

# **POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**August 17, 2015**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Don Couch, Vice-Chair (Out 11:12 a.m.)  
Councilmember Gladys C. Baisa, Member  
Councilmember Robert Carroll, Member  
Councilmember Elle Cochran, Member  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member (In 9:12 a.m.)  
Councilmember Riki Hokama, Member  
Councilmember Mike White, Member (In 9:08 a.m.)

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Tammy M. Frias, Committee Secretary  
Greg Garneau, Legislative Attorney  
  
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 (PIA-2(16))  
Sananda K. Baz, Budget Director, Office of the Mayor (PIA-30, 31, 32, 35 and 36)  
Paul Haake, Fire Captain, Department of Fire and Public Safety (PIA-30, 32)  
Georgette Tyau, Administrative Assistant II, Department of Liquor Control (PIA-31)  
Karilee H. Yoshizawa, Liquor Control Officer IV, Department of Liquor Control (PIA-31)  
Anna M. Foust, Emergency Management Officer, Civil Defense Agency (PIA-35)  
Arthur G. Dadez, Police Lieutenant, Department of Police (PIA-36)  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel (PIA-2(16), 30, 31, 32, 35 and 36)  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (PIA-30 and 32)  
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel (PIA-36)

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

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CHAIR VICTORINO: *... (gavel) ...* Good morning. The meeting of the Policy and Intergovernmental Affairs Committee will come to order. I'm the Chair, Michael

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

**August 17, 2015**

---

Victorino, and I'd like to welcome everyone. Thank you, Members, for being here. We have a, what I call a heavy, but I anticipate a fairly smooth agenda today, but let's see what happens as the morning progresses. First of all, I'd like to introduce the Committee Members that are here, from South Maui, the Vice-Chair of the Committee, Don Couch.

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

CHAIR VICTORINO: Good morning. From East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. And from Upcountry, the young lady, Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Good morning. And our young lady from West Maui, Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR VICTORINO: Good morning. And then our young lady from Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR VICTORINO: Aloha. And our Lanai representative, Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Good morning. Excused at this time is the Vice-Chair and the Chair of the Council, Don Guzman and Mike White. I think they'll be joining us a little bit later. And then of course, I can't not introduce our Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: Tammy Frias, our Committee Secretary. Good morning, ladies. They're an invaluable part of our Committee work. From the Administration we have the, from the Mayor's Office, Executive Assistant Mike Molina.

MR. MOLINA: Good morning, Chairman.

CHAIR VICTORINO: And from the Deputy Corporation Counsel, First Deputy Corporation Counsel Ed Kushi.

MR. KUSHI: Good morning.

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

**August 17, 2015**

---

CHAIR VICTORINO: Good morning. And we have many departments that are here, department heads and others and what I will do is as I call them up for their various Committee items, I will then introduce them at that point in time. So let us not, let us start with public testimony. Do we have any public testimony in the Chamber? Not at this time? Let me check with our District Offices, I failed to ask them if they were connected. Let me start with Molokai. Molokai, Ella Alcon, are you there?

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

CHAIR VICTORINO: Thank you, Ella. On the island of Lanai, Denise Fernandez. Denise, is there anyone wishing to testify?

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

CHAIR VICTORINO: Thank you, Denise. And, of course, our young lady out in Hana, Dawn Lono. Dawn, is there anyone wishing to testify in the Hana Office?

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

CHAIR VICTORINO: Thank you, ladies. Again, one more opportunity, is there anyone in the Chamber wanting to testify? Seeing none, Members, with no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Public testimony is closed. Thank you, ladies, have a great day. Okay. All righty.

**ITEM PIA-2(16): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS**  
**(KULA AGRICULTURAL PARK COMMITTEE) (CC 15 5)**

CHAIR VICTORINO: We have a number of items and I will start with Item No. 1, which is a Nomination to Boards, Committees and Commission. This is to the Kula Ag Park Committee and it's PA, PIA-2(16). This relates to the nomination of Paul Otani to the Kula Agricultural Park Committee for a term expiring March 31, 2020. Please note there is no time limitation for the Council to approve or disapprove this nomination. But before we discuss this nomination, I am pleased to announce the Staff has developed a new user-friendly resolution format whereby the only time we have to revise the resolution is if we disapprove the nomination. There will no longer be A, B and C exhibits to deal with. The Committee Staff has sent an e-mail last week to, asking each and any Member that would like to request the attendance of the nominee to the meeting. There was no response. So with that being said, Mr. Molina, would you like to tell us a little bit about this nominee? Unfortunately, Mr. Otani cannot be

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

**August 17, 2015**

---

here today. As a farmer, the daylight hours are very precious to them and he had work and so he did tell me or did tell the Staff that I had requested if he would be here, that he was unable to attend. So with that being said, Mr. Molina?

MR. MOLINA: Thank you very much, Chairman, and good morning, Committee Members. The Administration would like your consideration of Mr. Paul Otani to serve on the Kula Ag Park. Mr. Otani is a self-employed farmer for over 40 years. He's had various experience in wholesale and produce marketing and distribution, and has been very active in the farming community by serving on the Maui County Farm Bureau for over 20 years. And, also, he was the past president of the Maui Farmers' Cooperative Exchange, and so he certainly brings all of that to the Kula Ag Park Committee should you approve his nomination. So, we feel he would certainly be an asset. And if there are any questions, Mr. Chairman, I'm open to hear from you or the Committee Members. Thank you.

CHAIR VICTORINO: Thank you. I will start with Ms. Baisa, who is the area representative and I know served on this Committee. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And I am, it gives me a great deal of pleasure to be here this morning to speak on behalf of this nomination. I know the nominee very well. I think if anybody is imminently qualified to serve, it's Mr. Otani. He was a member of the original Kula Ag Park Advisory Committee and has been an Upcountry farmer for over 44 years and still is actively involved as you stated this morning. You know, farmers take stuff to market on Monday morning and there is just no way that he could have been here. But as having served on this committee myself, I understand what is required and I think he brings a very deep understanding of what the park is all about and what we're trying to do with the Kula Ag Park. And so I would respectfully urge my colleagues to please support the nomination. I think it's one of the best I've seen in a long time. Thank you.

CHAIR VICTORINO: Thank you, Ms. Baisa. I'll just go down the line. Mr. Carroll, do you have any comments or questions on the nomination of Mr. Otani?

COUNCILMEMBER CARROLL: Same comments that Councilmember Baisa had. Thank you.

CHAIR VICTORINO: Thank you. Going to the other end and I wanted to recognize the attendance of the Chair of the Council, Mr. Mike White. Mr. White, do you have any comments or questions in regard to this nominee?

COUNCILMEMBER WHITE: Good morning, Chair. I have the same comments that Mr. Carroll and Ms. Baisa had because Paul is a great farmer and with the expansion of the Kula Ag Park that is about to take place, having somebody like Paul will be a big help on that committee, so I think it's a great recommendation from the Administration. Thank you, Chair.

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

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

**August 17, 2015**

---

COUNCILMEMBER HOKAMA: Good choice.

CHAIR VICTORINO: Okay. Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: I support my colleagues. Thank you.

CHAIR VICTORINO: Thank you. Mr. Couch?

VICE-CHAIR COUCH: I support my colleagues.

CHAIR VICTORINO: Thank you. And then, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. No comments.

CHAIR VICTORINO: Okay. Okay. And I will close by saying, I've known Paul for many years and he is an outstanding farmer and citizen and very active in the community so, yes, I agree, wholeheartedly. A excellent choice, especially what's occurring in the expansion of the Kula Ag Park. So, if there's no other comments, I would like to make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR VICTORINO: Thank you. Members, the Chair would like to entertain a motion to adopt the proposed resolution approving the nomination of Paul Otani to the Kula Agricultural Park Committee. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I move to approve the resolution entitled, Appointment of Paul Otani to the Kula Agricultural Park Committee and it's the resolution on, dated July 27<sup>th</sup> at the end of the binder, just for the Members.

CHAIR VICTORINO: Yeah. And of course, this is the filing of this communication.

VICE-CHAIR COUCH: And the filing.

CHAIR VICTORINO: Thank you.

VICE-CHAIR COUCH: Yes. Thank you.

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

CHAIR VICTORINO: Thank you.

MS. WILLENBRINK: Excuse me, Chair?

CHAIR VICTORINO: Yeah?

MS. WILLENBRINK: We would not file the communication.



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

**August 17, 2015**

---

However, today, we have Captain Paul Haake from the Fire Department. If you remember, during the Budget Hearing and I did put in, you have a copy on your desk of PIA-30, that the Chair has submitted with the minutes of the Budget meeting for which this discussion was brought up, and during the Budget, Chief Murray, stated that maybe two lots can be cleared annually because there's not enough money in the fund. He suggested a fund and we were talking about, of about \$100,000 versus I think right now it's \$10,000. Mr. Haake can now explain more specifically the problems related to this fund. At the end of his discussion, if you have any specific questions, I will entertain questions for Captain Haake. Captain Haake, good morning, welcome. And if you'd like to give us a little history and the discussion as far as increasing the fund to take care of fire mitigation.

MR. HAAKE: Thank you, Chair. Good morning, Councilmembers. The revolving fund is used to clear...

CHAIR VICTORINO: Captain Haake, make sure you introduce yourself.

MR. HAAKE: Oh.

CHAIR VICTORINO: Sorry.

MR. HAAKE: Excuse me. Paul Haake, Captain of the Fire Prevention Bureau.

CHAIR VICTORINO: Thank you.

MR. HAAKE: Okay. The revolving fund for brush clearing is used to address lots that have been deemed a fire hazard because of lack of maintenance, so growth and dry brush is, become a concern and so we've gone out and looked at these parcels and for whatever reason, the owners of the parcels have not addressed the concern and so this fund is used to clear the hazard.

CHAIR VICTORINO: Thank you. I have one question and I'll open it up, in fact, I've got a couple questions, then I'll open it up to the Committee itself. Captain Haake, give us an approximate number of lots that you are, that is reported to you each year as far as fire mitigation for that particular lot?

MR. HAAKE: The number of lots?

CHAIR VICTORINO: Yeah. An approximate number each year?

MR. HAAKE: I want to say maybe 30 lots.

CHAIR VICTORINO: Thirty lots a year?

MR. HAAKE: Uh-huh.

CHAIR VICTORINO: Okay. And generally, I think the Chief mentioned more or less what it'd

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

**August 17, 2015**

---

cost, but do you know what it would cost and I know it would be variable, vary, it would vary from lot to lot depending on the size, location; however, approximately how much would they, you have to spend if the mitigation wasn't done and that they become an endangerment to the community or the, especially the neighbors in the area and that the Fire Department had to send some, what do you call, landscaper or someone to take care of the lot to make it safe for that community? You have any idea of what the approximate cost would be?

MR. HAAKE: Well, I do know that we've had some recent ones done and one in particular in Kihei was \$3,000 to clear. And we've had a couple more in the Upcountry area that were about \$1,000. So we don't have too much statistics and I guess that's because of, you know, my concern. My concern was how we're going to get the money back. I didn't think it was a good idea for the County to be paying for these clearings and not have any means to get the money back. We were lacking on that part with the code provisions, so, for a while we weren't pursuing the clearing. We were just packaging our work and sending it up to Corp. Counsel. But then in discussion with Corp. Counsel representative to Fire Department, you know, the only way that we were going to get statistics to show to the Council was to actually pursue those clearings. So in the adoption of our Fire Code, we tried to put in wording to allow the County to get the money back. And so with that, we pursued those clearings that I talked about, the \$3,000 one in Kihei and then a couple more in Upcountry. So it's been a while since we've used the fund, but it is a fund that is necessary.

CHAIR VICTORINO: So, Captain Haake, and finally, and I'll open up the questions to, on the floor, do you feel the figure of 100,000 will be sufficient to the 30 or 35 lots that you may be looking at, and, you know, of course we have methodologies of recovery; however, we just want to make sure that that monies available that you will not or the Fire Department's not gonna be delaying because they don't have enough money to cover the expenses. So do you feel that would be an adequate figure to work with?

MR. HAAKE: Yes, Chair, that would be more than adequate.

CHAIR VICTORINO: Okay. Thank you. And before I go on, I'd like to recognize the attendance of Vice-Chair Don Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR VICTORINO: Okay. Welcome. Good morning. I'll start off with the Vice-Chair of the Committee, Mr. Couch.

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

CHAIR VICTORINO: Okay. Go ahead.

VICE-CHAIR COUCH: Thank you, Captain, for being here. You mentioned that we needed to change some of the Fire Code in order to get, recover our funds, we've done that, is that correct?

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

**August 17, 2015**

---

MR. HAAKE: Yes.

VICE-CHAIR COUCH: Okay. And if they, we usually know who the owner is and they're usually gone and have abandoned the property, at least the ones that I've seen you guys do. If they don't pay back, do we have the ability to put a lien on the property now if they don't pay it back?

CHAIR VICTORINO: Mr. Haake, let, maybe Corporation Counsel could answer that question, if you don't mind, Mr. Guzman. Mr. Kushi...

VICE-CHAIR COUCH: This would be Couch.

CHAIR VICTORINO: I mean, I, excuse me, Mr. Couch. Sorry. I apologize. Mr. Kushi, would you answer that question, please?

MR. KUSHI: Yes, Mr. Chair. Member Couch, I don't know the answer. I wasn't involved in the Fire Code so. I can get a Deputy down here to answer your question.

VICE-CHAIR COUCH: And that's fine.

CHAIR VICTORINO: Thank you very much.

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: Please, Mr. Kushi. Okay. Go ahead.

VICE-CHAIR COUCH: That's the other thing. If we can't do that right now, I'd like to be able to see if we can put some language in the Code to allow us, for us to do that. You talked about that you have 30 or so and that the 100,000 would cover that. Of those 30 that you get a year, 30-plus, how many of them are the same one over and over again? 'Cause I know you don't, I mean you got 30, you can only clean up 2 or 3, so I'm guessing people are complaining on the same one multiple times?

MR. HAAKE: You know it's a guess, but I'd say about 25 percent.

VICE-CHAIR COUCH: Okay. Okay, good. And then the last, the biggest, and the same question I asked in the Budget Hearing is if we get, increase this to 100,000 and of course it'll be revolving, hopefully replenished by the folks that whose places we had to clean up, that puts a little bit more pressure on you guys to actually go out and be able to go out and do the clean-ups, is that gonna be a situation where you're gonna be asking for more bodies to do these clean-ups?

MR. HAAKE: I don't think the, that situation will be a reason for us to ask for more bodies. I think we have more than enough work now to ask for more bodies.

VICE-CHAIR COUCH: Thank you, Chair.

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

**August 17, 2015**

---

CHAIR VICTORINO: Thank you. That was a trick question, Mr. Couch. This is contracted out. That's what, this is what this matter is all about. Ms. Crivello?

COUNCILMEMBER CRIVELLO: No question at this time, but I'd like to see if there is such a thing as putting a lien on the property if you're unable to collect.

CHAIR VICTORINO: Yes, we can. That has been told to us and I would like to see the new ordinance because I think that was part of it, but we'll look into that. Thank you, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I am in support of maintaining this fund, Chairman. And for 30 years, we've allowed Finance Director to lien property on almost anything of, regarding jurisdiction of the County as it is within the Code. So under the Fire Code, it's already written in in 1986. Couple things, Chairman, and I've heard some of the discussion. If you look, though, at the existing Code, it's more than just brush. It's the structures and premises. The key for me today is how Corporation Counsel looks at premises and regarding fire hazard removal. Okay. And some of the powers we already give Fire Department. They're able to write and provide written citations on notices of violations within the jurisdiction of the Fire Department as it relates to this type of issues, Chairman. So, I would say, if we are concerned about overtime and whatnot about fighting major brush fires, part of it is to mitigate and avoid creating situations for major brush fires, that is hazard removal, even I know that, Chairman. I can see us putting in some money in here because in the long run, I see savings because we mitigating in advance of major brush fires by taking care of the hazard early and I support the Captain on this position. But, as we all know, part of the thing is with their own residential areas. We get people parking around corners, up to stop signs and everything. That, to me, should be part of this mitigation because they cannot respond, none of their trucks going fit when we get all those parked cars blocking roadways, to and from, fire sites. Okay. They can collect the revenues from those citations under the Code. That's revenue generation, Chairman. So what I would like to support the Department is use what is already authorized and start doing it. I don't have a problem supporting little bit more funding for the fund to ensure their ability to perform and let's see how they can provide the assistance we, that the Code currently intends it to be, Chairman.

CHAIR VICTORINO: Thank you, Mr. Hokama. You bring up some good subject matter. You know, first of all, we are always subject to large brush fires and we just had one in West Maui. And how do you mitigate open space when you have all this land that's open? Okay. And that's a bigger challenge than just residential lots. And the other thing, the other issue is hoarding. Now, that's not been addressed, but if you recently been watching Oahu, a couple, one in particular, home in Kaimuki, took them five days to clean, completely clean out. And that was hoarding. I mean, that was a fire

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

**August 17, 2015**

---

hazard, along with a health hazard and every hazard you could think of and that's another area that we've been fortunate, but there are some homes if you drive around, come very close to that and you've seen it and I've seen it. I think everyone has seen those types of homes, so, that becomes a real issue. Now, again, Mr. Haake, I will say, I will ask you this question. Most of this is complaint driven, is that not true?

MR. HAAKE: Yes, that's true.

CHAIR VICTORINO: Yeah. So, in other words, someone has to make a complaint before you come or you send someone out to inspect the property or the premise, is that correct?

MR. HAAKE: That's correct.

CHAIR VICTORINO: Okay. So that's another issue. A lot of times many of us, you know, especially the local residents, we just kind of let it sit there, right, and you know, we don't want to create a hassle, but it becomes a real issue. Mr. Hokama, you're right. And we're moving in that direction. So, we have really a lot of different aspects of this bill. First of all, the reason for the funding was because that was the discussion first and foremost so they could get out there and do more before something happens. But how do you get these landowners, especially these big landowners who have vast acreages, not only West Maui, South Maui, even Central Maui that create right up here. Not more than four years ago, there was one tremendous brush fire both in Iao Valley, back of Mokuahau and then the other one was right up here at Wailuku Heights which came within feet of homes. I mean, mere feet of homes. So, these are things that, yes, I want to give them the ability, but maybe this is something we gotta work on our Code to make some expansions and changes in the Code itself to give them more authority to fine, set those fines so that the fund is replenished by basic, by the basic fines that we receive from these discrepancies. So thank you, Mr. Hokama. That's something we can look at, you know, in the not too distant future. Okay. Mr. Baz, I see your hand waving. I--

MR. BAZ: Thank you.

CHAIR VICTORINO: --did not mean to ignore you. Go ahead.

MR. BAZ: That's okay. Thank you, Mr. Chair.

CHAIR VICTORINO: Sandy Baz, our Budget Director.

MR. BAZ: Oh, thank you. Good morning, Members. I'm happy to be here discussing this Fire Hazard Removal Fund. As discussed during the Budget Session and I think the reason why Fire Chief Murray was requesting \$100,000 was, yes, we do currently have the ability to lien the properties and the, in 3.68 in 030C, it specifically says the Director of Finance can authorize to file a lien on the real estate on which the buildings or structures are located or premises involved as Chair Hokama mentioned. The challenge has been in the past of yes, we lien the property, but unless they refinance or sell the property, that lien can just sit there forever. There's not really a

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

**August 17, 2015**

---

collection process for us to do that. I mean, that is the strongest thing we can do is lien the property, right. Until we have the ability to like a real property tax sale that, you know, where we force the sale of it, which would be a sad situation. That really, that lien is our only remedy. So, when they're requesting \$100,000, it's because that money's probably gonna sit there for a while before it gets collected again. So even though we may, you know, spend...in 2007, we spent 3,295 on one clean-up and \$1,800 on another clean-up. And from my records, it doesn't look like we ever got that money back. I don't know what happened in 2007 but, you know, so the money is dwindling as it goes down. If there's a big infusion of money in here, then they have the ability to go out and do more of these and, you know, I don't, I'm not sure of the percentage of collection if it's gonna be any higher than it has been in the past, but at least they'll have the funding source to do this. And having the, be a revolving fund, it also provides the ability for us to collect that money and put it back into the fund so that we can go and spend it again should we get the money back, and Mr. Ueoka is here as well. He was the one during Budget Session and had a little bit more information about this if you'd like to ask him as well.

CHAIR VICTORINO: Okay. And, Mr. Ueoka, would you come forward and that way, if there's any specific questions for you. But thank you, Mr. Baz, for that clarification. I think there's gotta be other ways we can recover our money more quickly, and I think, Mr. Hokama, like you've said many times, there's more than one way to skin a cat in this deal. So, I believe we can look at some other alternatives. Mr. Ueoka, you've heard the conversation. Do you want to add anything else at this point in time?

MR. UEOKA: No, thank you. If you have any questions, I'll be available.

CHAIR VICTORINO: Good going, Jeffrey. Okay. Moving right along. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Yeah. I just wanted to address the issue where the, you know, the Director of Finance is authorized to file a lien on the real estate or any properties or buildings on the premises or structures, but I think the real issue is the process in which we go about getting those liens. First of all, I would believe that you'd have to get a judgment on the lien which is, not on the lien but on the fines. The fines would then be, I don't know if those are civil fines or are those criminal fines, one of the two. So if it's criminal fines, do the monies go to the Judiciary, to the State? If it's civil, yeah, they're probably going to be going to us. So eventually, what is needed is probably a judgment and then from that judgment, we apply it to a lien. But that whole process is very rigorous and long. There's never a guarantee that you're gonna collect on a judgment. You see all these civil debts that are all over the place. Yeah, a judgment is just a piece of paper, but until you're able to collect, that is a process in itself. The lien is a form of collection, but then we place a lien on the property, file it with the BOC, Bureau of Conveyances, but we can't collect until either the property is sold or we force a sale, which is another process we're gonna spend money for to force a sale. So that's, you know, 100,000 is very minimal if we're talking about trying to go through all those different processes. There probably needs to be some other way that we're gonna have to figure out for recovery, a different method. Maybe that's something that Corporation Counsel can work on,

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

**August 17, 2015**

---

but other than that what we have set forth in the ordinance right now is a long and tedious process and it's not just one process, it's various processes to get to the end result. The other question I would have is work line. Is the work line being utilized at all? I know the Parks Department utilizes the work line and has started to use, to do more with the work line. This is with our contract or our grants that we've given with MCCC. The other question is, was that the Fire Code, yeah, just getting back to my first initial statement, I think we, the best way is probably to just go ahead and craft something in the ordinance itself to, I don't know, bypass, I don't know if you even can do that. Maybe Corporation Counsel has some ideas about being more efficient on collection or recovery or other methods of recovery aside from a lien.

CHAIR VICTORINO: Yeah. Is anyone ready to answer that? Mr. Ueoka, would you have some comments on that?

MR. UEOKA: Thank you, Chair. You know, I've had this discussion with Captain Haake numerous times and he has the same concerns as a lot of Councilmembers, collections in the end of the day. For our real property tax, there's a special section in the Hawaii Revised Statutes that authorizes us to do foreclosures without sale and stuff, you know, that type of stuff. There's a special process, it's much faster than like a judicial foreclosure, but it's specifically authorized for real property tax. So our opinion has kind of been that we don't wanna broadly read that into other areas, just any County, any monies due and owing to the County 'cause we don't want to abuse that, you know, that very special authority we have from the State in that section.

COUNCILMEMBER GUZMAN: So, just one second. Is there any way to find the nexus between the real, you know, the real property tax provision that you've just stated and the Fire Code? Is there any way to bridge that so that we can utilize that section of HRS?

CHAIR VICTORINO: Go ahead, Mr. Ueoka.

MR. UEOKA: Thank you, Chair. I would recommend a statutory amendment. However, if we are looking for compliance and I believe that's what Captain Haake is constantly looking for, he doesn't care about the lien. He doesn't care about the money at all. He just wants compliance with the law, and we do have the authority, I believe, in the most recent iteration of the Fire Code to do criminal citations. The authority's been there, it's just, they're gonna try and start to utilize that more. So...

COUNCILMEMBER GUZMAN: But we would never get the monies collected from those fines if it went criminal?

CHAIR VICTORINO: Hold on. Hold. Okay. Let mister finish and then if you have specific questions, please, Mr. Guzman. Go ahead, Mr. Ueoka.

MR. UEOKA: Thank you, Chair. The idea would be, we wouldn't clean the lots. A criminal citation would be given to the landowner. The problem there, also, is finding the person is often difficult. So, again, like you mentioned earlier, none of this is easy.

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

**August 17, 2015**

---

None of it's simple. You know, if it was, we probably wouldn't be here right now talking to you folks about it. But the idea is, we don't clean the lots, we go through the criminal citation process and that usually is a little more convincing to a landowner. Like when they just get something in the mail from, a fine, it's not as motivating as a, you know, a criminal citation. So we're hoping that process, we might be able to start working on that soon. But again, it's, we've never done it before, or it's been done, but very rarely I believe. So we gotta get going on figuring out and getting through all of that, so that's their next plan, you know. But who knows how that will work either with no guarantees, you know. Thank you.

CHAIR VICTORINO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Is there any other source of revenue that's tied in with this fund like other funds have a source revenue that's tied into it. Like for instance, the, I can't think off the top of my head, but there'll be let's say the park rangers, there's another, the collection of CORA, CORA fees are placed into the park ranger fund. So are there any other revenues or anything that are, that's outside of or the Fire Department is charging that the public for something that we could add into that fund connected to the, this type of fund?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I believe they, nothing directly related to this hazard removal. I think the only fees like the, Captain Haake's section would be a part of would be the, they review building plans and stuff, but that's separate fund and, you know, separately. But I don't think they collect, maybe fireworks, but I don't think that's related to this either so I'm not 100 percent sure if they have, I don't think they charge a lot of fees and stuff, the Fire Department. Thank you.

CHAIR VICTORINO: Anything else, Mr. Guzman?

COUNCILMEMBER GUZMAN: I'm good. Thank you.

CHAIR VICTORINO: Okay. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. My colleagues have asked good questions. Thank you.

CHAIR VICTORINO: Thank you. Mr. Carroll, any questions for the Department? Ms. Baisa?

COUNCILMEMBER BAISA: Yes. I am very happy to be participating in this discussion today. In, about two years ago, I had the luck of attending one of the Keep America Beautiful conferences at the MACC and they brought in a Judge Hawkins who is the Judge in the Environmental Court in Columbus, Ohio. And they started their Environmental Court in 1991 and Judge Hawkins has been in charge of it since 2013. And I was fascinated with what I saw there and why I became a big supporter of the Environmental Court idea was he showed a tremendous amount of videos of the kind

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

**August 17, 2015**

---

of things, Chair, that you were talking about earlier that we've been seeing on TV. And he also acknowledges that a lot of his problem is hoarding and people that have places that are just all overgrown and, you know, not cleaned and what a terrible effect it has on the city because it breeds all kinds of stuff there, not only safety, fire hazards, but you know, disease and rats and God knows what else. And so I got really excited when we started talking about an Environmental Court. But what I see us going towards is something different. We're talking about these big cases and dealing with, you know, whose dumping what, where and whatever. But I think this, what was exciting for me and where I'd like to see some link to the Environmental Court and I don't know what it is and that's what I wanted to ask our legal beagles is, do we have any possibility of linking our problems, what we're talking about today, with this Environmental Court and therefore, it would be in their ballpark to get the citations and the money and it becomes somebody else's big responsibility rather than just us?

CHAIR VICTORINO: Mr. Ueoka or Mr. Kushi?

MR. UEOKA: I'll take that one. Thank you, Chair. Thank you, Mrs. Baisa. We can certainly ask and inquire with the, you know, the Judiciary here on Maui and see if they can help accommodate us to make the process smoother and faster. Thank you.

COUNCILMEMBER BAISA: I think we might get some action because, you know, you take people to Court and they act a little differently than when you send them a bill. Thank you.

CHAIR VICTORINO: And as you're well aware of, Judge Cardoza has been assigned the first Environmental Court case here on Maui.

COUNCILMEMBER BAISA: Right. Right.

CHAIR VICTORINO: So and from what I understand in talking to some of these people, that they're open, so we will send a letter on behalf of the Committee, requesting their assistance in this area and outlining what we've been discussing today.

COUNCILMEMBER BAISA: Thank you, Mr. Chair. I think it might help.

CHAIR VICTORINO: Okay. Thank you. Miss...thank you, Ms. Baisa. Ms. Cochran? Excuse me.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yes, my colleagues have asked some great questions and brought up some great points. But I just want a little more clarification, I think, Director Baz mentioned that we did initiate a couple liens, but never really ended up in a collection or recovery of sorts at all. Did I hear that correctly early on in your opening comments or mister, Captain Haake, maybe said this? Or am I...

CHAIR VICTORINO: No, I think was Mr. Baz.

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

**August 17, 2015**

---

COUNCILMEMBER COCHRAN: Oh, was it Mr. Baz?

CHAIR VICTORINO: Yeah, I'm pretty sure it was you, Mr. Baz.

COUNCILMEMBER COCHRAN: And just, maybe if you recall dollar amounts and what, why, I guess, we just don't have that extra hammer to get it done and I think you mentioned about liens that it sort of can be a dead-end at times?

CHAIR VICTORINO: You want to take that on, Mr. Ueoka, first and then, Mr. Baz can maybe give the specific numbers?

MR. UEOKA: Okay. Thank you.

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I believe Mr. Baz was saying that money went out of the account and he never really saw it come back in, so he assumed that there was a process. I believe he mentioned it was back in 2007 or 2008 so we can further follow up on that. As I'm not aware of a lien or the legal process being initiated and as Councilmember Guzman had mentioned, it, on paper it sounds quick and easy and, you know, very effective. In reality, it's a process. It takes a lot of time and, you know, it's not simple I should say. So I'm not sure what the amounts were. Moving forward, we are trying like you mentioned, new and different things so we'll, we're making attempts. Thank you.

COUNCILMEMBER COCHRAN: Okay. Well, glad to hear that. And I guess a lien is only, has value if as was stated, the owner of the property has to sell it or it what, it becomes foreclosed by the bank or I mean, they can just, you lien it, but then it just sits and so if nothing's done, it's just gonna sit. So you're looking at a empty home or a brush hazard again and there you go. It's just this kind of vicious circle that never ends, is that kind of the process right now?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yeah, if we were to do it we, theoretically, we'd clear the lot or we'd get the bids, clear the lot, then, we'd send the bill or we'd try to find the person who's the owner. A lot of cases right now, the homes are in foreclosure, so it's more difficult. The banks don't take ownership of the home. The, it's still under the ownership of the...that's ironic, the ownership of the owner, but it's still under the homeowner and, you know, if the person's not paying their mortgage, they're probably in some pretty bad circumstances so for them to just automatically write a check to Fire Department to refund them is probably more unlikely. So what we then would do is like Mr. Guzman said, we'd probably have to go get a judgment from court, then we lien the property. We could force the sale, but also another thing to consider is I'm not sure which, like what number we are in line in the case of a, of the sale. So if the mortgage, if the property's way under water there, I'm not sure where, again, this one might have good priority, I've never checked, but we might not even get any money

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

**August 17, 2015**

---

after the foreclosure sale because all the money will go to the mortgage instead of the banks. But I'm not sure on all of these things because we've never really done one full-blast, but we can find out. We can definitely look into it further. Thank you.

COUNCILMEMBER COCHRAN: Oh, okay. Thank you. I guess there's a lot of factors that come into play and with the, and a recovery will, you know, end up being...but, thank you, Chair, for bringing this up on the table for us to discuss today and looks like we have some work ahead of us. Thank you, Chair.

CHAIR VICTORINO: Thank you. And again, the, initially, the additional funding was to just give the Department the opportunity to get out there and do more because my biggest fear is if we continue to hamstring them and hold them back and then there is a major problem, a major fire that is caused by one of these properties, I don't want the County to be held in harm's way. So that was part of my thinking in this respect. Yes, I know there's more work and I'm glad that the discussion has gone in this direction and I will be looking into some additional with the Fire Department, some additional improvements in this area. But like you said, Mr. Guzman, there's no simple way. There is no simple way, but we can tighten it to the point where our recovery is enhanced as much as possible, that we have the opportunity to retrieve as much as possible. But when it comes to the public's safety, that is what we're here first and foremost, so my concern is taking care of the matter before it causes a problem, not after. And I think all too often, we've watched that in our community and in other communities and I don't want to wait that long. So, that's my intent in this bill today, to move forward, so that they have the financial means and then do some work as far as additional means of recouping our monies that we will be putting out. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I'm happy to hear your comments. I would say a couple of things for your consideration prior to you considering bringing this item back for further consideration is I think the question of the nexus from Mr. Guzman. You know, for me, real property tax actually is a great thing I think we should be following through because the RPT then goes into General Fund. The General Fund then provides the source of revolving fund's ability to perform. Okay. So that's your nexus. It all comes from real property taxation. Second, I would say we should consider whether or not it is still doable to amend Chapter 16.04 which allows the fund to collect revenues from civil fines as provided by the Code, not statute, but by the Code. I think we need to also look at broadening the definition of premises, and whether those easements surrounding the property, that the property owner currently has the responsibility to maintain is also be able to be used for the citation of violation by the Fire Department. And then, one thing I think we should, might, can maybe possibly learn from the State, Chairman, is again, how they dealt with the dam issue because only after the dam broke and people died, did the State go after responsibility of property ownership. We should look at how the State responded and whether the statute currently allows us to go after the property owner more aggressively to, for their performance as property owners. I think that is one of the issues that we need to bring forward is that you have responsibilities as a property owner by law and that needs to be fulfilled. And it's an obligation about public health and safety, Chairman,

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

**August 17, 2015**

---

is where the government's perspective is coming from. So I would ask if Corporation Counsel would work with your Staff in these areas prior to the next meeting, and I thank you.

CHAIR VICTORINO: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Yeah. I also wanted to follow-up with Mr. Hokama. The, I think the advantage of being able to put it under or finding that nexus with real property tax is that once we do, it then becomes a subject matter of taxes and so that would then bump us up on the priority if we're talking about liens. Taxes are always paid first on any priority lien, so if we find that nexus and make it into a property tax, we would be then the first to be paid out. Thank you.

CHAIR VICTORINO: And we understand that, Mr. Guzman, and I do agree with you, although I do agree with Mr. Ueoka. We don't want to take it too far, because then the State may start getting involved. Okay. So we've always gotta be cognizant, big brother's out there and we start putting nexuses and trying to take over or start to say that this is connected to real property tax, I don't want to be in that position of being challenged by the State. So we'll look into that. We'll look into the matter, but I think revisions of the Code or making them stricter like you mentioned, Mr. Hokama, may be part of the issue. The other part is making sure enforceability and giving them the funding to help with the enforceability to prevent something from happening is very important. That's what this was all about. It's the first step in many steps that need to be taken. So, I want you to understand, this is not the end. It's actually really is the beginning, but to make sure that the funding there for the Department to be able to go in and mitigate before something tragically occurs. And I don't want to wait 'til a Ka Loko Dam disaster or a major fire where people die and then we're trying to figure it out at that point. I don't want to be reactive. I'd really like to be proactive in this respect. But I thank you for all your comments because we've taken notes of all of 'em and we will address them with a letter both to the State and as well as the other agencies that are involved to get back feedback and then come back with some revisions to the Code and where we all can work together and make it what I call in the public's best interest. Any other questions or comments? Seeing none, then, with no objections, I will ask...no, wait a minute. Hang on a second. Oh, you know why, 'cause we had the two items together. I think if I'm gonna take a vote, I think we should take it separately.

UNIDENTIFIED SPEAKER: No vote.

CHAIR VICTORINO: Oh, there's no vote. Oh, yeah, that was just discussion, yeah. The next one is a vote, okay. Alright, so, with no further discussion, I will move to defer this item.

COUNCILMEMBERS: No objections.

**ACTION: DEFER pending further discussion**

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

**August 17, 2015**

---

CHAIR VICTORINO: No objections? Thank you very much.

**ITEM PIA-32: PLAN REVIEW, PROCESSING AND INSPECTION REVOLVING FUND (FIRE) (MISC)**

CHAIR VICTORINO: Let us move into the next section which is PIA-32 and this is relating to Plan Review, Processing and Inspection Revolving Fund. If there are no questions from the body regarding the fund during the Budget, but since we were tasked to review HRS' provisions to see where we can better utilize and managing the fund in the best way possible, this is why this was brought forward. Captain Haake, can you give us the specific numbers relating to how many reviews the Department does on an annual basis and what you would call the anticipated cost of these reviews? Captain Haake?

MR. HAAKE: Thanks, Chair. If I can remember correctly, I want to say the past two years, we did about 2,000 reviews for the year out of our Department, maybe a little bit more, to 2,300.

CHAIR VICTORINO: Okay. Any, when you say 2,000, 2,300, do you have any idea how many man hours per review? And I know some would be more than others, but any like average five hours, three hours, ten hours? Do you have any idea how many hours, man hours would be done for this review process?

MR. HAAKE: You know, Chair, I don't know an average, but I know some reviews they'll be able to just kick out immediately and then on some bigger projects, we'd have to spend at least a couple of days in review, so, you know, yeah.

CHAIR VICTORINO: So, they would...

MR. HAAKE: I don't have an average.

CHAIR VICTORINO: It's difficult to get an average, but--

MR. HAAKE: Yes.

CHAIR VICTORINO: --some will be, these immediate kick outs, what would they encompass, like an addition of...

MR. HAAKE: A re-roof.

CHAIR VICTORINO: Re-roof, okay, okay. Yeah. Give us some examples.

MR. HAAKE: A fence.

CHAIR VICTORINO: Okay.

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

**August 17, 2015**

---

MR. HAAKE: A swimming pool.

CHAIR VICTORINO: Okay.

MR. HAAKE: Maybe a shed, yeah, some small projects.

CHAIR VICTORINO: Would that be comprised of any living facility? When I say, living, adding a, another bedroom, another living room or any area for which people actually utilize for living purposes, in other words, they actually live under that part of the or live in that part of the house?

MR. HAAKE: Yes, that would be part of the review.

CHAIR VICTORINO: Yeah.

MR. HAAKE: But we don't collect fees for residential projects.

CHAIR VICTORINO: Okay. So this is strictly commercial?

MR. HAAKE: Yes.

CHAIR VICTORINO: Okay. Okay. Thank you for that clarification. And again, all of you have a copy of PIA-32, the actual Code itself and the proposed, you know, communication and the minutes of the Budget and Finance meeting. You all have that. So, I wanted to provide that so that you have some background. Okay. Thank you. Mr. Couch, I'll start with you again as the Committee Vice-Chair.

VICE-CHAIR COUCH: Thank you, Mr. Chair. I was reviewing the minutes and I don't see why this was referred, so I probably would defer that to the Budget Committee Chair because I, the minutes don't say anything about why it was referred.

CHAIR VICTORINO: Well, that was one of the requests I remember. I would not bring something that...

VICE-CHAIR COUCH: No, no, I know. It was referred to by the clerk--

CHAIR VICTORINO: Right. And it was...

VICE-CHAIR COUCH: --to the Committee. But I, looking at the minutes, I don't see any concerns.

CHAIR VICTORINO: Okay. Mr. Baz, please.

MR. BAZ: Thank you, Mr. Chair. While not all of the funds were discussed during Budget, the Budget Committee Chair decided to refer all of the funds for discussion in their subject matter committee so all items are up there. I can give you some financial

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

**August 17, 2015**

---

statistics if you'd like.

VICE-CHAIR COUCH: I guess so the question is, is it adequate? Are we getting it? Is it being refunded via fees or you're running out?

CHAIR VICTORINO: Mr. Baz, go ahead.

MR. BAZ: Thank you, Mr. Chair. Yeah, while there seems to be a fairly decent size balance in there, we are spending more than we're receiving in this current period. There was about \$135,000 in revenue for Fiscal Year '15 and about \$250,000 in expenditures for 2015, so you know, the beginning balance of 2015 was about 536,000 and the ending balance was about 420,000. So, you know, we are dwindling the fund down. It typically is, you know, it's something that, depending on the economy right and how much building permits are out there, different things, you're gonna have years where you're gonna have more revenue in there because the building permits. And it could be that, you know, one project is significantly, you know, sized and, you know, it's a percentage of the fee right, so, you know, that's where we're getting it. I think there was some discussion, I don't know if it was this year or the previous year, about is the fee enough because basically it's half of the or 25 percent of the building permit fee, I believe. And so, you know, or 12½ percent, yeah, thank you, 12½ percent of the building permit fee, so it is a variable that, you know, could be modified if we see that it's needed. We do have two personnel that are funded out of this full-time, out of this fund itself.

VICE-CHAIR COUCH: Mr. Chair?

CHAIR VICTORINO: Go ahead.

VICE-CHAIR COUCH: You said the balance is around 400,000 right now, -ish?

MR. BAZ: Four hundred twenty thousand.

VICE-CHAIR COUCH: Okay. Typically, that means that we're charging more than the cost, except for this year, we have actually charged less than the cost because it is dwindling, but to get it to come up that high, how can it be, 'cause it should be ultimately close to zero every year, I would think?

CHAIR VICTORINO: Mr. Baz?

MR. BAZ: Yeah. Mr. Chair, thank you. I'd have to do a little bit more research, but I think in the past, we weren't using it to pay actual salaries of bodies until more recently.

VICE-CHAIR COUCH: Oh, okay. Alright. Thank you, Chair.

CHAIR VICTORINO: I thought that was a discussion we had a couple of years ago, remember, they brought it forward, they wanted to increase the percentage of the fee and the Council turned it down, but I remember that was part of the discussion,

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

**August 17, 2015**

---

you're right. It was two years ago, Mr. Baz. Thank you. Ms. Crivello, you have any questions for Mr. Baz?

COUNCILMEMBER CRIVELLO: No.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, Mr. Baz recalls very accurately. The key for me, Chairman, is one, to share and make sure that all the Councilors are aware of many pots of money you do not see in a regular Budget review process that exist and are paying for and being collected by this County. You know, I think part of the responsibility as your Committee Chair is making sure that these funds that do not go through an annual review is still worthy to remain on the books, and part of this process is to allow each standing committee through its chairman have that review and discussion. Whether it still serves its purpose, does it need to be revised, does it need to be, it's out-lived its purpose and needs to be sunset'd within the Code. That's part of the purpose, Chair, but to also let people know, especially the Councilors how funds are being utilized to pay for certain things within this County because most people don't understand that it's more than just real property taxation. Thank you, Chairman.

CHAIR VICTORINO: Thank you. And I think this is why this was brought up as part of the discussion we had during the Budget Session. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm still trying to understand the, what are the general issues that we're dealing with here? I mean, it says to improve the efficiency of the, what is that, plan review, processing and inspection of the revolving fund. What are the deficiencies of it, I guess, my number one question. What are the real major issues that we need to discuss?

CHAIR VICTORINO: Mr. Haake, would you, since we have Fire here and it was instituted for Fire, do you have any major challenges as far as the plan review process? And I would use the example, fire flow, accessibility to fire, firefighting abilities such as fire hydrants and what do you call that, standpipes and there are or none at all in these areas? I mean, this is all part of this when they review, so I just wanted to throw a few examples out there, but Captain Haake?

MR. HAAKE: Thank you, Chair, Councilmembers. At this time, we don't have any issues with this plan review fee. In fact, we, you know, we get to use it to send our people out to training so that they are current with our ever changing codes and standards. We also use it to purchase some equipment like distributors and things like that that can help us to figure out fire flows in certain areas. We use it for, to purchase information, brochures and things like that so we can, on smoke detectors and fire extinguishers and things like that. So, we don't have any issues with the fee.

COUNCILMEMBER GUZMAN: Are those, this is just a question, Chair, you may know this or maybe the Fire Department, so is it just one fee for the plan or review, processing and

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

**August 17, 2015**

---

inspection? Or are those all separate fees that you're talking about?

CHAIR VICTORINO: Mr. Ueoka, I'm sorry, go ahead.

MR. UEOKA: Thank you, Chair. I'm not sure, Mr. Guzman, but there's a separate fee that I think the building permits guys collect.

COUNCILMEMBER GUZMAN: Right.

MR. UEOKA: This is just for Fire.

COUNCILMEMBER GUZMAN: Just for Fire, okay.

MR. UEOKA: And I believe this is the only fee Fire collects in relation to permit inspections.

COUNCILMEMBER GUZMAN: Okay.

MR. UEOKA: Yeah. Thank you.

COUNCILMEMBER GUZMAN: And the issue is that we're not charging enough and therefore, we're depleting the fund more rapidly?

CHAIR VICTORINO: Well, that was one of the issues. I mean, I think part of the review process was to make sure that the fund is sufficiently funded or that it's not depleting itself so quickly that all of a sudden we have to have an emergency budget amendment. So, this was all part of the process and the discussion during Budget, so I decided to bring this out, you know, just so that we could have a clear view. And from what I'm hearing from Captain Haake, that he feels this is sufficient so we can move on.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Just quickly as a point of information, Chairman.

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: How Council set up certain funds and fees was because of the continuing issue that keeps running around is length of building permit processing. This was one way to address from one department, the need to get under the building permit process the sufficient financial support to get it done within a timely period of time. And again, part of the, I think, question, too, regarding this review is how have they performed with this fund in ensuring that their Department is fulfilling that goal of getting through the permit process in a timely manner for the applicants?

CHAIR VICTORINO: Mr. Haake, would you like to answer that question...from the Fire

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

**August 17, 2015**

---

Department's perspective, yeah?

MR. HAAKE: Yes. Well, there is a, there's a review that's being done in regards to the plan review process and for the most part, we've been on time with our reviews, at least our initial reviews. You know, initially, you have that control. They submit, you can review, you want to get to it in a good amount of time, but then once, after that initial review, there's a lot of things that are pending, you know, when they respond, how they respond. But as, in regards to the initial review, when they get these things in, we're getting 'em out 15 days, at the most, 30 days. But...

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I just wanted to give some historical perspective--

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --so the rest of the Committee can understand the, you know, there was reasons why Council set up certain funds and part of it was to again, try and expedite the review process and get a final determination to the applicant as quickly as possible. And I understand what the Captain says, but you would think a licensed engineer, using licensed surveyors and whatnot, would know the capacity within the Code on what is permitted and not permitted, so when I hear 30 days and longer, more than likely it's on the applicant side, not the reviewer's side. Thank you.

CHAIR VICTORINO: And I think when we reviewed the building codes a couple years ago, we had made that change as far as the 30-day review process and so that we'd expedite building permits, so I think that was put in. And I think the Department...and I don't think it's so much the Fire, there are a couple other departments that seems to have hang-ups when it comes to building permits and I'm not gonna go into that at this point and later on maybe bring back, bring out something of those various departments who seem to have a delay in getting this completed as far as the permits are concerned. Mr. Baz, you're raising your hand.

MR. BAZ: Thanks, Chair. Yeah, I just wanted to make a note to the Committee, tomorrow in Budget and Finance Committee, we're gonna be discussing the Budget Director's implementation report, but for the Fire Department for this specific, Goal No. 1 of the Fire Prevention Program is to provide timely and quality customer service to permit applicants during the plans review process, and their measure is to increase the rate of plans review within 14 days from the application date by 10 percent. They, number of plans reviewed for 2015 is approximately 2,973 and percent of plans reviewed within 14 days, maybe that's the initial review is 100 percent. So, is what they're putting forward for their quarterly report status. So the information, you know, that's why we put performance measures in there so that we can, you know, make, have a better understanding of the activities of the departments and if they're actually achieving their goals.

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

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

**August 17, 2015**

---

COUNCILMEMBER WHITE: No questions. Thank you, sir.

CHAIR VICTORINO: Thank you. Mr. Carroll? Ms. Baisa?

COUNCILMEMBER BAISA: No, thanks.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And what does the fee structure look like? It's just according, is it one flat rate or is it just according to how much time it took?

CHAIR VICTORINO: Mr. Baz?

MR. BAZ: Thank you, Mr. Chair and Ms. Cochran. The, in rates and fees in the Appendix B, plan review fee for Fire is 12½ percent of the building permit fee, so that's the basic fee that's charged is 12½ percent of the building permit fee. And where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged at the rate of \$30 per hour. So, if they go and significantly change their plans and we have to re-review the plans, then we can charge them an additional rate.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you. I was just wanting to get a, some figures about that.

CHAIR VICTORINO: Thank you. Any other discussion? Seeing none, then, with no objections, I will, with the questions that have been raised, I will send a letter to the various agencies again to address some of the questions that were brought up today. And again, I will ask to defer this matter with no objections?

COUNCILMEMBERS: No objections.

**ACTION: DEFER pending further discussion**

CHAIR VICTORINO: Thank you very, very much. Thank you, Fire Department, Captain Haake, for being here today and Mr. Ueoka, we appreciate it. Thank you.

**ITEM PIA-31: LIQUOR EDUCATION FUND (MISC)**

CHAIR VICTORINO: Okay, moving back on the schedule or should I say, the agenda, I will now go to the Liquor Education Fund. And we have two representatives, I thought the Liquor Director was coming. I have the Supervising Investigator, Kari Yoshizawa, that's here. Are you going to come down, too, Georgette? You're coming down, too? Okay. So they will be here, and while they're coming to the front, let me get to this

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

**August 17, 2015**

---

item. The question had come up is on the Liquor Education Fund, I think, Ms. Baisa, you've brought this up on numerous occasions. And so today, we have our representatives from the Liquor Department. And what we'll be discussing is how the funds are currently being used. And after I give the Department a opportunity to give their review on how these funds are used, then, I would ask Ms. Baisa if she would like to explain again her position. Again, this would require a change of Section 281-17(a)(3) of the Hawaii Revised Statute. Perhaps, you will look at the transmitted package bill from the 2013-'14 Legislative Session to the Committee for consideration for the package bill for the upcoming 2016 session. The reason for this is our deadline for submission by our, by this Committee will be October 1<sup>st</sup>, so this is why I've decided to bring this forward, Ms. Baisa, so that we could again, bring this part it, bring it out as part of our legislative package either just from Maui and/or from HSAC as far as the education funds and how it's being used. Okay, Ms. Baisa?

COUNCILMEMBER BAISA: Yes. Thank you.

CHAIR VICTORINO: So, I will let the Department go first and then, I will ask you for your take and your clarification on why you would like these changes to occur. Georgette and Kari, go ahead.

MS. TYAU: Good morning, Chair and Councilmembers. Georgette Tyau with the Department of Liquor Control and Kari Yoshizawa is with me here. Just to give you a brief background that the Liquor Education Fund was created so that the Department would be in compliance with 281-17.5(b) where only monies collected by a liquor commission can be used for the operational and administrative cost of the liquor commission collecting it. In 2009, Senate Bill 470 expanded the use of the Liquor Education Fund to include education of commission staff, commissioners and board members and also that fine monies not to exceed 10 percent can be used so that Department could go out and use it for educational programs in helping to educate the public such as maybe with organizations such as MADD or SADD.

CHAIR VICTORINO: Is that it?

MS. TYAU: That's it.

CHAIR VICTORINO: Okay. Thank you. Ms. Yoshizawa, you have anything to add? No? Okay. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair, and I really appreciate your reviving this once again. You know, ever since I got to the Council, I've been trying to see if there was a way to get some of the money that is generated by this activity to be put back into helping to mitigate the problems that are caused by the consumption of alcohol. And we've run, of course, into the brick wall which says, the Section 281 doesn't allow us to do that. I think that it should be amended. You know, the part that I, I think I have it right and somebody can correct me if I'm wrong, 'cause I'm often wrong, but my understanding is, if there is money left in this fund, that it is reimbursed or given back to the people that put some of the money in there. And I

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

**August 17, 2015**

---

would much rather see that any money that's left after we administer and we, you know, follow the rules and do all of the things that we have to do, would go to instead help, you know, programs that help with alcohol recovery or prevention, more work like what was done with "Be a Jerk" and that kind of thing. And so that's where I'm coming from. We have not been successful in doing that. I think we ought to try one more time.

CHAIR VICTORINO: Thank you, Ms. Baisa, and I agree. I mean, we have gone to the Legislature and had little success to this point. Doesn't mean, like the old adage, keep trying and trying and trying again. Ms. Tyau, do you have any comments in, to, towards Ms. Baisa's statement?

MS. TYAU: Yes. I would just like to clarify that the monies that get returned to the licensees each year is part of a settlement agreement that was done because the argument was they weren't in compliance with 281-17.5 where monies can only be used for liquor license purposes and you can only collect what the Department needs. So we only return the excess money that is in the Liquor Fund. The Liquor Education Fund is a different fund that is funded solely by liquor license fines. So it's, we don't return any money. It stays there. It's just that we're limited to the use of it.

COUNCILMEMBER BAISA: Chair?

CHAIR VICTORINO: You understand that, Ms. Baisa?

COUNCILMEMBER BAISA: Yeah. I'm okay. I just think that we still should amend the law anyway.

CHAIR VICTORINO: Oh and I agree, you know.

COUNCILMEMBER BAISA: Yeah and, you know, if that's what it says, that's what it says. But that doesn't mean it can't be amended so we can make better use of it. The problem we're running into here is that we have a tremendous amount of need for social services. We all see the carnage due to alcohol and the nonprofit agencies are struggling for money. County doesn't have money. They don't have money. The Feds don't have money. Nobody has money. We gotta find money somewhere. And so if this is a pot of money that we might get our hands on, I don't care what it is, it would help. Thank you.

CHAIR VICTORINO: Thank you. And thank you, Ms. Tyau, for that clarification. I think that's important to understand that the educational fund does not refund any money to the licensee. It is just a user fee, right, the licensee fee itself?

MS. TYAU: Yes.

CHAIR VICTORINO: Thank you, Ms. Tyau, for that clarification. Any other questions? Mr. Carroll, any questions for...Mr. Guzman?

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

**August 17, 2015**

---

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm just trying to track this. So there was an amendment 470 that allowed the liquor license, licensee fines and fees to then be used as 10 percent of the, for educational component, is that correct?

CHAIR VICTORINO: Ms. Tyau?

MS. TYAU: Senate Bill 470 and the portion that you're talking about is 281-17.2, I mean, 281-17.3. So senate Bill 470 and this is in reference to the Liquor Education Fund only. This is fine money, strictly fine money.

COUNCILMEMBER GUZMAN: Okay. Fine money only. Okay.

MS. TYAU: Yeah. So it's a separate fund from our Liquor Fund where we operate our salaries, our operational budget, our A, B and C account. This is a separate account. It's a revolving account. What Senate Bill 470 did was it expanded the use of this money so that we could provide educational programs not only to liquor licensees and their employees, but also to the commission staff, which is the department, commissioners, liquor control adjudication board members. And then they also put in a provision where fine monies not to exceed 10 percent a year fines accumulated, so I take it to be whatever is the balance at that, any given time, may be used to fund public liquor-related education or enforcement programs where the Department could now go out and assist, like I said, organizations such as MADD or maybe go into high schools and give them education. We weren't limited to just using it for licensees and their employees anymore.

COUNCILMEMBER GUZMAN: So the, out of the 10 percent that was the balance remaining that could have been used for the educational component, how much in your budget was that exactly and what did you use it for aside from MADD?

MS. TYAU: No, we didn't use it for MADD purposes.

COUNCILMEMBER GUZMAN: Oh.

MS. TYAU: What I'm saying, that we could probably use it--

COUNCILMEMBER GUZMAN: Oh, you could probably but...

MS. TYAU: --for assist...I don't know what the ramifications would be as far as if it would have to be not during the regular County time as far as salaries being allocated, how it, how they would clarify it, but we could now go out and give education or help and assist in such programs as maybe, "Be a Jerk" or those things and actually fund it. Using this, if we were part of it doing the education that's when we can use, but we don't actually put money aside for it because at any given time, it's available for use.

COUNCILMEMBER GUZMAN: So you haven't utilized that?

MS. TYAU: We use it currently for...because over the years they've been so hesitant on not

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

**August 17, 2015**

---

using it for the wrong thing, whether it be finance or the administrations at that time, because the Liquor Education Fund came into effect in the early 1990s and it was, everybody's hesitant on using it. Yeah.

COUNCILMEMBER GUZMAN: Okay. So...

MS. TYAU: But right now, we're using it for certification purposes where our person goes out and educates the licensees and the employees on different islands also.

COUNCILMEMBER GUZMAN: Yeah, I understand that part of it, but I'm just trying to narrow it to the educational component to the public. So in the past, I guess my question is, in the past, you haven't utilized it and what is the estimate of that amount of money that has been there for that specific component, educational component? Like on average, what is, what are we always left with in the pot so that we could utilize it for educational purposes for the public?

MS. TYAU: Well, currently, 10 percent would probably be around 30,000.

COUNCILMEMBER GUZMAN: Okay. Thirty thousand. Okay. So, roughly 30,000 that we could work with in determining what educational organizations you folks would like to work with, is that correct?

MS. TYAU: We're open to any suggestions. It's just not something that has come about.

COUNCILMEMBER GUZMAN: Okay. So you don't...so black and white question, you haven't utilized it for the public educational portion of it, or I mean, under the Senate Bill 470?

MS. TYAU: No.

COUNCILMEMBER GUZMAN: Okay. Thank you.

CHAIR VICTORINO: Thank you for that clarification. And, you know, again, I think more discussion in not only changing the bill but the utilization of the funds. But 30,000 not gonna carry us very far, but it's a starting point. Mr. Baz, you had something you wanted to add?

MR. BAZ: Yeah. Mr. Chair...

CHAIR VICTORINO: Go ahead, if you don't mind. Please go ahead, Mr. Baz.

MR. BAZ: Thank you, the Committee. So, last year, they received a little under \$48,000 in revenue, so if they were to spend down their balance, I mean, if it's 10 percent of the accumulated balance, then, yes, it's around \$30,000. But if it's, if they zero out their money each year and they're receiving only \$48,000 in fines, we're only talking about \$4,800 worth of money to be able to be spent for other purposes. So just want, that perspective to understand is that yes, there is a balance available right now in that

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

**August 17, 2015**

---

fund. If it does get depleted...it looks like the total expenditures were around 70,000 this past year, so the fund is being depleted as well. There, you're gonna not, I mean, for a while, you'll have 30, maybe 25, then 20,000, then 15, just to understand. And fees, excuse me, fines are an unreliable source of money because that depends on somebody violating, you know. So if there's no violations, then there's no money received. So I just wanted to share that with the Committee as well.

CHAIR VICTORINO: So, Mr. Baz, if I read you, I hear you correctly, there's not a guarantee as far as the funds going into this particular educational fund because it's based on fines, that's correct?

MR. BAZ: Yeah. So just as, from a personal note, I like the idea of using a portion of these funds for public education. I think that it's something that would benefit our community, but just to, the understanding of it, it's not gonna be a reliable funding source. Yeah.

CHAIR VICTORINO: Well, then, maybe we need to add some more changes like a percentage of the total fees or the licensees paying maybe a small percentage of 2 or 3 percent of the licensing fee. I mean, that is again, changes in the HRS and I understand that, you know, don't jump on it, Mr. Baz. Don't get nervous. I'm just throwing out an idea and I don't want to put anybody in this position of saying, oh, we can do that. But that would be another option if we could convince the Legislature, which is not an easy task, overall, to maybe set aside a percentage of all the licensees collected, licensing funds collected, not only fines, but the licensing fees that are being collected, a small percentage for the purpose of education and helping nonprofits with mitigation of alcoholism within our community. So that's the idea now, Mr. Baz and Ms. Tyau, and all the rest so that nobody jumps out of their chair and says, you can't do that. It's just an idea. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. You're exactly where I was going. You know, we're not trying to take operating funds away from the Liquor Department, that's not the objective. The idea is that I know that it's a tremendous amount of money and I think it would be really interesting for us to kind of look at the statistics. You know we're not talking about 30,000, we're talking about a lot of money that is generated by liquor. And that's the pot that I'd like to get our hands in. And it will take legislative change and a new way of thinking and that's always difficult when we start talking about touching things like liquor, which most of us, I'm not one of them, but a lot of people enjoy. And so, you know, there's a lot of money. We all know that bars are the money-makers in all restaurant operations that have it and hotels and everybody. Everybody makes money. So there is some money and I really would like to see some of it put into mitigating all the harmful effects of alcohol. So that's where I'm going 'cause we gotta find money. We don't have endless money to take care of our community's problems. But if you've been injured by a drunk driver and your son or daughter or even yourself gets hurt or killed because of it, I don't know what the price tag is. Thank you.

CHAIR VICTORINO: Well, Ms. Baisa, I can tell you personally because in 1998, I was hit by a

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

**August 17, 2015**

---

drunk driver and 'til today, I still have the effects of back problems because of it. So it's a lifelong process, you know. And so, but when you lose a loved one or someone is injured permanently where they become a quadriplegic or even worse, bedridden for which the effort and expense to take care of that person is astronomical, what bill do we put in front of that? So, I agree with you wholeheartedly. Any other discussion or...Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I don't know if Mr. Kushi, but the way I read the current statute, it says...well I don't know if it's still on the books because it's bracketed, but there was a repeal and re-enactment on May 5, 2017, so that's not part of the statute currently?

CHAIR VICTORINO: Mr. Kushi, if you'd like to address that? By 2017.

COUNCILMEMBER HOKAMA: It's right after the--

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --title, Chairman.

MR. KUSHI: I'd have to check.

COUNCILMEMBER HOKAMA: Okay. Thank you, Mr. Kushi. So, couple \_\_\_\_ points, then, Chairman. If--

CHAIR VICTORINO: Yes, go ahead.

COUNCILMEMBER HOKAMA: --the Legislature is saying they will take the responsibility to review this section, one, I find that very refreshing. Two, I would be supportive. While I can respect Statewide application to general liquor laws, I think the counties should have some ability of their authority under home rule to stay within the parameters of State law but make those appropriate county decisions. And I would say for one, that our County took lead, that I was kind of proud of is how they approach cruise ships and when a liquor license was required. There was no uniformity Statewide with all the other three commissions, but Maui took action. I think that it was part of a smart way to get some additional revenue on their part. But it showed that the commission can make good decisions and we need commissioners that don't have a problem doing what we feel is the appropriate requirements if you want to have a license in this County, and that that shall be required education. If we have commissioners that don't want to support that, then, by God, good luck on confirmation from the Council. So I will say we have a way to and make sure that policy gets implemented and I would say that that's one of the things that we should be asking for is within the parameters of the statute, allow each county their jurisdiction that the Charter allows them under self-governance. And I would say that that way, we can make the appropriate call and include things that I feel is, I want to support that Ms. Baisa brings forward. And we need those statistics. How much are we getting, how much fines? Where is the fines being generated, is it underage drinking, illegal dispensing,

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

**August 17, 2015**

---

whatever it be, let's go find out where it, what is the categories of issue and then see if it makes sense to have specific directed programs to address the areas that is creating the problems for us in our community. But it needs to be a much more strategic approach to all of this, Chairman. This thing it was just shoed in one shotgun and see what hits the wall is not good enough for this County anymore. And I think that part of what we're trying to implement in our new fiscal discipline is strategic. You need to be strategic in your operational planning and programs. So I support the intent of Ms. Baisa and look forward to legislation that we can support. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama, and again, I agree with you wholeheartedly. I believe that this is just one of many steps that we have to take. I think by the awareness and the public being made aware of it I think is very important. Ms. Tyau, one question I would have for you. Is it possible to get the breakdown as far as the fines and what the fines were based upon, not whom, but what they were and you know, like the cause of the fine, whether it was underage liquor sales, dispensing or removal of liquor from a--what do you call that--confined area. Like most bars and hotels, you cannot take liquor outside of certain rooms and you can get fined. Is that possible or do you guys have a tracking mechanism for that?

MS. TYAU: Yes, we could provide you what the fines were for.

CHAIR VICTORINO: Yeah. Okay.

COUNCILMEMBER BAISA: Chair?

CHAIR VICTORINO: Okay. I will ask for that. I will write a letter and request for that. I mean, I think that's important to understand where the fines are being generated as far as the cause, yeah. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. They do issue an annual report and it's very complete and I've received it. So I'm sure it's, we can easily obtain it. Thank you.

CHAIR VICTORINO: Yeah, no, I read that, too, but sometimes I want the specific fines and what they're for. Yeah. 'Cause they show the fines, but in total, yeah. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair, and I wholeheartedly agree with Mr. Hokama. The bigger approach is to allow the County a little bit more, or some, the County has no authority between liquor laws.

CHAIR VICTORINO: At this point, yes.

VICE-CHAIR COUCH: So, it's in Section 281-17, Section 2. It just says State and the liquor commission. We need to, the bigger thing is to allow the County to see if we can get some sort of say in the liquor laws around here.

CHAIR VICTORINO: Oh, I'm not disagreeing with you guys. I think that we all feel the same

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

**August 17, 2015**

---

way. However, you know, there's an old saying, I'd rather take baby steps and get some results early, than just go for the big because we sent this down in the last couple years and it's just been shoved aside. So let me warn you that I understand the State does not take this well. In other words, they may have put some language in this last year and to, you know, to see and to open up the floodgates as far as looking at what the problems are, but they're not giving us anything, you know. It's like TAT and all the rest of the subject matters. They're not giving us anything. They just keep saying we're looking at it, we're looking at it. It doesn't seem to help us on the County level, so, I agree with you and Mr. Hokama and everyone's feeling in this respect. Any other questions? If not, I will move, with no objections, to defer this matter?

COUNCILMEMBERS: No objections.

**ACTION: DEFER pending further discussion (exc.: MW).**

CHAIR VICTORINO: Thank you very much. And we'll take our morning break. I will ask everyone to be back by 10:45 because I know that'll be 10:50, but 10:45. This meeting is in recess. . . .(gavel). . .

**RECESS: 10:34 a.m.**

**RECONVENE: 10:47 a.m.**

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Policy and Intergovernment [sic] Affairs Committee will now reconvene.

**ITEM PIA-35: EMERGENCY FUND (MISC)**

CHAIR VICTORINO: We have two more items to cover and first one is the Emergency Fund and the next one is the Alarm System Fund. Okay. PIA-35. And this is in regarding consideration of our Emergency Funds. Today, Ms. Foust is here from the Department of Civil Defense and I have Mr. Baz here to explain how in the past this fund has worked. As Mr. Baz had mentioned and again, I think I have minutes for which he had discussed during the Budget Session that 60,000 would be appropriated for this fund and if would that be enough for Emergency Fund. So, Mr. Baz, I will open the floor to you and then Ms. Foust afterwards. Okay? Mr. Baz?

MR. BAZ: Thank you, Mr. Chair. And appreciate again the discussion of funds. The Emergency Fund as enabled by Charter and in Chapter 3.96 of the County Code, is to for the purpose of funding public emergency, threatening life, health, property or economic viability of the County. We do have funds available in there. As of June 30<sup>th</sup>, was \$27.2 million and so, you know, there is a significant amount in there. It's not as much as I'd like to see in there, as you mentioned, I'd like to see about anywhere between 15 and 20 percent of our General Fund expenditures annually. The annual amount of our General Fund expenditures is about 20 percent of that in

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

**August 17, 2015**

---

that fund on a regular basis. There was one use of this fund in its history. It was enacted, I think, in 2005 and the one use of the fund was in, for a storm in December of 2007, approximately \$1.7 million out of this fund was used for that storm recovery. Other than that, we have been able to deal with most emergencies with the funds that are appropriated to the programs and they've been able to absorb those costs. There's a caution that, you know, the funds have, the departments are now coming to me saying that they may not have enough funds in case of an emergency and so they want to access the Emergency Fund and I very much try to keep that from happening, but we'll work towards that. And we can have this discussion today, so if you have any questions about it. Ms. Foust is here as well. She is our Civil Defense Administrator and in charge of our emergency management. There are also other funds available that we can go get reimbursed from FEMA and different things in case there are emergencies. So, this Emergency Fund is something that is set up for just, you know, major disasters.

CHAIR VICTORINO: Thank you, Mr. Baz. Mr. Baz, before I allow Ms. Foust to give some comment, what is the present fund, the balance in the present Emergency Fund? I know you would have that answer if anybody has that answer you do.

MR. BAZ: Yeah.

CHAIR VICTORINO: I know it changes because each year we appropriate so much and so what is the funds?

MR. BAZ: So in--

CHAIR VICTORINO: Current balance.

MR. BAZ: --IFAS, yeah, so in IFAS right now, there's \$27.2 million shown in that fund. The Council did appropriate \$4 million additional into the fund, so we estimate the balance at the end of 2016 to be \$31.2 million.

CHAIR VICTORINO: Okay. Thank you. Thank you. Ms. Foust, if you'd like to cover a little bit about types of emergencies and some of the challenges we'd face if this funding was not available to us immediately?

MS. FOUST: Thank you. As Mr. Baz stated, we have only utilized the funds from this one time and that was in a situation where sometimes we will have an emergency or a natural disaster that will affect only one county or only a portion of a county and it will have an impact, a pretty devastating impact on that particular community, but it doesn't qualify us for a FEMA declaration. It doesn't meet certain criteria or thresholds before FEMA would make a declaration. So on those types of events where we had, for example, in that flood in 2007 where we had a lot of debris and things like that that came when we had the micro burst of rain, very heavily concentrated, we had some property damages and we had a lot of damage to County infrastructure at the same time. So those costs are then borne by the County departments and obviously, Sandy talked about a \$1.7 million use of the fund, so when you look at that

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

**August 17, 2015**

---

type of amount, now, if our departments we're gonna be seeing that cost incurred as something that they really hadn't budgeted for. And with the inability to make some changes perhaps within their program, they might be strapped in terms of being able to meet those funds. When we do have enough for a Statewide declaration, which we had for example last year, during Iselle, we then can submit certain costs that are allowable under the Stafford Act for reimbursement at a 75 percent reimbursement rate. So those are things like emergency preparedness measures and that's how we were included into this last declaration. We did have some damages on certain projects that were also included. But the majority of our actions were pre-storm actions that were to prepare us to weather that storm, so those costs then are also allowable for reimbursement once there has been a declaration. So when we look at that, there was a significant amount, about \$212,000 in just emergency preparedness measures that were submitted to FEMA and will be reimbursable at a 75 percent rate from FEMA. If we were to have used the disaster, or excuse me, the Emergency Fund, the amount that is used then would be counted as our 25 percent match to the FEMA reimbursement. So again, there are times where we've, are having to take actions ahead of a storm and incur costs within the departments, and if like what has just happened in the last recent weeks with the last two storms...what were they?

CHAIR VICTORINO: Hilda.

MS. FOUST: Guillermo and Hilda. Hilda not so much because we'd done some of our preparedness actions for Guillermo, but there are gonna be costs that were borne by the departments that are now coming out of their operations funds. That was, we were fortunate that there was not a need for a declaration for that particular event. At the State level, they have their separate disaster, major disaster fund. And when there is a declaration by the Governor, that allows the departments access to that fund at that time, but we don't have that kind of provision here. It would be something that we would talk with the Administration and with Budget about to see if it was something that we're incurring at a pretty high rate and then we would come to Council then to request appropriations from the fund for that particular event. So it's a case-by-case basis.

CHAIR VICTORINO: Thank you, and, again, both to you, Mr. Baz and Ms. Foust, for your explanation. We have been extremely blessed and very fortunate that all of these storms over the last number of years have really bypassed us or just barely affected us. You look at what had happened with Iselle last year in, on the Big Island, especially the southern part of the Big Island, the Puna District and the tremendous damage that was caused because of it. The high surf that has caused damages on the North Shore due to some of these severe weather systems that have gone through, so Maui has been blessed. But the old saying is, it's not if, it's a matter of when. And this is why I think it's important for us to understand that this fund, even if it has 31 million, it sounds really big, one disaster could initially wipe it all out. And we hope and pray it never happens, but if it does, at least we have some mechanism to help ourselves. Also, if I'm not mistaken, FEMA takes quite a while for reimbursements. Am I correct in saying that, Ms. Foust?

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

**August 17, 2015**

---

MS. FOUST: That is correct. They're doing their due diligence, obviously. There's been a huge increase in a number of disaster declarations throughout our country and so when FEMA goes into a, an affected area and makes a declaration, they're checking every piece of documentation to make sure that the funds were spent as they were to be spent, that they've done mitigation measures to try to prevent it from occurring or to lessen the impact in future events. And also just to make sure they're complying with all the local, State and Federal laws regarding procurement and project management and things like that.

CHAIR VICTORINO: Thank you, Ms. Foust.

MR. BAZ: Mr. Chair?

CHAIR VICTORINO: Yes, go ahead, Mr. Baz.

MR. BAZ: I just want to make a--

CHAIR VICTORINO: Sure.

MR. BAZ: --correction. I, further review, it looks like \$1.7 million was originally appropriated out of the fund for the storm, but \$793,000 was returned lapsed, so they only actually used less than a million dollars of the fund. So even though Council said, okay, you can have up to \$1.7 million, we actually only spent a little bit less than a million of that.

CHAIR VICTORINO: Okay. Thank you. And thank you for that clarification, Mr. Baz. I'll open the floor up to questions and this time, Mr. Couch, I not gonna start with you. I'm sorry. I'll start with Ms. Baisa because her area was the one most affected by that last big storm and that was Upcountry, Polipoli and your area up there. So, I'll start with you, Ms. Baisa. If you don't mind, Mr. Couch? Thank you.

COUNCILMEMBER BAISA: Actually, Mr. Chair, I really don't have any questions. I just want to emphasize how important I think this is and I totally agree with you that even though people say oh, we have money, but you know, that can go in a heartbeat. It doesn't take much, you know, one serious like we saying like we saw on Kauai, I don't even want to think about what that has cost. And I don't know that they've ever stopped paying or ever will stop paying. So, it's really, really important that we put money away. So, really I have no questions. Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, no, no questions. I just commend the department for being very responsible and really keeping us prepared for such events. 'Cause hearing through the community, I don't hear, see panic and things happening all the waters off the shelves and toilet papers and who knows what else people get down on for emergencies, but I just want to thank the Department. And it's important that we have funds here for them to utilize. Thank you.

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

**August 17, 2015**

---

MS. FOUST: Thank you.

CHAIR VICTORINO: And I thank the Department, but I also would like to thank the Statewide civil defense and the news media because they're constantly bringing out your emergency kits and, you know, what you should have and what you should be prepared. And I think if one storm gets you prepared, that will probably carry you throughout the year. You don't have to do that every time a storm or a tsunami threat comes by, but I believe that the news media has been more cognizant of preparing us and it's really up to the individual from that point. It's not for lack of knowledge. It may be lack of willingness to be prepared, but I think the knowledge and the news does bring it out consistently and Civil Defense, Statewide and Countywide, has consistently passed on that same message. I want to also thank Maui Electric because they always bring this up whenever a storm comes close by. They're always reminding us of this emergency and what possibilities of not having power for an extended period of time, yeah. So I want to thank all the different variables and different agencies, different groups that continuously reminds us like Red Cross of what we need to do. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Mr. Baz, you mentioned you wanted around 15 to 20 percent in the fund, that would be a desirable level. Given this year's budget, I mean, I did the math in my head, but I just wanted to hear it from you, what's the actual dollar amount?

MR. BAZ: Yeah, I'd have to go back and look at the General Fund expenditures, but around 60-70 million.

VICE-CHAIR COUCH: Okay.

MR. BAZ: Not 20 percent of our total.

VICE-CHAIR COUCH: Yeah, I was gonna say, in fact, that's 120 million.

MR. BAZ: Yeah. I mean, and there's been some discussion of other I think Mr. Taylor wants to bring to the Water Resources Committee a kind of a similar policy where maybe since the Water Department is an enterprise fund of having a certain emergency fund for specifically for the Water Fund and having, you know, maybe 15 to 20 percent of their annual expenditures available, you know, in a special fund as well. So, you know, it's something to discuss. Right now, we're just talking about the General Fund. This money is, General Fund is real property tax monies that goes into so we keep it, you know, for those purposes. I did want to, I think I brought this up during the Budget deliberations as well when we were talking about discussing this fund is right now, it does say that it's for, you know, public emergency threatening life, health, property or economic viability of the County and our interpretation has been that the economic viability of the County includes if we don't have enough money to pay our indebtedness that, you know, this could possibly, if it was up to the Council to approve possible funding of that as well. And so if we wanted to, if you want to just

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

**August 17, 2015**

---

make that language a little bit clearer in here. The bond raters have accepted that interpretation and they have been using the Emergency Fund reserves as a portion of our reserves when they look at the total amount we have of, you know, the unreserved or unsigned fund balance and the emergency reserve, so it does help to make us look like we're a better credit risk because we have the ability to pay our indebtedness. So I don't know if, you know, necessarily that we need to have that language added or not, but maybe just to make it a little bit clearer in the Code.

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

COUNCILMEMBER CRIVELLO: Thank you, Chair. I don't have any comments, but I do want to take what you say into consideration if you would kinda elaborate and I don't know if this is the time, on your indebtedness.

MR. BAZ: Thank you, Mr. Chair, Member Crivello. I want to discuss with, maybe with Corporation Counsel a little bit more before we propose any changes to the Code.

COUNCILMEMBER CRIVELLO: Okay. Because it does have to come through the Council anyway, right?

CHAIR VICTORINO: I do have one question since I'm looking at you, Ms. Crivello. How prepared are we to assist Molokai and Lanai? I know what we have here in Maui, and so since we're talking about this emergency, Ms. Foust, how equipped are we to help those neighbor, the outlying district islands? I mean, I know Hana is outlying, but that's still part of Maui Nui, but how prepared are we to be able to assist the neighbor islands? The two neighbor island representatives are there, so I'm sorry I asked the question, but it came to mind when you asked...

COUNCILMEMBER CRIVELLO: No, I wanted to ask that, but I wasn't sure.

CHAIR VICTORINO: Okay. You can go ahead and ask. I asked on your behalf. Okay, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Well, my concern is we don't have a direct point of contact. There's no question we have volunteers. But in the time of emergency, I often wonder who will everyone look to? Because the main hub of the Fire Department and the Police Department is here and but there's no one really with this Civil Defense kind of, even if we would take into consideration some part-time point of contact, you know. I think I've thrown that out before, but there's a dependency on volunteers and they do well. I'd like to see some sort of expansion and I don't know where that would come from. Thank you.

MS. FOUST: Thank you.

CHAIR VICTORINO: Ms. Foust, would you just quickly overview on Molokai?

MS. FOUST: Certainly. And actually I'll talk about Molokai and Lanai--

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

**August 17, 2015**

---

CHAIR VICTORINO: You don't mind, Mr. Hokama?

MS. FOUST: --together, but separately, if that's okay, as well as Hana. We've done several things in terms of reaching out to them using communications technology so that they're included in our conference calls and our briefings that we have from the Weather Service and in conjunction with State Civil Defense and the other FEMA and other agencies. We have been working under the incident command structure, so the way that we have it structured is that there would be field commanders in all of those districts. And for the most part on, in Hana and on Molokai, it tends to fall to the Captain of the Fire Department in charge, and in Lanai, it happens to be within the Police Department. The Lieutenant there is our main point of contact. So there is some turnover at times. We have had quite a bit of consistency though for both, Hana and Molokai, as well as Lanai and actually in that regard. Those folks though do have full-time jobs within their own departments, and so using this incident command structure where their district and they're the incident commander for their district, they have a clear reporting structure through the emergency operation center and point of contact. So it works in that regard as far as the communications, and then each of the departments would be carrying out their own operational plans for their own responsibilities and functions within that system. I do agree that we could probably do better if we had or would do better if we had a part-time person that was dedicated to that particular position to represent each of those counties. In the past, I believe that we've had people identified who were part-time, but they were not paid positions. They've always been volunteer positions, but I would like to explore that in terms of how to create those funds or excuse me, create those positions and how we would fund those positions to better connect us to the entire Maui community.

CHAIR VICTORINO: Okay. Thank you. Any questions, any further questions?

COUNCILMEMBER CRIVELLO: Thank you, Chair, I appreciate it.

CHAIR VICTORINO: Mr. Hokama, any further questions?

COUNCILMEMBER HOKAMA: Thank you, Chairman, just a few, please.

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: One, I think the County was very smart and our community supported it by making it a Charter requirement regarding emergency response, so I at this point am not too concerned about the amount of cash in the fund. The Charter allows us to even borrow if we need under certain situations. My only concern is on the borrowing. I'm not sure 1 percent of the total operation or the ceiling should be the gauge, because if you just go round numbers, that's \$5 million for this year, round numbers. I would say we should look at something up to 5 percent, again, depending on the need, the situation and everything else. But I think with the, you know, most, you know, all of us have worked very hard to ensure the financial standing of this County. For me, I've been working on this for 20 years, Chairman. And so I don't

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

**August 17, 2015**

---

have a problem looking at the combination of borrowing and cash use of emergency requirements because we can respond, just like we responded in 9/11. We were the County that responded because we had the financial capabilities to do so by discipline. Well, I think we maintained that discipline, we can respond appropriately. There's cash. If we have to borrow, we can borrow and I think we can meet all the Charter requirements of paying back. I am not, you know, my thing is, let's go talk to the bond people because look at our history, our ability to pay. Plus, there's enough founding documents, whether you go State Constitution, County Charter, what is our first obligation to pay? Debt. That's our first obligation, so for us to be placed into a situation where debt becomes an issue, then the Council better be ready to take the responsibility of being able to explain why we in this position. 'Cause it's gonna take Council action to put us in that financial predicament which we've worked hard to avoid and eliminate, Chairman. So for one, I cannot see this body putting us in that situation where even for bond raters they're gonna say that...yeah, you gotta be really bad legislators to put this County in that kind of situation, Chair. And so, you know, I have my issues of whether or not I want to see something regarding Mr. Baz's consideration at this time because I think our statement that we don't need debt to borrow and show that we can fulfill obligation is a better indicator than being forced to which is already something required by the people.

CHAIR VICTORINO: Right.

COUNCILMEMBER HOKAMA: So saying that, Chairman, I would just say, I think maybe we wanna consider expanding the cap on the amount to borrow in an emergency. Like I said, we worked hard. I think we can handle up to 5 percent of the operational budget if need be for that rare occurrence in the County's requirements. And regarding Lanai, you know, for me at this point in time, I would have the Director consider our head Public Works official on Lanai. He's the one I can depend on knowing where on the island, how to get there, accessibility of what type of equipment is available to respond, that's the guy for us on Lanai. Just like at one time, was Steve Arce, everything was Steve Arce on Molokai. Okay.

COUNCILMEMBER CRIVELLO: Oh yeah, he retired. Bring him back.

CHAIR VICTORINO: Bring him...I don't think so.

COUNCILMEMBER HOKAMA: 'Cause he knew the resources, he knew what was the capacity of equipment to respond, how to deal with and what the State had, how to deal with the State component. I mean, Mr. Carroll's region is the best example I've seen for State and County and employee cooperation in responses because they know what each other has and they have the right incident commander. I think for Lanai, I need somebody that I can depend that knows the island. Unfortunately, our Fire Department and our, even our own Police Department, they go through a rotational basis that I cannot be assured that if we had an emergency, they knew exactly where and how to get to that point on the island, knowing what they understand of the island. So for me, Chairman, I would say, that's my comments and I would hope we consider that individual who knows the island best, what's the resources available as

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

**August 17, 2015**

---

possibly our incident commander. Thank you.

CHAIR VICTORINO: Ms. Foust, you had a comment on that or would you like to comment on that?

MS. FOUST: If I may. We do have him as part of the incident command structure more in the operations side because he does have access to that. So when you hear me talking about the police and fire as the incident commander, they have more direct experience with the structure and the command piece of it, and then under the command, comes operations, finance, planning and admin...oh, wait, what's the other one. I got it wrong, sorry. But they have planning and operations and so we do have Robbie there as part of the operations piece as well as the Public Works personnel from all of the districts under operations.

CHAIR VICTORINO: And I think when it comes to the outlying districts in the neighbor islands, I always say they're the best because their communities come together very quickly and I think the challenge with Maui is we have many communities. You got West, South, Central, Upcountry, so that makes it difficult sometime for all of us to coordinate, whereas if it's Molokai, everybody on Molokai or Lanai or Hana, they get together so. But again, continue to work on that because I would like to know that when an emergency occurs, that the structure and the emergency response will be well-coordinated. The one thing you don't want is to have helter-skelter at that point in time so. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. My concerns are with the, I guess the analysis between what is written in the ordinance for the purpose which basically in conjunction with what is written in the Charter. And in the Charter it says, 9, in Section 9.14, the Emergency Fund reserve may be used to meet any emergency, and in the ordinance under Section 3.96.020, you're narrowing the purposes for the Emergency Fund to specific emergencies, which is life threatening, health, property or economic viability of the County. So my question is, if the Charter says, any emergency, how can an ordinance narrow it to specify the type of emergencies? And I also agree that economic viability of the County, which is part of the purpose is not really defined at all. So what is that? How did you interpret that as being a debt? Is that a policy? Is it, you know, I know it's a couple questions all in one.

CHAIR VICTORINO: Yeah, you're going...yeah, let's just keep it one at a time.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: So the question, your first question is, the difference between what the Charter says, any--

COUNCILMEMBER GUZMAN: Yeah, any emergency.

CHAIR VICTORINO: --emergency. And the ordinance--

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

**August 17, 2015**

---

COUNCILMEMBER GUZMAN: And then the ordinance specifies...

CHAIR VICTORINO: --by ordinance specified, got very specific.

COUNCILMEMBER GUZMAN: Yeah. Right.

CHAIR VICTORINO: Mr. Baz, would you, or maybe, Mr. Kushi, you would like to take that on or if not then let me know. But...

MR. BAZ: Mr. Chair?

CHAIR VICTORINO: Or Mr. Baz, then, whoever, yes, okay, go ahead.

MR. BAZ: No, actually, I wouldn't have an answer to that. I'd defer to Corporation Counsel for that specific.

CHAIR VICTORINO: And I would imagine if it is an ordinance, it's, must have come through this Council at some period of time.

UNIDENTIFIED SPEAKER: Correct.

CHAIR VICTORINO: And I think there must have been some rationale, so maybe I'll turn to Mr. Hokama if he recalls and I don't recall in my tenure here that being discussed but in your 20 years...

COUNCILMEMBER GUZMAN: Chair? Chair? It's just a legal question because how can the Charter, you know, in specific language say, any emergency and then an ordinance that is supposed to be \_\_\_\_\_ to the Charter, specify the type of emergencies?

CHAIR VICTORINO: Well, I think you're going in an area that I don't want to cover at this point. I can put that as a question. I can forward it to Corporation Counsel and get a specific answer as far as your questions are concerned. Okay? I'll do that because--

COUNCILMEMBER GUZMAN: Okay. If you just write a letter.

CHAIR VICTORINO: --I don't know if anybody's really equipped to answer it right now.

COUNCILMEMBER GUZMAN: Right, right. Maybe if you could just get an opinion--

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: --maybe later on.

CHAIR VICTORINO: Okay. So we will, I will put that in a letter on the Committee's behalf and ask to get a response on that specific question. Okay?

COUNCILMEMBER GUZMAN: Okay. And then the definition of the economic viability of the

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

**August 17, 2015**

---

County as one of the purposes--

CHAIR VICTORINO: Well what consider...

COUNCILMEMBER GUZMAN: --stated in the ordinance.

CHAIR VICTORINO: Yeah, what is economic.

COUNCILMEMBER GUZMAN: Yeah, how did...right.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: How did they come up with that type of definition.

CHAIR VICTORINO: I think 9/11 was the predication for that, but I won't go there.

COUNCILMEMBER GUZMAN: Right, right.

CHAIR VICTORINO: And I'll ask them to go ahead. Because I think 9/11 had no direct effect as far as physically hurting us, but economically, it was disastrous. But, Mr. Kushi, you raised your hand, so I guess you had time to think about it. Go ahead, Mr. Kushi.

MR. KUSHI: Yeah. Maybe this will help and avoid--

CHAIR VICTORINO: Yes.

MR. KUSHI: --written correspondence. But if you ask, we shall reply but--

CHAIR VICTORINO: Yes.

MR. KUSHI: --I agree. As you understand, the Charter supersedes any and all ordinances on rules and regulations. The Charter does say any emergency. The ordinance lists various types. The ordinance should be clarified if that's the case to say, including but not limited to such, such, such. But if push comes to shove and there's a call to be made and if it's in a gray area that may or may not fit the ordinance, I would say, it would be okay.

COUNCILMEMBER GUZMAN: Okay. Thank you.

CHAIR VICTORINO: But I'll still put a forward, a letter forward for clarification.

MR. KUSHI: But again, you know...excuse me, Mr. Chair.

CHAIR VICTORINO: I'm sorry, go ahead.

MR. KUSHI: Yeah. It'll come here for ordinance, so, then, it'll be at your determination.

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

**August 17, 2015**

---

CHAIR VICTORINO: Okay. Thank you, Mr. Guzman. But I'll still bring a letter forward to get some clarification.

COUNCILMEMBER GUZMAN: Yeah. Chair, the only reason I brought this forward was because it, the ordinance narrows the use, so if we wanted to really actually expand it at some point, which the Charter would allow, any emergency, the ordinance would prevent us from doing so. And the definition of economic viability of the County is up in the air, you know, what does that mean.

CHAIR VICTORINO: Right.

COUNCILMEMBER GUZMAN: But, oh, okay. So--

CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: --just to clarify. Thank you.

CHAIR VICTORINO: Thank you. Mr. White?

COUNCILMEMBER WHITE: No questions, sir. Thank you.

CHAIR VICTORINO: Thank you. Mr. Carroll? No. Ms. Baisa?

COUNCILMEMBER BAISA: No, thanks.

CHAIR VICTORINO: Ms. Carroll, I mean, Ms. Cochran? I'm having a hard time today. I apologize.

COUNCILMEMBER COCHRAN: Okay. No thank you, Chair.

CHAIR VICTORINO: Okay. Seeing none, then, with no further discussion, I would ask again like I've asked for the other items to defer this matter and with no objections. And we'll get some responses and bring this back at a later date.

COUNCILMEMBERS: No objections.

**ACTION: DEFER pending further discussion (exc.: DC).**

CHAIR VICTORINO: Thank you very much. And finally, Item PIA...

COUNCILMEMBER HOKAMA: Chairman?

CHAIR VICTORINO: Oh, I'm sorry.

COUNCILMEMBER HOKAMA: Chairman?

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

**August 17, 2015**

---

CHAIR VICTORINO: I'm sorry, go ahead.

COUNCILMEMBER HOKAMA: I apologize. If in your consideration--

CHAIR VICTORINO: Yes, sir.

COUNCILMEMBER HOKAMA: --I would ask if you would forward to the appropriate department or employee, how much has the County expended in preparation of potential situations like the last two potential hurricane that was being projected? What did the County do and what was the financial requirements for preparedness?

CHAIR VICTORINO: Okay. We can add that to it. I mean, I think that's important.

COUNCILMEMBER HOKAMA: 'Cause I think that would be a reasonable, something for us to consider in the next review.

CHAIR VICTORINO: And I think I'd also add the various, over the last three years, the various emergency...

COUNCILMEMBER HOKAMA: If they have it.

CHAIR VICTORINO: ...tsunami because tsunami actually is different than a hurricane.

COUNCILMEMBER HOKAMA: I would say earthquake--

CHAIR VICTORINO: Earthquake--

COUNCILMEMBER HOKAMA: --tsunami.

CHAIR VICTORINO: Yeah, you know--

COUNCILMEMBER HOKAMA: Yeah.

CHAIR VICTORINO: --those that we've had challenges with and we'll add that to the letter and forward it to the various agencies and get their response. In the next review I'll bring that forward, okay?

COUNCILMEMBER HOKAMA: Okay.

CHAIR VICTORINO: Thank you, Mr. Hokama, for adding that to the correspondence. Okay.

**ITEM PIA-36: ALARM SYSTEM REVOLVING FUND (MISC)**

CHAIR VICTORINO: So, we deferred so we're moving on to Item PIA-36, which is the Alarm System Fund. This is our last item of the day, and today we have, okay, wait, Lieutenant Arthur Dadez. Yes, that's what I saw. I mean, somebody wrote it so I can't

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

**August 17, 2015**

---

read it, Lieutenant Arthur Dadez from the Maui Police Department. And are you gonna join us upfront or you're going just, Ms., would you like to join us?

MS. SHEPPARD: If you want me to, sure.

CHAIR VICTORINO: Yeah, come on up. And the only reason I'm not introducing you, I forgot your name. I apologize. I'm having, today I'm, I apologize and that's all I can say. Why don't you join us and then, please introduce yourself. Lieutenant, if you would start and then, our Corporation Counsel.

MR. DADEZ: Good morning. My name is Arthur Dadez, I'm a Night Commander for District IV, Lahaina.

CHAIR VICTORINO: Thank you.

MS. SHEPPARD: Hi, good morning. Deputy Corporation Counsel Jerrie Sheppard.

CHAIR VICTORINO: Thank you. We passed this in the last session and the new fund and the chapter have been recently, revised recently to deal with the numerous false alarms that have been occurring here in Maui County. Thank you, mister, the Police Department, first of all, because they brought it forward and you to bring it forward to the Council itself. And we passed this. So, we wanted to know an update in how the implementation has been working so far. So, officer, Lieutenant Dadez, would you start, and then we can also go to Corporation Counsel if she would like to add anything to it. And then we'll have questions from the Members. Lieutenant?

MR. DADEZ: This project has been initiated for a number of years. Recently, the, Councilman Guzman came down to the Department and expressed his concern in getting this thing here going. Right now, we're in the stage, well, we've made a Request for Proposal, it was advertised. There were some bidders that came to light. The evaluation committee selected a vendor. We're in the process right now of getting a contract and the bidder is trying to comply with the requirements of the Request for Proposal. So that's where we are at right now. But once we get that, it's real quick when that thing gets, the contract gets into place. The Department is ready to move on this thing. It's just getting the paperwork in line. The bidder for the Council's information or the vendor is the same as the Honolulu Police Department. It's the Public Safety Corporation and their trade name is CryWolf. So working with the Honolulu Police Department, all of the paperwork, trying to go ahead and get the computer systems in line so that we can maintain some kind of database and service charges and registration fees for this fund, it's in place already. So it's moving along very nicely.

CHAIR VICTORINO: Thank you, Lieutenant. Corporation Counsel, you have anything you'd like to add?

MS. SHEPPARD: Just that once everything gets prepared, we'll be able to work the contract very quickly and once the contractor comes online, they're providing turnkey service.

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

**August 17, 2015**

---

So basically, all the notifications to the public, the public information campaign, all of that will be taken care of by the vendor.

CHAIR VICTORINO: What is your estimated timeframe?

MS. SHEPPARD: I would think before the end of October.

CHAIR VICTORINO: End of October of this year?

MS. SHEPPARD: Yes.

CHAIR VICTORINO: Okay. Very good. So I will start with Mr. Guzman, the introducer of the proposed ordinance. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. I'd also like to acknowledge Mr. Hokama's Committee for also helping us refine the ordinance as well. A little bit of background, Chair. On, about two-and-a-half years ago, I had read in the paper about the false alarm system, or at least ordinance from Oahu and that they were very successful in generating revenue. So much so that they had hundreds and hundreds of fines and their, I think they estimated like 2.1 million or something like that in fines in less than a year or a little bit over a year. And then when we had contacted Honolulu, their base problem was they had collected so much fines, that their entire department was being inundated with more work and so it was slowing down the department and they didn't know how to collect it. They were behind in collections so they were looking at vendors that would go out and have a system in place for registering of the different type of alarm, alarmees [sic], people that would use it and also a collection service that was attached to it. So I had, during that year had actually gone in and looked at a pilot program that was presented at MPD and this was CryWolf was one of the vendors and that was the vendor that Honolulu was using. And it seemed very effective in terms of how registration would be conducted as well as payment of the registration fees. An attachment to that would then be in the ordinance a revolving fund, how would we pay for the vendors and the implementation of this, of the program. So an attachment to it would be the fund that you have presented here on your agenda. So anything that would be collected from registration would then be served to pay the services of the vending application. So I think we were, we learned from Honolulu and we did one, I think we took steps to progress even further past them in creating a revolving fund or I mean a fund for it as well. Am I correct, Lieutenant?

MR. DADEZ: Yes.

COUNCILMEMBER GUZMAN: Yes, thank you.

CHAIR VICTORINO: Thank you, Mr. Guzman, for that, you know, history and so that would, you know, the Members can remember. I think many of us sat in that committee when this came forward and I think we supported it wholeheartedly. I myself have an alarm system and you know, when a false alarm is transmitted and the Police

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

**August 17, 2015**

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Department has to send two cars, not just one, two, because they have to have back-up, right, Lieutenant?

MR. DADEZ: That's correct.

CHAIR VICTORINO: And so that takes two officers off the beat at that point in time for other emergencies, and so, yeah, I'm keenly aware of it and I think it's time that we get this taken care of and so that people will maintain their alarm systems in the proper manner. I think that's when, one of the biggest concerns is the improper use and maintenance of alarm systems. And so, good as it may be, it's time to take action. So I'm glad to hear we're on the way. Mr. White, do you have any questions for the Department?

COUNCILMEMBER WHITE: No questions. I support the concept and I'm glad to see they're moving ahead.

CHAIR VICTORINO: Thank you. Mr. Carroll, any questions? Ms. Baisa?

COUNCILMEMBER BAISA: No, thanks.

CHAIR VICTORINO: Ms. Cochran?

COUNCILMEMBER COCHRAN: No, thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: No, thank you.

CHAIR VICTORINO: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: Everything is set up with Finance?

CHAIR VICTORINO: You can speak into the mic, so that they can hear you, I'm sorry.

COUNCILMEMBER HOKAMA: Is everything set up with Finance Department regarding their responsibilities to the fund?

MR. DADEZ: Yes. We're addressing that part with the Purchasing Division.

COUNCILMEMBER HOKAMA: And they've set up all the appropriate accounts for this program to effectuate implementation?

MR. DADEZ: Yeah. We haven't awarded the contract yet. The vendor has to comply with the Request for Proposals, getting certain certificates that is in the proposal. Once that is done, then the application, well, not the application, but the writing of the contract is done through Corporation Counsel. But we started out with the Purchasing Division.

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

**August 17, 2015**

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COUNCILMEMBER HOKAMA: I don't have any problem with that. Is Finance ready to implement the program?

CHAIR VICTORINO: I think, Mr. Hokama, that maybe we will send a letter to Department of Finance to specifically ask them if they are prepared. I understand your question and I'm not sure if the Police or Corporation Counsel is equipped to answer it, but I would prefer if I just send a letter on your behalf or the Committee's behalf to ask them that specific question. And if need be, call them in to make sure that question is addressed.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR VICTORINO: Okay. Thank you, Mr. Hokama. Any other questions? Seeing none, I want to commend the Department and Corporation Counsel. Thank you, Mr. Guzman, for your hard work and the Committee's work to get this brought forward. And so like the others, if there are no more questions, I will move, not move, I will ask for deferral of this, or to defer this matter with no objections.

COUNCILMEMBERS: No objections.

**ACTION: DEFER pending further review (exc.: DC).**

CHAIR VICTORINO: Thank you. Thank you, again, officer, Lieutenant and Corporation Counsel. We appreciate your being here. Thank you, Committee Members. We had a quite full agenda but, you know, I think, I'm very proud to say that I think we crossed a lot of different boundaries and I think we asked a number of very interesting questions and hope to get responses in the not-too-distant future. And as I get those responses, I will schedule this as a item of review again with no objections, yeah.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Okay, and so, I know that, Ms. Cochran, you have your Committee meeting at 1:30 this afternoon.

COUNCILMEMBER COCHRAN: Yes.

CHAIR VICTORINO: So, with no further discussion, I will now adjourn the meeting of the Policy and Intergovernment [sic] Affairs Committee. This meeting is adjourned.  
...*(gavel)*...

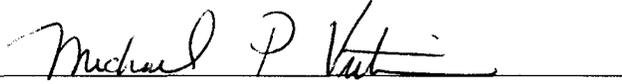
**ADJOURN: 11:30 a.m.**

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

**August 17, 2015**

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APPROVED:

A handwritten signature in black ink, appearing to read "Michael P. Victorino", is written over a horizontal line.

MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:150817:jb

Transcribed by: Joanne Bista

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

**August 17, 2015**

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CERTIFICATE

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

DATED the 10<sup>th</sup> day of September, 2015, in Kahului, Hawaii

A handwritten signature in cursive script that reads "Joanne Bista". The signature is written in black ink and is positioned above a horizontal line.

Joanne Bista