

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

February 4, 2015

Council Chamber, 8th Floor

CONVENE: 1:35 p.m.

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

EXCUSED: Councilmember Riki Hokama, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
Sharon Brooks, Legislative Attorney
Tammy M. Frias, Committee Secretary
David M. Raatz, Director, Office of Council Services
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(2))
David S. Taylor, Director, Department of Water Supply (Item PIA-7)
John D. Kim, Acting Prosecuting Attorney, Department of the Prosecuting Attorney (Item PIA-15)
Susan L. Underwood, Information Systems Analyst VI, Information Technology Services Division, Department of Management (Item PIA-42)
Karen L. Sherman, Information Systems Analyst VI, Information Technology Services Division, Department of Management (Item PIA-42)
Patrick K. Wong, Acting Corporation Counsel, Department of the Corporation Counsel (Item PIA-15)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery

Paul J. Meyer, Deputy Director, Department of Water Supply (Item PIA-7)
Holly Ho, Waterworks Fiscal Officer, Department of Water Supply (Item PIA-7)
Helene H. Kau, Assistant Waterworks Fiscal Officer, Department of Water Supply (Item PIA-7)

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Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

Robert D. Rivera, First Deputy Prosecuting Attorney, Department of the Prosecuting Attorney (Item PIA-15)

- OTHERS:** Rosemary Robbins (Item PIA-7)
Cynthia Santiago, nominee, Public Works Commission (Item PIA-2(2))
Ernest Lau, Board of Water Supply, City and County of Honolulu (Item PIA-7)
Henderson Nuuhiwa, Board of Water Supply, City and County of Honolulu (Item PIA-7)
Additional attendees (5)
- PRESS:** Eileen Chao, *The Maui News*
Matt Thayer, Photographer, *The Maui News*
Akaku--Maui County Community Television, Inc.
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CHAIR VICTORINO: . . .(*gavel*). . . Good afternoon, the meeting of the Policy and Intergovernmental Affairs Committee will now come into session. Before we get started, I would like to ask everyone to please silence their phones, I should start with mine. Alright. I appreciate that and thank you very much. At this time I'd like to introduce the members of the Committee. I am the Chair, Michael Victorino. I would like to introduce our Vice-Chair from South Maui, Don Couch.

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

CHAIR VICTORINO: Good afternoon. Our representative from East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR VICTORINO: The lovely young lady from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR VICTORINO: The lovely young lady from West Maui, Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha.

CHAIR VICTORINO: Aloha. The lovely young lady from Molokai, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: And at this time, Mr. Riki Hokama, from Lanai is excused he's with...and so from this point forward all votes taken will be with the number eight and Mr. Hokama will be excused and I won't repeat that every time we take a vote. And our Vice-Chair of the Council, Mr. Don Guzman, from Kahului.

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COUNCILMEMBER GUZMAN: Good afternoon.

CHAIR VICTORINO: And the Chair of the Council, Mr. Mike White from Makawao.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR VICTORINO: Aloha. Thank you. From the Administration we have Mr. David Taylor, Director of Water Supply. We have Ms. Susan Underwood, IT Division, Office of Managing Director and also, Karen Sherman. Corporation Counsel, First Deputy Corporation Counsel, Ed Kushi and John Kim, Acting Prosecuting Attorney. We may have to do this out of sequence because I've been informed, Mr. Lau from the department, Honolulu Board of Water Supply, has been delayed in his flight, but let me do the public testimony first and then we'll see where we are at, at that point in time if there's no objection, ladies and gentlemen.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Okay thank you. So let me go on to and I'll introduce them when they arrive. Committee Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good afternoon.

CHAIR VICTORINO: Tammy Frias, our Committee Secretary.

MS. FRIAS: Good afternoon.

CHAIR VICTORINO: Good afternoon. And Sharon Brooks, our Legislative Attorney. And also today I have the presence of our wonderful David Raatz, Director of Council Services, thank you, Mr. Raatz, for being here today. Let us now start by checking our District Offices for connectability. First of all, let me start with the Hana Office, Dawn Lono. Dawn, are you there?

MS. LONO: Yes. Good afternoon, Chair, this is Dawn Lono at the Hana Office.

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

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

CHAIR VICTORINO: And then from Molokai, Ella Alcon. Ella, are you there?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR VICTORINO: Thank you very much, ladies. I'll be getting to you very shortly. Today we have four agenda items and we will keep public testimony strictly to the four agenda items as specified. I will start with public testimony with no objections.

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COUNCILMEMBERS: No objections.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Okay. Let's start with our, let's start with, let's go with District Offices first. Let's start with Hana. Hana Office, Dawn, do you have anyone wishing to testify?

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

CHAIR VICTORINO: Thank you, Dawn. Denise, do you have one, anyone in the Lanai office wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR VICTORINO: Thank you. And our Molokai Office, Ella, is there anyone wishing to testify on Molokai?

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

CHAIR VICTORINO: Thank you, ladies, and hang on if we, if anybody comes in let us know by via e-mail and I will call upon you just before I close public testimony here in the Chamber. So far I have just one testifier, Rosemary Robbins, a concerned citizen testifying on PIA-7, Rosemary, welcome.

MS. ROBBINS: Thank you. Good afternoon, everybody. On the first item, seven on here there was testimony given within the past two weeks on this item also and when I went through the binder at that time, it identified a couple of things that aren't in this presentation so just so that the public has a chance to hear that. There was some dissension between the Honolulu Board of Supply and ourselves when they were involved in that contract doing the billing for us and they didn't seem very eager to continue that at the time. So it will be nice this afternoon to hear how that has evolved into something more positive apparently. Also, an awareness that the Honolulu Board of Water Supply subcontracts part of that issue with somebody else from Oahu, it was an outfit that I didn't know so that will be good for the community too, to be able to hear that, that's coming. By water all things find life, we can't let go of that so we need the quantity and the quality to echo both your and my words on that so we don't want to ever let go of that either. Thank you.

CHAIR VICTORINO: Thank you, Ms. Robbins. And I assure you that when Mr. Lau and his staff come in to explain, you'll be pleasantly surprised, they're looking for some changes and we will eventually be changing over, but right now we'll, I'll let him explain it better than I can.

MS. ROBBINS: I remember him, from the early 2000s when we were working on the Upcountry oversight...

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CHAIR VICTORINO: In fact, I just had a meeting last night when I was on Oahu so keeping me aware of what's happening, so I'll let him explain to all of us, please.

MS. ROBBINS: Yeah. Okay.

CHAIR VICTORINO: Thank you. Any questions for the testifier? Seeing none, thank you very much, Rosemary --

MS. ROBBINS: You're welcome.

CHAIR VICTORINO: --for being here. Is there anyone else in the gallery wishing to testify? I see no, no charge to the podium so let me check with the District Offices. Hana, Dawn, do you have anyone wishing to testify?

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

CHAIR VICTORINO: Thank you. Denise, do you have anyone in Lanai wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR VICTORINO: And, Ella, do you have anyone on Molokai wishing to testify?

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

CHAIR VICTORINO: With that, with no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Public testimony is closed.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Our first one would have been our intergovernmental agreement with the Honolulu Board of Water Supply but since they're not here with no objections, may I move to the second item which is the Nominations to Boards, Committees, and Commissions and that's PIA-2(2). If there are no objections to that change.

COUNCILMEMBERS: No objections.

**ITEM PIA-2(2): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(PUBLIC WORKS COMMISSION) (CC 15-23)**

CHAIR VICTORINO: Thank you. Okay. Committee we are in receipt of County Communication PIA-2(2) Nominations to Boards and Committees and Commissions.

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Here today we have, Cynthia Santiago, and I think she's sitting out in the gallery, thank you for being here. Sorry about the confusion at the last meeting. The Committee is in receipt of County Communication 15-23, dated and received December 23, 2014, from the Mayor, transmitting a proposed resolution entitled, Appointment of a Member to the Board of the Public excuse me, the Public Works Commission for a Term Ending March 31, 2019, along with a completed application form for the nominee. The proposed, the purpose of the proposed resolution is to approve or disapprove the appointment of Cynthia Santiago to the Public Works Commission, for a term expiring March 31, 2019, to fill the vacancy due to the resignation of June Davis. I have here and I want to introduce Mr. Mike Molina, thank you for coming down, Mike, I appreciate that.

MR. MOLINA: Good afternoon, Chair.

CHAIR VICTORINO: And I will open up first of all to you, Mike, to say a few comments about Ms. Santiago, and then if you wish, Committee, I will ask, Ms. Santiago to come up to the podium and talk a little about herself and allow you to ask questions, any objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Mr. Molina.

MR. MOLINA: Okay. Thank you very much, Mr. Chairman and good afternoon, Committee members. The Administration would like your consideration to support the nominee, Ms. Cynthia Santiago to the Public Works Commission. Ms. Santiago is currently the Executive Director of 'Ohana Makamae and is actively involved in the Hana Community and although she works in Hana, she comes to Central Maui on a somewhat frequent basis and would not have a problem attending the once-a-month meeting, which typically takes place on the last Wednesday of each month and she's indicated that to us. And also I believe at the last meeting, Committee member Hokama made mention of the fact that this particular position requires the individual to have some background in the Hawaiian culture and we did discuss that with Ms. Santiago and although you know she has not lived on Maui for that many years, if you'll take note of her resume she certainly does have a passion for the Hana community and certainly has embraced the Hawaiian culture, and she will certainly, if she does need guidance as it relates to historical figures, naming of streets and facilities, she will certainly seek out the wisdom of our kupuna to assist her. So with that being said, Mr. Chairman, I will go ahead and yield the floor to you and Ms. Santiago. Thank you.

CHAIR VICTORINO: Thank you very much. Ms. Santiago, would you come to the podium and if you would, we'd like to hear a little bit about you and what you think of this opportunity and you know whatever you, so it's your opportunity, and let me tell the Committee members that the last time you were asked to come there was a mistake, she understood it to be going to the meeting not coming to the Council, and I explained and our staff explained to her that was our fault for not making that very

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clear, so I apologize to you for that mistake that we made earlier on our first communication. So, Ms. Santiago --

MS. SANTIAGO: No problem.

CHAIR VICTORINO: --would you please go ahead.

MS. SANTIAGO: Okay. Thank you very much. You know my name is Cynthia Santiago and it's nice that I know quite a few of you already here. And I thought I'd be in a room full of strangers but it's nice that I know some of you. I, as he said I am the Executive Director of 'Ohana Makamae. I moved to Hana, I'm going on my third year in Hana, and before that I was in Washington State, where I spent most of my grownup years you should say and I did a lot of work with the County and the State in the area of social services for the Public Health and the Department of Health as well so. I don't know how much information you need or want but I am enriched by being in Hana and being in Hawaii, this is a gift as far as I'm concerned, I really enjoy the people and I want to be a part of whatever solutions there are and part of the greatness of being here in keeping it great. So anything else you might want to know please let me know.

CHAIR VICTORINO: Yes we will and thank you very much for being here and we welcome you, and I'd like to start with the questioning if I may. I will allow our Vice-Chair, Mr. Couch to start and then we'll move right down the line and each Member an opportunity to ask question of you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and thank you, Ms. Santiago, for being here and thank you for volunteering to do service to the community, it's really good that you're doing that and I see you've done that before on other different boards and commissions. Our, my first question is seeing where you're from, how are you feeling after Sunday?

MS. SANTIAGO: ...(laughs)...

VICE-CHAIR COUCH: ...(laughs)....

CHAIR VICTORINO: Excuse me that was not part of the matter.

VICE-CHAIR COUCH: It could be.

CHAIR VICTORINO: And can we move on please, Mr. Couch?

VICE-CHAIR COUCH: I just want to see her mental health.

MS. SANTIAGO: Oh yeah, that was terrible.

VICE-CHAIR COUCH: Okay. Right answer. As mentioned, this Committee especially is going to have some time commitment, and I'm just curious as to, you know it's a long drive and I know Mr. Carroll makes it almost every day.

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MS. SANTIAGO: I could do that.

VICE-CHAIR COUCH: Are you able to --

MS. SANTIAGO: Yeah.

VICE-CHAIR COUCH: --put your duties off at the, onto somebody at the clinic and then come on out?

MS. SANTIAGO: Yeah. I would make time, I'm a very busy person, I have a lot of responsibilities and I wear a lot of hats. But they say too, that if you want something done, you give it to somebody who's already busy and 'cause those are the people who get it done. So I come into town at least once a week and so whenever the meetings are here I would combine it with other things I need to do and be sure to make it. It's important.

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

CHAIR VICTORINO: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you for being here and --

MS. SANTIAGO: Thank you.

COUNCILMEMBER CRIVELLO: --so you're pretty much a newcomer to Maui since is it, since 2012?

MS. SANTIAGO: Yes.

COUNCILMEMBER CRIVELLO: And can you tell me basically what 'Ohana Makamae --

MS. SANTIAGO: Sure.

COUNCILMEMBER CRIVELLO: --what that nonprofit agency is about.

MS. SANTIAGO: Sure. 'Ohana Makamae was founded in 1999 and it's the only service provider for substance abuse treatment on East Maui.

COUNCILMEMBER CRIVELLO: Okay.

MS. SANTIAGO: And they have a family resource center and we have, thanks to the County, we have also added mental health services and we have a food bank program, and it's just a real center of the community in terms of social and behavioral health services.

COUNCILMEMBER CRIVELLO: Thank you. I have a question for Mr. Molina. Chair, if I may later on.

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CHAIR VICTORINO: Yeah. Let us --

COUNCILMEMBER CRIVELLO: Alright.

CHAIR VICTORINO: --everyone have a shot and then we can ask some more --

COUNCILMEMBER CRIVELLO: Yes, alright, Chair.

CHAIR VICTORINO: --okay. Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Thank you for being here today. Looking at your resume and the qualifications, it appears that you're very well versed in social services. Do you know what the Public Works Commission entails and the duties of the, that position or that Commission?

MS. SANTIAGO: I have a general idea, I'm coming in fairly new. I have in the past joined boards that I knew a little bit about but I needed to learn more, so given this position I would definitely dive into whatever information I need to have to be useful for the committee and do whatever tasks that need to be done. It's part of my interest is to be involved so that I could actually learn more about what's going on in government and the County and the cities.

COUNCILMEMBER GUZMAN: What is the one component of the Commission, the Public Works Commission that you would most like to work on?

MS. SANTIAGO: I don't know. I'm sorry, I would have to get back to you with that, I haven't chosen one.

COUNCILMEMBER GUZMAN: Thank you. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. White? Chairman White?

COUNCILMEMBER WHITE: Thank you, Chair. And thank you for coming out from Hana today and spending the time with us. As Mr. Molina mentioned this is a, you're filling the position of someone who has a responsibility to have a background in Hawaiian culture, could you give us some idea of what kinds of activities you've been involved in that assist you in preparing to fill that spot.

MS. SANTIAGO: Well, I'm definitely not the person that would give you the full deal for sure. I've only been here three years but my entire time here has been spent in Hana serving the Hawaiian people primarily, those are our clients, those are our staff, that's the community. I participate in the community, in the events and everything that has to do with the culture of Hana is pretty tied into the Hawaiian culture. I am increasingly learning more and more every day, and I've traveled extensively and lived and worked in many different countries as well. So I feel at home in this culture, I actually grew

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up in Ecuador, South America, and I'm Puerto Rican and Portuguese and I hear that makes me Hawaiian somehow, yeah ...*(chuckles)*...

UNIDENTIFIED SPEAKER: ...*(Inaudible)*...

MS. SANTIAGO: Oh, there you go. I'm just learning, like everyone else, I'm just not the most versed person that you're going to find, but whatever you need and if I can help I will do my best to get information to you.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair. And I'll ask the same question of Mr. Molina when the time comes.

CHAIR VICTORINO: I would like to make a clarification if I may, Mr. Chair. As required for this position on the Maui County Code, Section 2.98.010, it states, are you knowledgeable in the Hawaiian language, and so my question would be, do you speak or do you understand the Hawaiian language? And that's what's in the Code itself.

MS. SANTIAGO: Yeah, I heard that might be something that's required, so I just have to be completely honest and say I am in the process of learning the language but I'm not an expert Hawaiian language speaker.

CHAIR VICTORINO: Okay. Thank you for your honesty and your candor, I appreciate it. Mr. Carroll?

COUNCILMEMBER CARROLL: I have no questions, only a statement. Would you like me to wait till everybody?

CHAIR VICTORINO: Yes, please. Thank you, Mr. Carroll. Ms. Baisa?

COUNCILMEMBER BAISA: Well I don't really have a question and I'm certainly impressed with the fact that you're Portuguese 'cause so am I. However, that does not qualify me to be Hawaiian and I'm third generation, born in Hawaii. My grandparents came from Portugal, all of them but --

MS. SANTIAGO: I'm not Hawaiian.

COUNCILMEMBER BAISA: --yeah. My husband is a 50 percenter so it's kind of rubbed off after 50 years, I know I kind of feel like I'm a little bit Hawaiian. But if this position does require that, Mr. Chair, and all I'm sure we're going to...we're going to work with that with Mr. Molina, later on we'll get to that then I would have a little bit of concern. Thank you. And thank you very much for volunteering, it's wonderful to have people volunteer.

MS. SANTIAGO: Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran?

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COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Ms. Santiago. I concur, thank you for wanting to volunteer because and especially coming from your end of the island here for these meetings to come. My question to you I guess first is, was this your first choice as a Board or Commission to apply for?

MS. SANTIAGO: No. This was not my first choice.

COUNCILMEMBER COCHRAN: What?

MS. SANTIAGO: It was, my choice was the Hana Commission in Hana.

CHAIR VICTORINO: Hana...

COUNCILMEMBER COCHRAN: Hana...oh, okay. And I mean I have a comment in respect to you, I hear you're very eager and willing to learn, and I think that you live in a great so to speak living classroom, living cultural classroom in Hana and for you to absorb it and just to live, you know, eat, live and breathe Hana for me is quite refreshing that you will pick up the nuances and the feel and of our culture, and so I appreciate you willing to dive in and learn and thank you for that. And then I have follow-up questions for Mr. Molina also. But thank you and I, that's I just...

MS. SANTIAGO: Well, thank you, I'm loving it, I'm just, I'm in heaven, heavenly Hana.

COUNCILMEMBER COCHRAN: Thank you. Oh and Chair, I do have one though in regards...

CHAIR VICTORINO: Oh to Mr. Molina?

COUNCILMEMBER COCHRAN: No, no, no, for Ms. Santiago. I see in your application that you are, you have served on board work, groups, or committees pertaining to community planning, so what exactly was that experience for you and this I guess this was back in Washington perhaps?

MS. SANTIAGO: Yes. And I have served on quite a few boards, but the community planning boards are in relation to conducting needs assessments for the communities. When I worked for Thurston, we were over two counties so Thurston and Mason Counties, and every, I mean every so many years, we would have to conduct a count, a countywide community needs assessment, and so I was the one that facilitated those and to determine where our funding was going to go, to what the, what the priority needs of the community were, and we had you know large community meetings and did surveys and worked with epidemiologists and all that it involves. So that was my part.

COUNCILMEMBER COCHRAN: There's infrastructure involvement?

MS. SANTIAGO: Yes.

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COUNCILMEMBER COCHRAN: Community infrastructure?

MS. SANTIAGO: Yes.

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

CHAIR VICTORINO: Thank you. Okay, so let's go to, Mr. Molina. Ms. Crivello first.

COUNCILMEMBER CRIVELLO: Are we going to keep Ms. Santiago there?

CHAIR VICTORINO: Yep --

COUNCILMEMBER CRIVELLO: Oh.

CHAIR VICTORINO: --just in case we need her for something else --

COUNCILMEMBER CRIVELLO: Okay.

CHAIR VICTORINO: --so just hang on please.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR VICTORINO: Yes but you had questions for Mr. Molina?

COUNCILMEMBER CRIVELLO: Oh I thought Mr. Carroll wanted to make a statement, I'm sorry.

CHAIR VICTORINO: Well, we'll do the statement after we get all the questions then, please.

COUNCILMEMBER CRIVELLO: Okay. Alright. Thank you, Chair. Mr. Molina, is this your only applicant that you could qualify in your, from the Administration for with the knowledge of the Hawaiian language?

MR. MOLINA: Yes.

COUNCILMEMBER CRIVELLO: Do we have any members meeting that requirement?

MR. MOLINA: Councilmember, to be quite honest with you, I believe there's only one other applicant for this position and looking at that person's background versus Ms. Santiago's it was the Administration's decision that although Ms. Santiago does not possess koko or the Hawaiian blood, looking at what she has in terms of where she lives and the organizations and activities she's participated in, made her the more qualified candidate for your consideration.

COUNCILMEMBER CRIVELLO: Chair?

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MR. MOLINA: And also we did approach a couple of other people to, in the community as well, but for whatever reasons they couldn't commit as well because of their busy schedules but it was quite difficult finding...

COUNCILMEMBER CRIVELLO: Well, it's not so much the koko yeah, it's the, it says who is knowledgeable in the Hawaiian language, yeah, so I think we to do a more intense search or outreach so that we can meet what is required of this Code and this is in my opinion. Thank you, Chair.

CHAIR VICTORINO: Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. That was my question.

CHAIR VICTORINO: Again I guess, Mr.--oh wait, you had questions, Ms. Cochran, to Mr. Molina.

COUNCILMEMBER COCHRAN: Well, Ms. Crivello touched on it because I was just wondering if the Hana person was to fulfill the demographic you know of this commission. We want representation from across the County not just all centralized or whatever, so I was just wondering if that was part of the decision making also.

MR. MOLINA: To answer your question, Councilmembers, we prioritized more the requirement for that person having you know more of the Hawaiian background, and speaking abilities to understand, and then as far as the geographical consideration, that was given a second priority, but primarily we focused on the person's knowledge or background of the host culture.

COUNCILMEMBER COCHRAN: Thank you, Mr. Molina. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll, you had a statement you wanted to make? Go ahead.

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR VICTORINO: Oh before you do that, is there any more questions? Okay go ahead.

COUNCILMEMBER CARROLL: Thank you again, Chair.

CHAIR VICTORINO: Thank you. Sorry.

COUNCILMEMBER CARROLL: I think we were very, very fortunate to have her with us here today. She has proven herself in her conduct, in what she does in Hana. She's proven that she can really work well with people, she can represent people. She has an open mind, she's hard working, she's persistent. I cannot think of a better person to be on this Public Works Commission. Her lack of speaking Hawaiian, I assure you will no way negatively affect her performance, I assure you. If it was going to negatively affect the performances over here, I think most members of this Council

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would probably be in some trouble. That I think she's a perfect person, I cannot think of anybody better to have, and it's really nice to have somebody from East Maui because we really have a lot of County roads over there, have a lot of problems over there with the County roads and facilities, I think she's a perfect person to be on the Commission to represent especially the demographic area of East Maui. Thank you.

CHAIR VICTORINO: Thank you. And now we go into conference, right?

MS. SANTIAGO: Very kind, thank you.

CHAIR VICTORINO: Alright. Here we go. Go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I do want to say something else. The fact that you are associated with 'Ohana Makamae means a lot to me. You know I've known the organization since it was established, I remember Mr. Henderson and his wife and how hard they worked on that. And every time we go to Hana for a budget, we have countless members of the community come to sing the praises of 'Ohana Makamae, and apparently, you've touched a lot of lives in Hana and you definitely touched the seniors. And so for you to be in touch closely with that group gives me some reassurance that even though you're probably not fluent in Hawaiian and neither am I--I'm so embarrassed I don't know how to speak our language--but I think that you're gonna be very grounded and be able to get the kind of you know when there's an issue, you'll be able to discuss it with the right people that you are in contact with. And I think that'll be very, very helpful. So thank you. Thank you, Mr. Chair.

MS. SANTIAGO: Thank you.

CHAIR VICTORINO: Thank you. Any other comments?

COUNCILMEMBER COCHRAN: Yep. Sure.

CHAIR VICTORINO: Ms. ...

COUNCILMEMBER COCHRAN: Yeah. Oh, sorry.

CHAIR VICTORINO: Well I asked if you had a comment, you said no, so I was moving on but go ahead.

COUNCILMEMBER COCHRAN: Oh okay, thank you, I thought we were going down the line. Anyways I just want to, I guess chime in on Ms. Baisa's comments and of course my comment about the living classroom that you live in. But your community affiliation is outstanding. Yeah I mean --

MS. SANTIAGO: Oh, thank you

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COUNCILMEMBER COCHRAN: --just being there for such a short time, this laundry list of these wonderful activities you've been involved with and things that you attend or however you've been affiliated is just excellent, and I think that's key as in Mr. Carroll's comments too, that you're in touch with the community, you're in touch with the people, you're hands on, you're grounded. So I thank you for that and I believe that you have what it takes and you show a desire and that's what's key. So thank you very much for your service.

MS. SANTIAGO: Thank you. My privilege.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And yes, I echo Mr. Carroll's, everybody's comments on your willingness to serve and your dedication to that community and the community of Maui County as a whole. I know that we might have a stumbling block over the, where it says knowledge of the Hawaiian language, but, Members, if I think everybody here in this room was here when we came up with that ordinance, I believe it was last term, we came up with the Public Works Commission so, and I seem to recall the discussion saying, knowledge of the Hawaiian language doesn't mean speaking it because otherwise we wouldn't be able to find that many speakers but a good knowledge, I seem to recall that discussion. So I guess we would have to ask Mr. Kushi at some time what that really means even though all of us here had the discussion, I just want to see. I think she's qualified myself but I don't know what the, so when we, when that times comes, I guess we need to hear it from Mr. Kushi. Thank you.

CHAIR VICTORINO: I'm not gonna even ask Mr. Kushi because for me the knowledge of the Hawaiian language is said there. Knowledge of the Hawaiian language, it did not say fluent speaking of the Hawaiian language and I challenge any attorney to tell me differently. Ms. Baisa uh, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Ms. Santiago, your application and your qualification and perhaps what you were originally applying for is quite impressive. And I --

MS. SANTIAGO: Thank you.

COUNCILMEMBER CRIVELLO: --really appreciate the, your efforts to even come here and meet before us. For me, Chair, it's in the Code and you know you can be here for three years and you can live in any of the rural areas and the knowledge, I remember that discussion because we wanted to be assured there will be that knowledge in the Public Works because we did away with the cultural resource --

CHAIR VICTORINO: No, street naming.

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COUNCILMEMBER CRIVELLO: --the street naming, yeah. So, for me I would like to stick by what the Code says, and I'm sorry, three years does not make it that easy, I mean we can turn to the books but how fast you can be knowledgeable of the Hawaiian language in my opinion does not happen within three years for many of us who born and raised here, and with the koko and part of the land it still takes us a lot of time and it often references to the kupuna who will help us with that. And I just had that sensitivity with the respect to the Hawaiian culture. I'm not saying that Ms. Santiago doesn't have it, but I would hope we would have more intense searching for, to meet the requirements of the Code.

CHAIR VICTORINO: Thank you. Mr. Guzman, do you have anything you'd like to add?

COUNCILMEMBER GUZMAN: I think my colleague, Ms. Crivello, has stated the reasons were and I will support those said reasons. I also believe that during that discussion we were looking at a person that would not only have or possess the knowledge of the Hawaiian language but also the essence of the Hawaiian culture in the decisions that we make in the County, to make sure that the aina is taken care of and having that almost a spirituality of it as well. So I just don't think at this stage, we don't have the proper pool of applicants at this stage, not anything to take away from Ms. Santiago which her resume is very impressive, but I just feel that I think if look, if we can look at bigger applicant pool, maybe we can find the person we're looking for. Thank you, Chair.

CHAIR VICTORINO: Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. If you don't mind I'd like to ask Mr. Molina a question. I was under the impression that Ms. Santiago was fulfilling a Hana requirement and a, the Hawaiian language requirement.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER WHITE: There is no Hana requirement, right?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR VICTORINO: There is none, but I mean I think the desire to get people from various areas was one of those that we had brought up many times, and I think this is where the Administration was trying to do that, but, Mr. Molina, if you want to comment any further.

MR. MOLINA: Thank you, Chairman. And Chairman White, in regards to your question, the slot was supposed to be filled by someone with, as it states in the Code, someone with Hawaiian knowledge but not specifically related to geographic representation as you mentioned.

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COUNCILMEMBER WHITE: Okay. So if Ms. Santiago was approved, could she be approved on the basis that the next slot go out and look for someone with the required background? Is there, do you have, when's the next slot expected?

MR. MOLINA: Typically I believe like most of our other boards, in since this Commission was just formed recently I guess many of the members are on staggered terms. I'd have to get out my list to see when the next list of vacancies will occur, but I believe next year there should be one, possibly two vacancies that will occur. But as far as for this particular slot that she's filling, I'd have to look at when that term will expire, my guess is it's gonna expire in 2019, 2019 I believe. So yeah, but there will be my guess one to two more vacancies occurring next year. Unless of course someone resigns during the year, then we'd have to fill that slot as well.

CHAIR VICTORINO: Chairman White and Mr. Molina, I was informed by Staff 2016 would be the next opportunity 'cause we had staggered terms, I think we're at two year, four year but...

COUNCILMEMBER WHITE: It would also depend on what if it's a engineering position, then it's got to be an engineer too.

CHAIR VICTORINO: Well I don't think, well, what do we have, they're looking at the status right now because it's 2016 the next available opening would occur.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR VICTORINO: One moment please. Yes . . .*(inaudible)*. . . kindly.

MS. WILLENBRINK: Yes. Chair, in 2016 one filled position for Lanai and one for Maui with no requirements.

CHAIR VICTORINO: And is there engineer positions or, do you know?

MS. WILLENBRINK: No.

CHAIR VICTORINO: Oh, okay. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Well, I wanted to ask you, Chair or Mr. Molina, if I may that the replacement is for June Davis --

CHAIR VICTORINO: Correct.

COUNCILMEMBER CRIVELLO: --resigned who leaves the, who came in with the knowledge of the Hawaiian language and basically slash culture.

MR. MOLINA: That is correct.

COUNCILMEMBER CRIVELLO: Thank you.

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CHAIR VICTORINO: But I mean it doesn't preclude us and again if, are you done, Mr. White?
I'm sorry.

COUNCILMEMBER WHITE: No, I was just gonna, with that understanding, I, Ms. Santiago is a wonderful person and she operates at a absolutely fabulous organization. I feel that we need to have somebody with the essence of an understanding of the culture and so I, I'm afraid I can't support it for that reason, because if this position is supposed to be one that's going to provide that perspective on the Commission, then I think we need to beat the bushes a little bit more. Thank you. And thank you very much for being here.

CHAIR VICTORINO: Thank you. And I'll close by saying that, Ms. Santiago, thank you for being here.

MS. SANTIAGO: You're welcome, my pleasure and good luck.

CHAIR VICTORINO: And remember that this is really what we look at as in totality, what is required, what is put in front of us, what we're looking for, what the community and the County needs. I tend to agree with some of my colleagues who stated and especially the area representative who knows his area and the people in his area, you are in a living treasure as far as Hana is concerned. There's much to be learned and if anyplace you can learn Hawaiian language and Hawaiian culture, it'd be the Hana district. I mean I'm keenly aware, I have family that live out there that are of Hawaiian ancestry and you know absolutely fabulous things they do out there both culturally, agriculturally and all of the different aspects.

MS. SANTIAGO: That's fascinating and I totally understand the desire of the group and what they're looking for and I was prepared for that.

CHAIR VICTORINO: Yeah. Thank you. And I appreciate that, but I will say I can support and that was gonna be my recommendation, but I can support someone like you who has the willingness to learn because I've known people that lived here all their life and still don't understand the Hawaiian language.

MS. SANTIAGO: I hear it every day so it's --

CHAIR VICTORINO: So you know.

MS. SANTIAGO: --becoming very familiar and there are classes of Hawaiian languages being given in Hana and every opportunity I have, but it is what it is.

CHAIR VICTORINO: Thank you. And now I'll let you, I'll allow you to sit down, how's that sound.

MS. SANTIAGO: Thank you very much. Thank you, everybody.

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CHAIR VICTORINO: Thank you very much. I appreciate that. Okay so, Members any further discussion? Seeing none, I'll make my recommendation.

COUNCILMEMBER COCHRAN: Chair.

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: So...oh, I'm sorry, but I was looking at Mr. Kushi in reference to the legalese aspect of the concerns of some of the Members here in regards to her not having the Hawaiian knowledge and if there's any legal repercussions within the creation of this Commission. But I heard you earlier, Chair, that you're not gonna go there and we, it's our jurisdiction and purview to decide --

CHAIR VICTORINO: The knowledge, yeah.

COUNCILMEMBER COCHRAN: --who we decide for.

CHAIR VICTORINO: Yes.

COUNCILMEMBER COCHRAN: Decide on.

CHAIR VICTORINO: Exactly. The knowledge, it wasn't --

COUNCILMEMBER COCHRAN: No matter...

CHAIR VICTORINO: --something that you had to have a degree or something, then I would ask Mr. Kushi. It says, knowledgeable in the Hawaiian language. Okay, I know the discussion, we were all here, we sat through that, and so I'm comfortable in saying you can make the decision based upon that knowledgeable on, in the Hawaiian language.

COUNCILMEMBER COCHRAN: And Chair, I have an example of the word Waikoloa and Waikaloa that we changed via my Committee in Hana, and it was a, the proper name but yet even with a knowledgeable Hawaiian person on this Commission, it had been overlooked --

CHAIR VICTORINO: . . .*(inaudible)*. . .

COUNCILMEMBER COCHRAN: --so we had the choice and the education awareness to change that. So, I, that crossed my mind, I wanted to bring that up. Thank you, Chair.

CHAIR VICTORINO: Thank you, Ms. Cochran and I appreciate that. So without any further discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

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CHAIR VICTORINO: Thank you. I would like to entertain a motion to place the name of Cynthia Santiago on Exhibit "B" for approval to the Public Works Commission for a term expiring March 31, 2019, the filing of County Communication 15-23. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution entitled Appointment of a Member to the Public Works Commission for the Term Ending on March 31, 2019 by placing the name of Ms. Santiago on Exhibit "B", and the filing County Communication 15-23.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Mr. Carroll to put the name of Cynthia Santiago on Exhibit "B" for approval to the Public Works Commission for the term expiring March 19 uh, March 31, 2019 and the filing County Communication 15-23. All those in favor, signify by saying aye.

VICE-CHAIR COUCH: Discussion.

CHAIR VICTORINO: Oh. Discussion, excuse me, discussion.

COUNCILMEMBER CRIVELLO: I have a question for Corporation Counsel. The Code requires the knowledge of the Hawaiian language, and we have the opportunity to probably extend or expand on our search. And if we, are we in I don't know how do you, how to ask it, but if we don't meet that requirement, what does that leave us or is that something that we just shrug and what have you?

CHAIR VICTORINO: Mr. Kushi. You're looking at me.

MR. KUSHI: You control the discussion, so can I answer it?

CHAIR VICTORINO: I'll allow you to answer.

MR. KUSHI: Okay. Well the Code and I quote says one member who is knowledgeable in the Hawaiian language. What knowledgeable means is really up to you, there's no sliding scale one to ten you know, it's not in the Code so again it's within your discretion to deem the applicant is knowledgeable enough. Let me give you the big picture of why it was in here. Because the former street naming commission, it does state that all new streets and roads and parks shall be in the Hawaiian language, that's the purpose of this. Now my experience with this Commission before is the staff comes up with the recommendation through its, the dictionary and they look at the so-called expert for one member to get feedback on that, that's how it works. But again whether it's knowledgeable or she's knowledgeable enough in your mind that's up to you.

CHAIR VICTORINO: Anything else, Ms. Crivello?

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COUNCILMEMBER CRIVELLO: Thank you. No, thank you.

CHAIR VICTORINO: Thank you. Any other discussion? Yes, Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. And I just for the Members who are concerned, just a quick reading of the definition of knowledgeable is possessing or exhibiting knowledge, insight or understanding, intelligent, well informed, discerning perspective. So from that definition, I'm comfortable, barely comfortable in supporting this, your recommendation.

CHAIR VICTORINO: Okay. We got some heavy things going on here. Yes, Ms. Crivello --

COUNCILMEMBER COCHRAN: Sorry.

CHAIR VICTORINO: --I mean, Ms. Cowell --

COUNCILMEMBER COCHRAN: Cochran.

CHAIR VICTORINO: --Cochran, too many C's in a row, I apologize. Go ahead.

COUNCILMEMBER COCHRAN: Chair, and I am very much about our culture as everyone here knows. I just really have great confidence in this woman to gather input, and hale ike from our kupuna, from the community, from wonderful resources out there, because she has that wherewithal, I can see it in her, you know her resume and everything so that's where my confidence lies and at this point you know I think she can fit the bill. I know Mr. Molina has searched high and low and currently there is no one stepping up to the plate and Ms. Santiago has. So personally I would like to give her the benefit of the doubt if there is any, but for me I am very, very confident and I want to respect Mr. Carroll's take on her also. So that's my comments, thank you.

CHAIR VICTORINO: Thank you, Ms. Cochran. And I will conclude by saying that I agree that we have a chance since 2016 if you know it's like it's happened before that we want a member from this or that discipline or this and then we didn't have one available, but we'd wait till the next one and we made sure that, that person was more knowledgeable or had the discipline that was asked of. So again because the word knowledgeable in the Hawaiian language is the term I feel very confident in Ms. Santiago also, and again she lives in a living library and a living laboratory out there in Hana. So you have all the opportunities and I hope you'll take advantage of it. So anything else?

VICE-CHAIR COUCH: Yes.

CHAIR VICTORINO: If not. Mr. Couch.

VICE-CHAIR COUCH: One last thing for, Mr. Molina, I'm not asking, I'm just suggesting that to help the Members here, you've got next year so find someone that can help

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supplement her or they can swap positions or whatever, but keep our discussion in mind as to what we're looking for, for somebody knowledgeable in the Hawaiian language. Thank you.

MR. MOLINA: By all means, Councilmember, certainly after hearing this afternoon's discussion we shall certainly do whatever we can. And on behalf of the Administration, we certainly would like to offer each and every Councilmember if you know someone out there that could certainly fill the bill, by all means please contact me directly as well. We're certainly very open to that because we may not be aware of someone you may know that could certainly fill the bill for something like this or meet the criteria. And this is not specifically just for this Board or Commission, any and all so we certainly welcome your suggestions. Thank you.

COUNCILMEMBER CRIVELLO: I'm sorry --

CHAIR VICTORINO: Ms. Crivello.

COUNCILMEMBER CRIVELLO: -- Mr. Chair. Thank you. Sorry to frustrate you.

CHAIR VICTORINO: No, no, no, no I just, there's so much to be done today that I...

COUNCILMEMBER CRIVELLO: Well, I understand that, but I think this is a very important subject for us to discuss as far as I go back to what was mentioned earlier about the spirituality and the mana. You can, I can pick up a dictionary, that doesn't tell me what is really that place is all about, it's the kauna that's deep enough, yeah. And so if my colleagues can feel knowledgeable as defined in the Webster Dictionary is sufficient, fine, I have nothing personal against this applicant, I'm sure she brings much credentials to the table, except this is my last take on it. We cannot miss the flavor of who we are in Hawaii, and that's all I've got to say and that includes Maui. Thank you.

CHAIR VICTORINO: Well, thank you, Ms. Crivello, and I think you made your point and I think all of us understand that. I don't think there's anyone in this room that doesn't understand that and is very sensitive to that idea. But I think we also feel that at this point, knowledgeable is what they feel and as stated by Mr. Kushi it's your personal call. Okay. So the vote is yours. Do you have something else you wanted to add, Mr. Guzman? No?

COUNCILMEMBER GUZMAN: Yeah. Sure. Chair, just getting back to what I stated earlier.

CHAIR VICTORINO: Uh huh.

COUNCILMEMBER GUZMAN: You know sometimes to have a person with the knowledge of the Hawaiian culture and the knowledge of the language comes with it the knowledge of the past and there's certain areas in Maui that have stories. Every area, every piece of land has a story attached to it, and the person who has knowledge in Hawaiian would know those stories and that's what we're talking about, the essence.

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CHAIR VICTORINO: Uh huh.

COUNCILMEMBER GUZMAN: And when you name a street, it has symbolism to it and that's not what, this is something that we don't want to lose track about our history, our symbolism, our aina, the spirituality of the Hawaiian culture, and that's why I believe it was placed in the ordinance that we were going to look for someone with that type of pedigree or that type of knowledge. So I stand with my colleague, Crivello and on, on this position. Thank you, Chair.

CHAIR VICTORINO: Not a problem. Thank you very much. And again I said you know it's a decision you make here in this room, your vote, you decide. And I'll say in closing that I may not have any koko, I ain't, not Hawaiian, but I can tell you this much, I'm as Hawaiian as anybody in this room when it comes to the feeling, the knowledge and the people in this State, and I'll say that unequivocally anytime to anybody. With that being said I think that's enough. Okay, let's call for the vote. All those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Roll call. Roll call, please.

MS. WILLENBRINK: Councilmember Carroll.

COUNCILMEMBER CARROLL: Aye.

MS. WILLENBRINK: Councilmember Baisa.

COUNCILMEMBER BAISA: Aye.

MS. WILLENBRINK: Councilmember Cochran.

COUNCILMEMBER COCHRAN: Aye.

MS. WILLENBRINK: Councilmember Couch.

VICE-CHAIR COUCH: No.

MS. WILLENBRINK: Councilmember Crivello.

COUNCILMEMBER CRIVELLO: No.

MS. WILLENBRINK: Councilmember Guzman.

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COUNCILMEMBER GUZMAN: No.

MS. WILLENBRINK: Councilmember White.

COUNCILMEMBER WHITE: No.

MS. WILLENBRINK: Committee Chair Victorino.

CHAIR VICTORINO: Aye. Okay, so it's four-four?

MS. WILLENBRINK: Motion fails.

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

NOES: Vice-Chair Couch and Councilmembers Crivello, Guzman, and White.

EXC.: Councilmember Hokama.

ABSENT: None.

ABSTAIN: None.

MOTION FAILED

CHAIR VICTORINO: Short recess. . . .(gavel). . .

RECESS: 2:25 p.m.

RECONVENE: 2:26 p.m.

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Policy and Intergovernmental Affairs Committee will come to order. I will now entertain a motion to place the name of Cynthia Santiago on Exhibit "C" for disapproval to the Public Works Commission for the term expiring March 31, 2019; and the filing of County Communication 15-23. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to adopt the resolution Appointment of a Member of the Public Works Commission for the Term Ending on March 31, 2019 and putting the name of Ms. Santiago on Exhibit C; and filing of County Communication 15-23.

COUNCILMEMBER CRIVELLO: Second.

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VICE-CHAIR COUCH: So it's been moved by Mr. Couch, seconded by Ms. Crivello. Any discussion?

COUNCILMEMBER CARROLL: Yes.

CHAIR VICTORINO: Okay. Yes, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I will say that I'm really disappointed, we have a person over here that has worked well in my community, with Hawaiians, with people who Hawaiian language is the first language. She's assimilated into the community, she's strong, she really truly represents our area. Because somebody hasn't been here very long, we're going to exclude them? She has made an effort to learn, I won't point fingers but I wonder how many people over here have made an effort to learn Hawaiian and speak Hawaiian. I speak lousy, people laugh when I talk but I understand, how many of you can say that, carry on a conversation? I have to do my side in English 'cause my tongue just doesn't work right. But how many people can say that? She works with the Hawaiian community, she represents, truly represents our community. What on earth more could you want? The community over there has people, resources to identify Hawaiian words. Anybody want to care to guess how many meanings the word ulu has? Okay, I'll tell you, 22 that I know of, one word. When you're naming streets, one name can have many different meanings. I'd give you some examples but they're not very nice. But yeah. But I'm truly disappointed, I won't support this motion and I'm very disappointed that we've come to this point. To exclude this person who has true heart, and what are we in Hawaii except for our heart and she has shown she has heart for our people. And I will not support the motion on the floor. Thank you.

CHAIR VICTORINO: Thank you. Any other discussion? Seeing none, all those in favor of the disapproval of Ms. Santiago to the Public Works Commission, signify by saying "aye"

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Roll call.

MS. WILLENBRINK: Councilmember Carroll.

COUNCILMEMBER CARROLL: No.

MS. WILLENBRINK: Councilmember Baisa.

COUNCILMEMBER BAISA: No.

MS. WILLENBRINK: Councilmember Cochran.

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MS. WILLENBRINK: Uh-huh. You could make a motion to discharge the item from Committee and it will go to the Council, to the full Council.

CHAIR VICTORINO: No, I don't think I will. Recess please. . . .(gavel). . .

RECESS: 2:30 p.m.

RECONVENE: 2:31 p.m.

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Public, Policy and Intergovernmental Affairs Committee will reconvene. Members, I'm going to call for a ten-minute break and I will ask to you to please be back by no later than quarter of 3:00. We need to discuss and come to some kind of resolve in this matter and then I'll get back to all of you. Thank you. This meeting now stands in recess. . . .(gavel). . .

RECESS: 2:32 p.m.

RECONVENE: 2:45 p.m.

CHAIR VICTORINO: . . .(gavel). . . The Policy and Intergovernmental Affairs Committee will reconvene. Thank you very much for that break. Committee members, I am going to defer this matter and we have one more meeting coming up so hopefully we'll have everyone here and then we can come to some resolve. So with no objections, I'd like to defer item PIA-2(2).

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH).

CHAIR VICTORINO: Thank you very much. And thank you all of you for all of your help and consideration. And let me say it this way, nothing's personal in here, we all have our feelings and it's all good and if you take it that way, we'll always get the job done.

ACTION: DEFER pending further discussion.

ITEM PIA-7: INTERGOVERNMENTAL AGREEMENT WITH HONOLULU BOARD OF WATER SUPPLY FOR BILLING OF WATER SERVICE CHARGES (CC 15-29)

CHAIR VICTORINO: So next one I'd like to revert with no objections to our very first item which was the Intergovernmental Agreement with the Honolulu Board of Water Supply for Billing of Water Services Charges. The Committee's in receipt of County Communication 15-29, from the Director of Water Supply, transmitting a proposed bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the Honolulu Board of Water Supply. The purpose of the proposed bill is to authorize the execution of an agreement allowing the Honolulu Board of Water Supply to continue to provide services relating to the billing

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of the water service charges for the County of Maui consumers [sic] through June 30, 2015. At this time I'd like to introduce Mr. Ernie Lau from the Board of, the Honolulu Board of Water Supply. Thank you, Mr. Lau, for coming up, and of course we'd like to introduce Mr. David Taylor, our Director of the Department of Water. And, Mr. Taylor, I would like to give you an opportunity to explain what's going on and what the purpose of this bill is and so that the Members here are clear on what we're trying to achieve today so, Mr. Taylor, please go ahead.

MR. TAYLOR: Thank you, Mr. Chair. Thank you, Members. In front of you today is an intergovernmental agreement between the County of Maui and the Honolulu Board of Water Supply. I think as everyone's aware since 1977 the Honolulu Board of Water Supply has processed our bills. So we have meter readers that go out and take the readings, the bills get processed through some of our staff and the Honolulu Board of Water Supply takes care of the actual billing. This contract would extend that service for ten years. It includes costs and it includes an escalation of costs that the longer we stay in the contract the more of the capital costs of their new billing systems we would have a share of. Okay that's the contract in front of you that we're asking for your concurrence that we enter into. Just want to go outside in what we're doing in parallel to this. In budget next month, we will be asking for a million dollars to move on to create our own billing system, so in budget next month you'll see a million dollars plus probably five unfunded Limited Term Appointment positions. This is our plan to transition to our own billing system. We previously hired Gartner, you're all familiar with the firm Gartner who's the major IT consultant to IT services here in the County of Maui. They helped us identify the types of billing systems out there that meet our needs, the scale of those, the cost and implementation time. So we're ready at this point to move forward with the next stage, moving into defining a Request for Proposals and going on about doing our own billing systems. We estimate that will take let's say roughly two to three years, so during that two to three years we're gonna be running, still gonna be doing the current business plan which has Honolulu Board of Water Supply taking care of our bills while we...with whatever consulting firm we hire build a new system, run them in parallel, test them, train our people and transition. So although what you have in front you is a ten-year agreement, we are going to try to by mutual consent get out of the agreement in about three years, once we have our system up and running. So again it has, the agreement has escalating costs, the longer we stay in the contract the more of the share of capital we have, but by mutual agreement the earlier we get out of this contract with Honolulu the less of those we'll pick up. So our plan is for terms of flexibility, as well as costs to move ahead and do our own billing system so that would be water and wastewater. It will also give us some flexibility that we currently don't have, you'll remember not too long ago we switched from bi-monthly billing to monthly billing, and our answer to you was Honolulu's moving to bi-monthly billing and there's really no other choice we have. So this change would allow us to make our decisions based on your policy directives, we've talked about a lot of things in this, in Water Resources Committee about different agricultural rates, and tiers and changing things mid-year, almost all of that is impossible to do while we're just outsourcing to Honolulu Board of Water Supply. Once we have our own system, we'll be able to be flexible to meet whatever policy decisions are made in Maui County. We think overall it's the best idea; IT is ready to

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support us. Although we are currently not looking at making refuse and property taxes part of this system, it could be the framework to move on to that in a future time. So for right now we would like to enter into this agreement while we simultaneously move forward developing our own system, commit to that and as quickly as we can transition to our own system, and whatever decisions happen after that we'll deal with in those time periods. As far as the costs in general, we're currently paying about \$240,000 per year, under this contract it would start out at \$409,000 per year, go up to \$813,000 per year averaging say 639,000 over the ten-year term. Our current evaluation, our estimate is about \$800,000 to \$1 million to get a new system up and running with annual operating costs of about \$200,000 to \$400,000 so they're roughly in the same ballpark, we think it's likely that going on our own may be a little bit less expensive, but again we'll have that additional flexibility. So that's the big picture. Mr. Lau is here from, whose my counterpart at Honolulu Board of Water Supply, plus people from both of our staff in case you have any more technical questions. But I just wanted to lay out a framework of what we're trying to do, this is just one piece, you'll see the rest of the pieces in budget next month. Thank you, Mr. Chair.

CHAIR VICTORINO: Thank you very much. Before I open the questions to the Committee, I do have some specific questions for you that I would like and I think maybe some Committee members may want have answered. If we enter into this agreement, if we were to terminate it early, in other words, what would be the ramifications if we were to terminate early? That's question number 1. Question number 2: If we don't enter into this agreement today, what would be the ramifications? Or maybe that should be one and the other one two. And what steps are you taking to ensure that when we discontinue, that our system would be ready to take it on? You know so I guess those three are my questions. What happens if we don't do it today? What happens if we ready in two years or three years? And instead of the contract term you know I...these are the questions I have for you, Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Chair. Basically we don't have an alternative right now other than continuing to have the Honolulu Board of Water Supply process our bills. It will take us at least a couple of years to have our own billing system ready. As far as what happens if we terminate, Page 5 of the agreement under 3.1.1 goes through that either party has the right to terminate and talks about how that would work. I'm sure I speak for Mr. Lau myself is that he, we both understand that the intention is that we would both, we're moving forward that we would both like to terminate this as soon as we're ready. What we will do like anyone does when they build a new computer system, get it up and running, test it in parallel with the existing, once we're sure that it has a high level of reliability, pull the plug on the old one, transfer to the new one. That would be part of why I mentioned earlier the million dollars plus some Limited Term Appointment positions, we'll also be asking for in the budget essentially to have some temp staff if you want to call it that, that we can do our normal business while we're in parallel building a new system and getting all of the bugs of that out. So that's what we would do to assure ourselves that the billing system is functional before we terminate the agreement.

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CHAIR VICTORINO: Thank you. And I guess the next question I have for you, Mr. Lau, it's my understanding that you outsource some of the work you folks do to Honolulu Board of Water Supply. What percentage of this is outsourced and when you outsource be specific in what areas are outsourced as far as your services are concerned.

MR. LAU: Thank you, Chair Victorino, and good afternoon, Members. My apologies for being late, our flight was delayed about 40 minutes on the tarmac at Oahu in Honolulu and I appreciate you waiting on the agenda to allow me and my staff to come here. Mr., Chair Victorino, we do outsource, we do actually rely on two consultant contracts, one was with a company called EP2M originally that actually was the integrator or implemented the...

CHAIR VICTORINO: Mr. Lau, can go a little closer to the --

MR. LAU: Oh.

CHAIR VICTORINO: --yeah, because this is being recorded and I think some of the Members may have a difficult time hearing. Please.

MR. LAU: Oh, okay. Thank you. I am sorry about that. Maybe the best thing so I don't give any of the information incorrect, I brought the head of my IT Division here, Henderson Nuuhiwa. And if I could ask Henderson maybe to go to the podium with a microphone, would that be okay?

CHAIR VICTORINO: Mr. Nuuhiwa, please, if no objections as a resource. Thank you.

COUNCILMEMBERS: No objections.

MR. LAU: He's my technical expert, I'm just the manager here but also the manager's where the buck stops so the challenges and perils of a new bill, implementing a new billing system and converting from bi-monthly to monthly bills fell a lot on my shoulders. But maybe, Henderson, you can explain the support contracts that we used for the project.

CHAIR VICTORINO: Mr. Nuuhiwa, would you introduce yourself and the position you hold with the Board of Water Supply.

MR. NUUHIWA: Henderson Nuuhiwa, I'm the program administrator for the Information Technology Division at the Board of Water Supply. With regards to your question, Council Chair, if were talking about the on-going operations that we currently have where the system is today, we have a contract in place with a company called Utilities Solutions Partners that is providing us our on-going support. It's basically a staff augmentation scenario for my IT staff. It's because we are currently understaffed in that area plus we don't have the level of expertise necessary to run it on our own. Basically with the system we went and implemented in 2013, it's a packaged product from Oracle Corporation so it takes time for us to learn the ins and outs of it and in

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that interim period, we end up contracting for the subject matter experts to be able to support us. And that's the primary contract that we have right now.

CHAIR VICTORINO: Okay. Okay and you had mentioned two.

MR. LAU: Actually during the original project development --

CHAIR VICTORINO: Yeah.

MR. LAU: --phase which began a number of years ago, there were actually two major consultants or companies that were involved in the project. Henderson, if you could elaborate.

MR. NUUHIWA: Right.

CHAIR VICTORINO: If you don't mind please.

MR. NUUHIWA: Sure. The one contract was for our project management services and support and that was provided by a company called EMA. And they are a utility focused company in the IT arena, and then the other contract was with and this company evolved in various names, initially it was called EP2M, then it became acquired by a company called Five Point and then acquired after that by Ernst & Young. So in essence it's the same company but went through three iterations in the course of the project, and this was from roughly about 2010 when the contract was first initiated through to completion in 2013.

CHAIR VICTORINO: Thank you. If you don't mind standing there for a few minutes 'cause I, if anyone has direct questions for you --

MR. NUUHIWA: Yes. Not a problem.

CHAIR VICTORINO: --I'll have them address it to you. And again this two questions, I'll leave for you Mr. Corporation Counsel and I would like an answer afterwards, but I want the questions put on the record right now. Does the Administration have the authority to make amendments to this agreement without Council approval? That's my first question. And the second question is does this authorization, that to the Administration, can they also extend this contract without Council approval? So those are two questions I want you to hold off for, but I want to put it on the record right now before I open it up for testimony, okay. So at this point, I mean open it up for questions from the Members, I apologize. At this point I would like to open up the floor for questions, so I'll start with you, Mr. Couch, and work our way the other way this time starting, going down to Ms. Cochran and working it that way, okay, go ahead. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. You know I don't have a lot of questions, I looked at the contract, it looks good, we have an out, it's pretty straight forward and I would just I guess would like to hear from, Mr. Lau, to say yeah, it's okay if you ended

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in three years, we're good, we support you. I just want to hear it out of the horse's...no offense...

MR. LAU: I would be, from the horse's mouth, I would be glad to answer that question. We, in the past, implemented our billing systems by building in-house applications, in fact the last system which we just retired before 2013, was programmed by staff. A lot of those staff have actually reached, gone beyond retirement age and for now moved on to a better life in retirement, and the problems we have is how do we keep supporting the application that was custom built. So the decision of the department prior to me coming was to go out to a off-the-shelf package that is supported by a large company, has many customers, and they decided to go with CC&B from Oracle. We went through an experience in 2013, of going through that implementation of a major new system, and we have about 170,000 customer accounts, about 80 percent also have sewer bills on their same water bill, plus we have partners on Kauai and Maui, and the Board of Water Supply has had a good relationship with Maui for about 38 years now to help provide billing services. But after going through that 2013, which was a very challenging year for us and we made the news a lot, I realized that the complications of having even just three partners, Maui DWS, Kauai DOW and Environmental Services of the City made a very complex process to try and implement a new system, and anytime you change your rates here, my staff has a lot of effort and maybe consultant services that we have to go through to test and program the billing system so it's accurate, accurate bills are generated. So we are interested in actually trying to reduce our complexity of our challenges with billing by allowing our partners like Maui and Kauai to actually move on and have their opportunity to be more independent and self-sustaining. I hope I said that in a politically correct fashion here. Because every time that we have to implement a system and it looks like it's maybe every ten years, a major upgrade, my hair gets whiter and whiter so I, it was a challenge in 2013. So the Environmental Services part of the City and County of Honolulu, that is a very challenging effort just in itself, but having Maui and Kauai on board with us also feeling the same pain at times, because the decision to go monthly was generated by our sewer department because the sewer and water bill combined together was getting too large for customers to budget appropriately, so the decision was to go monthly. Maui and Kauai had, didn't really have a choice, they had to come with us and go to monthly billing. But if I had only a water only bill, then maybe the efficiencies are better with bi-monthly billing and actually cost savings by doing that. But Honolulu, we didn't have that choice so. So yes, Councilmember Couch, my short answer then is I'm not gonna be sad if Maui moved on.

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

CHAIR VICTORINO: Thank you. And Ernie made that perfect here last night and this morning when we talked about this also, so I'm not too worried about that issue. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. Lau and your staff, for flying over to be with us today and basically you touched on the, you answered the question that I had and it was in reference, Mr. Taylor mentioned that a million dollar

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recommend, you know, ask will be coming through this budget in order to get more E/Ps, LTAs you know on, on the job to implement this program, and so my thought was you'll be losing positions and people's jobs versus we'll be gaining the need for some, but you answered that most, you know, got retired, went on to a better life and --

MR. LAU: We're actually short.

COUNCILMEMBER COCHRAN: --so, right, so I just wanted to make sure it wasn't gonna be sort of a hardship on your behalf or what have you without this added you know monetary supplement to your budget or what have you, but it sounds like you're all okay to let us go, and take care of our own. So I'm happy to hear that and thank you for your assistance through, you know, through the years with the billing and, Mr. Taylor, for working through and yourself, Chair. So thank you for coming.

CHAIR VICTORINO: Thank you. Ms. Cochran? I mean, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Lau, for being here. First of all, let me thank you for all your support and all the service that you provided to Maui County over the years, thank you very, very much and thank you. Chair, my main question was answered and that was, you know, were they happy to say aloha or would they be very sad and we got the answer to that, so thank you very much and we appreciate that you've helped us this far.

MR. LAU: You're very welcome.

COUNCILMEMBER BAISA: I appreciate the water bill, I like the information on it a lot. You know when I'm preparing taxes, I love having that list of all we paid for the whole year, it makes it so easy, thank you.

MR. LAU: Thank you.

CHAIR VICTORINO: Thank you, Ms. Baisa. Mr. Carroll? You know you go C, C, C, B, C...ah, I get all, my God I gotta remember all this, go ahead.

COUNCILMEMBER CARROLL: Thank you, Chair Victorino. I just like to say that I support what's before us today. Thank you.

CHAIR VICTORINO: Thank you. Mr. White, Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. I have a question for Mr. Taylor. You made the comment that our current year payment is 240,000 or thereabouts.

MR. TAYLOR: That's my understanding.

COUNCILMEMBER WHITE: So am I to understand that going forward if you look at the financial sheet that you gave us on the back of the contract, are we going to be paying

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the, I see the 240,000 or 238,000 under Maui only services total? So is that the number that we're gonna be paying through by contract, or are we gonna be paying the one on the bottom that says 409 this year then 439 and then 575?

MR. TAYLOR: I believe it's the one at the bottom that says \$409,000 this year.

COUNCILMEMBER WHITE: So maybe, Mr. Lau could explain to us why we're going from 240 to 409 in one year.

MR. LAU: Thank you, Councilmember and I'll ask Henderson if he can jump in if I make a mistake on the explanation here. Basically the rate you are paying up to September 30th of last year which is when the previous contract ended was about 33½ cents per bill --

UNIDENTIFIED SPEAKER: Per bill.

MR. LAU: --which was the same rate that was kept for Maui DWS from 2004 to 2014 so that rate never went up. The way these rate agreements are structured that we go back and look at actual costs, so after we implemented the new system, our actual costs were actually much higher than previous estimates. So that's one of the reasons why we think Maui should consider going on its own, because the cost of the system is actually much more than originally estimated.

COUNCILMEMBER WHITE: . . .*(inaudible)*. . .

MR. NUUHIWA: If I may.

CHAIR VICTORINO: Go ahead.

MR. NUUHIWA: There's also another key piece in understanding the differences between the two agreements, the prior agreement and the current agreement that's in front of you. The prior agreement was basically a per bill charge and Maui would be responsible for the direct cost or the actual cost on a monthly basis of the postage. The current agreement is being handled like how we do our Environmental Services sister in City and County of Honolulu which is basically a projected cost allocation for the year, invoiced in quarterly amounts, including an estimated postage cost. So that's why you're seeing that 400,000 number, because now it's not a number that is passed directly through and comes out potentially on another part of Mr. Taylor's budget, it's actually being borne within the cost of the billing services.

COUNCILMEMBER WHITE: Okay. My recollection is that we used to pay the postage, is that --

MR. NUUHIWA: That's correct.

COUNCILMEMBER WHITE: --correct? So now what you're saying is there's double the postage because of the --

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MR. NUUHIWA: No.

COUNCILMEMBER WHITE: --two billings.

MR. NUUHIWA: No. So the per bill charge that you were charged was that 240-something thousand and then there's the postage associated with that for the total. So it might look a little different, it is obviously more but it'll make, look a little different now because we're taking that separate postage and adding it in. So if you look at the cost calculation sheet, it has that postage line in there that calculates the 400,000. So it's kinda like six of one, half a dozen of the other, it still shows up the same but it's just an understanding of the difference between how the two agreements were set up . . .(inaudible). . .

MR. LAU: However, Henderson, in going from bi-monthly to monthly --

MR. NUUHIWA: Increased the billing.

MR. LAU: --the postage costs --

MR. NUUHIWA: Yeah.

MR. LAU: --effectively on an annual basis increases --

COUNCILMEMBER WHITE: Right.

MR. NUUHIWA: Basically doubled the costs

MR. LAU: --doubled the number of bills being mailed.

COUNCILMEMBER WHITE: Right and that increases your costs. Now I forgot what the second question I was gonna ask you, it'll come back to me, Chair.

CHAIR VICTORINO: We all have those moments.

COUNCILMEMBER WHITE: Feel free to go on.

CHAIR VICTORINO: I wish I could say I never have 'em, but I have 'em too. Mr. Guzman, and I'll recognize you after this. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I was just trying to follow the sheet back here, but when, is there a reason why you were, is it my understanding you're going from bi-monthly to monthly billing?

MR. LAU: Yes, we did convert on January 23, 2013.

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COUNCILMEMBER GUZMAN: Thirteen, okay. And then they did, I can't find where you were talking about the postage portion on the back sheet.

MR. NUUHIWA: It should be in the, it should actually be a separate line that indicates billing and postage, if I recall correctly.

MR. LAU: There is a line near the top of that spreadsheet --

MR. NUUHIWA: Yeah.

MR. LAU: -- this as I think, a Exhibit A --

MR. NUUHIWA: There's a top section on the left.

MR. LAU: --in the --

CHAIR VICTORINO: Get the, you can give page number, is there a page number?

COUNCILMEMBER COCHRAN: No.

CHAIR VICTORINO: No.

MR. LAU: It's at the last...

UNIDENTIFIED SPEAKER: It's right under bill...

CHAIR VICTORINO: Right after the...

MR. TAYLOR: Member Guzman, it's on the spreadsheet --

COUNCILMEMBER GUZMAN: Yeah.

MR. TAYLOR: --and it's the second row on the spreadsheet. It says postage.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Did you find it, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah. Okay.

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Thank you. Can you explain the, on Page 3, 2.1.2.2 the Capital Recovery Charges? I know that's part of the payments, I guess under that section, Department of Water Supply Duties 2.1 for the payments, we're responsible for the operational charges in the capital recovery charges. Can you explain that whole section here, 2.1.2.2?

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MR. LAU: So I don't muddy the waters, I'll let Henderson take a first stab and I'll add to that. Henderson, go ahead.

MR. NUUHIWA: 2.1.?

COUNCILMEMBER GUZMAN: Page 3.

CHAIR VICTORINO: Page 3.

MR. NUUHIWA: Oh, the Capital Recovery?

CHAIR VICTORINO: Yes, Capital Recovery.

MR. NUUHIWA: So the Capital Recovery charge was, is or actually is if you look at it that way the cost of the new system or the cost to implement the new system. In going through and looking at the agreement and changing it to the way in which we handle ENV we're trying to get everybody on the same methodology if you will. And so this is the same methodology we proposed and Kauai is also operating under. The cost to implement the new system was also allocated out to each of the partners. This is also what Mr. Taylor's alluding to in the escalation, recognizing that we jointly would want to have Maui on its own, we deferred any collection for the cost allocation until 2018, and then we start to escalate from there, that portion of it and you'll see it in the spreadsheet too. It starts lower and it goes higher towards the end of the agreement. There's also in the clause in there that says if you guys get off at anytime you get off, any of that capital cost allocation that is unpaid is forgiven, we're not gonna come back for it. Again we're trying to give you incentive to move off.

COUNCILMEMBER GUZMAN: Yeah. I see that forgiveness in 3.1.3, it's good language.

MR. LAU: We want to enable Maui to be successful implementing their own system, I guess I've said that many times now.

CHAIR VICTORINO: I think you've made that perfectly, Mr. Lau.

MR. LAU: Thank you.

CHAIR VICTORINO: I know you not saying goodbye but anytime you want to leave, it's okay with you.

MR. LAU: Oh no, we have a lot of aloha for Maui.

CHAIR VICTORINO: Yes, yes.

MR. LAU: But you know 38 years and we've really done a lot to help Maui DWS, and it's time for each of us to stand on our own.

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CHAIR VICTORINO: And I can be, I can verify that when I first met Ernie, he had all black hair and I'll leave it at that.

MR. LAU: And I think I was a few pounds lighter too.

CHAIR VICTORINO: Thank you, Ernie. Ms. Crivello

COUNCILMEMBER CRIVELLO: No questions because I think this agreement would allow us the time to start preparing the transition of our water supply to I guess develop its own sort of IT system so, but thank you for being with us for 38 years.

MR. LAU: You're very welcome.

CHAIR VICTORINO: And I will close by saying that, Ernie and all, Mr. Lau, I want to thank you for all the years of service, and this gentleman is also, he and I were at the AWWA Conference this morning and he took some time to sit down with me and go over what the plan was and I appreciate that, and I think it really does and it's really refreshing to understand that somebody is saying we appreciate working with you but maybe it's time you go on your own. I think he's held our hand for 38 years, he wants us to take the first step and, and Mr. Taylor is all enthusiastic about taking that first step. Are you not, Mr. Taylor?

MR. TAYLOR: Deputy Director Paul Meyer has really led this charge and I'm sure he will continue to do so with enthusiasm.

CHAIR VICTORINO: Okay. You have a specific question? Yes.

COUNCILMEMBER GUZMAN: Yes for Mr. Taylor, Chair.

CHAIR VICTORINO: Yes.

COUNCILMEMBER GUZMAN: In regards to the, I guess, the collections in the future is will it be your Department or Finance Department that will be in charge of this type of collections?

MR. TAYLOR: It is our intention to keep collections happening the same way it is, so it would still be our Department that would be reading the meters, managing the system, managing the contract of whatever external vendor we have to print bills and send them out, et cetera. So essentially we'd have an outside party fulfilling the role that the Honolulu Board of Water Supply fulfills now.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR VICTORINO: Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. The question that I had forgotten was --

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CHAIR VICTORINO: Yes I know that's why I recognized you. Go ahead.

COUNCILMEMBER WHITE: --was the, is the...I'm assuming because you're being so fair to us in other areas that the cost per billing is the same for each of the, each of your partners, is that correct?

MR. LAU: I believe the, I'm not sure if we calculated the cost per bill generated or processed, but the methodology is now consistent across all our partners. Prior to this, there was a different methodology for Kauai and Maui, and ENV and BWS had a different approach, in fact actually all the capital cost was borne by only ENV and BWS prior to this.

COUNCILMEMBER WHITE: I think that's okay for us but...

MR. LAU: I understand I have an obligation to my customers on the use of their funds so.

COUNCILMEMBER WHITE: Sure.

MR. LAU: Thank you.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR VICTORINO: Okay. Any other questions for the Department or Mr. Lau? I'll let you go ahead and sit down. Thank you very much, appreciate it. Seeing none, I would like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to recommend the passage on first reading a bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the Honolulu Board of Water Supply; and the filing of County Communication 15-29. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to pass the bill as you read; and file County Communication 15-29.

MS. WILLENBRINK: Excuse me, Chair.

CHAIR VICTORINO: Oh, I'm sorry.

MS. WILLENBRINK: And nonsubstantive revisions, please.

CHAIR VICTORINO: Excuse me, nonsubstantive I'll say that next part.

VICE-CHAIR COUCH: Yes, nonsubstantive.

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CHAIR VICTORINO: Moving on to item number three, Confirmation of the Prosecuting Attorney, PIA-15. The Committee is in receipt of the following: County Communication 15-27, from the Mayor, transmitting a proposed resolution entitled Approving the Appointment of John D. Kim as Prosecuting Attorney. The purpose of the proposed resolution is to approve the appointment of John D. Kim as Prosecuting Attorney, pursuant to Section 6-2(5) and 8-3.2 of the Charter. Correspondence dated January 16, 2015, from the Department of Corporation Counsel, transmitting a proposed resolution entitled Disapproving the Appointment of J. D., John D. Kim as the Prosecuting Attorney. The purpose of that proposed resolution is to disapprove the Mayor's appointment of John D. Kim, in pursuant to 6-2(5) and 8-3.2 of the Charter. Members, with your permission I would like to ask the Prosecuting, the Acting Prosecuting Attorney John D. Kim to join us on the floor at the Administrative desk. But he's done that already...whoa, but my request, I'm just like I got it. Okay, I know we wanted to be expedient, but whoa this is great. Members, please keep in mind that the Council has to approve or disapprove Mr. Kim's appointment by March 6, 2015. We have the Council meeting on that day. According to the Department of Corporation Counsel, that meeting will be too late for the approval or disapproval of the appointment. Okay, let me read that again, and the meeting will be too late to approve or disapprove the appointment, I read it right. That being said let's try very hard to work on our recommendation today. So thank you, Mr. Kim, for being here. At this time I will allow you to share a few moments with the Committee, your thoughts and experiences over the past four years as Prosecuting Attorney and why you would like to continue in this capacity. Go ahead, Mr. Kim.

MR. KIM: Thank you, Mr. Chairman. Good afternoon. Acting Prosecuting Attorney J. D. Kim. The last four years has been a little bit of a challenge. When we came in we wanted to re-establish our associations with other law enforcement organizations which I think we've done. We've also been put on notice by the State Judiciary of electronic filings which at this point Maui County leads the State in the District Court area in filing electronic filing and having that come to fruition, that is the Chief Justice's, was his, one of his projects to get done. The next step is to do electronic filing in the Circuit Court area for criminal cases. With the increase in population of Maui County the crime rate has gone up, we have a number backlog in our cases; however, our Deputies are working hard, we've increased our felony filings over 100, last fiscal year we did 811, excuse me, last calendar year we did 811 filings for felony cases, this past year the number is 926. And so we're trying to do more with what we got and it's still gonna increase and so we have a job to do that's left undone. We want to reaffirm our working relationships with the other law enforcement agencies as well as the service agencies for our victims and we are a victim-centered prosecution. And I'll take any questions.

CHAIR VICTORINO: Thank you, Mr. Kim. At this time I would open up the floor to, for questions. I will let everyone else start this time 'cause I started the last time, to be fair, and we'll start with Mr. Couch and work the other way, so Ms. Crivello, and work our way across the board. Go ahead, Mr. Couch?

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VICE-CHAIR COUCH: Thank you, Mr. Chair, and thank you, Mr. Kim, for being here and also thank you for putting yourself up for consideration again. Mr. Chair, I don't have anything, I see the record, his arrest record and whatnot, and conviction records so, and I haven't heard anything from the Police Department or anything, any other organization including the public defenders, they're all supportive so I have no comments, no questions. Thank you.

CHAIR VICTORINO: Thank you, Mr. Couch. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I, you know, at this time I don't have any specific questions to address, and maybe as we move along I may. Thank you.

CHAIR VICTORINO: Thank you, Ms. Crivello. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Mr. Kim, there have been as you know some things brought forward that suggest that there's some people in the Department that are not comfortable or that used to be in the Department that were not comfortable. Being a manager I know that there are --

COUNCILMEMBER BAISA: Mr. Chair, we cannot hear.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR VICTORINO: Mr. White, can you go closer to the mic 'cause I can't almost hear you.

VICE-CHAIR COUCH: We can't hear you.

CHAIR VICTORINO: Sorry, Mr. White, but we can't hear you.

COUNCILMEMBER WHITE: Hey, this is your microphone.

CHAIR VICTORINO: Well you gotta remember who sits there. I don't have a problem.

COUNCILMEMBER WHITE: Sorry about that. I know he could hear me. As you're aware, there have been some, some communication that some people were not pleased with some of the ways that the Department was operating. Being a manager I realize that there are times when the proper operation of a department requires you to put pressure on people to get a job done, and I know that in your line of work the court provides deadlines that you all have to respond to, and I'd just like to give you an opportunity, not give any details, but to just give us a sense of what challenges your Department faces and the general sense of how you feel the operation is going and I'll leave it at that.

MR. KIM: We work in probably the largest law firm in the County of Maui. We have deadlines put on, not only by the courts but the rules of court. Six months to get a case to trial once we charge it, that's one of the rules, so there's a lot of pressure. Our court, legal clerks and legal technicians, they work very efficiently, they work quickly,

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and they work very hard, and so when we took over as administration we made a few changes to make sure that we were following the collective bargaining agreement. And as you can tell from the letters, there was a comment that said they went to the union, they went to County EO officer, both organizations or both agencies could not help them, and so that tells you that those claims were unfounded. The union couldn't help them and so I'll just leave it at that. I believe I've complied with the collective bargaining unit, I've instilled policies and changes in the work so it's been done efficiently and to the best of our ability.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair, I just wanted to give him the opportunity to respond to some of the concerns that have been made somewhat public. Thank you.

CHAIR VICTORINO: Absolutely not a problem and I would, if nobody had asked, I was gonna ask it at the end, but I'd prefer if you guys you know bring it up and I'd be very happy. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Thank you, Mr. Kim, for being here. This is going to be basically my first time having to go through this process. I took it very seriously, receiving letters from previous clerks that were in the office as well as making some phone calls from, to a couple of judges and contacting the Public Defenders office as well as receiving two other letters. I'm not sure if my colleagues have received these as well, but I think they were submitted to the Committee Chair and his staff from the Deputy Prosecutors who were formerly under your administration. A lot of accusations, very disturbing reading, things about lack of leadership, favoritism, lack of mentoring, there's even portions of harassment, types of accusations as like a group of people that you favor over others, you delegate a lot of your decision making, what were the policies that you were once envisioned were never followed through with. A lot of these things are detailed in the letters so I have a great concern at this stage of moving forward without any of these, I guess, allegations responded to by Mr. Kim specifically. One of the other allegations here is from one of the former Deputy Prosecutors that handled that, I guess, that one case wherein former Judge Mimi DesJardin was involved in. I'm not sure how public we can go with all these, these items, but at some point I would like to have an explanation for each of these letters that were presented. I know there are also letters that followed with positive comments and those are acknowledged and accepted, but I believe that the opposition letters came in first and they're more serious in the nature that they were former employees and/or phone calls that are, that I received that are currently in that Department. So, I take this seriously because one of the aspects of my life, I spent six years over there so I know how difficult it is to be in that Department and I know how stressful it is, everybody's under a lot of pressure, but when the leadership is questioned and the morale is down as compared and witnessed through the letters, I need to investigate. And so I'm not trying to make this personal, I'm trying to do my job, I wanted to hear from Mr. Kim. Some of these accusations in terms of going through them one individually, each letter, I think we owe it to those people who submitted testimony in, and so it's up to you at this time, Chair, whether we can

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introduce these letters in open session or I would be required to move for executive session.

CHAIR VICTORINO: Thank you. Since we've all received the same letters and since you've already brought it up in open session it becomes public record. Now I will give Mr. Kim an opportunity if he chooses that he would like to respond to the various allegations that have been made not only in these letters, these two letters but the others that were made. Okay, and I will acknowledge also that I have received a number of calls and as well as letters of support for you. So we'll acknowledge both sides, you know, and I have done some...my, my legwork so we'll figure out whose legwork is better at this point in time. But I'll give Mr. Kim an opportunity since you brought it up in open session it has now become public record.

COUNCILMEMBER GUZMAN: I don't see it that way, Chair.

CHAIR VICTORINO: Well, I know you --

COUNCILMEMBER GUZMAN: I don't see it that way. You cannot expose these people to an open session. I did not specifically --

CHAIR VICTORINO: Excuse me, you're out of order.

COUNCILMEMBER GUZMAN: --say...I'm out of order...I apologize...

CHAIR VICTORINO: You're out of order and you asked me what I would like to do, okay. And I've just stated what I, my preference is...I am not, I've said what my preference is. You just asked me that, Mr. Guzman, and that's what I'm saying. And that he sent it to every member of this Committee; is that not correct, Mr. Guzman?

VICE-CHAIR COUCH: Chair, could we have a recess?

CHAIR VICTORINO: Recess. . . .(gavel). . .

RECESS: 3:30 p.m.

RECONVENE: 3:49 p.m.

CHAIR VICTORINO: . . .(gavel). . . Reconvene the meeting of the Policy and Intergovernmental Affairs. At this time with no objections, I am going to call for an executive session, any objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Yes. Wait, I haven't read it yet, I just. Yeah, I will. The Chair will entertain a motion for such a session, for such a session under HRS Statute 92-5(a)(4) which allows us to consult with legal counsel on questions and issues

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pertaining to the powers, duties, privileges, immunities and liability of the County, the Council and this Committee. Mr. Couch.

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

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

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Ms. Baisa. Any discussion? Seeing none, all those in favor of going into executive session, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Thank you, let the record show eight ayes and one excused.

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

NOES: None.

EXC.: Councilmember Hokama.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

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

COUNCILMEMBER GUZMAN: Chair.

CHAIR VICTORINO: We will stand in recess for --

COUNCILMEMBER GUZMAN: Chair.

CHAIR VICTORINO: --to go to executive...yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Sorry, apologies. I do, would like to motion to go into executive session under HRS 92-5(a)(2) to consider the evaluation, dismissal, discipline to an officer, employee or charges brought against an officer or an employee where consideration of the matter is affecting privacy will be involved.

CHAIR VICTORINO: Mr. Guzman, you're out of order because I will do that in the next, but I would want one executive session first before I move into another one.

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COUNCILMEMBER GUZMAN: But that's the reason why we're going into executive session, Chair, not to consult with the attorneys, immunities and liabilities but per Section HRS 92-5...

CHAIR VICTORINO: Recess, please. . . .*(gavel)*. . .

RECESS: 3:51 p.m.

RECONVENE: 3:52 p.m.

CHAIR VICTORINO: . . .*(gavel)*. . . The Policy and Intergovernmental Committee will now come, reconvene and I will now adjourn for executive session.

COUNCILMEMBERS: Recess.

CHAIR VICTORINO: Recess, I'm sorry, you're right. I'm, pardon me, recess for executive session. This Committee stands in recess. . . .*(gavel)*. . .

RECESS: 3:52 p.m.

RECONVENE: 5:08 p.m.

ITEM PIA-42: CYBERSECURITY (CC 13-226)

CHAIR VICTORINO: . . .*(gavel)*. . . I'd like to reconvene the meeting of the Policy and Intergovernmental Affairs Committee of February 4th. With no objections, Members, we had a fourth item that I would like to defer, and that was Cybersecurity, PIA-42. I would like to defer that to our next meeting in February 18th with no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very, very much.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: RH).

ACTION: DEFER (No Discussion).

ITEM PIA-15: CONFIRMATION OF PROSECUTING ATTORNEY (CC 15-27)

CHAIR VICTORINO: Okay. Alrighty, let's go. At this time I would like to make a motion, I would like to entertain a motion for a session under Hawaii Revised Statute 92-5(a)(2) which allows us to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, and immunities of the liability, and liability of the County, the Council, and the Committee. Mr. Couch.

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RECESS: 5:10 p.m.

RECONVENE: 6:19 p.m.

CHAIR VICTORINO: . . .*(gavel)*. . . The meeting of the Intergovernmental Policy Committee will reconvene. At this time I would like to make my recommendation to the Committee.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you very much. Members, with no further discussion at this point, I would like to entertain a motion to adopt the proposed resolution entitled Approving the Appointment of John D. Kim as Prosecuting Attorney; and filing of County Communication 15-27; and filing Communication dated January 16, 2015, attaching or oh okay, that's it. Sorry. I thought there was another note after that.

VICE-CHAIR COUCH: Mr. Chair, I move to --

CHAIR VICTORINO: Go ahead.

VICE-CHAIR COUCH: --to adopt the resolution entitled Improving [sic] the Appointment of John D. Kim as the Prosecuting Attorney; and filing of County Communication number 15-27; and filing the correspondence dated January 16, 2015, entitled Disapproving the Appointment of John D. Kim as the Prosecuting Attorney.

COUNCILMEMBER BAISA: Mr. --

CHAIR VICTORINO: And you said--and wait, just for correction, approving or approved, you said "improving".

VICE-CHAIR COUCH: Approving.

CHAIR VICTORINO: Okay. Thank you, I just wanted to get it corrected. Okay. Go ahead.

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

CHAIR VICTORINO: Thank you. It's been moved by Member Couch and seconded by Member Baisa to approve the appointment of John D. Kim as Prosecuting Attorney. Any more discussion? I'm hearing, I'm seeing but nobody, you guys want to say anything more? Mr. Guzman?

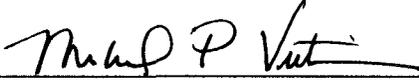
COUNCILMEMBER GUZMAN: I just would like to thank Mr. Kim and I appreciate the honesty and the things that were clarified in executive session, so I'm satisfied at this point. Thank you very much for your attendance and...

CHAIR VICTORINO: Thank you. Anyone else? Seeing none, I will also say I appreciate you being here, Mr. Kim, and appreciate all the work that all of the Members did and what

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APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:150204:cvk

Transcribed by: Cheryl von Kugler

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CERTIFICATE

I, Cheryl von Kugler, 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 2nd day of March, 2015, in Kihei, Hawaii



Cheryl von Kugler