

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

March 16, 2015

Council Chamber, 8th Floor

CONVENE: 9:17 a.m.

PRESENT: Councilmember Michael P. Victorino, Chair
Councilmember Gladys C. Baisa, Member (In 9:47 a.m.)
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Stacy Crivello, Member
Councilmember Riki Hokama, Member
Councilmember Mike White, Member (9:19 a.m.)

EXCUSED: Councilmember Don Couch, Vice-Chair
Councilmember Don S. Guzman, Member

STAFF: Kimberley Willenbrink, Legislative Analyst
Tammy M. Frias, Committee Secretary

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

ADMIN.: Michael J. Molina, Executive Assistant, Office of the Mayor (Item PIA-2(2))
Jo-Ann T. Ridao, Director, Department of Housing and Human Concerns (Item PIA-12)
Butch Kaala Buenconsejo, Director, Department of Parks and Recreation (Item PIA-11)
Lance T. Hiromoto, Director, Department of Personnel Services (Item PIA-11)
Cary Y. Kayama, Supervising Ocean Safety Officer, Aquatics Division, Department of Parks and Recreation (Item PIA-11)
Colin F. Yamamoto, Battalion Chief, Office of the Fire Chief, Department of Fire and Public Safety (Item PIA-11)
Paul Haake, Captain, Support Services Division, Fire Prevention Bureau, Department of Fire and Public Safety (Item PIA-38)
Scott English, Fire Fighter IV, Support Services Division, Fire Prevention Bureau, Department of Fire and Public Safety (Item PIA-38)
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-11, -12, -38)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery

Rowena M. Dagdag-Andaya, Deputy Director, Department of Public Works (Item PIA-2(2))

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OTHERS: Carlson Kukona III, nominee, Public Works Commission (Item PIA-2(2))
John V. Duey (Item PIA-17)
Tamara Paltin (Items PIA-11, -17)
Nani Santos, Hui O Na Wai Eha (Item PIA-17)
Colin F. Yamamoto, Battalion Chief, Office of the Fire Chief, Department of Fire
and Public Safety (Item PIA-11)
Koa Hewahewa (Items PIA-11, -17)
Allan Ornellas (Item PIA-17)
Lucienne de Naie (Items PIA-11, -17)
Additional attendees (5)

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

CHAIR VICTORINO: . . .(*gavel*). . . Good morning. The Policy and Intergovernmental Affairs Committee will come to order. It's approximately 9:17 and I apologize for the delay. First of all, I'd like to ask everyone to please turn off their cell phones to make sure that there's no noise in the Chamber. Decorum will be followed. Let me introduce the Members that are present this morning. Member Robert Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. Member Elle Cochran from West Maui.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR VICTORINO: Good morning. Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: Good morning. And Riki Hokama from Lanai.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Thank you very much for being here. Excused for the day is Don Guzman and Don Couch. Joining us later will be Gladys Baisa and Mike White. From the Administration we have Mike Molina, Executive Assistant to the...from the Mayor's Office.

MR. MOLINA: Good morning.

CHAIR VICTORINO: And Jo-Ann Ridao from the Department of Housing and Human Concerns will be joining us shortly. Kaala Buenconsejo, Director of the Parks and Recreation, Ed Kushi...

MR. KUSHI: Good morning.

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CHAIR VICTORINO: First Deputy Corporation Counsel. Jeffrey Ueoka, Deputy Corporation Counsel, and also joining us a little bit later will be Captain Paul Haake from the Department of Fire and Public Safety. Our valuable Staff, Kim Willenbrink, our Legislative Analyst and Tammy Frias, our Committee Secretary. At this time I would like to check if our District Offices are online. I will start with Hana. Good morning, Dawn Lono, are you there?

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

CHAIR VICTORINO: Thank you, Dawn. On Lanai, Denise Fernandez. Denise, are you there?

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

CHAIR VICTORINO: Good morning, dear. And Ella Alcon from our Molokai Office. Good morning, Ella, are you there?

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

CHAIR VICTORINO: Thank you, ladies. We'll be getting back to you shortly if you have any testifiers. Today we have five items. First of all, we have one nomination to boards, committees, and commissions, nominating someone for the Public Works Commission. We also have Intergovernmental Agreement with the Housing...Hawaii Housing Finance and Development Corporation for HOME Investment Partnerships Program Funds. Also we have Urging the State of Hawaii to Rename Iao Stream to its original and true name of Wailuku River. Fourth, we have a Supplemental Agreement to Compensate Ocean Safety Employees for Watercraft Operations, and finally, an Update with the Maui County Fire Code. I'm not sure if we'll be able to get to all of that but it's a daunting task and we'll try to see what we can do. We'll start with public testimony and public testimony will be only taken on those five particular items in pursuant of 17B, Rules of the Council. For today, testimony will be limited just to three minutes. At two and a half minutes, the light will turn yellow and at three minutes the light will start blinking red. I will ask you to stop after three minutes and kindly conclude at that point in time. When testifying, please state any...your name and any organization that you may be representing. And finally, we...you know we've established contact with our District Offices so I will start with Maui in the Chamber, I should say. And then move on to the District Offices, with no objections.

COUNCILMEMBERS: No objections.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR VICTORINO: Thank you. Let us start with our public testimony. Our first public testifier is John...John V. Duey testifying on PIA-17. And he will be followed by Tamara Paltin. Okay, thank you.

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MR. DUEY: Good morning, Chair, Members. John Duey, Iao Valley. On January 16 of 2015, on behalf of the Hui O Na Wai Eha, I submitted an application to the Hawaii Board of Geographic Names to have the traditional historic name of Wailuku restored to what has been called Iao Stream since 1907. I sent them 16 documents and six maps showing Wailuku River that had been used before 1907. The resolution before you only shows six of those documents because of time and space. I also went to Honolulu on February 18th and met before the Board and they were very receptive. We also sent to the Board a letter from the Hui of course and a letter of support, and a letter of support from the Maui Historical Society. We're all aware, especially Chair, that there's another Wailuku River in Big Island. But as you're also aware there are many place names the same on many different islands. I will go through real quickly some of the other documents that I had submitted. One of 'em's an undated map of circa 1850. The Poalimas of Wailuku showing Wailuku River. A book written by Linda Decker about the life of Edward Bailey states many times Wailuku River and he also, Edward Bailey, built the first bridge in 1851 across the Wailuku River. Document from Wailuku Sugar, in 1863 they leased lands in the south side of Wailuku Sugar from Kamehameha III. The Planters Monthly in 1882 states that Wailuku River's divided into Kalama...Kamaauwai, Kalaniauwai and Mill Stream. The Wailuku Sugar Centennial booklet of 1962 lists...talks about the case in 1894 of Maui Lonoaea and 34 others suing Wailuku Sugar, and during that document it talks about Wailuku River. The other big court case some of you may be familiar with, 1904 to 1924, there's a court case HC&S sued Wailuku Sugar and all through that document it talked about Wailuku River. One of the first times that I could find the Wailuku River was called Iao Stream was when James Taylor, who was the engineer who built...designed and built the Waihee Ditch crossed what was then Wailuku River. This in the *Commercial Advertiser*, July 1907. He just simply said, "we crossed Iao Stream." Since now that the water has been restored to Wailuku River, I'd like to see the wai restored in the name. I urge you to support this resolution so it can go under the...Hawaii Board of Geographic Names. Thank you for your consideration.

CHAIR VICTORINO: Thank you, Mr. Duey. Any questions for the testifier? Seeing none, thank you, Mr. Duey.

MR. DUEY: You're welcome.

CHAIR VICTORINO: And thank you for all your hard work. We appreciate it. Next testifier is Tamara Paltin and she'll be testifying on PIA-11 and PIA-17, followed by Nani Santos.

MS. PALTIN: Aloha. I just wanted to start off by saying I completely agree with everything the previous testifier said and I support him 100 percent. I wanted to thank Chair Victorino for putting PIA-11 on the agenda and Councilmember Elle Cochran for writing this item. I've sent in written testimony that covers a lot of the history and details of why I support PIA-11 and a Supplemental Agreement. I just wanted to reemphasize that a rescue water craft is a specialized piece of equipment that over the years has gone from about 500 pounds to now close to a 1,000 pounds and ocean rescues have also steadily increased. That OSOs feel strongly enough about using this

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tool have volunteered to get the 80 to 120 hours of additional training needed to operate this specialized equipment, and there's nothing in the position description of OSO II that says they are required to do this. The only OSO...the only reason OSOs do this is to try and save lives, but it has led to us being taken advantage of. In the beginning, jet ski operations operators were promised compensation would come eventually and no time frame was given. Now every time they have tried to reorganize our Ocean Safety Section, they refuse to even mention operator's pay and instead have created a Beach Supervisor position. By not addressing this situation and acting as though it is a requirement for OSO to operate rescue skis on the 911 system, it is leading to frustration and low morale. There's been talk of no longer volunteering if the County feels a Beach Supervisor is more important than a jet ski operator to respond to 911 calls. Please understand that being in service on the 911 system versus being a Tower Guard at a specific beach park are two totally different levels of responsibility. When being a Tower Guard at a beach park, OSO are able to assess the conditions and patrons continually. They are aware of current and anticipated hazards based on experience at that location, weather and tides. And they have some type of control because they are able to prevent hazards by educating and informing patrons of dangers. Being on call for the 911 system, there's no way for operators to prevent a rescue and they must prepare for any scenario at any time. What may seem like a routine rescue could drag on for hours in all sorts of inclement elements. Oftentimes the conditions in the area of a jet ski operators are dispatched to are radically different than the location they're stationed because of swell or wind direction. And the risk and wear and tear on their bodies increase as they must travel miles for each rescue as opposed to yards. I have more info on the solution to this and the resolution but my time's up. Sorry.

CHAIR VICTORINO: Thank you. Any other...any questions for the testifier? And thank you, Ms. Paltin, for bringing this forward. And we will be looking at it today definitely, very seriously. Thank you. Next testifier is Nani Santos speaking on PIA-17, followed by Colin Yamamoto speaking on PIA-11.

MS. SANTOS: Aloha and good morning. My name is Nani Santos. I'm a resident of Iao Valley and also Board Secretary of Hui O Na Wai Eha, and I'm here in support of restoring the name of Wailuku River back to its original name. I think it goes without saying that Na Wai Eha refers to the four great waters of Waikapu, Wailuku, Waiehu and Waihee. And it seems that most kanaka would know that the name of the river running through Iao Valley is Wailuku River. But, however, over the past century or so there has been increased number of references and documentation that refer to this river as either Iao Stream or Iao River. Now if the United States Board of Geographic Names requires us to go through this process at both the County and State levels so that we can insure that the historical name, Wailuku River, is held intact for future generations to come, I would ask that you would also consider supporting this resolution. Mahalo.

CHAIR VICTORINO: Thank you, Nani. Any questions for the testifier? Thank you, Nani. We'll try to make it right, okay. Thank you. Colin Yamamoto testifying on PIA-11, followed by Koa Hewahewa.

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MR. YAMAMOTO: Good morning, Chair, Councilmembers. My name is Battalion Chief Colin Yamamoto representing the Fire Department. And I'm here this morning to support this Supplemental Agreement for the Ocean Safety Officers only to make things right. Things were...they've been...the other jurisdictions...Oahu has been doing it since 2006. Kauai followed shortly thereafter and Big Island is currently in the process of doing it and the reason why Big Island is only doing it now is only now Big Island has had a rescue water craft added to their Ocean Safety Division. So that's...that's why only Big Island is doing it now. But this is something that's been...you know, Maui led the State in 2002. Maui and Oahu started jet skis operation and Maui went on to the 911 system, and I was told that we were only the second lifeguard agency in the nation to go into the 911 system back in 2002. So basically this is one piece of the puzzle that we're working on. There are a lot of other issues, but we wanted to make things right. They've been asking for this since 2000, like, you know, they've been asking this for a long time. Few times...previously it's been shot down for whatever reasons and it is important to make this merger into the Fire Department to see this Supplemental Agreement goes through. Hopefully the new Bargaining Unit 14 under HGEA will be...will be addressing this issue, but we are the only county in the State that is not...that does not have the Supplemental Agreement for the Ocean Safety lifeguards. So we're here to support it. Is there any questions?

CHAIR VICTORINO: Is there any questions? Seeing none, thank you, Mr. Yamamoto, for being here.

MR. YAMAMOTO: Okay, thank you.

CHAIR VICTORINO: Thank you. Next testifier is Koa Hewahewa speaking on PIA-17 and PIA-11, followed by Allan Ornellas.

MR. HEWAHEWA: Aloha, Chair. Aloha, Council. Koa Hewahewa, representing Hui O Na Wai Eha as well as the Ahamoku Wailuku. I feel with restoration of our stream flow, I also think it's appropriate to restore the name, so I'm in support of changing the name back to Wailuku River as well as supporting PIA-11. And Kamaka Kukona. Mahalo, mahalo.

CHAIR VICTORINO: Any questions for the testifier? Seeing none, thank you, Koa.

MR. HEWAHEWA: Mahalo.

CHAIR VICTORINO: Allan Ornellas, speaking on PIA-17, followed by Lucienne de Naie.

MR. ORNELLAS: Good morning, Chair and Committee Members.

CHAIR VICTORINO: Good morning.

MR. ORNELLAS: Allan Ornellas, reside in the moku of Wailuku, the ili of Kuwiliwili at Iao Valley. The river passes through our back yard and I really support this resolution for

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a name change back to Wailuku River. It is a river. And I support it. Thank you very much.

CHAIR VICTORINO: Thank you, Mr. Ornellas. Any questions for Mr. Ornellas? Seeing none, next testifier is Lucienne de Naie speaking on PIA-17 and also PIA-11.

MS. de NAIE: Mahalo. Greetings, Chair Victorino.

CHAIR VICTORINO: Good morning.

Ms. de NAIE: And Members of the Committee. My name is Lucienne de Naie. I'm testifying on my own behalf. I first would like to address PIA-17, the renaming of Iao Stream to its original name, Wailuku River. You know, about 20 years ago no one even thought of Na Wai Eha. They didn't think about, you know, this area as having the four rivers. It was called Wailuku or Waihee or whatever and now even though there were, you know, mele and, you know, cultural references, there's been a rebirth of Na Wai Eha. And, you know, Na Wai, we need all those wais. We need the fourth river to really have its correct name. I agree very much with Mr. Duey that all the old maps show Wailuku River. None of them refer to Iao Stream, the maps from the 1800s and even, you know, the turn of the century. So it is time since the river is flowing to return its name and to actually have four wais for Wai, Na Wai Eha. Thank you for your consideration on this resolution. Hopefully the State will agree and will move forward by doing what's right. On PI-11...PIA-11, put on my hat, for many years, I served on the Surfrider Board of Directors and some of our members actually were the pioneers in using water craft. Maui folks may not know but Maui was the first to use water craft for safety purposes, and we saved a lot of lives because of those early pioneers who figured out how to use these crafts safely to get out to people who were in trouble and put less risk on the life guards' lives and also really be able to help multiple people. So it's kind of ironic that now we're the last that refuses to compensate our hardworking lifeguards for this extra training that is necessary. These are pretty powerful machines and you do need to know what you're doing. So it seems that it would be well worth our while to keep our morale high and to support this supplemental fees for those who are going to be doing and using the water craft for their lifesaving mission. Thank you for your consideration for this request.

CHAIR VICTORINO: Thank you, Ms. de Naie. Questions for the testifier for any clarification? Seeing none, thank you very much for being here. That's the last testifier that has signed up so far in the Chambers. If anyone wishing to sign up, please go up to the lobby. There's a table there set up for you to sign up if you wanna give testimony on any of the five items. Let me check with the District Offices. Let me start with Hana. Dawn, is anyone wishing to testify in Hana?

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

CHAIR VICTORINO: Mahalo. Lanai, Denise, is there anyone wishing to testify on Lanai?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

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CHAIR VICTORINO: Mahalo. And finally, Ella in Molokai. Ella, is there anyone wishing to testify on Molokai?

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

CHAIR VICTORINO: So I'll give one more opportunity for anyone in the gallery who wishes to testify on any of the items on the agenda today. Seeing no rush to the podium, with no objections, I will close public testimony for today's meeting.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR VICTORINO: And at this time, I'd like to also recognize the presence of our Council Chair, Mr. Mike White. Thank you.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR VICTORINO: Good morning.

ITEM PIA-2(2): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(PUBLIC WORKS COMMISSION) (CC 15-5)

CHAIR VICTORINO: Okay, we'll start with Item No. 1, Nominations to Boards, Committees, and Commissions, PIA-2(2). The Committee is in receipt of the following: the Committee is in receipt of County Communication...no, correspondence, excuse me, dated March 2, 2015, from the Mayor, transmitting a proposed resolution entitled, Appointment of a Member to the Public Works Commission for the County of Maui, along with the completed application form of the nominee. The purpose of the proposed resolution is to either approve or disapprove the appointment of Carlson Kukona III--I hope I got that right, if not I apologize--to the Public Works Commission, for the term starting March 31st...oh, no, excuse me, starting March...April 1, 2015, and expiring March 31, 2019, to fill a vacancy of the resignation of June Davis. And Mr. Kekona...Kukona is in the gallery and I would like to call him up, if you will, please. And I'll ask Mr. Molina, if you'd like to give a brief introduction on Mr. Kukona and then we can go from there.

MR. MOLINA: Thank you very much, Mr. Chairman. Good morning, Committee Members. The Administration would like your consideration of Mr. Carlson Kukona III to the Public Works Commission. This particular vacancy requires an individual to have background knowledge of the Hawaiian culture. Mr. Kukona is a graduate of the Kamehameha Schools, Hawaii Pacific University and the University of Hawaii at

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Manoa. He's also the sole proprietor of Hanu Arts and Entertainment, and he's been involved with some other community organizations such as the Hawaii Academy of Recording Artists [sic] and also a member of the Grammy National Academy of Recording Artists [sic], and he is a Kumu Hula of his halau called Halau O Ka Hanu Lehua. So he is certainly well-versed in the Hawaiian language and culture. And as you know, one of the responsibilities of this particular commission is the naming of streets and facilities so we believe his background knowledge in the Hawaiian culture will certainly be an asset to this Commission. So with that being said, Mr. Chairman, I'm open to questions and yield the floor to Mr. Kukona. Thank you.

CHAIR VICTORINO: Mr. Kukona, please go ahead and welcome.

MR. KUKONA: Good morning, Mr. Chair, aloha kakahiaka.

CHAIR VICTORINO: Aloha.

MR. KUKONA: Councilmembers. It's come to my attention that many of the daily things we take for granted and we see...actually that was explained that street names, you know, were directly connected to this...this position. And there...there's a generational changeover and I think for fear of not knowing what goes on in our, you know, in the running of our, you know, just our kaiaulu itself in Maui, I just felt that I needed to take the plunge and use this as a learning tool as well as being able to share my mana`o and some of the `ike that I could possibly deliver and give as a member of this Commission. So I'm hoping that as a fluent speaker of `olelo Hawaii that I can offer some insight, and so that we don't end up with wacky names that we have been seeing on our streets now because they are getting a little out of hand and a little, for lack of a better term, just really, really "cracka". Like there are some inoa that, you know...I mean, and there's power in a name, even a street name. And what I think is that when...just...oh, and I am in support of PIA-17. That name needs to be restored. Sorry, that was an agenda ago but the Wailuku, when you...when you bestow the proper name to a proper entity or a proper place, a wahi, it gives power back to that. And for, you know, the many kupa, the people that have fought for restoration of the wai for all these years, it is only proper that...that wai be restored to the...to that achievement in itself and letting the water flow is absolutely a pono thing to do. So that Wailuku in the river, that needs to be made...made pono. But as far as this appointment, I just hope to...I really wanna learn. It's gonna be used as a learning tool for me to...to just be a voice as well.

CHAIR VICTORINO: Well, thank you. And, you know, learning is two ways, you know. We will learn from you and you can learn from us and...if you know what I'm saying. And so I'm very proud with your credentials and your knowledge...yeah, there are some funky streets out there. I'll use that term because...you used other terms but that's really what it comes down to because the name doesn't make sense to what it's supposed to be representing. So thank you very, very much and I'll open up to, if you don't mind, questions from the other Members.

MR. KUKONA: Right.

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CHAIR VICTORINO: Okay, we'll start with you, Mr. Carroll, and work right...work our way down. Mr. Carroll?

COUNCILMEMBER CARROLL: Just thank you for offering yourself to serve our community. We appreciate it.

MR. KUKONA: Mahalo.

COUNCILMEMBER CARROLL: Thank you.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yes, thank you for your willingness to step up and volunteer for this important position and it seems that you do have the credentials. You mentioned, and Chair mentioned, funky street names, wacky street names, can you give some examples of where you see this? What those names are?

MR. KUKONA: It's...well, I'm a resident of the Waikapu area and I think the development that has been happening in Kehalani, Waiolani, and all of that...all of the area up mauka nearing Wailuku Heights, there have been...there are names that...in the community itself that are literal that have literal translation and the word for word. Like, there's concepts, yeah, between...between a thought...there's a difference between a thought and a name and you look...you open the wehewehe, the puke wehewehe and just say, oh, that word means this and we're gonna just do it literally. But I think that there's thought that goes behind that. So you mean you want an exact example?

COUNCILMEMBER COCHRAN: If you happen to have one off the top of your...

MR. KUKONA: Let's use one example. Okay, wait, let me go through all the streets in that division...in that...area. Okay, here's one example of a literal to direct translation, hana ohana, working family. That's literal but not really of any substance. It's just two words put together, hana ohana, work and family. There are more poetic ways of saying working family. So it's an example. And because off the top of my head...I'm sure I can come up with a list for you if I was given the time. But it's just...it's just to assure that these names are just not pulled out of some dictionary and written on paper and then used. There's one and I cannot...right for...lack of time, I cannot think about it. But there's one name...I will get this in writing and I will...and I will have these written down 'cause there's several, several on the island.

CHAIR VICTORINO: And I think --

COUNCILMEMBER COCHRAN: Okay, good, thank you.

CHAIR VICTORINO: --what maybe I would say is, you know, this is something, and Ms. Cochran, if you don't mind, if Mr. Kukona would forward that on to

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Ms. Dagdag-Andaya and let them review this. I mean maybe this is what we need to do. So I...you know, and no offense, you know, we have other items. So go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: No, that's fine. I just thought if he had something, you know, an example.

CHAIR VICTORINO: I think it's stuck in his brain right now.

COUNCILMEMBER COCHRAN: Glaring example, and, yeah, yeah, no, that's good.

MR. KUKONA: Yeah.

COUNCILMEMBER COCHRAN: That's fine, but thank you. I appreciate it.

MR. KUKONA: There are a couple examples.

COUNCILMEMBER COCHRAN: Yeah, okay, thank you very much.

CHAIR VICTORINO: But it's poor thing, you just can't remember right this very moment.

COUNCILMEMBER COCHRAN: Yeah, that's fine.

MR. KUKONA: Yeah.

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

COUNCILMEMBER CRIVELLO: Aloha, Kamaka.

MR. KUKONA: Good morning.

COUNCILMEMBER CRIVELLO: Mahalo for being here, mahalo for submitting your application. Some weeks ago we had deliverance of this position, and I mahalo you for sharing that it's not just picking out names from the dictionary and putting it together. So I appreciate the mana'o that you will bring and the kauna to the place as we...we name. It's like we've only known Iao Stream for the longest time, but...but we come back to its true name and the whole meaning behind it. So I value what you bring to the table. I truly value and I hope that...like you say you're gonna be learning, but I think we will be learning from...from your `ike that you bring on the table for us. So I can only say thank you, thank you very much. I truly appreciate it. I appreciate the Department for outreaching to assure us that we have the qualified...those qualified of our host culture.

MR. KUKONA: Mahalo.

COUNCILMEMBER CRIVELLO: So I really mahalo you for that. Thank you.

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

COUNCILMEMBER HOKAMA: Just a few questions, Chairman. Thank you.

CHAIR VICTORINO: Sure, go ahead.

COUNCILMEMBER HOKAMA: How well do you know Lanai?

MR. KUKONA: Not extensively.

COUNCILMEMBER HOKAMA: So in your position, potentially as a Commissioner, how would you...what would be your style of getting information to be able to make a decision regarding Lanai?

MR. KUKONA: Connecting to...well, I have ohana. I have friends there. So to make a connection familiarly with people that are kupa of that place. That's the first thing you do because you no go into somebody's back yard, and say, ay, this is...this is how you supposed to be done. There's questions involved. So for the...for the most part, it's really reaching in to resources that, you know, I personally have there which is ohana. And that's really the only thing you can do, is seek the knowledge of the people that have been there for generations and then you go about making, you know, certain assessments. And in...like, in general place names there, most of us as kumu hula and practitioners, we're familiar with place names and wahi and special area that we do our dances and our chants and our oli, things that have been handed down. Their names that, names and places that we've done all our lives. So it would just be a connection having to, you know, connect those chants and dances and all of the oli that we've learned with names of these...of that island. I think that's my closest connection because there are...there are dances that we've...that I've learned from childhood and that's a starting point. But again, really, it's meeting up...

COUNCILMEMBER HOKAMA: You think you would defer to the kupuna that is ma`a regarding that?

MR. KUKONA: Yeah, exactly, to the, you know, to that wahi...to that moku, and those wahi pana, you know, and even names like Lanai Hale, Maunalei. All of these names, these inoa have been in our chants for generations and really it's, as you had mentioned, it's about connecting to the kupuna. And I'll be completely honest, a lot of the dances we do, you know, we...you know, we haven't been to all the places. But we dance 'em, we chant it. And that just gives us more reason to go there to those places that we have been chanting and dancing about for years. And, you know, the Kaopuiki ohana who have been practitioners of the art for many, many generations, and who I believe Aunty Elaine's grandchildren still continue her work on Lanai are resources that I can tap into as well.

COUNCILMEMBER HOKAMA: That is appreciated. Yeah, we even have...we have own problems with place names, too, on Lanai so I can appreciate your comments. I look forward to your good work on the Commission. This is not just something of

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Hawaiians. I can tell you this is something about all the nations in the country. You know, whether it be the Sioux nation, the Apache nation, it's interesting to think that it was, you know...there's a sense that there was no place names until pioneers came to this country. Well, there was place names way before they came to this country. And there's an effort across the country to go back to native names. So like Mount Rainier, I mean the natives going call it Mount Rainier. It's Mount Puyallup which is the native name that the nation calls it. So I encourage you to use the cultural traditional names which is the correct name and we can move away from what the West has thought, only they could give names. So I appreciate your effort. Thank you.

MR. KUKONA: Mahalo.

CHAIR VICTORINO: Yeah, Mr. White?

COUNCILMEMBER WHITE: Thank you, Mr. Chair. And thank you, Kamaka, for offering to serve and I appreciate the Department reaching out and making sure that we had somebody with your qualifications take the position on the Public Works Commission. So everyone's asked a lot of the questions and I'm very comfortable that you've got what it takes to provide what is necessary for this Commission, and so I appreciate you bringing it forward, Chair.

CHAIR VICTORINO: Thank you very much, Mr. White.

COUNCILMEMBER WHITE: I look forward to working with you.

CHAIR VICTORINO: I'd like to recognize the presence of Ms. Baisa. Good morning. You have any questions for the testifier?

COUNCILMEMBER BAISA: No, Chair, but thank you very much for my absence.

CHAIR VICTORINO: Not a problem. Any more discussion? Seeing none, I'd like to make my...good...you can have a seat now. I'm sorry. I'll make my recommendation, with no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: The Chair would like to entertain a moment...moment, excuse me. Woo, starting off the morning wrong. The Chair would like to entertain a motion to put on Exhibit "B" the approval of the nomination of Carlson Kukona III to the Public Works Commission, for a term expiring March 31, 2019. Mr. Carroll?

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER BAISA: Second.

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CHAIR VICTORINO: It was moved by Mr. Carroll, seconded by Ms. Baisa to put the name on Exhibit "B" of Carlson Kukona III to the Public Works Commission, for the term expiring March 31, 2019. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven ayes, two excused, Mr. Couch and Mr. Guzman. Thank you very much. Thank you, sir, and good luck. We have one more step after this. That's the full Council but thank you very, very much.

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

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of revised resolution approving the nomination.

ITEM PIA-12: INTERGOVERNMENTAL AGREEMENT WITH HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS (CC 15-67)

CHAIR VICTORINO: Moving on to Item No. 2. This is an Intergovernmental Agreement with the Hawaii Housing Finance and Development Corporation for HOME Investment Partnerships Program Funds, PIA-12. The Committee is in receipt of County Communication 15-67, from the Director of Housing and Human Concerns, transmitting a proposed bill entitled, A Bill on an Ordinance Authorizing the Mayor of County of Maui to Enter Into an Intergovernmental Agreement with the Hawaii Housing Finance and Development Corporation. The...excuse me, the purpose of the proposed bill is to authorize the Mayor to execute an intergovernmental agreement with the Hawaii Housing Finance Development Corporation to receive a grant of \$2,414,309 from the United States Department of Housing and Urban Development HOME Investment Partnership Program for the development of affordable housing. To assist us in understanding this agreement, we have available today Craig Hirai...I don't see Craig. Okay, he's not here, okay. I guess he was supposed to be here...is he gonna be here?

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MS. RIDAO: . . .*(Inaudible)*. . .

CHAIR VICTORINO: No, he cannot make it. Okay, so excuse me. He's unable to attend today. We have Ms. Jo-Ann Ridao, Director of Housing and Human Concerns. This is very...this is a time-sensitive item so we need to, you know, come to some reasonable conclusion today. We need to get something passed out today. This is not a financial obligation. This is monies that have been obligated to us and now we just have to accept this Intergovernmental Agreement. So at this time I'll call upon Ms. Ridao to give an explanation, and Mr. Ueoka who is also present can help us...assist us if we have any other question. Good morning, Ms. Ridao.

MS. RIDAO: Good morning, Chair, thank you. Good morning, members of the Committee. What you have before you is an Intergovernmental Agreement between the County of Maui and DHH...I'm sorry, HHFDC. This is...we used to get a HOME investment allocation annually, but for a number of years now we are going to be getting it on a three-year cycle. So this is our 2014 allocation, \$2.4 million. The total amount will be utilized for the Kulamalu Project. The reason we are bringing this...this matter to the Committee is that we want to be sure that the Committee understands, or the Council understands that--and Corp. Counsel will be able to explain this more thoroughly to you--that if for some reason the County is not able to perform and we do not use this money to do affordable housing, then the County will be required to pay the full amount back. And I want Corporation Counsel to maybe give you more insight into that portion. Otherwise, we have used HOME monies in the past. We were able to get extensions. We have never in the past paid back money to the Federal government. But we wanted to be sure that you are aware of that clause in the agreement.

CHAIR VICTORINO: Thank you, Ms. Ridao, and before I recognize you, Mr. Ueoka, this monies are for what project here on Maui County? Do we have a specific project in mind?

MS. RIDAO: This particular monies will go to the Kulamalu Project.

CHAIR VICTORINO: Thank you and that should make Ms. Baisa and the Upcountry people, our seniors, a little happy...happier, I should say. Mr. Ueoka, would you explain the ramifications as Ms. Ridao has brought forward as far as if we do not use it, we must pay it back in full. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I think Director Ridao summed it up perfectly. If something goes wrong, we may be responsible for repayment of these funds to HHFDC for, I believe, reprogramming in the HOME program. Thank you.

CHAIR VICTORINO: So, Mr. Ueoka, real quickly, when you say "something goes wrong", to what extent? I mean if it takes too long? What extent would that trigger this repayment? We don't do the project? Just so that the public and myself and the Committee members have a better understanding, what would trigger...or what...what would...items would trigger us repaying the entire amount back to the United States Federal government?

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MR. UEOKA: Thank you, Chair. That's a...almost...I guess a very difficult question to answer. I can just generally tell you, failure for us to comply with the terms of the agreement which we're asking to enter into would --

CHAIR VICTORINO: Okay.

MR. UEOKA: --require repayment. And generally speaking, if we don't do the project at all, we'll still have the money to repay it because that's the only thing we can use this money for is for the Kulamalu Project so in that sense, it's okay. But to answer your question generally, we have to comply with the agreement in front of us. Thank you.

CHAIR VICTORINO: Okay, thank you. Ms. Ridao, you wanted to add something to that?

MS. RIDAO: The only example I have, Chair, is...is not the use of the funds but the timing of the funds. So say...I think these funds have to be used by 2018. We're...we're intending...this will be the upfront money for the project anyway so we intend to use it as soon as we start construction. However, say 2018 comes around and we have not yet spent the full \$2 million, we have an opportunity to request an extension of HUD for another year in order to utilize those funds. So that's the only experience I have had with these funds, is asking for an extension to utilize the funds. And we've always been provided the opportunity with the extension.

CHAIR VICTORINO: Okay, thank you and I guess the other question that begs to be answered...asked, I should say, is that this agreement was in the FY 2014, so this is why you're bringing this forward because there's really no Budget amendment necessary. It's not required in this case. If you wanna answer that, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yes, it's already recognized in the Budget. We just felt due to the gravity of the repayment that it would be in the best interest of the County to bring this before the policy-making body. Thank you.

CHAIR VICTORINO: Thank you. Thank you for that clarification. I'll start with Ms. Baisa since you're the area rep and it has a direct impact in your area. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Ms. Ridao, for being here today. I consider this good news. I think that, you know, we've been working on this for a while. I see no reason for us not to accept this money and proceed with this project. It certainly has, I believe, received more favorable support and, of course, there's always a few people that have concerns, but we do seriously need elderly housing, rental housing, Upcountry. The...the one that is up there with Hale Mahaolu is packed and they have a waiting list. And all, of course, all of us are living longer, and I hope, who knows, maybe someday I'll be one of those tenants. So, Mr. Chair, I'm in full support and I just want us to get going. Thank you.

CHAIR VICTORINO: Thank you. Mr. Carroll, any comments?

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COUNCILMEMBER CARROLL: Just that I support what's before us today. I think it's good and I have no questions.

CHAIR VICTORINO: Okay, thank you. Mr. White, any questions?

COUNCILMEMBER WHITE: No questions. Thank you, Chair.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: No penalties and interest if we don't perform?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Not to my understanding. It's just repayment of the money.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR VICTORINO: Okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No questions. I fully support.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. No, no immediate questions, but let's...I want to see this to come to fruition 'cause it's definitely needed. So thank you for the opportunity.

CHAIR VICTORINO: Thank you. Seeing no further discussion, the Chair would like to make his recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to recommend the passage of the bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the Hawaii Housing Finance and Development Corporation and on first reading...for first reading; and filing of County Communication 15-67. Ms. Baisa?

COUNCILMEMBER BAISA: So moved, Chair.

COUNCILMEMBER CARROLL: Second.

CHAIR VICTORINO: It has been moved by Ms. Baisa, seconded by Mr. Carroll to accept...no, to enter for a bill...excuse me...for A Bill Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the Hawaii Housing Finance and Development Corporation and...on first reading; and filing on...of County

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Communication 15-67. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? We have seven ayes, two excused again, Mr. Couch and Mr. Guzman. Thank you very, very much. Thank you, Ms. Ridao. Thank you, Mr. Ueoka.

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

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FIRST READING of bill and FILING of communication.

**ITEM PIA-17: URGING THE STATE TO RENAME IAO STREAM TO WAILUKU RIVER
(CC 15-80)**

CHAIR VICTORINO: Item No. 3 is Urging the Renaming of Iao Stream to Wailuku River, PIA-17. The Committee is in receipt of County Communication 15-80, from myself, transmitting a proposed resolution entitled, Urging the Hawaii State Board Of Geographic Names to Rename the Iao Stream to Wailuku River. The purpose of the proposed resolution is to urge the Hawaii State Board of...on Geographic Names to rename Iao Stream to its previous name of Wailuku River. Mr. Duey is here if we need any further information. He is a resource person. If you look, the historic name of this river flowing through Iao Valley in Wailuku was Wailuku River until 1914 when the United States Board on Geographic Names recorded it as Iao Stream. If you remember, even in the days when we talk the history and the Battle of Iao, it is said the Wailuku River ran red with blood for a number of days after the battle. So it is there in history. So...and that's a big historic moment in the Iao Valley along with a number of other items, but that is part of the recorded history. So Staff has passed out a background information from Mr. Duey. Members, would you like Mr. Duey to come down if you have any specific questions for Mr. Duey? Seeing none, I think he did a great job in your testimony, Mr. Duey. Any more discussion? The Chair would like to make his recommendation then.

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COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to recommend the adoption of the proposed resolution entitled, Urging the Hawaii State Board on Geographical Names to Rename Iao Stream to the Wailuku River; and filing of County Communication 15-80. Mr. Carroll?

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It has been moved by Mr. Carroll, seconded by Ms. Baisa to forward the proposed resolution Urging the Hawaii State Board on Geographical Names to Rename Iao Stream to Wailuku River. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven ayes, two excused, Mr. Couch and Mr. Guzman. Thank you very, very much. Congratulations.

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

NOES: None.

EXC.: Vice-Chair Couch and Councilmember Guzman.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

**ACTION: Recommending ADOPTION of resolution and FILING of
 communication.**

CHAIR VICTORINO: Okay, you know, at this point, I'm gonna take a quick break if that's okay with everyone, a five-minute break. Can we all be back no later than 10:15? This meeting stands in recess. . . .(gavel). . .

RECESS: 10:07 a.m.

RECONVENE: 10:16 a.m.

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CHAIR VICTORINO: ...*(gavel)*... The meeting of the Intergovernmental...Policy and Intergovernmental Affairs Committee will reconvene.

ITEM PIA-11: SUPPLEMENTAL AGREEMENT TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATERCRAFT OPERATIONS (CC 15-49)

CHAIR VICTORINO: We are now on Item No. 4, a Supplemental Agreement to Compensate Ocean Safety Employees for...wait, hang on. Yes, I got it. That was downstairs calling 'cause I didn't have the mic near me. Supplemental Agreement to Compensate Ocean Safety Employees for Watercraft Operations, PIA-11. The Committee is in receipt of County Communication 15-49, from Councilmember Elle Cochran, transmitting a proposed resolution, Urging the Mayor and the Director of Parks and Recreation to Enter Into a Supplemental Agreement with the Hawaii Government Employees Association to Compensate Ocean Safety Employees for Watercraft Operations. The purpose of the proposed resolution is to urge the Administration to execute an agreement to compensate eligible lifeguards for using personal watercraft in rescues and other operations. We have present today Mr. Buenconsejo from the...the Director of the Parks and Recreation, also Mr. Ueoka. So at this time...oh, and also we have...here also we have Lance Hiromoto from...from the Office of Personnel and also Cary Kayama from the Ocean Safety Division. At this time, I'd like to open the floor for Mr. Buenconsejo to start his opening remarks.

MR. BUENCONSEJO: Thank you, Chair Victorino, Councilmembers. Good to be here. You know, from the Parks and Recreation Department as well as Administration as the resolution is stated, you know, it's definitely been overdue for our Ocean Safety Officers to get the supplemental income. It has been basically done throughout the State and Big Island is currently the next one on the list with their starting of their program for the jet ski. So the Administration knows that this is something that is gonna be done and works have been already in place through the HGEA Unit 14 with their new bargaining coming up. You know, but the biggest concern we have on an Administration standpoint is the transfer. So we are looking forward to get the transfer through and with that transfer through with Fire as well as with Ocean Safety, you know, getting that Supplemental at time of transfer or after transfer was complete. But the main priority we have currently is to get the transfer process from Ocean Safety into Fire.

CHAIR VICTORINO: Okay, thank you, Mr. Buenconsejo.

MR. BUENCONSEJO: Any questions on that, yeah.

CHAIR VICTORINO: Mr. Kayama, would you like to add a few comments, please?

MR. KAYAMA: Well, we've been riding...operating the skis for a very long time and I feel that our operators should be compensated for the work they do. They go through extensive training above and beyond their regular training. So I do support the bill...or this resolution. But, yeah, like, what Kaala said, you know, our focus is to get this merger

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with the Ocean Safety and the Fire Department together first. That would be our main priority right now.

CHAIR VICTORINO: Thank you. And then the last one I'd like to speak on this...on this resolution is Lance Hiromoto from Personnel Services. Lance, would you please...I'm sorry, we gotta play musical chairs but I apologize. Go ahead, Mr. Hiromoto.

MR. HIROMOTO: Good morning, Chair. Good morning, Members. I guess the issue is a Supplemental Agreement between the County and the, in this case, the Hawaii Government Employees Association, HGEA. Supplemental Agreements are in the law in Chapter 89. It is a part of negotiations. So it is something that we would need to negotiate with the HGEA, but I haven't seen any actual Supplemental Agreements at this time. Perhaps maybe Parks have seen initial proposals, but we have not seen at our level.

CHAIR VICTORINO: Thank you. Mr. Buenconsejo, you wanted to add something?

MR. BUENCONSEJO: As far as an official document from Unit 14 HGEA, we haven't gotten anything currently. I do know that they are working on that and drafting that from the State level, meeting with HGEA. They're putting it together from that unit as well.

CHAIR VICTORINO: Okay, so we're on our way but we have nothing firm in our hands at this point in time.

MR. BUENCONSEJO: Yes, yes. They are bargaining that now with, again, Unit 14, I believe. Cary ...(inaudible)... but it's a new bargaining unit based for Ocean Safety through HGEA. So they are working on that as well.

CHAIR VICTORINO: Okay, thank you very, very much. The other question I have, before I turn it over to the Committee, and really this be for you, Mr. Buenconsejo, how far are we with this changeover? I mean, you know, this was passed in 2012 by Charter amendment.

MR. BUENCONSEJO: Yes.

CHAIR VICTORINO: And we all know what's happened to this point and two Budgets have come by and still no change. And I sure hate to find out on the third Budget coming forward at the end of this month that nothing has been accomplished yet. I can tell you for this Councilmember, he will not be a happy camper. And I will be calling for more than just excuses this time around. So with that being said, as far as your knowledge, where are we as far as this changeover is concerned?

MR. BUENCONSEJO: You know, I think the Administration is on the same page as you are. This is probably the farthest that this transfer has taken place.

CHAIR VICTORINO: Okay.

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MR. BUENCONSEJO: We got everything basically in place. HGEA has the...all of the PDs, all of the documents needed to review their part of it. The transmittal has already gone upstairs for signature, that's completed. Basically, we're there. We're just about there. The only...again the last point will be as was requested through Fire with some of the E/Ps and everything else. It'd be based on that. You know, the Chief does have the final say. So as much as we have everything tight, we're ready to go. I think the members are excited. They're ready to go. It just comes down to now Budget time and when everything is written out, if it's accepted from Fire. But this is the furthest that we've...we've come in the past three years now. But we're in agreeance, we need to get it done.

CHAIR VICTORINO: Thank you. Mr. Hiromoto, is there anything else you wanted to add to that? No? No? Okay, thank you. I will open the questioning on...from the Members and I'll start with the maker of the resolution, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I appreciate this being heard today. Thank you for putting it on the agenda, and as we heard through testimonies and also through Departments and that this is very...long overdue. And our Ocean Safety Officers have been, I guess, put...joined in to this pilot program back in 2002. And it was never revisited or a time frame was never given to evaluate this program and then decide on compensation for hazardous pay and what have you. So I really feel, and I hear collectively, that we all are in agreement, and I think now is the time to see what steps need to be taken to have it come through its fruition. And obviously this Supplemental Agreement is key, and so I wanna know where...is that, like, something that's doable this...this year? Or I mean in the near future? I don't know if Mr. Hiromoto has been involved in the negotiations with HGEA in regards to this. 'Cause I know this is just a reso for us to urge Mayor and Director of Public...Parks and Rec so I think the key thing, are we waiting for the first move on HGEA's behalf to create the Supplemental Agreement, or is that through this County? Or how does that process work?

CHAIR VICTORINO: Mister...either...either gentleman, Lance or...

MR. BUENCONSEJO: So kinda two ways. To answer the first part of it, if...I mean we, like I said, we...the way it was all set up from the very beginning of how the jet skis got into play, we kind of all kinda have a backstory of how that all started. And it wasn't done where, probably on a policy and procedures standpoint, the right way. So the Administration, we know we gotta get to that point and address the issue. Where it stands with HGEA, I'm not too positive. I do know based on the Unit 14 representative here from Maui for Ocean Safety, he did mention to us during our meetings that we did have for the transfer, that it was already ongoing and negotiating on the HGEA and I'm not too positive. I'm pretty sure it hasn't gotten to DPS as of yet. And maybe, Mr. Hiromoto would know more about that. . . .*(Inaudible)*. . .

CHAIR VICTORINO: Mr. Hiromoto, please?

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MR. HIROMOTO: Chair, Member Cochran, no, we have not seen a Supplemental Agreement at this point.

COUNCILMEMBER COCHRAN: Okay, thank you. And then in regards...if I may, Chair?

CHAIR VICTORINO: You may.

COUNCILMEMBER COCHRAN: In regards to the transfer, so I know you folks are saying that number one priority is about the transfer, and I wholeheartedly agree also, but this, I guess, agreement and what have you won't...isn't like highest priority so that you won't actually put any energy or, you know, any efforts into this until this transfer occurs?

MR. BUENCONSEJO: I think it could be cohesive with each other. But that was something that would come from, again, the Administration from upstairs with the Mayor, but again I don't think anyone is not recognizing their efforts and the amount of duties that they do on the jet ski. So I think, you know, it could be something where it could be simultaneously done. But again we are gonna focus making sure the transfer does take place from all of our ends as well.

COUNCILMEMBER COCHRAN: Okay, okay, very good. I'll let other Members ask questions.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Has this conversation involved the Fire Department?

MR. BUENCONSEJO: Yes, as well.

COUNCILMEMBER CRIVELLO: In regards to this kind of compensation for the Ocean Safety employees?

MR. BUENCONSEJO: Yes, Fire is well-aware of it. And it was actually...this resolution was brought up at one of our transfer meetings with our Ocean Safety Lifeguards, is when the resolution was brought into forefront. So Ocean Safety is...I mean, sorry. Fire is very aware of it. And, again, they're on the same page as well. They also feel...and that's one Department that has those different pay differentials. So they're aware of it and they are totally supportive of it as well. But again, you know, we gotta get that transfer and move forward from there.

COUNCILMEMBER CRIVELLO: Well...Chair?

CHAIR VICTORINO: Yes, go ahead.

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COUNCILMEMBER CRIVELLO: So is there timing with negotiations for...or for the bargaining units to be in place? When would that happen, Mr. Hiromoto?

MR. HIROMOTO: Chair.

CHAIR VICTORINO: Mr. Hiromoto?

MR. HIROMOTO: Chair, Member Crivello, we're currently in negotiations with Unit 14. It's a brand new bargaining unit. Unit 14 has as its members law enforcement people, positions from the State and Water Safety people from the various counties. So we are in negotiations, a master contract. I think what this resolution is asking for is what's called a Supplemental Agreement. The Supplemental Agreement is provided by, as I mentioned, by law, Chapter 89, Collective Bargaining where a jurisdiction like the County of Maui can enter into a separate agreement with the...with a union on issues that pertain to its jurisdiction. And I believe the City and County of Honolulu and Kauai County already have Supplemental Agreements with HGEA with regard to their Ocean Safety Officers and the use of jet skis. So that's a Supplemental Agreement.

COUNCILMEMBER CRIVELLO: Okay, so what we're looking for is the same Supplemental Agreement?

MR. HIROMOTO: That's what it appears to be, yes.

COUNCILMEMBER CRIVELLO: Okay, thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. Well, it could be part of a new contract agreement also.

MR. HIROMOTO: Chair, Member Hokama...

CHAIR VICTORINO: Mr. Hiromoto?

MR. HIROMOTO: Definitely.

COUNCILMEMBER HOKAMA: Okay, okay.

MR. HIROMOTO: It could be part of a...like a differential in the Master Agreement.

COUNCILMEMBER HOKAMA: Right, right, right. Okay, thank you. So, Chairman, a few things. First I wanna thank Ms. Cochran. It's good to have the discussions, but I think this is premature, this consideration, especially I don't even know what kind of money we're talking about. So I won't support this resolution. I won't support automatic retroactive compensation without knowing what it's gonna cost the County. And contrary to others, I don't think we have as much money as people think we have.

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You know, valuation increase is one thing. Doesn't mean we're gonna raise revenues 13 percent. And so for me, gentlemen, I think this is premature asking us and if you're asking us to participate in negotiations, then I want things on the table too. I want us to deal with...with comp time. So are we...you gonna let us come participate in collective bargaining now? 'Cause I don't wanna deal with individual units whether it be 3, 13, 8, whatever it be. That's you guys' job. You come to us with one proposal, dollars and cents, terms, duration. But to ask us to come and support something that's not even finalized yet? This shouldn't be one legislative decision. This is a negotiating contractual situation. Why you asking us for a decision before a negotiation is completed? You know, even the union better shape up on this one, besides the employer. 'Cause other than that, good luck in Budget with me, gentlemen. Thank you.

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

COUNCILMEMBER WHITE: This won't come as much of a surprise, but my feelings are somewhat in line with Mr. Hokama's on this. I find it hard to understand how the HGEA has not come forward with the Supplement Agreement in the last five or six years. I may be wrong on that. I support moving ahead with making things fair. And I think Ms. Cochran has brought up a very good issue. But I...I support the substance of it, but since we're already in negotiations with Bargaining Unit 14, I think it's appropriate for them...for the...this issue to be simply worked into the overall agreement since the other three counties are already there. It's gonna be part of the contract, and I support it being part of the contract. Mr. Hiromoto, what is the...what is the likely time frame within which you think you'll be concluding the negotiations for Unit 14?

CHAIR VICTORINO: Mr. Hiromoto?

MR. HIROMOTO: Chair, Member White, we are currently in negotiations with Bargaining Unit 14. It's...whenever we have a bargaining unit that has members that are State employees, there's always the State...the factor that we want to get...or the union wants to get its contract ratified or arbitrated and the decision made by the end of the Legislative Session, the State Legislative Session. For counties it doesn't matter like, for...for example for SHOPO...or for SHOPO where only the counties have Police Officers, County councils have meetings throughout the whole year so there's not that real time-critical factor. So in answering your question for Bargaining Unit 14, if we don't get any settlement in time for the end of this State Legislative Session, then we're looking at next State Legislative Session which is in 2016. So it just depends on how fast negotiations progress. But we are currently in negotiations with them.

COUNCILMEMBER WHITE: But do you feel that the current state of the negotiations is at a point where there could be settlement from...by the end of this Legislative Session? 'Cause that's just right around the corner.

MR. HIROMOTO: We're always hopeful, but there are a lot of issues on the table at this current time.

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COUNCILMEMBER WHITE: So as far as you know, this issue of hazard pay for the jet ski operators, is that already in the...in the proposed draft?

MR. HIROMOTO: You know, I did not check on that. All I know is that for Supplemental Agreements, we can always agree to Supplemental Agreements as long as we have a Master Agreement.

COUNCILMEMBER WHITE: No, I understand that. I appreciate what the other counties have done. But, Mr. Chair, if you wouldn't mind asking Mr. Hiromoto, or if Mr. Hiromoto could provide this Committee with the information of whether this issue is already in the Master Agreement because it would seem that with the other three counties having already done it, it's likely in the Master Agreement.

CHAIR VICTORINO: Okay, Mr. Hiromoto, I'll ask you to check into that. I'll put something in writing to you, okay. And then, you know, you can forward that. But let me...let me clarify one thing. I understand to have one is presently working at it. Big Island has not finalized theirs at this point. Am I correct in saying that? Because that's what I thought I heard, but I just want the clarification 'cause you're saying three have done it.

COUNCILMEMBER WHITE: But they're...but they're moving in that direction.

CHAIR VICTORINO: Well, well, but it's not done yet.

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: So it's actually only two. I just wanted...you know, the correction. But am I correct in saying that, Mr. Buenconsejo?

MR. BUENCONSEJO: Yes, so Big Island just got skis.

CHAIR VICTORINO: Yeah.

MR. BUENCONSEJO: So they're in a process of creating that...that change.

CHAIR VICTORINO: Okay, thank you. And just because you said three have it already. Really it's two and one moving on it that we're the last one on the pile to get done.

COUNCILMEMBER WHITE: But, Chair, my sense would be if...if the agreement is not ratified by the end of the Legislative Session this year, then my feeling is that this resolution would then become appropriate to move forward. But if we're gonna have a resolution of the Master Agreement and it's already in there, then this would seem to be unnecessary.

CHAIR VICTORINO: Well, maybe premature, but, you know, and I'll say just in...what Mr. Hokama and Mr. White, you both said, you know, I know you have this fiscal

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awareness and I agree wholeheartedly. But I also wanna make sure that we are in support of what needs to be done. I think that we agree because they have worked for many, many years without any additional compensation with their own personal watercraft assisting. So it may come a time when...it may be premature but it also may be something to get them off the pine tar, you know, get them off their you-know-what and get 'em working on it. I don't know, just my thought on that matter. Thank you. Mr. Carroll?

COUNCILMEMBER CARROLL: My questions have already been answered. Thank you, Chair.

CHAIR VICTORINO: You're welcome. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. Obviously when you get to the end most of the important questions have been asked. But I wanna state my support for fairness down the road. I realize that there are steps that have to be taken, that we have to complete the transfer and agreements have to be gotten and whatever. But I do believe that it's the fair thing to do and I'd like to see us do it as quickly as possible. Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran, I know you wanted to add something else. Go ahead.

COUNCILMEMBER COCHRAN: Yeah, well, thank you very much and I appreciate all the Members' comments thus far on this. It is a resolution. It is to urge and encourage and say, yes, we're in support of giving due compensation to our hard-working Ocean Safety Officers who have been putting their lives on the line for years now without the added compensation. And other counties have, you know, stepped it up and, yeah, as Mr. Hokama said unions have something to do with it. I think collectively we all do and that's why we're here today. That's why I wanted to push this forward that we do our share and we do our part. And perhaps it's already in the, you know, the master plan agreement, whatever it's called. But I think, you know, on our behalf as a County, Maui County, that we have the right to push something like this forward. And it's not about retroactive pay. It's...it's, you know, about giving them the due compensation now. And so...because they continue to do the work and will always. My question is, this Supplemental Agreement that we as County create, I guess, a separate agreement as Mr. Hiromoto mentioned, can that be put forward? I mean with ongoing negotiations and what have you, I mean I guess maybe it doesn't make sense, but is there a way to...is there a budgetary amount that would need to come from our behalf if it was not being discussed? We don't know if it's being discussed. I guess you're going to look into it, Mr. Hiromoto? But how would we do it on just our County's behalf?

CHAIR VICTORINO: I think you know...

COUNCILMEMBER COCHRAN: If it's done that way or not.

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CHAIR VICTORINO: I'll ask...let Mr. Hiromoto answer that from a Personnel standpoint. But I think as far as budget wise, it'll have to be a Budget amendment if you're talking this Fiscal Year, or it would have to be put in the Budget up coming from the Mayor and the Administration that we will be working on starting the end of the month. And I may be wrong, Mr. Hokama, and you correct me if I am, but if you're talking budgetary items, it would have to be a Budget amendment now or added into the Budget if you're talking the Fiscal Year 2015. Am I correct, Mr. Hokama, in my analysis on that point?

COUNCILMEMBER HOKAMA: If they have money.

CHAIR VICTORINO: If...oh, and again, yes, obviously, obviously. So just to clarify that budgetary part. But I'll let Mr. Hiromoto answer the other aspect on the personnel...from personnel side. Go ahead, Mr. Hiromoto.

MR. HIROMOTO: Chair, Member Cochran, a Supplemental Agreement can be negotiated as long as we have a Master Agreement and right now there...the...well, Ocean Safety people are still in Bargaining Unit 3 and 4. Until we make that switch I'm not sure legally how that's gonna play out if we don't have a Master Agreement for Bargaining Unit 14. I don't know if we can initiate a Supplement Agreement without a Master Agreement. Right now, yes, it is possible to do a Supplemental Agreement.

COUNCILMEMBER COCHRAN: Okay, and I guess...have...were you able to look into the added cost? I guess it's like 280 days...\$280 per day would be the additional cost?

MR. HIROMOTO: Member Cochran, I have not seen a Supplement Agreement. I don't know what the cost is. I suspect that that would be a point of negotiation, the dollar amount for the differential, who would receive the differential, what kind of training perhaps the recipient would need before they qualify as a jet ski operator. All of those things I think we need to discuss or have discussions with the union.

COUNCILMEMBER COCHRAN: Okay, thank you, Mr. Hiromoto.

COUNCILMEMBER CRIVELLO: Chair?

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd like to say that I do support the efforts that Councilmember Cochran is pushing through with this resolution 'cause I understand it as a method of us urging Administration as well as to support. But you brought up a interesting point, Mr. Hiromoto. You're saying that we don't have a Master Contract with the new HGEA? We have an existing contract with...but isn't there a transition that HGEA 4 and I'm not sure what bargaining unit is transitioning or...explain to me further what's going on, because my question is, if there's a Master Contract with the existing HGEA people and no Supplemental Agreement, is that what

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you're saying? There's no agreement, or if there is an agreement, this will not go with Unit 14 or will it transfer over to Unit 14?

CHAIR VICTORINO: Mr. Hiromoto, go ahead.

MR. HIROMOTO: Chair, Member Crivello, right now we have a contract with Unit 3 which most of the Ocean Safety Officers belong to. And we also have a collective bargaining agreement with Unit 4 which I believe some or one, at least, of their supervisors on Ocean Safety belong to. We do not have a Master Agreement with Bargaining Unit 14 which is a brand new bargaining unit which the Ocean Safety personnel will be part of. I don't know, you know, we'd probably have to check with the attorneys with regard to whether we can negotiate a Supplemental Agreement with HGEA for Bargaining Unit 14 at this point.

COUNCILMEMBER CRIVELLO: Okay.

MR. HIROMOTO: I do know we can negotiate a Supplemental Agreement with Bargaining Unit 3 and with Bargaining Unit 4 at this time.

CHAIR VICTORINO: Yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Do you have a time frame or, you know, at what point will the HGEA units complete their...their transfer to Unit 14?

MR. HIROMOTO: No, I don't have a time frame for that.

COUNCILMEMBER CRIVELLO: No idea?

MR. HIROMOTO: No. I would suspect as soon as we negotiate a new contract for Bargaining Unit 14. Everything stays the status quo. I...again, I would probably have to consult with the attorneys, but I think that the bill that was passed to create the new Bargaining Unit 14 had provisions in there that said that everything stays the status quo until they move into Bargaining Unit 14.

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

CHAIR VICTORINO: You're welcome. And I would also say that I will forward a request to the Chief because the Chief of the Fire Department is ultimately the one that's supposed to finalize this, if I'm not correct, right, Mr. Buenconsejo?

MR. BUENCONSEJO: Chair Victorino, yeah, Chief would do the final as far as the transfer.

CHAIR VICTORINO: Transfer, yes.

MR. BUENCONSEJO: Not for the resolution...

CHAIR VICTORINO: 'Cause the question is the transfer at this point, yeah.

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MR. BUENCONSEJO: Also...

CHAIR VICTORINO: Go ahead.

MR. BUENCONSEJO: Chair Victorino, if you want to talk to Fire, we do have Battalion Chief for Ocean Safety in the audience, Battalion Chief Yamamoto.

CHAIR VICTORINO: Okay.

MR. BUENCONSEJO: If you wanted to ask any questions on the...on behalf of the Fire side.

CHAIR VICTORINO: You have questions for Mr. Yamamoto? Mr. Yamamoto, would you...with no objections, I'll ask Mr. Yamamoto to come up to the podium, if you don't mind, Mr. Yamamoto. Thank you for sitting and being here as a resource.

MR. YAMAMOTO: Yes, I'm available for any questions that you might have for the Fire Department.

CHAIR VICTORINO: Okay, and let's keep...you know, I've been reminded to keep towards the agenda as far as the agreement, Supplemental Agreement. But if you wanna go a little bit about the...the...I'll give you some latitude as far as the transfer since it was brought up by the Departments, yeah. So Ms. Crivello, you had a question?

COUNCILMEMBER CRIVELLO: Again, I...transfer time frame?

CHAIR VICTORINO: Okay. Transfer time frame. Have you any more to give us as far as this transfer time frame?

MR. YAMAMOTO: We still are shooting for July 1st of this year. There's a lot of other things...we've accomplished a lot. There's still a lot more to go. And this is...the Supplemental Agreement is just one part of the puzzle and there's many pieces to this puzzle. One of the...so we have addressed...we have addressed revising position descriptions, minimum qualifications, class specifications and, of course, this Supplemental Agreement. It's all of these things are just part of the puzzle to get this transfer done.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR VICTORINO: Okay, thank you. Any other questions for mister...again, keeping it very specific on this item, okay.

COUNCILMEMBER COCHRAN: Oh yeah.

CHAIR VICTORINO: Okay, go ahead, Ms. Cochran.

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COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. Yamamoto, for being here. So aside from the transfer, what I'm trying to get at here is to how do we compensate the Ocean Safety Officers who have been doing this job since 2002? And thereby trying to urge and push forward this Supplemental Agreement to make it happen. So in your eyes, set aside the transfer and all that stuff, how...and eventually it will be coming to you, these workers will be, how do you see it working? You know, how do we expedite this? I mean we don't know what's in the new Master Agreement with the bargaining units, but we do have existing Bargaining Units 3 and 4, whatever, that Ocean Safety Officers are in currently. We can write up or whoever does the Supplemental Agreement to...let's, you know, pay the two...dollars...we just follow up with City and County of Honolulu's. You know, the other counties have already...just follow it. I think Maui County is in agreement. Fire I believe has stated so.

MR. YAMAMOTO: Right.

COUNCILMEMBER COCHRAN: Okay, so how do you think we could just insert that language for Maui County and get it working here?

MR. YAMAMOTO: So to expedite the Supplemental Agreement, do it under Bargaining Unit 3 and 4.

COUNCILMEMBER COCHRAN: Okay, and because they're existing...

MR. YAMAMOTO: Yes.

COUNCILMEMBER COCHRAN: This is where the workers are --

MR. YAMAMOTO: Right.

COUNCILMEMBER COCHRAN: --currently. Set aside the new Bargaining --

MR. YAMAMOTO: Right.

COUNCILMEMBER COCHRAN: --Unit 14 or whatever's gonna be created in the transfer, never mind that. We don't know, that's an unknown. So, Chair, you know, and that's why this reso I believe is speaking towards what you're...what you're concurring with here and...and...

MR. YAMAMOTO: We cannot do it under Bargaining Unit 14 because there is no Master...

COUNCILMEMBER COCHRAN: Right.

MR. YAMAMOTO: There is no...we cannot. So just have to do it under Bargaining Unit 3 and 4...

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CHAIR VICTORINO: I think I'm gonna stop it here. And I got the point. I think we all got the point. I think...no offense to you, Mr. Yamamoto. We're gonna stop it here because I think we're getting off the...where we need to. But we got the point on what needs to be done if we're talking this resolution. So thank you for your help. Any other questions for Mr. Yamamoto? Seeing none, thank you very much for sticking with us. I appreciate it.

MR. YAMAMOTO: You're welcome.

CHAIR VICTORINO: Okay. Any other questions? Mr. White?

COUNCILMEMBER WHITE: Thank you. Have we any idea what the cost...in the resolution it recommends retroactive pay for the current employees. . . .*(Inaudible)*. . .

CHAIR VICTORINO: If I could please ask the...you know, 'cause you guys are being heard over the microphone so...and Mr. White has the floor. If you don't mind, please? Mr. White?

COUNCILMEMBER WHITE: Have you calculated what the retroactive pay would be for the current employees that are covered under this resolution's recommendations?

MR. BUENCONSEJO: Mr. White, as far as the retroactive, we were looking at retroactive. We were looking from point of, say, resolution, or point of contractual to the union, you get paid from that point on, that extra \$2.50 if I heard your question right. But, you know...but then again there's not just the jet ski operator. It'll be the \$2.50 raise will be for the jet ski operator as well as the picker or the lifter as well, who's riding with the jet ski operator. And those are all part of the...when we did the real bargaining again with our own for the transfer, putting those into the personnel descriptions, meaning the MQs and everything else. So as far as a dollar value, no we haven't gotten to that point of figuring X amount of dollars for that. But it will be two per jet ski at \$2.50 more.

COUNCILMEMBER WHITE: I mean have you estimated the cost going forward? If we were to...if you were to get the Supplemental Agreement done within the next two weeks, for example...and I don't even...and it would obviously have to be under Bargaining Unit 3 and 4, what...have you projected what those costs would be for the remainder of this Fiscal Year? And do you have the funds to cover it?

MR. BUENCONSEJO: We have not projected it and based on what the current Budget is, we would not have the funds at this current time if we were to do that. But as far as did we...we did not project it which is based on what we are at right now, with what we have, to go and justify that at this current Budget we have for Ocean Safety, it wouldn't fall in.

COUNCILMEMBER WHITE: Okay. Mr. Chair, if you don't mind, I'd like them to provide us a calculation of what the...what the cost per month would be if, you know, once this is...if this were to move forward?

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CHAIR VICTORINO: Okay. Staff, put that, you know, so part of the request for Parks and...

MS. WILLENBRINK: Request to Parks?

CHAIR VICTORINO: Yeah. Because it's still in Parks so right now we would have to request it from them. Okay?

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: So just so that we are all clear. We're being asked to consider compensation for something that an employee wasn't supposed to do because it's not in their current job description. Is that accurate?

CHAIR VICTORINO: Mr. Buenconsejo or Mr. Hiromoto?

MR. BUENCONSEJO: Councilman Hokama, could you bring Ocean Safety Mr. Koyama [*sic*] to answer that one. I don't wanna speak not knowing exactly the whole situation.

CHAIR VICTORINO: Mr. Koyama [*sic*]? You can sit down, please?

MR. KAYAMA: Under the current job descriptions for the OSO III which is the District Captains, and specifically in writing it says, operating specialized rescue equipment apparatus. And under the OSO II, which is the Tower Guards, their job descriptions says, rescue equipment. So one says --

COUNCILMEMBER HOKAMA: . . .(*Inaudible*). . .

MR. KAYAMA: --rescue equipment, one says specialized apparatus. So you can determine which one...what it says, but, you know, some people will kinda take it out of context and say, the Captains, their job descriptions said, specialized apparatus, that means jet skis, quads, trucks. And the OSO II, the Tower Guards, are saying like, ours one is rescue equipment. So you can, you know, narrow it down to maybe rescue board, rescue tube and fins so depending on how you wanna interpret it. But with the new reorg and the new job description and PDs, we've changed that to where all the PDs would specifically say specialized equipment and apparatuses. And we've been using the skis for at least from...probably 1995, as far back as that far.

COUNCILMEMBER HOKAMA: And that has been put in a written memorandum, Mr. Ueoka?

CHAIR VICTORINO: Mr. Ueoka, would you wanna answer that to Mr. Hokama?

MR. UEOKA: Thank you, Chair. I am not familiar with this situation but we will follow up through the Department of Personnel Services. Thank you.

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COUNCILMEMBER HOKAMA: I deal with contracts. Thank you, Chair.

CHAIR VICTORINO: Thank you. Any further discussion? Yeah, Ms. Baisa?

COUNCILMEMBER BAISA: I hate to start this but it begs the question. Is...are they compensated for the use of *personal* equipment that I keep hearing over and over?

CHAIR VICTORINO: Mr. Buenconsejo first and I don't know if Mr. Kiyama [*sic*] wants to add anything else.

MR. BUENCONSEJO: Ms. Baisa, on that I was gonna jump in on that as we close but it...vary...when it first started, so back 15 years ago or however how long it was, it was a personal jet ski that was being used. There are no personal jet skis now. Everything is County jet skis. So what was mentioned earlier as far as personal jet skis, it is not a personal jet ski. It is County-issued jet skis for specific towers for Ocean Safety.

COUNCILMEMBER BAISA: So the resolution says using personal water craft. That is not correct?

MR. KAYAMA: The personal water craft is a PWC, that's a common term we use for just a jet ski itself. So it's not like your own personal craft but that's what they just call it as far as a jet ski goes.

COUNCILMEMBER BAISA: I see. So it doesn't mean it belongs to them. It means it's personal.

MR. KAYAMA: Correct.

COUNCILMEMBER BAISA: Okay, just wanna make sure because it sounds that way. In fact, I was questioned this morning about that specifically. Thank you.

CHAIR VICTORINO: Thank you for that clarification. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And so I wanna jump back to the dollar amounts and the resolution is reflecting on the amounts that are already currently being implemented in other counties. And so they're stating...it comes out the per hourly wage and all this stuff adds up, you know, seven days a week per operator, whatever, 280...\$280 per day times seven which is in a week, and then you add it up for the month and it's just under 8,000. And so the 15 years they've been doing this, they've saved over \$1 million in wages if you went back and so the retroactive part of this isn't a huge issue. It is getting compensated from here on out, this day forward, for the work they're already been providing and will continue to provide. And it, for me, is very important that we stick with that and focus on it. I think that it's due, well overdue. Mr. Koyama [*sic*], you, you know, can chime in if you like. But, Chair, that's I think the brunt and the focus of this. And so I...and we've had e-mails here. It broke down to a 102, I guess. I haven't added up the amounts I just gave you, but 102,200 per year to pay for 14 operators and it's just based off the same amount that

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people are getting paid across the State. And jumping back to Mr. Yamamoto's comments, we were the second in the nation to implement this program to hook on to the 911 and, you know, we're the last to receive due compensation. That is just flabbergasting to me. So I'm hoping to move this forward to urge and get this going as expeditious as possible 'cause it's long overdue. Thank you, Chair.

CHAIR VICTORINO: Thank you, Ms. Cochran. Any other comments? Any more discussion? Seeing none, thank you and I thank the Administration, Parks and Ocean Safety for being here. Mr. Hirayama [sic] from Personnel Services, thank you very much. At this time, I'd like to give my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion recommending the adoption of the proposed resolution entitled, Urging the Mayor and the Director of Parks and Recreation to Enter Into a Supplemental Agreement with the Hawaii Government Employees Association to Compensate Ocean Safety Employees for Water Craft Operations; and the filing of County Communication 15-49. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I so move.

COUNCILMEMBER CRIVELLO: Second.

CHAIR VICTORINO: It was moved by Ms. Cochran, seconded by Ms. Crivello to forward...urging...this proposed resolution, Urging the Mayor and the Director of Parks and Recreation to Enter Into a Supplemental Agreement with the Hawaii Government Employees Association to Compensate Ocean Safety Employees for Water Craft Operations; and the filing of the Communication...County Communication 15-49. Any more discussion? Yes?

MS. WILLENBRINK: Excuse me, Chair.

CHAIR VICTORINO: Yeah.

MS. WILLENBRINK: Could you include nonsubstantive revisions in that?

CHAIR VICTORINO: I didn't include that but if there is no objections, I will include that, nonsubstantive revisions.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: DC, DSG).

CHAIR VICTORINO: Okay, thank you. Seeing no more discussion, all those in favor, signify by saying "aye".

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COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBER HOKAMA: No.

CHAIR VICTORINO: Okay.

COUNCILMEMBER WHITE: I was going to ask a question but I couldn't get your attention.

CHAIR VICTORINO: I'm...I apologize, I apologize.

COUNCILMEMBER WHITE: Actually I wasn't gonna ask a question, I was gonna make a statement.

CHAIR VICTORINO: You was gonna make a statement?

COUNCILMEMBER WHITE: Yeah.

CHAIR VICTORINO: Okay, with no objections, I'll hold off on the vote and let Mr. White make his statement. No objections?

COUNCILMEMBERS: No.

CHAIR VICTORINO: Okay, thank you. Go ahead, Mr. White. I apologize.

COUNCILMEMBER WHITE: I just wanted to mention that I'll vote in support of this measure with the understanding that the...that we will move forward with a Supplemental Agreement on the current contracts that they're under if the Bargaining Unit 14 measure doesn't move forward in this year's Legislative Session. And the other thing is that I don't support the retroactivity but I do support going forward and the Administration has inferred that they're focused on moving forward with this as well. So, sorry about that. I was trying to...I didn't wanna yell but you were on a roll already.

CHAIR VICTORINO: Thank you. And, you know, I know the feeling, but sometimes you gotta go, Chair, because I sit in that chair and I understand. I truly understand. Okay, any more discussion? If not, then all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBER HOKAMA: No.

CHAIR VICTORINO: Let the record show six ayes, one no, and two excused, Mr. Couch and Mr. Guzman.

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Council of the County of Maui**

March 16, 2015

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

NOES: **Councilmember Hokama.**

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

ABSENT: **None.**

ABSTAIN: **None.**

MOTION CARRIED

ACTION: **Recommending ADOPTION of revised resolution and FILING of communication.**

CHAIR VICTORINO: Thank you very much, Committee, for engaging in I thought a very, very good discussion on this issue. Thank you.

ITEM PIA-38: UPDATING MAUI COUNTY FIRE CODE (CC 13-181)

CHAIR VICTORINO: Moving around to Item No. 5 and I'll call Mister...Captain Haake up and Mr. English. Okay, thank you, Lance. Okay, Item No. 5, Updating the Maui County Fire Code, PIA-38. The Committee is in receipt of correspondence dated December 1, 2014, from the Fire Chief, transmitting a revised proposed bill entitled, A Bill for An Ordinance Adopting the Hawaii State Fire Code, with Certain Amendments Thereto. The purpose of the revised bill was to adopt, with amendments, the updated Hawaii State Fire Code, effective August 15, 2014, as updated Maui Fire...Fire Code...Maui County Fire Code. Members, the Committee met on December of last term. There will be substantive discussion and some revisions were made to the bill mainly for clarification. There is also numerous nonsubstantive revisions to this bill. The Department of Corporation Counsel transmitted a bill incorporating the suggested revisions on December 26, 2014. Committee Staff has reviewed the documents along with the...along with the Committee's request for the minutes of the...of the meeting that appears that all the revisions have been incorporated. With your permission, I would like to work with the revised version of the bill showing those revisions and a copy which is in your binder. With us today we have Captain Paul Haake. Captain Haake came to give this Committee a brief summary of the bill and how it has gotten to here today. Members, we'll open discussion after Mr. Haake has given you clarification. And again, one of the main reasons I wanted to bring this forward really before Budget was that we've also been talking about another issue which is fire flow, and so this kinda works right into that. So, Mr. Haake, Captain Haake, please if you would like to proceed.

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MR. HAAKE: Thank you, Chair. Good morning, Committee Members.

CHAIR VICTORINO: And before I go on, let me recognize Mr. English also, Lieutenant English who is present today.

MR. ENGLISH: Thank you, Chair. Good morning.

CHAIR VICTORINO: Thank you. Go ahead, Captain Haake, sorry.

MR. HAAKE: Thank you. Chair, we're before the Committee today to discuss the...our proposed proposal to adopt the NFPA 1 2012 Edition as the County's Fire Code. Currently, the State has adopted, with amendments, this exact Code as the State Fire Code. And so now we're...we're at the point where we need to look at the State Code and make our amendments to it and then adopt it as the County's Code.

CHAIR VICTORINO: Thank you very much. You all have that revised version in front of you, right? Okay, so I wanna make sure we....and you also have your Fire...your big manual in case you need to refer to any other items.

COUNCILMEMBER WHITE: Chair, are you referring to the December 26th correspondence?

UNIDENTIFIED SPEAKER: Yes.

CHAIR VICTORINO: Yes, I'm sorry, yes.

COUNCILMEMBER WHITE: Thank you.

CHAIR VICTORINO: Okay, at this point I'll start with you, Mr. Hokama. You seem to have questions right off the bat. You go right ahead.

COUNCILMEMBER HOKAMA: Chairman, I have no questions. I've worked with the Department last term on this Committee's behalf and I can tell you I'm in support. I wanna thank the Captain and the Lieutenant for being very dedicated. We tried to find a way hopefully last term to have had it before us. Unfortunately, timing, as always at the end of the term, was difficult, but I appreciate you bringing it up forward early in this term. And I just wanted to express my support in getting this Code up to date as soon as possible. Thank you.

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

COUNCILMEMBER WHITE: I don't have any questions at this point. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll? No questions? Miss...Ms. Baisa, first. I'm sorry.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Captain, for being here and I'm glad you have Mr. English with you. I just have one quick question.

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Mr. English is aware of some of the things that we're thinking about working in in the Water Resources Committee. Do you see any concern for conflict, Mr. English?

CHAIR VICTORINO: Lieutenant English, please?

MR. ENGLISH: Thank you, Chair, Member Baisa. Right now as far as the fire flow issue with the Water Resources Committee meeting, basically we carry over the same amendments from the previous Code. I know we had discussions about proposed new subdivisions and may require some kind of special fire flow design for --

COUNCILMEMBER BAISA: Right.

MR. ENGLISH: --subdivisions with I think two lots or less. Right now our Code still requires fire flow based on the zoning for the subdivision. I would like probably to address it with Water Department so we can come up with a similar kind of Code so basically we are consistent with the Water Department Code and the Fire Department Code. So right now the Code will probably still be in place as far as if they decide to subdivide, provide us the access and Fire Department fire flow for now. And we can probably amend it later on once we meet with Water Department so we can come up with a Code that both of us agree with.

COUNCILMEMBER BAISA: Okay, thank you very much. In that case, Chair, I'm okay. Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you for bringing this up. It's a important thing as Mr. Hokama said. Looking to expedite this and process it through. My one question is in regards to--and I don't know where to begin looking for it in the book here--but sprinkler'ing versus...and I'm looking at people who...perhaps in the Upcountry area, of course we have the water meter issues and what have you, and then now for someone to tie in, have to build out their own transmission lines and things, infrastructure that's very costly. So as in fire protection, can a person...is there anywhere in here that allows a person to set up a water tank, say for rain catch or something? And then thereby have it run their sprinkler system for fire protection purposes versus having to run all this transmission, you know, infrastructure, costly stuff that they can't afford. Is there...and is there...

CHAIR VICTORINO: Wait, hang on, hang on.

COUNCILMEMBER COCHRAN: Is that allowed?

CHAIR VICTORINO: Let...let...I don't wanna get too far ahead. I'll allow the question --

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: --and I'll turn to Mr. English, if you'd like to take that question on.

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MR. ENGLISH: Thank you, Member _____. Our current Code allows right now for areas in the rural development area allows if you...if you have no fire protection in the area, you have options of bringing supply in, putting an on-site water tank or adding sprinklers to your house. We proposed this Code back in 2002 when the private sector was, from the Water Department, was given to Fire Department and we had no really rules in place so we kinda adopted NFPA 1142 which is the fire protection for rural fire protection. Over the years, we kinda looking back at it saying the people that put tanks up, is that tanks 10 years later still available for us? So we're trying to propose this, the tankers, so we know we maintain our tankers, we have the water supply and at the time it was a great idea. Looking back at it now, we were thinking it had not been a great idea because most of these tanks were maybe swimming pools that was used for fire protection, are they still capable of giving us the water that we need? So these new rules, like I said, we put in for the tankers would probably be...on the Water Resources Committee side would be just maybe providing tankers for certain areas in the Upcountry or rural areas instead of requesting these large fire flow water lines be put in.

COUNCILMEMBER COCHRAN: Okay, okay, thank you. I'm glad it's being looked at for those types of situations. Thank you.

CHAIR VICTORINO: Real quickly, on sprinklers, if you sprinkle...put sprinklers in your house, it also helps a lot because no matter what and it takes the Fire Department a certain amount of time to get there. And with a sprinkler system, from an insurance standpoint of view, it enhances the chance of keeping the fire damage to a minimum and not losing your entire house. So there's the other side. It's not just for the purpose of having the tank and the sprinkler, it is really to help the Fire Department do much a better job. So I would still encourage people to look upon that as an alternative to fire protection especially as far as moving away from fire stations and fire apparatus. Even with a tanker I can tell you, Mr. English, Lieutenant English, it takes time for that tanker to get from the station to wherever it needs to get, especially if I was to say something like upper Polipoli. Right? How long would a tanker take? I mean your best guess, your best estimation.

MR. ENGLISH: I would say if we do follow through and have...Kula has a water tanker supply, I mean there'll be at the most five minutes behind the engine company. But like I said, how long the engine company to get up there, it's the hills and the roads will slow down the attack so...

CHAIR VICTORINO: That's my whole take on fire, on sprinklers. It's really more of a personal thing to protect your property and your well-being of your family. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. You know, it notes here, I think on Page 4 of what we have in our folder, there's a requirement that will have a plan review fee, and shall be paid at the time when the...I guess the construction is...they're

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submitting their plans. So who determines the fees and how is that process and where does that come from?

CHAIR VICTORINO: I...one of you wanna take a shot at it and maybe even Mr. Ueoka? But go ahead, Mr. English.

MR. ENGLISH: Thank you Miss...Member Crivello for the question. We've been collecting plan review fees since the adoption of the 1988 Fire Code. Basically a plan review fee is...we collect 12 percent of the building permit fee for the plans review and that is only to the commercial projects. We don't have a plan review fee for any residential projects.

COUNCILMEMBER CRIVELLO: Oh, I see. So the 1.7.11.1.1 is just for commercial as far as that note of the...that's gonna be required when they submit the plans?

MR. ENGLISH: Yes, it's gonna be similar to the previous Codes on the plan review fee.

COUNCILMEMBER CRIVELLO: All right. Okay, thank you, Chair.

CHAIR VICTORINO: Yeah, thank you. Any more questions for the Department or Corporation Counsel? Seeing none, the Chair would like to make his recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: The Chair would like to entertain a motion for...to adopt the Bill For An Ordinance Adopting the Hawaii State Fire Code, With Certain Amendment...oh, sorry. I am reading the wrong page. I apologize, excuse me, everyone. Let me get to the right page. Okay, here we go. Members, with no objections, I would like to entertain a motion to recommend the passage of a bill entitled, A Bill For An Ordinance Adopting the Hawaii State Fire Code, With Certain Amendments Thereto on first reading; and filing of County Communication 13-181. Mr. Carroll?

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It's been moved by Mr. Carroll, seconded by Ms. Baisa to pass on first reading A Bill For An Ordinance Adopting the Hawaii State Fire Code, With Certain Amendments Thereto; and filing of County Communication 13-181. Any further discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

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

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

NOES: **None.**

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

ABSENT: **None.**

ABSTAIN: **None.**

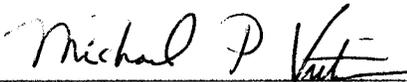
MOTION CARRIED

ACTION: **Recommending FIRST READING of revised bill and FILING of communication.**

CHAIR VICTORINO: Thank you, gentlemen, for being here today. Committee, thank you very, very much. I'm very thankful we were able to, even though we got a late start, able to accomplish all the five items that had been set forth in today's agenda. I wanna thank the Staff, Ms. Willenbrink and Ms. Frias, for their timely and as well as focused effort in helping me get this put together today. And I wanna thank you, Committee Members, for being here. I know it's a busy Monday and with no objections, I wish all of you well and this meeting of the Policy and Intergovernmental Affairs Committee is now adjourned. . . .(gavel). . .

ADJOURN: 11:14 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

pia:min:150316

Transcribed by: Reinette Kutz

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CERTIFICATE

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

DATED this 10th day of April 2015, in Wailuku, Hawaii.


Reinette L. Kutz