

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

January 12, 2015

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Don Couch, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Don S. Guzman, Member

EXCUSED: Councilmember Riki Hokama, Member
Councilmember Mike White, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
Sharon Brooks, 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.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Seated in the gallery
Rosemary Robbins

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

CHAIR VICTORINO: . . .*(gavel)*. . . Good morning. The Policy and Intergovernmental Affairs Committee meeting for January 12, 2015, will come to order. First of all, I'd like to thank everyone that's here, all the Members that are here and I know some of the Members will be joining us a little bit later. But before I start, I'd like to first of all wish all the public out there a happy, hopefully prosperous and most importantly healthy new year. I think we have a heavy agenda ahead of us and we're gonna be working hard. And I know Ms. Baisa and I, we have a time clock we're running on so we're gonna work a little quicker and try to get a lot more accomplished in the next two years. Is that correct, Ms. Baisa?

COUNCILMEMBER BAISA: I guess.

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CHAIR VICTORINO: I guess. Okay. That was a good response to that. Thank you. I'm excited and I'd like to introduce the Committee. I'm the Chair of the Policy and Intergovernmental Affairs Committee, Michael Victorino. My Vice-Chair is, Don Couch, from South Maui.

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

CHAIR VICTORINO: Good morning. We have from East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Policy and Intergovernmental Affairs Committee, Chair.

CHAIR VICTORINO: Oh, this gonna be a long year I can see that already. From Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: We're off to a good start, Chair.

CHAIR VICTORINO: There you go, thank you. From West Maui, Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR VICTORINO: Our lovely lady from Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha and good morning, Chair.

CHAIR VICTORINO: And walking in right now, Mr. Don Guzman, the Vice-Chair of the Council.

COUNCILMEMBER GUZMAN: Good morning, Chair. Thank you.

CHAIR VICTORINO: Excused this morning is Mr. Mike White, the Chair, and also Riki Hokama. They're both excused today. From the Administration, I have Ed Kushi, First Deputy Corporation Counsel.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning, sir. Committee Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: Good morning. Tammy Frias, our Committee Secretary --

MS. FRIAS: Good morning.

CHAIR VICTORINO: --and Sharon Brooks our Legislative Attorney.

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MS. BROOKS: Good morning.

CHAIR VICTORINO: Good morning, Sharon, thank you and, you know, how invaluable our Staff are to us. Moving along, let's check with our District Offices to make sure that they are connected. We have limited interconnectability with our Offices so let me start with Hana Office. Dawn Lono, are you there?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR VICTORINO: Good morning, Dawn, and Happy New Year.

MS. LONO: Happy New Year to you too.

CHAIR VICTORINO: Denise Fernandez, Lanai Office, Denise, are you there?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR VICTORINO: Good morning, Denise, and Happy New Year.

MS. FERNANDEZ: Happy New Year.

CHAIR VICTORINO: And finally the lovely lady from Molokai Office, Ella Alcon. Ella, are you there?

MS. ALCON: Good morning, Chair this is Ella Alcon on Molokai.

CHAIR VICTORINO: Good morning, Ella, and Happy New Year to you too. Members, at this time I'd like to open testimony, but I don't see anybody wanting to give, do we have anyone wanting to give testimony in the Chambers?

MS. FRIAS: No, Mr. Chair.

CHAIR VICTORINO: Okay. Well let me check with the District Offices. District Offices, first of all Hana, is there anyone wishing to give public testimony?

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

CHAIR VICTORINO: Thank you. Lanai, Denise, is there anyone wishing to give public testimony?

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

CHAIR VICTORINO: And Molokai Office, Ella, is there anyone wishing to give testimony?

MS. ALCON: There's no one here on Molokai waiting to testify.

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CHAIR VICTORINO: Thank you. Seeing no one wishing to give public testimony, with no objections, I'll close public testimony?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Public testimony is closed.

ITEM PIA-6(1): AMENDMENTS TO THE RULES OF THE COUNCIL (CC 13-45, MISC)

CHAIR VICTORINO: Okay. First of all, Council Chair White has introduced a new decor in the Chamber and I wanted to recognize that. If you look between the desks here, these drums of, are in the Chamber to symbolize communication and calling together of members of the community. It is, I support this symbolic gesture and if you guys heard, some of you this morning, I sent out the call to assemble. So that was me practicing. So, you know, well, you know, I think this is something very, very unique for our Chamber. So I wanna thank Chair White for bringing this to our Chamber, and I'm hoping that this will spur more participation by the public, and so we can all send out the message we are assembling so please come and speak. Okay moving right along. Today we just have one agenda item, oh actually two agenda items, excuse me, I apologize. First agenda item is to amend the Rules of the Council. The Committee is in receipt of County Communication 13-45, from the Council Chair, relating to amendments to the Rules of the Council; a Miscellaneous Communication, dated January 5, 2015, from the Deputy County Clerk, transmitting the matter relating to the Rules of the Council: and correspondence dated January 6, 2015, from me, transmitting the proposed resolution entitled, AMENDING THE RULES OF THE COUNCIL, attaching Resolution 15-4, as adopted by the Council, at the Council meeting of January 2, 2015. We'll be working off the two...January 6, 2015 documents, and let me start by saying this matter was referred to the Committee by the Council at its first meeting of the new term to allow any Member that might be concerned about the Rules to bring it up so that we can revisit this document. The Rules are up on the television screen as you can see off to my right, to your left, and Ms. Willenbrink will be adding or deleting any revisions to the, in the track changes. Members, please note that what is on the screen appears differently than your hard copy, because the font sizes have been increased so that is easier to read. Okay. Now first thing I'd like to do, if you'll indulge me, I would like to start off by making a minor correction to the Rule 6, Officers and Their Duties. In Rule 6(B)(1), I would like to strike the phrase any recommended disposition of Council action and insert in there Rule 6(C)(3) at the end of the sentence. So in other words, it's just a change taking it from (3)(B) [sic] and moving it to (3)(C) [sic]. In practice, the Director of Council Services has been recommending dispositions of items for quite a while, and the County Clerk would like this rule reflected for its accuracy. So in other words, the Rules said for the County Clerk to send the disposition of items, and really it's been the Director of Council Services, so it's a correction in the way we've been proceeding all these years. So I am suggesting that rule be revised to reflect the change. Members, any discussion? Do you guys, do you see it? So now we're taking it out of,

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asking the Clerk's Office to, for disposition and really putting it where it has to, has been all this time in the Director of Council Services.

VICE-CHAIR COUCH: Just that change there, Mr. Chair?

CHAIR VICTORINO: Yes, that change, that's all I'm asking for right now.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: So.

VICE-CHAIR COUCH: No objection.

CHAIR VICTORINO: No, no, well, we, in this case, I am going to ask for a motion.

VICE-CHAIR COUCH: Alright.

CHAIR VICTORINO: I will ask for a motion to change this Rule, by revising Council or its Chair from the County Clerk in Rule 6(B)(1) to the Director of Council Services in its appropriate numbered new subsection Rule 6(C).

COUNCILMEMBER CARROLL: So move.

VICE-CHAIR COUCH: So...second.

CHAIR VICTORINO: Okay, somebody, who moved, I'm sorry?

VICE-CHAIR COUCH: Mr. Carroll.

CHAIR VICTORINO: Oh, Mr. Carroll, thank you, and seconded by Vice-Chair Couch. Any discussion? Yes, Mr. Couch.

VICE-CHAIR COUCH: Mr. Chair, when you say in the appropriate section on C.

CHAIR VICTORINO: Rule 6(C). Yes.

VICE-CHAIR COUCH: C, it's just gonna be another, you basically gonna have to say almost the same thing in all of one.

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: And to make it (C)(1) or whatever.

CHAIR VICTORINO: In C, yeah.

VICE-CHAIR COUCH: Okay. That's the intention?

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CHAIR VICTORINO: Okay. We're moving it, that's exactly what we're doing. I guess that's the simplest way to say it. We're actually moving it in its rightful area.

VICE-CHAIR COUCH: Gotcha.

CHAIR VICTORINO: Okay. Any more discussions or questions? Yes, Mr. ...

COUNCILMEMBER GUZMAN: Chair, is there any time during the course that the Clerk does do disposition or is it just always been the Director of Council Services?

CHAIR VICTORINO: As far as I know, it's been the Director of Council Services --

COUNCILMEMBER GUZMAN: I mean is there any --

CHAIR VICTORINO: --but I'll ask --

COUNCILMEMBER GUZMAN: --is there...well there's probably --

CHAIR VICTORINO: Chair Baisa.

COUNCILMEMBER GUZMAN: --sometime you know is there?

CHAIR VICTORINO: Chair Baisa? Oh --

COUNCILMEMBER BAISA: Former Chair.

CHAIR VICTORINO: --Ms. Baisa, former Chair, I'm sorry.

COUNCILMEMBER BAISA: I've had two years of dealing with this and essentially it is the Director of Council Services, and he will often discuss with the Chair when there's kind of and also with legal Staff when there is concern about where things should go.

CHAIR VICTORINO: So this is where to put items that are forwarded by you or any other Councilmember.

COUNCILMEMBER GUZMAN: Right, right, right --

CHAIR VICTORINO: That's...

COUNCILMEMBER GUZMAN: --I just wanted to, you know, determine whether there was any exceptions to it, because...

CHAIR VICTORINO: As far as I was told the County, by the County Clerk and as well as by the Director of Council Services, no. You know, so I mean maybe something that we're not looking at right now. But all of it has usually been by the Director of Council Services, and the County Clerk would prefer it be done that way, not by them.

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COUNCILMEMBER GUZMAN: So I guess the other follow-up question would be, would it preclude the Clerk from participating in deciding this disposition?

CHAIR VICTORINO: I don't think so but I will go to Ms. Baisa?

COUNCILMEMBER BAISA: Chair, often there will be a discussion with the Clerk; so it's not that the Clerk is totally excluded.

CHAIR VICTORINO: The Clerk is a part of it so.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Corporation Counsel, is there any, any reason for concern in this area?

MR. KUSHI: Mr. Chair, none that I can think of though. But as I understand the procedure, Council meetings, for full Council meetings, the County Clerk has jurisdiction.

CHAIR VICTORINO: Right.

MR. KUSHI: Committee meetings, the County, the Council Services really sets up the agendas, makes the filings, et cetera. So between the two of 'em, I'm sure they can get together.

COUNCILMEMBER BAISA: Chair.

CHAIR VICTORINO: Yes, Madame Chair, I mean Ms. Baisa?

COUNCILMEMBER BAISA: There are many agenda meetings before a actual agenda is posted. So it isn't like, you know, some...David sits in his office and just says put this here. There's a lot of discussion and there is interaction with the Clerk, as well as with the Chair where there may be some discussion as to where does this really go.

CHAIR VICTORINO: Yeah. And again the County Clerk has asked to have this change made to be clarified and so that the Director of Council Services really is the one that's putting the disposition of which Committees these items would go to, so it was and this was consulted with both parties also. Vice-Chair Guzman.

COUNCILMEMBER GUZMAN: Thank you. Yeah, Chair, I just was wondering in terms of, the Rule was created so at some point there was an intent for the Clerk to have, you know, do that service or utilize or dispose of those communications, so we haven't been following that in historically?

CHAIR VICTORINO: Not that, not to my knowledge, I mean, Ms. Baisa?

COUNCILMEMBER BAISA: When I...

CHAIR VICTORINO: I'm sorry. I'm asking her but she's --

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COUNCILMEMBER GUZMAN: Oh yeah, you're right...

COUNCILMEMBER BAISA: When I assumed the Chair --

CHAIR VICTORINO: Yes.

COUNCILMEMBER BAISA: --this was the process that we were following what I described. Now whether it was that way before I got there, I don't know.

CHAIR VICTORINO: And I think this process has been around for a long time...

COUNCILMEMBER BAISA: And the Clerk would know because he was the previous Chair to me for four years.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: So it just, we should of changed the Rules a long time ago time then.

UNIDENTIFIED SPEAKER: Well, you know.

COUNCILMEMBER BAISA: Correct, exactly.

CHAIR VICTORINO: Could of, would of, should of is not the --

COUNCILMEMBER GUZMAN: Alright.

CHAIR VICTORINO: --we're gonna change it now --

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: --correct it and reflect what we actually do, so I'm not going to go into this why it wasn't done ten years ago, five years ago, we're gonna do it today. How's that sound?

COUNCILMEMBER GUZMAN: Very good. Thank you, Chair.

CHAIR VICTORINO: Okay.

COUNCILMEMBER BAISA: That's the point.

CHAIR VICTORINO: Yeah. So we have the motion on the floor, we have a second. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

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CHAIR VICTORINO: Opposed? Let the record show one, two, three...seven "ayes"; two excused, Chair White and Councilmember Hokama. And from this point forward, when I say two excused, they will be the two names marked down.

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

NOES: None.

EXC.: Councilmembers Hokama and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVE amendment.

CHAIR VICTORINO: Okay thank you very much in getting that one completed. Now I'd like to move on to other changes. The other one that was brought to my attention was referral of Committees, oh I'm sorry that's, excuse me, yeah, 7(E), that's correct, yeah? I'm gonna take a quick recess. I'm learning, please forgive me. One minute recess. ...*(gavel)*...

RECESS: 9:17 a.m.

RECONVENE: 9:18 a.m.

CHAIR VICTORINO: ...*(gavel)*... The meeting of the Policy and Intergovernmental Committee will reconvene. The next item I'd like to take up is Rule 7E, and what I'd like to do is refer it to the Committee's waiver of requirement in this bill and resolutions have been...okay, let me start over. In the case of bills and resolutions having the force or effect of law, except for resolutions relating to election, establishment, or appointments of Council's officers, Committee, or Staff, changing the date of the Council meeting, we are relate, we are...or relating to amendments of the Rules, the Council shall refer the matter to a standing Committee and shall receive the Committee's report prior to the first reading or adoption; provided that the Council may waive this requirement by affirmative vote of two-thirds of the entire membership of the Council. What it, what this basically looking to do is to change when the Chair recommends a change of the date of a Council meeting for whatever reasons they make, 'cause of holidays or whatever, that it not be referred to the Committee but be directly put on the floor. And this way, we on the floor, the Council, can approve it and move on, you know, not have a waiver to Committee. So that's my recommendation, that's a fairly simple one, I think we've done it pretty much consistently. It just again to clean it up and make sure it's consistent in the manner we have been doing it. So if I could have a motion for, I, oh --

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VICE-CHAIR COUCH: I'll make it.

CHAIR VICTORINO: --if there's, well, if there's no further discussion first of all. Any further discussion? Okay.

VICE-CHAIR COUCH: Mr. Chair, I move to add the wording, "changing the date of a Council meeting to Rule 7(E)" after the word or words, "or staff" comma.

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: Okay. Thank you. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All opposed? Let the record say seven "ayes", two excused, no nays.

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

NOES: None.

EXC.: Councilmembers Hokama and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: APPROVE amendment.

CHAIR VICTORINO: Okay. Thank you, Members, that was fairly easy. Moving right along, at this point, I will allow us to go down the row, beginning with the Vice-Chair on any concerns or revisions of Rules that he would like to propose. So anybody would like to propose, okay. There's a number of issues that some of you brought up during the meeting and so I want to give you an opportunity to express your concerns and then see where changes need to be made, with the majority's vote. So I will start with you, Mr. Guzman, I mean Mr. Guzman, sorry, the Vice-Chair of the Committee not the Vice-Chair of the Council, sorry, Mr. Guzman. Mr. Couch.

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

CHAIR VICTORINO: Yes. I'm sorry about that, sorry, sorry.

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VICE-CHAIR COUCH: That's alright. I have two real quick housekeeping ones and then we can go into the tough ones. On Page 11, Rule 7(H), site inspection where it talks about a site inspection is a meeting and is subject to the Sunshine Law. We don't have any reference to or definition of Sunshine Law. If we can put in the actual HRS because everywhere else in here we refer to HRS 92 whatever --

CHAIR VICTORINO: Okay --

VICE-CHAIR COUCH: --so it's nonsubstantial --

CHAIR VICTORINO: --that is nonsubstantial, okay.

VICE-CHAIR COUCH: --if we could do that I would...

CHAIR VICTORINO: --No problem, I'm not gonna even call for a vote for that because I think that is nonsubstantial. Go ahead.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Next.

VICE-CHAIR COUCH: Then the next one is Rule 23(A)(5). Give everybody a chance to get over there. It says a resolution approving or disapproving a Board of Variances and Appeals' action pursuant to Section 19.02.050(D) of the County Code. That doesn't exist anymore. The actual number should be 19.02A.040(D).

CHAIR VICTORINO: Yeah. We have it here as one of the probable changes but fine.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Let's add it in there.

VICE-CHAIR COUCH: Do you need a motion for that?

CHAIR VICTORINO: That one I would ask for a motion.

VICE-CHAIR COUCH: Okay. So I move...

CHAIR VICTORINO: Hang on, hang on, let...go ahead.

MS. WILLENBRINK: Catch me up please.

CHAIR VICTORINO: Okay. Can you help her please?

VICE-CHAIR COUCH: Yup. I move to change Rule 25(A)(5). I move to strike 19.02.050(D) and insert in its place...

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CHAIR VICTORINO: Hang on one second 'cause we wanna get her to the right page. Can you...

VICE-CHAIR COUCH: What did I say, 23(A)(5), Rule 23?

CHAIR VICTORINO: Yeah, okay, wait, hang on.

VICE-CHAIR COUCH: Oh, I'm sorry.

CHAIR VICTORINO: Yeah you're not, she's not there right now, that's why I'm saying, Rule 20, 19, 20, 22, okay --

VICE-CHAIR COUCH: Twenty-three --

CHAIR VICTORINO: --23 now.

VICE-CHAIR COUCH: --(A)(5).

CHAIR VICTORINO: (A)(5)...okay, there we go.

MS. WILLENBRINK: Thank you.

CHAIR VICTORINO: There you go.

VICE-CHAIR COUCH: Alright, I move to strike 19.02.050(D) and insert in its place 19.02A.040(D).

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: Okay. Let's put it up there first, okay; and Mr. Carroll has second the motion. Okay. Wait, there's some more yet, yeah.

MS. WILLENBRINK: 040--

CHAIR VICTORINO: (D).

VICE-CHAIR COUCH: (D).

MS. WILLENBRINK: --(D).

CHAIR VICTORINO: Yeah. Okay. So that is the language that you are proposing for change in that Rule 23(5)(A)?

VICE-CHAIR COUCH: Yes, sir.

CHAIR VICTORINO: Okay. Any discussion by the Members? Yes, Mr. Guzman?

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COUNCILMEMBER GUZMAN: Thank you, Chair. Can I have a verification of the, of that Section as it applies to the I guess (5).

CHAIR VICTORINO: Up on the approval/disapproval?

COUNCILMEMBER GUZMAN: Yeah, yeah, no, yeah, I just wanted from either Corporation Counsel, is that appropriate Section is that the correct Section, just a verification.

CHAIR VICTORINO: Yeah. Okay.

COUNCILMEMBER GUZMAN: Not that I don't trust, Mr. Couch. It's just that we need it on the record.

CHAIR VICTORINO: Mr. Kushi?

MR. KUSHI: I don't have the Code in front me but we will check it out.

MS. WILLENBRINK: I have the Code in front of me.

CHAIR VICTORINO: And then.

MS. WILLENBRINK: 19.02A.040(D) reads, "any action of the board, whether granting or denying the relief applied for, shall be referred to the Council for its approval. The Council may override any action of the board and either grant or deny relief, as the case may be, by an affirmative vote of at least five of its members."

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Are we clear now?

COUNCILMEMBER GUZMAN: Yes.

CHAIR VICTORINO: Okay, Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Okay. Thank you. Any other questions or discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven "ayes", no "noes", and two excused.

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

NOES: **None.**

EXC.: **Councilmembers Hokama and White.**

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: APPROVE amendment.

CHAIR VICTORINO: Thank you very much. Okay. Mr. Couch, now we get into the heavy-duty ones, yeah.

VICE-CHAIR COUCH: Well, I'll do one and then if anybody else has more, then we can go...

CHAIR VICTORINO: Well, you know what, why don't we ask this, does any, I gave you two so
--

VICE-CHAIR COUCH: Sure.

CHAIR VICTORINO: --let me go right down the row. Ms. Cochran do you have any rules that you'd like any attention put on?

COUNCILMEMBER COCHRAN: Thank you, Chair, and when I had the one-on-one discussion with Council Services in regards to this, it was just and I think it's in here, the Resource Persons, Rule 18. I believe there was some at times questions from the public saying well, they weren't agendized, and so it was a fine line but as I read the --

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: --you know, the items, they seem to be pretty self-explanatory. And at times you may get a testifier that shedding some light on something that seems very important, then we as a Chair can say do you mind if, you know, hang out and be a resource person for the discussion to come, and those things we can't foresee. So it's sort of play it by ear kind of. But I know there was a issue I guess people were saying well, how come that person, some people were thinking maybe it was a setup that they were happened to be in the gallery at the time kind of thing. But, you know.

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CHAIR VICTORINO: I think, you know, that one as we've clarified it, trying to give the discretion to the Chair, for someone they believe to be a resource for the pertinent item being discussed that day.

COUNCILMEMBER COCHRAN: Right.

CHAIR VICTORINO: So we don't wanna eliminate that option to the Chair who'd be, you know, who's conducting the meeting for the Committee, yeah.

COUNCILMEMBER COCHRAN: Right. So overall, Chair, I'm good.

CHAIR VICTORINO: Okay.

COUNCILMEMBER COCHRAN: Yup, so thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Nothing in particular, thank you.

CHAIR VICTORINO: You're welcome. Mr. Carroll?

COUNCILMEMBER CARROLL: No, not at this time.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I was actually at a meeting as well with, not with Member Cochran but separately with the Council Services. My concern was on the other special committees and the...

CHAIR VICTORINO: Tell us what page and what section please if you don't mind.

COUNCILMEMBER GUZMAN: Yeah. I'm trying to find it right now.

CHAIR VICTORINO: Yeah please so I can have the Staff as well as the Members turn to that Page...is that 10, subcommittees or...

COUNCILMEMBER GUZMAN: Yeah, it doesn't seem to be here anymore but, maybe it was deleted, I guess that's what...cannot seem to find it here. I apologize, let's see.

CHAIR VICTORINO: Okay. What I'll allow you to do is look it over, if you do find it then ask, then I'll recognize you and ask you to point us to that page and section.

COUNCILMEMBER GUZMAN: Okay. Very good, thank you.

CHAIR VICTORINO: Okay. I'll allow you that, okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Not anything at this moment.

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CHAIR VICTORINO: Okay. I go back to you, Mr. Couch, we have a couple items that we wanna talk about so go ahead.

VICE-CHAIR COUCH: Okay. First a discussion on Page 6 for the, of the current Rules. It's actually Rule 5.

CHAIR VICTORINO: Page 6, Rule 5. Okay.

VICE-CHAIR COUCH: 5(B).

CHAIR VICTORINO: B like in bravo?

VICE-CHAIR COUCH: Yup, (16). Okay. This is a situation that came up before...

CHAIR VICTORINO: Again, I apologize, the Staff --

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: --was giving me some, what, I know what the page, what rule? Rule B...

VICE-CHAIR COUCH: Rule 5(B)(16).

CHAIR VICTORINO: Five...(16) okay, got it, okay, thank you.

VICE-CHAIR COUCH: Okay. This is a notice requirements and we wanted to kind of make it tie into Maui County Code, Section 19.50...10.040 --

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: --which it did; but we changed in my Committee, I believe last year, those requirements.

COUNCILMEMBER BAISA: Yes.

VICE-CHAIR COUCH: And so I would like to and it's a substantial change and it's unfortunately it's not online and I have to go through the ordinances to find it again, I had it.

CHAIR VICTORINO: The Staff might have brought it...

VICE-CHAIR COUCH: Yeah, that's a different one.

CHAIR VICTORINO: Oh, it's a different one, okay.

VICE-CHAIR COUCH: Yeah, so...

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CHAIR VICTORINO: Well what I can, what I'll say is this, Mr. Couch, if there's something that we need to...that we don't have available to us right now, I could always defer the rest until another meeting --

VICE-CHAIR COUCH: And yeah, that's what I was...

CHAIR VICTORINO: --and give you an opportunity, just like with Mr. Guzman if that's the case, I am planning to have another meeting where the Rules of the Council will be brought up one more time for the finalization to give all of you an opportunity if that, especially when you talking substantial change as you're referring to at this point.

VICE-CHAIR COUCH: Yeah, perfect, I gave that to Staff and I thought they had it. I had it somewhere but I seem to have misplaced it, so yes, that one needs to be brought in line to what the existing Code is 'cause the Code doesn't match now.

CHAIR VICTORINO: Yeah I think we have another meeting, when is our next scheduled meeting, Ms. Willenbrink, do you know that?

MS. WILLENBRINK: January 22nd at 1:30.

CHAIR VICTORINO: Okay. So I would like to as much as possible by January 22nd, whatever...or changes that you folks would like to see be brought forward, voted on, and we can then put the Rules of the Council to rest.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Okay. But I'd like to try and get as much done today as possible, but if you need to have time to go find a change in an ordinance or something of that nature, a policy, please feel free to do your work and then get back to me no later than, oh, I'll put it on the Council Agenda for the 22nd of January, okay.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Anybody else have anything? Oh yeah, go ahead.

VICE-CHAIR COUCH: Alright. On Page 8, for the Members, and its Rule 6(A)(14) about Chair's meetings.

CHAIR VICTORINO: Rule 6.

VICE-CHAIR COUCH: (A)(14).

CHAIR VICTORINO: (A)(14), okay; and I'll read it just over here. Hold a Chair's meeting as needed to informally discuss matters that are within the decision-making authority of the Chair or the Committee Chair, and do not require Council approval. And that's the one you referring to?

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VICE-CHAIR COUCH: Correct.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: And last term's Rules say hold a Chair's meeting as needed to informally discuss scheduling operational or procedural matters that are within the decision-making authority of the Chair or Committee Chair, and that do not require Council approval provided that all Councilmembers shall be given written notice of the date, time, and place of the meeting and the topics to be discussed and provided further that a quorum shall not be required. My concern is about the provided further that a quorum shall not be required. I would love to have that back in there only because if the Chair wants to hold a meeting and just discuss it with whomever is available, it's a Chair's meeting more of for rules and the way things are done outside...and not actual issues. I guess I would have to ask Corp. Counsel if that's doable that we can do it provided that further that a quorum shall not be required.

CHAIR VICTORINO: Okay. Corporation Counsel, do you have any comments to Mr. Couch's request?

MR. KUSHI: No, none at this time, I really don't know what he's talking about.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: Yeah. Before we used to be able to hold a Chair's meeting and we didn't need quorum and if that's...

MR. KUSHI: Quorum of the Chairs or quorum of the Members?

VICE-CHAIR COUCH: Quorum of the Members.

MR. KUSHI: Well, that's different.

VICE-CHAIR COUCH: This is a Chair's...

MR. KUSHI: This is a Chair's meeting for Chairs.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: Right. Well, it's all the Councilmembers, all the Members are Chairs --

COUNCILMEMBER BAISA: Yeah.

VICE-CHAIR COUCH: --at this point. But you're right it could be, it would be a quorum of Chairs then.

CHAIR VICTORINO: So.

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VICE-CHAIR COUCH: Yeah. 'Cause it's on how we conduct our meetings, you know, 'cause some of the, when we did it for the last two years, it was things on how we conduct our meetings, what kind of schedule we're gonna do --

CHAIR VICTORINO: Right.

VICE-CHAIR COUCH: --that kind of internal stuff, it's not necessary to have a quorum I don't think. I would think that if the Chair calls a meeting and three or four get there, as long as the information is discussed or sent out to the other Members and it's all procedural stuff, not any items. We're not allowed to talk about any items that are likely to come up. If that's okay, if not, no worries, I just want to add that in there, 'cause we did it last term so why not carry it over?

CHAIR VICTORINO: Without quorum?

COUNCILMEMBER BAISA: No, no, no, no.

CHAIR VICTORINO: No, no, we did it with quorum. You're saying without quorum.

VICE-CHAIR COUCH: Well the Rules last year said we could do it without quorum.

CHAIR VICTORINO: Yeah, okay, Madam, I mean Ms. Baisa?

COUNCILMEMBER BAISA: Mr. Chair, for historical purposes --

CHAIR VICTORINO: Yes.

COUNCILMEMBER BAISA: --and for my opinion, we conducted the Chair's meetings only when we could get a quorum. And I have to say it is a detriment, it's very difficult to do a Chair's meeting, because it's very hard to get a quorum on the day when, you know, a regular meeting is not scheduled. People have other things to do and so it's very hard to get them there. But I do think that there is a danger in not having a quorum, and I would recommend that we have one.

CHAIR VICTORINO: And I think I have to agree with you on that statement, because although I agree with you, Mr. Couch, to a point, it becomes dangerous, then maybe two or three members will be making decisions and the rest of us would not, oh, you know, if they're not available and then they'll be making decisions for the whole body. And again they're not policy issues as far as the Council...County is concerned, but they are issues for which we govern ourselves.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER BAISA: Just one follow-up statement --

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CHAIR VICTORINO: Sure.

COUNCILMEMBER BAISA: --and that is I really feel that it would very good to have a quarterly Chair's meeting that is scheduled, and that way we all know about it and we'll have much better luck at doing a quorum than we do randomly. Because everybody gets busy and unless it's on the schedule you make a commitment and then you're stuck. So if we did schedule it and if we didn't need it, we could cancel it; but at least it would be on the calendar.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: Okay and I'm fine with that I just wanted to bring that up to the Committee's attention.

CHAIR VICTORINO: I think I'll leave it as is and I think it's important that we have it, and again it would be up to the Chair how he would like to proceed, you know, I'm not going to be telling the Chair or anybody how to run their meetings, it will be up to them. But I would like to see quorum necessary so that we at least are protected in that respect. And the public should know what's going on, it's kind of nice 'cause I had a lot of people who have a lot of comments about oh, I didn't know you guys had to do it this way, I didn't know you had to have that. So I think it's important for people to understand how we run ourselves outside of a Council and Committee meeting. Okay. Mr. Couch, you have something else?

VICE-CHAIR COUCH: I do, on Page 12 of the new...and it's Rule 9(C)(1).

CHAIR VICTORINO: (C)(1), okay.

VICE-CHAIR COUCH: 9(C)(1), it lists...this on disclosure of interest and abstention from voting.

CHAIR VICTORINO: Okay. So let me read that for, if you don't mind let me read it.

VICE-CHAIR COUCH: Sure.

CHAIR VICTORINO: Service, okay, disclosure of interest; abstention of, for voting. Service as a board member of a corporation. A voting member who serves on a board of directors or an executive committee for a for-profit or nonprofit corporation shall take the following action when the, when a Council or committee is considering a matter that directly affects the corporation: (a) prior to the discussion on the matter, disclose the service; and (b) announce that the member will abstain from voting on the matter (Board of Ethics Advisory Opinion 97A-3). Examples of the matter directly affecting corporations include the approval requested by the corporation and the individual line-item appropriation to the corporation. General legislation, such as overall County budget or General Plan, does not constitute a matter directly affecting a corporation. Okay, Mr. Couch, go ahead.

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VICE-CHAIR COUCH: That's the one. That last sentence, general legislation, such as the overall County budget or General Plan, does not constitute a matter directly affecting a corporation--and again this is a matter possibly for Corp. Counsel--I would like to add, "such as but not limited to", just in case somebody says, well, it only talks about General Plan and budget and that's it.

CHAIR VICTORINO: So what, again those wording was what?

VICE-CHAIR COUCH: Such as but not limited to.

CHAIR VICTORINO: Okay.

MS. WILLENBRINK: Where?

CHAIR VICTORINO: Yeah, where?

VICE-CHAIR COUCH: Right after "such as".

CHAIR VICTORINO: At the very bottom such as?

VICE-CHAIR COUCH: Such as but not limited to the overall County budget or the General Plan.

CHAIR VICTORINO: Okay and so that the public understands your desire to make that change, what would that encumber?

VICE-CHAIR COUCH: What that means is that, that's not, it's just making it clear that that's not an exclusive list. It just gives the idea of what kind of things that we can vote on.

CHAIR VICTORINO: So let's say what other issues that you would bring forward that would fall under this realm, such as and not limited to. Again I'm trying to be specific so that the public understand that we're not trying to put something under the rug --

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: --that we're still gonna be aboveboard.

VICE-CHAIR COUCH: Well, would be not only the County budget 'cause we talk about County budget, we have a line-item in the County budget, we are, some of us are members of boards and we have to, when that line-item is being discussed we have to recuse ourselves. But in the budget overall or in the General Plan which I doubt would ever come up but it's listed, and there could be other ordinances around that we would discuss there is an overall reaching thing that we would like to say hey, we're a member this board but it's not directly affecting the board. But we would just disclose and still be able to discuss and vote.

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ACTION: APPROVE amendment.

CHAIR VICTORINO: Okay and you have one...two...one...two more, right?

VICE-CHAIR COUCH: Two more.

CHAIR VICTORINO: I got your list here, so...

VICE-CHAIR COUCH: Page 14, Rule 14(C).

CHAIR VICTORINO: 14(C) okay. That is effective date; sunset. The rules of the shall be, oh, excuse me, these rules shall become effective upon adoption of this resolution by the Council and shall remain in effect until January 2, 2017, twelve o'clock meridian, unless suspended earlier by new rules.

VICE-CHAIR COUCH: And this is a kind of manini but I just wanted to put it in there, that date is an actual holiday.

CHAIR VICTORINO: It is?

VICE-CHAIR COUCH: Yes. So and I'm not sure the Charter requires us to have a meeting on the 2nd unless the 2nd falls on a Saturday or a Sunday. So I'm guessing we're gonna have to have, the new term is probably going to have to have the meeting even if it is on a holiday. I'm not sure, I don't think we need any action right now, but I think that needs to be discussed.

CHAIR VICTORINO: May I ask you, what holiday?

VICE-CHAIR COUCH: New Year's day is on Sunday.

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: So usually the holiday goes to the next day, the day off.

CHAIR VICTORINO: Yeah, yeah, yeah.

VICE-CHAIR COUCH: So January 2, 2017 is going to, should be, I believe, a holiday.

CHAIR VICTORINO: Mr. Kushi, and I think this has happened before, this is not new; so I believe it's been pushed to the 3rd because --

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: --the day off is the 2nd.

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VICE-CHAIR COUCH: So if it is pushed to the 3rd, then --

CHAIR VICTORINO: And if I...

VICE-CHAIR COUCH: --then that dates needs to be changed to the 3rd, but that's...

CHAIR VICTORINO: And if I'm correct, wasn't this done five years ago and then the present Administration actually had the inauguration for themselves? I forget, I think they did on the 2nd of January even though it was like a holiday at that point.

VICE-CHAIR COUCH: It was a Sunday, yeah.

CHAIR VICTORINO: Yeah, it was a Sunday, right?

VICE-CHAIR COUCH: 'Cause we got inaugurated on the 3rd.

CHAIR VICTORINO: On the 3rd, Monday.

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: That's correct. Mr. Kushi?

VICE-CHAIR COUCH: It's kind of manini, but it is important 'cause there might a day...24 hours where the Rules aren't in effect, you know, that kind of thing.

CHAIR VICTORINO: Yeah, I think you've, you're stretching it this time.

VICE-CHAIR COUCH: I know.

CHAIR VICTORINO: Thank you very much, I should scratch that one off; but, eh, go ahead, Mr. Kushi, your take on that, 'cause I think we've handled this many years or many times in the past so go ahead. I'm sorry.

MR. KUSHI: Mr. Chair. I'm not sure, all I can say is that the Rules will take effect when you guys are sworn in. So whenever you are sworn in, be it...

VICE-CHAIR COUCH: This talks about the sunset however.

MR. KUSHI: Huh?

VICE-CHAIR COUCH: This talks about the sunset of the Rules.

MR. KUSHI: Well, if there's no, you're talking about matter of one day.

VICE-CHAIR COUCH: Yeah, yeah.

MR. KUSHI: Yeah, so.

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VICE-CHAIR COUCH: And I'm fine with that. Just wanna make sure that, you know, you know how we have people coming in...

MR. KUSHI: Right, right, right. So in your case scenario, on the 2nd --

VICE-CHAIR COUCH: There would be no rules for the one day.

MR. KUSHI: --if you're not sworn in, you can't have a meeting.

VICE-CHAIR COUCH: Right.

MR. KUSHI: So there's no need...if you don't have a meeting, there's no need for rules; but once you are sworn in, then you need rules.

VICE-CHAIR COUCH: Right.

MR. KUSHI: Unless without rules then you go to Robert's, right? So I don't think you need a change to this.

VICE-CHAIR COUCH: Okay. I'm just saying that...I wanted to point that out to the Committee that that's a weird occurrence that's gonna happen.

CHAIR VICTORINO: And it's happened in the past and --

VICE-CHAIR COUCH: Yup.

CHAIR VICTORINO: --somehow we survived. Moving right along.

VICE-CHAIR COUCH: Yes, of course.

CHAIR VICTORINO: Your final?

VICE-CHAIR COUCH: And last, finally, Rule 25, which doesn't exist anymore. It was a suggested rule in the copy that we got to take a look at and make comments on.

CHAIR VICTORINO: Right.

VICE-CHAIR COUCH: And this talks about meetings by interactive conference technology. And what was in there was somewhat lengthy, and I can give Staff the wording if they would like, and the Members. I have copies of it.

CHAIR VICTORINO: But give us the intent, and we...

VICE-CHAIR COUCH: Basically it allows for Members to...it parallels HRS. It allows for Members to have...be offsite and still have a meeting as long as its agendized and as long as certain criteria are met. What, when we have, now that we have Mr. Hokama,

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who's going to be potentially gone quite a bit, this would offer him the opportunity to have the meeting be...to vote on items and participate in a meeting even if he's not here in the room. And if, you know, Hana Highway gets blocked and Mr. Carroll is still in Hana, we could still have a meeting or vice...you know, flight service or the boat service doesn't go from Molokai or Lanai and the Members can't get here, they could still be present for a meeting and we wouldn't have to cancel meetings. So this...I doubt we're gonna act on it today, I would like to just have people take a look at it and see. And I talked to Chair White, and I believe he, you know, was okay with it to be discussed. You know, not necessarily do it; but I would think that if I...if we can hand out that language to the Members. Because we're in a meeting right now, and then have them take a look at it, and voice their concerns at our next...that next meeting you're planning.

CHAIR VICTORINO: On the 22nd?

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: We can do that. And I also, you know, I'll go over the meeting...it's Rule 25, Meetings by Interactive Conference Technology. (A) meetings are held...if you wanna, do you have copies right now, you can pass 'em out, you know.

VICE-CHAIR COUCH: I do, it's...

CHAIR VICTORINO: Staff, would you get the copies and date stamp 'em and make sure that each Member gets a copy? I think you had that in your original Rules --

VICE-CHAIR COUCH: Yup.

CHAIR VICTORINO: --and then it was pulled down. And I can tell you right off the top--and I'll read it while they passing it out, I'm gonna read it in a moment--but the main concern was to fold number one, if that individual was at any remote site, then number one, that site must be made for the public to participate. So let's say I'm in Washington D.C. or Mr. Hokama is in Pocatello, Idaho, wherever they may be, then I also have to make sure that facility was open to the public for anybody to bring forth testimony; that was number one. And number two, another concern was, if for any reason we lose connectability, the meeting then would stop and would have to start over again; and that was the other real concern we had. I mean technology has advanced tremendously, but we still have glitches. And you sure hate to get three-quarters of a meeting completed and something happens, whoa, what happens then? You know, again, I understand what mister...and this, you know, the HRS, this mirrored HRS; however, there is still that concern that we haven't gotten to that secure communication technology point that I feel comfortable. And, also, you got to remember, we got to look at time zones and time differences. And so, you know, Mr. Couch, I going say this much, if you or me or somebody else are in all-day meetings wherever we might be, it still may be really hard to count back and be a part of because that's still part of the day. Now unless you talking afternoons which then if you're in the east, would be evening. A lot of it is, would be a lot more, it would be a

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little difficult but I'll read it so just...everybody has a copy, right? And I'll read it so the public has it. And is it possible to put it up there, Kim? No, 'cause you don't have it as a part of, yeah. Do you have it?

MS. WILLENBRINK: I have the e-mail, and I'm trying to do a copy/paste.

CHAIR VICTORINO: Yeah, if you can. If not, I'll read it and then, and in fact, you know what, Mr. Couch, you read it because it was --

VICE-CHAIR COUCH: Sure.

CHAIR VICTORINO: --your proposal, I'm gonna make you do it this time.

VICE-CHAIR COUCH: Sure.

CHAIR VICTORINO: Go ahead, Mr. Couch.

VICE-CHAIR COUCH: Rule 25. Meetings by Interactive Conference Technology. (A) Meetings held by interactive conference technology shall be held in accordance with Section 92-3.5 of the Hawaii Revised Statutes. The interactive conference technology shall allow interaction among all councilmembers participating in the meeting and all members of the public attending the meeting. Notice of the meeting must include all of the locations where participating councilmembers will be physically present and indicate that members of the public may join councilmembers at any of the identified locations. (B) Any councilmember participating in a meeting by interactive conference technology shall be considered present at the meeting for purposes of determining compliance with the quorum and voting requirements of the council. (C) A meeting held by interactive conference technology shall be terminated when audio communication cannot be maintained with all locations where the meeting by private interactive conference technology is being held. Even if a quorum of the council or committee as appropriate is physically present in one location. If copies of visual aids required by or brought to the meeting by Councilmembers or members of the public are not available to all meeting participants at all locations where audio-only interactive conference technology is being used, within 15 minutes after audio-only communication is used, those agenda items for which visual aides are not available for all participation at all meeting locations cannot be acted upon at the meeting. (D) Notwithstanding the other provisions of this section to the contrary, a councilmember with a disability that limits or impairs the members ability to physically attend the meeting may participate in the meeting from a location not accessible to the public, provided that the member with a disability is connected to other members of the council or committee, as appropriate, and the public by both visual and audio means, and the member identifies where the member is located and who, if anyone, is present at that location with the member. That's all, that, you know, that also would've helped when we had two members out with temporary disabilities would've been able to allow them to participate as well.

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CHAIR VICTORINO: Well and I see where you're going with this and I think it's something that we need to have more discussion on.

VICE-CHAIR COUCH: Yup.

CHAIR VICTORINO: But you, one item you brought, oh, one statement you made earlier was that oh, if there's a storm and then trees are knocked down and Mr. Carroll cannot come in on Thursday for the meeting. If the storm happened on Wednesday and we already agendized it would not be agendized and so that would not become pertinent. So again that may not be all that applicable when emergencies occur how do you change it at that point in time because we agendize six days out. So again important issues to understand that this is something we, I'd like to look at it more, in more detail.

VICE-CHAIR COUCH: Absolutely.

CHAIR VICTORINO: You know, this is something that warrants change. I think it would be good like you said when our Members are capable mentally to participate but physically not to be here, that we can have them a part of it. But again it has to be open to the public. So like if Mr. Carroll was in Kaiser in Honolulu, that room would have to be open to the public.

VICE-CHAIR COUCH: No, it says it doesn't have to be --

CHAIR VICTORINO: If.

VICE-CHAIR COUCH: --if he's got a disability that...

CHAIR VICTORINO: If the disability precludes him from attending.

VICE-CHAIR COUCH: Right.

CHAIR VICTORINO: Okay. Again that's the key word. You got to make sure the disability precludes somebody from attending, yeah. Mr. Carroll, you been raising your hand, I apologize.

COUNCILMEMBER CARROLL: Thank you, Chair. I went through a lot of this for years in other committees and nonprofits and for-profit corporations actually that I was with also, and we went over this extensively and I think this is probably about the best one I have seen so far. I don't think, probably this is the best one I've seen so far. I don't think any discussion is gonna get you any further, because we are under the constraints of the Sunshine Law, and I feel, think that Corporation Counsel has approved, well, has reviewed this. But I don't see an approval stamp on it. But I would like to have this sent to Corporation Counsel for approval. If this wording is approved as it's written over here, I could support this. Thank you.

CHAIR VICTORINO: Ms. Baisa?

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COUNCILMEMBER BAISA: I think it's a noteworthy idea. Because, you know, we're in the age of information and I think it's kind of sad that we can't figure out how to make this work when we can't all be here. Because well all of us care very much and would like to be on the record, and in some cases it might help us get something done when we're on a time-sensitive issue. And, you know, having been out of commission for a couple weeks last year, it would have been really nice, I could have easily participated from Hale Makua from my bed. There was TV and there was everything we needed, But I couldn't because our Rules don't allow that now. So I think it's something we wanna take a good look at. But I agree with Mr. Carroll. I think we got to have Corp. Counsel look at it very carefully to make sure that we don't make it so easy that nobody wants to come to a meeting. I think that there should be a doctor's certificate attached to this, a certification of not being able to be or some kind of, you know, a good reason like the tree fell down and Mr. Carroll stuck in Hana. But I don't want everybody saying well, I'm going to home in my bed and participate this morning --

CHAIR VICTORINO: That'd be horrendous.

COUNCILMEMBER BAISA: --because that's not gonna work.

CHAIR VICTORINO: That would be a horrendous site. I mean hopefully it's just audio and not tele.

COUNCILMEMBER BAISA: Yeah.

CHAIR VICTORINO: Okay. Ms. Cochran?

COUNCILMEMBER COCHRAN: No.

CHAIR VICTORINO: Nothing, okay.

COUNCILMEMBER COCHRAN: No. I was just stretching so.

CHAIR VICTORINO: Ms. Crivello, anything?

COUNCILMEMBER CRIVELLO: My only concern would be I think we discussed that during the Charter is we can lose the connectivity and I can only speak for Molokai. We don't have the best broadband service available and so I think the consideration is what happens then, you know, you may have a very important agenda item and then you get cut off.

CHAIR VICTORINO: Yeah. No, you're absolutely correct and I think that's something, one of the concerns and I think Corp. Counsel when they review it, can address that. Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh, nothing further.

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CHAIR VICTORINO: Okay. You know, instead of asking Corporation Counsel to go into to this, I will draft a letter to them with this asking for their opinion and what they would like us to move on and what they would agree upon with this. Again Ms. Baisa, I agree with you, you know, I have been in, you know, in the hospital and I understand what you're saying. Mr. Carroll, when I was at Kaiser with him, I told him, all you have to do is get on your computer and you can interact because you could see and participate. But the Rules don't allow him to participate. He could of watched and you guys all watch and what was going on, but you cannot participate. So I have no problem. So long as we covered all the bases that the public doesn't perceive this as a method of us eliminating them from opportunities to participate. You know, again in the near future someday maybe, you know, Kihei and Lahaina may be able to set remote sites. You know, I mean and we've talked about this, you know.

COUNCILMEMBER BAISA: We're growing.

CHAIR VICTORINO: Yeah. No, I'm serious, you know, and we are doing that right now. You go down to the senior center and the State housing. They have interconnectability. I've been there, the University of Hawaii has their interactive communication conference. I've been a participant in meetings there, and the State has moved on in this direction. Because they realize we cannot all fly to Honolulu and be there in person, and so I think this is something very important. So with no objections, I will send a letter. I will again defer this and, like I've said earlier, for the other items and then our 22nd meeting and hopefully Mr. Kushi can give us an answer by the 22's meeting. With no objections, I will, you know, take care of that. And I guess really, at this point, all the changes we've made, I'm going to leave be for right now. And with no objections, unless there's further discussion, I would like to defer this matter until the January 22nd meeting.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH, MW).

CHAIR VICTORINO: Okay. And then there was one more item.

VICE-CHAIR COUCH: Mr. Chair, real quick, sorry.

CHAIR VICTORINO: I'm sorry, go ahead.

VICE-CHAIR COUCH: On this, we're going to have the changes that we already agreed to?

CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: We'll have a new copy --

CHAIR VICTORINO: We'll have new copies of all the changes that were made.

VICE-CHAIR COUCH: --for the January 22nd meeting?

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CHAIR VICTORINO: Yes.

VICE-CHAIR COUCH: Okay, great, thank you.

CHAIR VICTORINO: Yeah. That we agreed upon I should say.

VICE-CHAIR COUCH: Correct.

CHAIR VICTORINO: And all the rest will be brought forward as, you know, as amendments.
Yes, Ms. Willenbrink?

MS. WILLENBRINK: And do you want those changes marked in track changes?

COUNCILMEMBER BAISA: Please.

VICE-CHAIR COUCH: Please.

COUNCILMEMBER BAISA: Please.

CHAIR VICTORINO: Yes. Yeah so they fully understand what track, you know, changes
have been made, yeah. You know, I think this has been very productive.

VICE-CHAIR COUCH: Yes.

ACTION: DEFER pending further discussion.

**ITEM PIA-6(3): AMENDMENTS TO THE RULES OF THE COUNCIL (AMENDMENT TO
RULE 17(B) ORAL TESTIMONY) (CC 13-45)**

CHAIR VICTORINO: I have one more and that one was from Councilmember Hokama-- who's
not here today and I hope maybe on the 22nd meeting would be here--and he was in
discussing or wanting to discuss time, you know, the time allowed for testifiers. Now I
know what we've adopted, right. We've adopted three minutes and with the Chair's
discretion, there's a minute that, minute more that can be allowed if you so choose as
the Chair. Any other changes would have to be voted upon, recommended by the
Chair of the Committee and voted upon by the Members. I see no reason to change
that one. I think that gives the Chair and the Committee the flexibility to decide on
public testimony. If you have something that's really hot and heavy and you wanna
allow few minutes more you can and if the Committee agrees upon you can do that. If
you so choose to shorten it because it may not or maybe you have a 150 testifiers, that
gives the Chair and the Committee an opportunity to make adjustments accordingly.
Again, public testimony is very important. I do not wanna make it like we're trying to
push it off to the side. But I wanna also give the flexibility to every Chair an
opportunity to discuss and change accordingly to the issue at hand. So if there's no
objections, I'm gonna also defer this item to hopefully give Mr. Hokama a chance at

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the January 22nd meeting, hopefully he'll be here, to explain his rationale behind of it. I know he's kind of told us what he was thinking, but I would rather have it from him directly. So with no objections, I'd like to defer PIA 6(3).

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Yeah.

VICE-CHAIR COUCH: Real quick.

CHAIR VICTORINO: Go ahead.

VICE-CHAIR COUCH: On this, he has the old rule compared to our new rule.

CHAIR VICTORINO: That's correct.

VICE-CHAIR COUCH: So is he gonna make the changes?

CHAIR VICTORINO: And that's what I'm gonna ask him.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: You know, if he so desires any change, if he says no and I just, maybe we can just --

VICE-CHAIR COUCH: Gotcha.

CHAIR VICTORINO: --file this, but I wanna give him that opportunity with your approval.

VICE-CHAIR COUCH: Yup. No objections.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH, MW).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Thank you. Well, ladies and gentleman, that's it for today, thank you very much. I think that was a very productive...

ITEM PIA-6(1): AMENDMENTS TO THE RULES OF THE COUNCIL (CC 13-45, MISC)

CHAIR VICTORINO: Oh, I'm sorry. Mister...

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COUNCILMEMBER GUZMAN: I'm sorry, Chair. I did find that section that I was looking at earlier, that would be under...so what is that?

CHAIR VICTORINO: Section 7, R7(D), right?

COUNCILMEMBER GUZMAN: Yeah it's 7 --

CHAIR VICTORINO: Subcommittees?

COUNCILMEMBER GUZMAN: Yeah, subcommittees.

CHAIR VICTORINO: Yeah, and that's what I said and you said "no" and --

COUNCILMEMBER GUZMAN: No, no, no but in the version that was presented to me by Council Services, it also included TIG definitions and also various other forms like special committees and independent working groups. And so I actually had a PAF done on it and I have my, the research on it, so I was surprised to see that the final version did not include it. So when I was looking through it, it was void of those sections, and I think it should be noted or at least added, amended that a TIG should be placed in our Rules because the TIG rules are different than a subcommittee. In a subcommittee you need a chair and a vice-chair; in a TIG, you're only required to have two Councilmembers. And so that's what I would be amending. So on the 22nd...

CHAIR VICTORINO: Can you bring that forward? I don't know of any TIG that was just two Councilmembers, it generally was four Councilmembers.

COUNCILMEMBER GUZMAN: Well, under the rules I guess. Under the...here, I have the PAF that was actually done on it. It states that...so a TIG may be created by standing committee pursuant to the permitted interaction sections of the State Sunshine Law 92-2.5(b). Typically this group is tasked with studying a defined issue and making recommendations to the standing committee. A TIG membership may consist of two or more members of a standing committee but less than a quorum, and then it goes on and on.

CHAIR VICTORINO: Right.

COUNCILMEMBER GUZMAN: But I had it researched so it's clearly different than what a subcommittee requirements are, so I would be amending that section, too.

CHAIR VICTORINO: Why don't you add another section.

COUNCILMEMBER GUZMAN: Yeah, another section to include TIG. Right.

CHAIR VICTORINO: You don't need to amend, you need to add another section.

COUNCILMEMBER GUZMAN: Yeah, addendum to it.

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CHAIR VICTORINO: Yeah, you know, so that section would be whatever H, you know --

COUNCILMEMBER GUZMAN: Right, right.

CHAIR VICTORINO: --maybe R8 or I don't know but, you know, add another 'cause then TIG would be clarified --

COUNCILMEMBER GUZMAN: Right.

CHAIR VICTORINO: --in its entirety as a separate entity.

COUNCILMEMBER GUZMAN: Correct. In the, like I said, the version that was presented to me had it in there so I was surprised to see that it wasn't...

CHAIR VICTORINO: Well we'll put it back it in, you know --

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: --and let's add it as a separate addendum.

COUNCILMEMBER GUZMAN: Yes.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Alright, thank you. And I think we also had the other one that you were looking for, we found it. But I don't wanna start to go into it, I think what I'd like you to do is get the clarification and then bring it forward. Like you, Mr. Guzman, bring it forward as clarified so that we can present it to the entire Committee. Okay. So anything else, any other discussions? Do we have a meeting this afternoon? Yes, we have yours, PIA, right?

COUNCILMEMBER COCHRAN: No, IEM.

CHAIR VICTORINO: Okay, so we have PIA this...

COUNCILMEMBER COCHRAN: IEM, Infrastructure...

CHAIR VICTORINO: Oh, I'm sorry, I am PIA. IEM, sorry, Ms. Cochran --

COUNCILMEMBER COCHRAN: We'll get it straight.

CHAIR VICTORINO: --I apologize.

COUNCILMEMBER COCHRAN: Thank you.

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CHAIR VICTORINO: Okay. So thank you very much I think this was a very productive meeting. Hopefully we will get the rest of the Council Rules completed and continue our quest to make the changes that will make this Council and our relative committees run more smoothly. So with no objections, I would like to adjourn the meeting of January 12, 2015, Policy and Intergovernmental Affairs Committee.
...*(gavel)*...

ADJOURN: 10:06 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs
Committee

pia:min:150112

Transcribed by: Jean Pokipala

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CERTIFICATE

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

DATED the 30th day of January, 2015, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Jean Pokipala", is written over a horizontal line.

Jean Pokipala