAMA: Okay. So we're not talking about existing or real, real old ones. So any other questions in this area? Mr. Couch.

VICE-CHAIR COUCH: Thank you. That brings up a huge point in a subdivision that...I'm sorry, a project that we just got finished approving that had 600 homes and essentially just one access, the A&B in North Kihei. I mean would that...if this came...they haven't subdivided yet, they just got their Change in Zoning. Now we did put a condition that they need to look at a second access out of there. But it was...it could be construed that they can look at it at a later time. But you're saying that once they subdivide to their 600 lots, now that they have to have it, there's no ifs, ands, or butts, if this passes like as . . .*(inaudible)*. . .

MR. HAAKE: Yes, that's correct.

VICE-CHAIR COUCH: What effect does that have on a design like that? Because it's right now we're saying, you know, look for a spot and hopefully you'll find one, you know, when the new road comes in or something like that. But now you're saying no can until they actually do find a second entrance and exit. And I'm fine with that, I just want to make sure that that's known. And again, another reason for another public, you know, a public hearing is I bet that somebody like that would be, would look at that and say whoa, wait, what's going on here? So...

CHAIR HOKAMA: Yeah. Why don't we let the Lieutenant --

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: --share some comment, please.

MR. ENGLISH: On that proposed subject subdivision I'm working with the developer on the second access which off of Kaiwahine or Hale Kai Street on...during the subdivision phase on the construction plans you may not see it, but a lot of these subdivisions do have like emergency gates only that connect to other subdivisions. It's not like a through traffic but it is there for our use. In case evacuation hampers the main access we have other ways in and out.

VICE-CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Chair?

CHAIR HOKAMA: Mr. Victorino.

COUNCILMEMBER VICTORINO: And if anybody wants to go see they can just turn over here by Wailuku Elementary and there's one right there. Go up Wailuku Elementary, there's one right there.

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CHAIR HOKAMA: Right, right, right, yeah.

COUNCILMEMBER VICTORINO: They're all over. You have them all over your community too so -
-

CHAIR HOKAMA: Lahaina, Lahaina . . . *(inaudible)* . . .

COUNCILMEMBER VICTORINO: --let's not...as far as fire exits we've required that. We even required it on the 56 homes we did right here at Waikapu Gardens II, the Spencer Home development. Remember? We have an emergency exit access for the Fire Department --

CHAIR HOKAMA: Right, right.

COUNCILMEMBER VICTORINO: --but not through. So it's done all over the community, and I think that's an important requirement --

VICE-CHAIR COUCH: Oh yeah.

COUNCILMEMBER VICTORINO: --for emergency purposes, not only for fire but other evacuation purposes such as tidal waves and other issues that may occur. These gates can be opened for the public to access the area and leave.

CHAIR HOKAMA: Okay, thank you. Mr. Ueoka, any thoughts you might want to share in this area of discussion currently?

MR. UEOKA: No, thank you, Chair.

CHAIR HOKAMA: Members, any other thoughts or questions regarding this area? Just curious, curiously, gentlemen, you know, 'cause it's my intent to eventually ask the Members but we're not, may not be ready today, but why is the effective date currently set for 7/1/2015? Or is that just my misunderstanding of the effective date of the Code?

MR. UEOKA: Chair?

CHAIR HOKAMA: Mr. Ueoka, you have a comment?

MR. UEOKA: Thank you. We weren't sure when it would be passed so we just thought, you know, whenever it's passed, give 'em 'til the beginning of the next fiscal year to implement, because even Fire needs some time to get up to speed on it and everything once it's passed.

CHAIR HOKAMA: Okay, okay. No, no, I'm, I just was wondering versus, you know, upon approval, effective date upon approval, you know, as another way of addressing when it would go into full effect. So no harm if the Department needs their time to be prepared also. 'Cause I guess

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permits, applications, and there's a lot of other logistical adjustments that would be made for the newly adopted code then also. Would that be a good understanding, Chief?

MR. MURRAY: Yes, sir.

CHAIR HOKAMA: Yeah, okay. Thank you.

MR. MURRAY: Yes, Chair.

CHAIR HOKAMA: Okay. And so about a year for full implementation is a, would be timely for you folks?

MR. MURRAY: Yes, sir.

CHAIR HOKAMA: Okay. Just so the Members are aware and our community know that, you know, we have, I've tried to bring this up as quickly as possible. Is any other sister county currently starting the review process such as we regarding the new Fire Code update?

MR. HAAKE: Chair, they're all in the process but I don't believe any of 'em have gone to committee.

CHAIR HOKAMA: Okay. Well, we are today.

MR. HAAKE: Yes, Chair. Yeah, we are the first, Chair.

CHAIR HOKAMA: Okay. Well, we hope to be the first to get it adopted too. Those were the main areas in the initial review of the legislation and proposal that your Chair has brought up today with the assistance of course of our great Committee Staff. Are there areas that you as individual Members may have that you would like me to be open for consideration? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. One of the big things and I think it's another item in this Committee but it's also, has to deal with the water is we're talking about fire flow in rural areas. How's that...and also the fire flow requirements for you versus the fire flow requirements for the Department of Water Supply. Are they becoming more in line now? And...A. B, the rural fire flow, can we look at--I don't know if this is the place to do that--is if we're out in a rural area, part of rural services, you know, just you're not expected to have the super-heavy-duty fire flow that you are expected, you know, in an urban setting.

MR. ENGLISH: Chair, Couch, for your first question as far as the, being similar to the Department of Water Supply, when we adopted the '97 Fire Code we adopted the water flow standards based on the 2000 water standards. So the Water Department and Fire are similar as far as flow basis on the zoning of the property when subdivision, when they come in for subdivision. As far as your second question, as for the rural, like basically on Ag lots we still require minimum of 500 gallons a minute. The Rural I know has been changed from Half-Acre to One-Acre Rural,

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but I mean our definition still comes under rural fire department as far as 1,000 gallons a minute for new subdivisions which is similar to the Residential requirement.

VICE-CHAIR COUCH: And I guess, Mr. Chair, that's the point that we really need to discuss probably on the other item but the idea of rural services versus urban services, and if 1,000 square foot in an urban setting...1,000...what's the metric?

MR. ENGLISH: Residential and Rural would be 1,000 gallons a minute . . .*(inaudible)* . . .

VICE-CHAIR COUCH: All right. So 1,000 gallons a minute for, you know, compact versus out there where there aren't, limited services, that's part of the I guess the allure of living out, way out away from all the services is sometimes you don't get exactly what they get in urban because of the expense. And if you do want to live out there then you get to, you either get some sort of exemption and understand that, you know, there might be some issues with fire flow or build it yourself kind of thing and not have the County be responsible for building urban type fire protection throughout the whole County including, you know, on ten-acre lots or places like that where it's really difficult to get to. So I don't know if you want to have that here or in the...I think there's another item in this Committee.

CHAIR HOKAMA: There is.

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: I would say, Mr. Couch, if you have a, something more, a proposal with little bit more detail in it, I would be happy to consider it during this review process. But I remember when we started today's discussion on this Code, part of the options is the Council still can make additional amendments to the Code once we initially adopt the new version. Doesn't...the Council still has opportunities to continue to make those adjustments to what works for our communities. So, you know, we can do it now or...if we're ready, and if we're not, well...

VICE-CHAIR COUCH: I'm fine if it comes up in a separate discussion.

CHAIR HOKAMA: Because one of the things that I think would be pertinent to get is, for us to give more information is how and if any does it impact your homeowner's insurance.

VICE-CHAIR COUCH: Right.

CHAIR HOKAMA: Because we can say yeah, we agree, it's expensive, so we'll lower your fire protection requirements, and then maybe somebody from the insurance company will say that's fine with me but just know I going raise your premium 300 percent because now the risk to me as your carrier has grown, you know, exponentially this degree. So I'm going to adjust it in the premiums then and . . .*(inaudible)* . . .

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VICE-CHAIR COUCH: And those are the things that we probably need to take a meeting to just discuss that whole thing 'cause it is, those are important issues.

CHAIR HOKAMA: It's just like what we went through nationally with the flood insurance subject.

VICE-CHAIR COUCH: Yep.

CHAIR HOKAMA: I mean Mr. Victorino, he knows, he's in the industry. We had people with 1,000 percent increases in premiums, you know, 'cause that's how they approached it to get solvency. And that did not work for the country and for Hawaii. So, you know, I'm happy to look at, but there's always at the end of the day somebody has got to pay the bill --

VICE-CHAIR COUCH: Yep.

CHAIR HOKAMA: --somebody is who is going to pay the bill, but happy to discuss it.

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: Okay. . . .*(inaudible)*. . . Did you have another area of the proposal that you would like us to look at, Mr. Couch?

VICE-CHAIR COUCH: At this time, no. You know the concern would be for I believe Page 3 where it says the requirements of Chapter 13 of this Code shall apply to new and existing buildings. Are you talking about...see that's where I had my question about, you know, existing buildings that didn't, weren't specifically called out here in this bill seem to be included with that line saying that, look, all new and existing buildings shall apply to the requirements of Chapter 13 which is the fire sprinklers, right?

CHAIR HOKAMA: Mr. Ueoka or the Department, if we could get some comment, please.

MR. UEOKA: Let me try give it a shot, Chair. Yes, 13 will apply to existing buildings; however, 13 only applies to a subset of all existing buildings which are set forth in 13. So yes, it will apply to existing buildings but only those buildings outlined in 13. So not every...well, it does apply to every single building but only certain buildings are, have new requirements under 13.

CHAIR HOKAMA: Mr. Couch.

VICE-CHAIR COUCH: Okay. Just concerned about the, again, how much, how many existing buildings are going to be affected. I know just that one was maybe three or four.

MR. HAAKE: Right. Council member...

VICE-CHAIR COUCH: Did you guys do a study on that?

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MR. HAAKE: Well if you look in the State version all the requirements for existing buildings have been deleted. So that provision would just apply to the provisions in 13 that we bring back. So if you look in the model code, there's the provisions for existing buildings, but know that in the State version they've been deleted out. And so now...

VICE-CHAIR COUCH: They deleted everything out of there?

MR. HAAKE: For all existing buildings. All existing occupancies, excuse me.

COUNCILMEMBER VICTORINO: Mr. Chair?

MR. HAAKE: So now we're just bringing back the ones that we feel the County should protect.

CHAIR HOKAMA: That's the interesting part.

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: It's deleted and now the Department is recommending these specific considerations because it makes sense for us to make it work for this County.

VICE-CHAIR COUCH: Okay. And just for my curiosity, where in the Administrative Rules is that taken out? Other than it looks like on Page 3111 [sic] of the Administrative Rules, is that...oh no, I guess they're all...12-45.3-17. That's the difficulty with this 'cause you've got to go to the Administrative Rules and the --

CHAIR HOKAMA: Yes. Yes, yes.

VICE-CHAIR COUCH: --existing rules and our...

CHAIR HOKAMA: You bring up a logistical issue that we gotta just work the best we can, Mr. Couch.

VICE-CHAIR COUCH: Yeah, yeah.

MR. UEOKA: Mr. Couch?

VICE-CHAIR COUCH: Yes.

MR. UEOKA: If I may, Chair?

CHAIR HOKAMA: Mr. Ueoka.

MR. UEOKA: Thank you. It's on 12-45.3-19 of the, on the bottom, the page numbers of the State Fire Code. It's existing assembly occupancy is deleted, existing educational occupancy is deleted, et cetera, et cetera.

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VICE-CHAIR COUCH: Oh, okay. Well, but there's also mall buildings...or is that the...you have small facilities that wasn't deleted. Large facilities or are those higher up? You have new residential board and care occupancies, one and two-family dwellings. None of those were deleted or were they all deleted?

MR. HAAKE: So any provisions for new will fall under the Building Code requirements.

VICE-CHAIR COUCH: Right.

MR. HAAKE: And so and then in the State version all the existing occupancy provisions are deleted --

VICE-CHAIR COUCH: Okay. I just didn't see . . . *(inaudible)* . . .

MR. HAAKE: --in entirety, right.

VICE-CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Mr. Chair?

VICE-CHAIR COUCH: . . . *(inaudible)* . . .

CHAIR HOKAMA: Are you done, Mr. Couch? Mr. Couch, are you done?

VICE-CHAIR COUCH: Yeah.

CHAIR HOKAMA: Okay, Mr. Victorino, please.

COUNCILMEMBER VICTORINO: Oh boy, long time we gotta wait to...that's okay. I want to ask, you're saying that in Chapter 13 of the Code you have the specific definitions of buildings in this chapter, right, as it's provided in this chapter, right? Am I correct in hearing that from you?

MR. HAAKE: Yes.

COUNCILMEMBER VICTORINO: So, Mr. Ueoka, as we've done in the past, let me ask you this question, is it part as you would say, requires under Chapter 13 of this Code shall apply to new and existing buildings as defined in this Code? I mean that's the way it should be but then that solves the whole problem. He doesn't have questions, I don't have questions, nobody has questions because it's defined in this Code. Did you not say that, mister...

MR. HAAKE: Yes.

COUNCILMEMBER VICTORINO: Okay. I mean it doesn't take a rocket scientist. I'm not an attorney, but I think I would understand that and everybody in China would understand that. And

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there's 1.9 billion people that would understand it. Excuse me. I'm being facetious right now, and I apologize. I apologize.

CHAIR HOKAMA: Mr. Ueoka, any comments?

MR. UEOKA: I don't see how the, that would hurt anything, it would probably help clarify.

COUNCILMEMBER VICTORINO: That's my only suggestion, Mr. Chair.

CHAIR HOKAMA: Okay. Very good, very good. Mr. White, any areas you'd like to bring up that I have not so far? I'm open.

COUNCILMEMBER WHITE: No. No, thank you, Chair.

CHAIR HOKAMA: Mr. Guzman, an area that you'd like for us to look at?

COUNCILMEMBER GUZMAN: So...oh, I'm sorry. Just a question for Corporation Counsel.

CHAIR HOKAMA: Sure.

COUNCILMEMBER GUZMAN: Are, all of these amendments are going to be...all of them are applicable only to new structures, is that correct? In Section 13.3.2.8.1.

CHAIR HOKAMA: Mr. Ueoka.

MR. UEOKA: I believe...

COUNCILMEMBER GUZMAN: Existing assembly occupancies.

MR. UEOKA: Oh, okay. You mean the ones on Page 18 of the proposed County --

COUNCILMEMBER GUZMAN: Right.

MR. UEOKA: --bill, correct? Okay. It would be applicable to existing ones, ones that are already built.

COUNCILMEMBER GUZMAN: Oh, I see.

MR. UEOKA: Any new construction I think Captain Haake and Lieutenant English have emphasized that it's going to be subject to the Building Code which will make these certain requirements applicable.

COUNCILMEMBER GUZMAN: So if we're looking at Section 13.3.2.8.2, any assembly occupancy, and I know that we had that discussion earlier and it sounded as though that the Fire Department was, I guess made a statement that it's something like a crowded area, moveable chairs or so and

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so forth. But when I looked under the definition of assembly occupancy, it reads an occupancy used for gathering, 50 or more persons, deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses. So this by the word worship, are we talking about churches here too?

MR. HAAKE: Yes. In that definition, yes. And so that's why this provision has these things in there. So we're --

COUNCILMEMBER GUZMAN: So...

MR. HAAKE: --trying to spell out here that we're not concerned about churches.

COUNCILMEMBER GUZMAN: But then you're using the word assembly occupancy.

MR. HAAKE: Because that's what it is.

COUNCILMEMBER GUZMAN: But then under the definition of assembly occupancy it indicates worship, so is that not a church area?

MR. HAAKE: Yes. A church is an assembly but for this provision to apply to the church they would have to do these types of things, discotheque, nightclub, bars with live entertainment.

COUNCILMEMBER GUZMAN: I don't...I think you've incorporated the previous section with the section that I'm talking about right now. 'Cause look, in 13.3.2.8.1 it specifically talks about those various entities, bars, discotheques, and then the next section down, 13.3.2.8.2 talks about any, any assembly occupancy.

MR. HAAKE: Right, when the area exceeds 15,000 square feet.

COUNCILMEMBER GUZMAN: Which is basically a church at that point. So this is applicable to a church? Is that what...that's my only question.

MR. HAAKE: It could be if they were used for exhibition or display, yes. Yes, Council member.

COUNCILMEMBER GUZMAN: But the definition of assembly occupancy says worship, so...well either way it's arguable, okay. So maybe we can define that more narrowly so that if we really do want to include churches in here then use the word worship in there, 'cause that's what the definition is here in the, I guess the NFPA Fire Code, the 2012 says.

MR. HAAKE: Yes. Thank you, Council member.

CHAIR HOKAMA: Okay. Thank you, Mr. Guzman. Mr. Victorino?

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COUNCILMEMBER VICTORINO: No, I think I'm satisfied with what's been covered, and I...and you made a good point, Mr. Chair, and I thank you for that point that if we pass what's here we can always go back and make amendments to fit our needs also. I think that's very important. Sometimes we get struck trying to get every answer, get everything right. Until we really pass it and then we can see the residual effect. If this has major impacts on businesses I'd be the first to propose an amendment that would eliminate that, but to just continue--pardon the expression--dragging our feet and trying to figure out what is right and what's going to work and what's not going to work. I believe we need to and I'd like us to be the first County to make sure that this new Code is in place to protect our citizenry throughout this County. Thank you, Mr. Chair.

CHAIR HOKAMA: Thank you. Mr. Carroll, anything you want...you want to bring up one area?

COUNCILMEMBER CARROLL: No, Chair.

CHAIR HOKAMA: Thank you. Ms. Crivello, is there an area you want to...

COUNCILMEMBER CRIVELLO: Not at this time, Chair.

CHAIR HOKAMA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, Chair. I always have this nagging thing about, you know, when our roads, our Pali gets shut down due to fires that occur up on our mountainsides or on our open plain, wild. I don't know if it relates to wild land fire hazard mitigation area in the Code. And then I'm led to look at electric transmission lines and I know, you know, whether we've ever deemed them to be the reason for our fires. Is there a way to prevent...I mean is there anything in this Code that puts electric, you know, transmission lines in better, you know, better protection in case of friction or wind or downing of these, I don't know, this infrastructure that may create this type of, you know, fire hazard of some sort? I don't...is there...I'm not sure where to look in this Fire Code that may pertain to something of that nature.

CHAIR HOKAMA: Excuse me. Let's ask the Department if they can help you.

COUNCILMEMBER COCHRAN: If you...I don't know, gentlemen, if you know what I'm trying to get at, and if there's something here that protects us or gives us the liberty to pursue compensation perhaps or something of that nature.

MR. ENGLISH: Councilman Cochran, yeah, there's areas in this Code that does address those requirements. It gets pretty detailed as far as how much voltage there is, how much brush removal underneath, the easement for it. It's in this Code. As far as for us to try and enforce it's very difficult, most of these lines are like out of reach, I mean out of sight, out of mind. So but there is areas in this Code that do address that.

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COUNCILMEMBER COCHRAN: Okay. Well, that's good to know. So I appreciate that. I know it's a tough one because these occur where nobody's there to actually be an eye witness to it per se, so I know the difficulty. But thank you folks for always being there. Thank you, Chair.

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

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

CHAIR HOKAMA: You know before I take a short recess, I wanted to bring up two things that we did talk about and I wanted to get the, your thoughts after a few hours of doing the review. That was what I brought up earlier, Members, regarding Page 4. Two things that I was thinking, we talked earlier about that I was going to ask you if you had additional thoughts on how to address it would be the plan review fees as it regards also to the workforce housing exemptions. We could do it under the workforce housing section, we could do it under the budget ordinance direction, the Fire Code. But, you know, I was listening to the Chief and the Captain and the Lieutenant here, maybe it makes sense let's say for those fire requirements for affordable housing that we put it all in the affordable housing component of the Code, whereby you go to that one section and you will know exactly what you need from Fire, Public Works, Water Department, Parks and Rec. Instead of them going through the whole Code, all the various titles and more than likely still missing one or two things they would need for a complete application. You hear it from your districts, I get it from mine, so I thought maybe this might be a good time for us to see if we can do it even better through this type of Code update and review approval process. So I bring it up, you know, I have my thoughts but I'm open to your thoughts. You hear from your districts about permit requirements and timeliness and issues. So, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, I ditto what you're saying. I think it makes more sense for us to just package it. And it becomes easier for moneywise also as to what would be required. So I hope to further this discussion where we can consider doing that. Perhaps it will also add an additional incentive for 2.96.

CHAIR HOKAMA: I appreciate that since you're a subject matter Chair. Anyone has other thoughts they want to share? Mr. Victorino.

COUNCILMEMBER VICTORINO: And I'll concur with Ms. Crivello. And anytime you can make something simple, have everything laid out and you know exactly what the track or path you need to take, that also is a lot of savings as far as money is concerned. Saves these gentlemen and all the rest of the reviewing agencies a lot of challenges also, because they know this is coming from this track and boom, it's completed based on that. So I wholeheartedly agree with you. I think...and the final thing is the incentive to get it done quickly. Save them money, save us time, and get homes built for our workforce. No question. Great idea, Mr. Chair. Thank you.

CHAIR HOKAMA: Okay. Other Members have any thoughts or comments they want to share? If not, I'm going to take a very short recess, Members, so please return at 3:15. We are in recess. . . .(gavel). . .

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RECESS: 3:07 p.m.

RECONVENE: 3:15 p.m.

CHAIR HOKAMA: . . . (*gavel*). . . Thank you very much, Members, for the recess. Okay. This is how the, your Chair would like to move forward as it regards to Policy Item 1(38) [*sic*] the Hawaii State Fire Code. One, I want to thank the Committee members for your comments as well as questions regarding the proposal. I would agree it's not the easiest set of documents to work with because we're dealing with a lot of different documents, and one is almost half the size of the current County Code, the whole Maui County Code. So what the Chair's going to recommend, Members, is the following. One, I would ask that the Staff will be allowed to rewrite or to take into account the adjustments of today with the nonsubstantive changes, those with the new language that the Department worked very closely with the Committee to make those adjustments in a rewrite. And I would like to then have this, have a discretionary referral to the new Council which means all of this, everything goes to the new Council--we lose no, nothing of the work we've done so far--for the new Council to refer to appropriate Committee for continuation. And part of the reason why I am recommending this is also that at the next meeting we either consider it as a Committee meeting or joint hearing, because I want to help this move forward and take away the need of a potential three-Member public hearing request. Therefore, I am happy to listen to your accounts, all of your comments, because I too don't want to defer this longer than necessary. But I believe it's, we should give the community an opportunity to look at the final version that we are going to be asking for approval. Currently it's we've added and deleted certain things. So that would be my approach, and I've had a short discussion with the Department, with the Chief, the Captain, and the Lieutenant as a way of continuing to be on course to be the first County to adopt the new Code since we already have done basically step one. So any questions on, to the Chair about how he plans to move this approval process forward so that we can be very timely and meet the needs of the County regarding the updated Fire Code? Mr. Couch.

VICE-CHAIR COUCH: No. You're going to require a motion, yeah?

CHAIR HOKAMA: I'm going, yeah, ask for a --

VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: --motion, and the motion will be--hold on, one second--that Policy 38, the motion will be that Policy 38 be recommended to be referred to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council.

VICE-CHAIR COUCH: Mr. Chair, if I may, can we just add that to the big one that we're going to do next? Or would you rather do it separate?

CHAIR HOKAMA: We could do it, you know, but I, but procedurally it would be messy 'cause --

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VICE-CHAIR COUCH: Okay.

CHAIR HOKAMA: --right now we are --

VICE-CHAIR COUCH: All right. So so moved.

CHAIR HOKAMA: --on 38.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR HOKAMA: Okay. I have a motion made by Mr. Couch, seconded by Mr. Victorino. Again, Members, I just don't want it to be, have a technicality issue down the road.

VICE-CHAIR COUCH: Ah, yeah. Okay.

CHAIR HOKAMA: Yeah. So on discussion, did you have a comment, Ms. Crivello?

COUNCILMEMBER CRIVELLO: No.

CHAIR HOKAMA: Mr. Couch, any discussion? Any discussion, Members? Okay. All in favor of the motion, please say "aye".

COUNCIL MEMBERS: Aye.

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

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

NOES: None.

EXC.: Councilmember Baisa.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending REFER to the Council Chair for the term beginning January 2, 2015.

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CHAIR HOKAMA: So, Chief, Captain, Lieutenant, thank you for the hard work you've put in. We appreciate it on behalf of the people of Maui County. Thank you so much for your good work.

MR. MURRAY: You're very welcome, Chair. Thank you for the opportunity for us to be here and present and answer questions. We look forward to your support as we move forward. Thank you.

CHAIR HOKAMA: Thank you, gentlemen.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR
FOR THE 2015-2017 COUNCIL TERM**

- ITEM PIA-6: AMENDMENTS TO THE RULES OF THE COUNCIL (CC 13-45)**
- ITEM PIA-6(3): AMENDMENT TO RULE 17(B), ORAL TESTIMONY**
- ITEM PIA-10: PROPOSED CHARTER AMENDMENTS (CC 09-229)**
- ITEM PIA-10(3): CODE OF ETHICS**
- ITEM PIA-10(5): ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES (CC 14-165)**
- ITEM PIA-19: DEPARTMENT OF FIRE AND PUBLIC SAFETY AND DEPARTMENT OF POLICE OPERATIONS (CC 13-65)**
- ITEM PIA-26: FEASIBILITY STUDY TO OPT OUT OF STATE EMPLOYEES' RETIREMENT SYSTEM AND EMPLOYER-UNION HEALTH BENEFITS TRUST FUND (CC 13-138)**
- ITEM PIA-29: MANAGEMENT OF RECORDS (CC 09-314)**
- ITEM PIA-33: TRANSFER OF SHORELINE AND OCEAN RESCUE AND SAFETY FUNCTIONS TO DEPARTMENT OF FIRE AND PUBLIC SAFETY (MISC)**
- ITEM PIA-34: COST RECOVERY OF HELICOPTER SERVICE PROVIDED BY DEPARTMENT OF FIRE AND PUBLIC SAFETY (MISC)**
- ITEM PIA-37: REPORT ON SETTLEMENT OF CLAIMS (MISC)**
- ITEM PIA-42: CYBERSECURITY (CC 13-226)**

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- ITEM PIA-50: PROPOSED TRANSFER OF GRANTS MANAGEMENT PROGRAM FROM DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO DEPARTMENT OF FINANCE (MISC)**
- ITEM PIA-51: NOISE CONTROL (CC 13-329)**
- ITEM PIA-52: KAPAAKEA CEMETERY AND HOOLEHUA VETERANS CEMETERY (MOLOKAI) (CC 12-121)**
- ITEM PIA-55: ROADS IN LIMBO IN MAUI COUNTY AND STATEWIDE (CC 12-181)**
- ITEM PIA-56: AUTHORIZING ACCEPTANCE OF SEIZED PROPERTY PURSUANT TO FEDERAL LAW (CC 13-349)**
- ITEM PIA-72: CYBER BREACH INSURANCE (MISC)**
- ITEM PIA-73: COST RECOVERY FOR RESCUES (MISC)**
- ITEM PIA-74: WATER FLOW REQUIREMENTS FOR FIRE CONTROL IN RURAL AREAS (MISC)**
- ITEM PIA-76: INTERGOVERNMENTAL AGREEMENT WITH STATE OF HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND FOR A CONFIDENTIALITY AGREEMENT TO CONTINUE TO RECEIVE MONTHLY REPORTS (CC 14-163)**
- ITEM PIA-84: MEMORANDUM OF AGREEMENT WITH STATE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF ACTIVITIES SPONSORED UNDER THE HAWAII LOCAL TECHNICAL ASSISTANCE PROGRAM (CC 14-279)**
- ITEM PIA-85: COMMUNICATIONS FROM DEPARTMENT HEADS TO THE COUNCIL (CC 14-285)**

CHAIR HOKAMA: Members, you have as part of the continuing attachment to the agenda the section regarding Policy 6, 10, 19, 26, 29, 33, 34, 37, 42, 50, 51, 52, 55, 56, 72, 73, 74, 76, 84, 85. The Chair will entertain a motion to have all of these items, that we recommend by referral to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council.

VICE-CHAIR COUCH: Mr. Chair, I move that the items that you just listed be referred to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council.

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

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ADJOURN: 3:21 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "G. Riki Hokama", is written over a horizontal line.

G. RIKI HOKAMA, Chair
Policy and Intergovernmental Affairs Committee

pia:min:141208:ds

Transcribed by: Daniel Schoenbeck

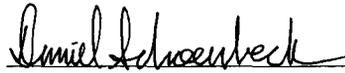
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CERTIFICATE

I, Daniel Schoenbeck, 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 24th day of December, 2014, in Kula, Hawaii



Daniel Schoenbeck