

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

MINUTES

September 29, 2015

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

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

EXCUSED: Councilmember Don Couch, Vice-Chair
Councilmember Elle Cochran, Member
Councilmember Riki Hokama, Member
Councilmember Mike White, Member

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

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

ADMIN.: Michael J. Molina, Executive Assistant, Office of the Mayor (Items PIA-2(18), -2(19))
Mark R. Walker, Deputy Director, Department of Finance (Item PIA-8)
Gery R. Madriaga, Assistant Real Property Tax Administrator, Real Property Tax Division, Department of Finance (Item PIA-8)
Jeffrey A. Murray, Fire Chief, Department of Fire and Public Safety (Item PIA-27)
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Annie Alvarado, nominee, Cost of Government Commission (Item PIA-2(19))

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

CHAIR VICTORINO: . . .(*gavel*). . . Good morning, and welcome to the public, I mean, Policy and Intergovernment [sic] Affairs Committee meeting of September 29, 2015. I am the Chair, Michael Victorino. I'd like to welcome all of the Members that are here this morning. And let me introduce those that are present. We have Robert Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

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CHAIR VICTORINO: Good morning. Gladys Baisa from Upcountry.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: And then we also have Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR VICTORINO: Good morning. And finally, our Vice-Chair of the Council, Mr. Don Guzman from Kahului.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR VICTORINO: Good morning. Excused, and so, as you notice, the number that's bare quorum. So we have excused today Elle Cochran. We also have Riki Hokama is excused. We have Mike White who'll be here later because of a prior engagement. And also, the Vice-Chair of the Committee Mr. Don Couch is also excused. From the Administration we have Mr. Mike Molina, Administrative Assistant to the Mayor.

MR. MOLINA: Good morning.

CHAIR VICTORINO: Mr. Molina, good morning.

MR. MOLINA: Good morning, Mr. Chair.

CHAIR VICTORINO: Later, we'll have Mark Walker, Deputy Director of Finance. Gery Madriaga, the Administrative Director for, excuse me, Assistant Administrator for Real Property Tax, Department of Finance. And he's in the gallery. And also we'll have the Fire Chief Jeff Murray. And, of course, I'd like to introduce First Deputy Corporation Counsel Mr. Ed Kushi.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. We also have the Cost of Government Commission nominee Annie Alvarado that will...is here right now. So, she, we'll bring her up in a very short time. From our Committee Staff, our invaluable Committee Staff, Ms. Kim Willenbrink, from, our Legislative Analyst.

MS. WILLENBRINK: Good morning.

CHAIR VICTORINO: And Tammy Frias, our Committee Secretary. Let me check with the District Offices if they are online. Dawn Lono in Hana. Dawn, are you there?

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

CHAIR VICTORINO: Good morning. Denise Fernandez from our Lanai Office. Denise, are you there?

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

CHAIR VICTORINO: Aloha, Denise. And, finally, Ella Alcon from our Molokai Office. Ella, are you there?

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

CHAIR VICTORINO: Thank you. Today, we have four items on today's agenda. I would like to begin by taking public testimony on the four agenda items. It will be limited to those items and those items only. First of all, if you are in the gallery and have signed up to speak, there's a table out in the lobby to sign up. Please state your name and who else...whom you may be representing. And we've, again, established our contact with our District Offices and we will rotate. At this time, I would like to check with Tammy, do we have any public testifiers in the gallery?

MS. FRIAS: No, Mr. Chair.

CHAIR VICTORINO: No public testifiers, so let us go to our District Offices, if I may? Hana, Dawn, do you have anyone wishing to testify?

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

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

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

CHAIR VICTORINO: And Molokai, Ella, is there anyone wishing to testify?

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

CHAIR VICTORINO: So, with that, no one from our District Offices or in the Chamber requesting to testify. With no objections, I'd like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very much.

ITEM PIA-2(18): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LIQUOR CONTROL ADJUDICATION BOARD) (CC 15-5)

CHAIR VICTORINO: Let us start off right away with the first nomination. And the first nomination is to the Liquor Control Adjudication Board. And that's PIA-2(18). The Committee is in receipt of County Communication, correspondence on September 22, 2015, from the Mayor, transmitting a proposed resolution entitled Relating to the Appointment of Zachary Helm to the Liquor Adjudication Board, along

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with the completed application from Mr. Helm, which is in your binder. Most of you are aware of Mr. Helm and, of course, Mr. Helm was many, many years with this County in Parks and Recreation. In fact, he was at one time Deputy Director, and he'd been here with us for many, many years. And I know Mr. Helm very, very well. And so at this time, I would like to ask Mr. Molina if he'd give a little background on Mr. Helm. And then we'll go right into deliberation. Mr. Molina?

MR. MOLINA: Thank you very much, Mr. Chairman and Committee Members. Mr. Chair, you pretty much said it all. Mr. Helm, as you know, is a County employee. He's been with the County for many years and was our former Deputy Director of the Parks Department. He also previously served on the Liquor Commission so Mr. Helm has a lot of prior experience with liquor issues. So, the Administration feels that he would be very well qualified to serve in this capacity on the Liquor Adjudication Board. The term he's filling out formerly belonged to the late Henry Kauka Jr. We express our condolences to his family. The term would expire next year, March 31st. Thank you very much, Mr. Chairman. And I'm available for any questions.

CHAIR VICTORINO: Thank you very much. And if the name sounds familiar also, I know her...his sister Stacy is here today. And so that everyone is aware, there is no conflict in Stacy voting for her brother, and he also happens to be a cousin of mine so it doesn't make a difference, we're family. It doesn't make a difference. And so I want the public to understand that we've already checked into that and we have a ruling that says there is no conflict of interest. So, if any Members have a problem, let me know. Seeing none, then if any specific questions, I'll start with you, Mr. Carroll, and we'll go right along. Mr. Carroll?

COUNCILMEMBER CARROLL: I know the person and I'm very happy that he's applied for this position and I think he'll be an asset to the County. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Again, I have known Mr. Helm for a long, long time. And I have every confidence that he'll do a good job for us. Thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Okay. Yes, he is my brother but I know he's very qualified. Like Mr. Molina mentioned, he's served on the Liquor Commission. And I know he'll be very committed to do a good job. Thank you.

CHAIR VICTORINO: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I also know the...Mr. Helm. I really acknowledge his service in the County and we do really appreciate those who've, has that institutional knowledge and has that vast amount of experience that do want to come back and serve the community. So, I thank him for stepping up again.

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Although, if I were retired I would be out there fishing, but anyways I, definitely he has my support on this one. Thank you.

CHAIR VICTORINO: Thank you, Mr. Guzman. So, and I've already said my piece. I know Mr. Helm is well qualified and I'm thankful that he has come back out of retirement to assist us one more time. So with no further discussion, I'd like to make my recommendation.

COUNCILMEMBER CARROLL: Chair's recommendation?

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to adopt the proposed resolution entitled Relating to the Appointment of Zachary Helm to the Liquor Control Adjudication Board.

COUNCILMEMBER CARROLL: So move.

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It's been moved by Mr. Carroll, seconded by Ms. Baisa to approve the...relating to the appointment of Zachary Helm to the Liquor Control Adjudication Board. Any more discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Any opposed? So let the record show five "ayes," four excused, Ms. Cochran, Mr. Couch, Mr. Hokama, and Mr. White. And I will not repeat it for future. Those four will be until, if and when Mr. White shows up, those will be the four that will be excused at this time.

VOTE: AYES: Chair Victorino and Councilmembers Baisa, Carroll, Crivello, and Guzman.

NOES: None.

EXC.: Vice-Chair Couch and Councilmembers Cochran, Hokama, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution approving the nomination.

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CHAIR VICTORINO: Thank you very much and, Zachary, welcome, and thank you again for your dedication and your willingness to serve once again.

ITEM PIA-2(19): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(COST OF GOVERNMENT COMMISSION) (CC 15-5)

CHAIR VICTORINO: Item number two. Nominations to Boards, Committees, and Commissions. This is to the Cost of Government Commission, PIA-2(19). The Committee received correspondence on September 22, 2015, from the Mayor, transmitting a resolution entitled Relating to the Appointment of Annie Alvarado to the Cost of Government Commission, along with the completed application form from Ms. Alvarado, which is in your binder. Ms. Alvarado has joined us today and if I'd ask to her come to the podium because I know we have some questions for you in a few moments. At this time I would like to give Mr. Molina an opportunity to introduce and give the Administration's take on Ms. Alvarado and then we will let everyone ask her questions. Mr. Molina?

MR. MOLINA: Okay. Thank you very much, Mr. Chairman and Committee Members. The Administration would like to ask for your consideration of Ms. Alvarado. As noted on her application, she has a vast amount of government experience in various capacities. She's currently employed by the Pacific Whale Foundation, and has certainly expressed an interest in serving our County in this crucial capacity here on the Cost of Government Commission. I believe also in a prior interview with Ms. Alvarado she was appointed by the former Clinton Administration to a Federal position, which she will likely elaborate later upon your questioning of her. So with that being said, she will be replacing Tina Gomes who recently resigned, and for a term which will expire March 31, 2019. Thank you, Mr. Chairman.

CHAIR VICTORINO: Thank you. Ms. Alvarado, would you like to open up with some comments? And, tell us a little bit about yourself. If that's okay with the Committee? No objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Okay. Go ahead, please.

MS. ALVARADO: If it pleases everyone, I'm happy to do that. And I really want to thank everyone for allowing me this opportunity to be here before you to explain what my interests are in serving the County of Maui. My interests are wide and very tall. I've been a public servant for many years. I dedicated my life to public service, inspired by my parents and my own situation growing up in very abject poverty in South Texas. I always wanted to better the lives of people. I dedicated my entire career to helping others. And I just can't seem to sit still apparently. I see an opportunity where I can also serve the community in a way that I've never been able to serve before because I've always been a municipal, a Federal, a state, a local or...employee. So, this is my first time and I'm excited to be here that I would actually be able to serve a

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government entity, something that I believe in, something that I studied. I have lots and lots of experience and really the will and tenacity to do good. To improve how our government operates, to improve, you know, how, the living conditions of the people of Maui, that is my only interest in being here. I humbly am here before you. I'm thankful for your consideration. I'm actually grateful for it. I'm just a public servant. And like your previous appointee, I didn't serve here but I've served our country, all over the country and even internationally. Many, many capacities that I've held, I have worked for two governors and a president. But don't hold that against me, okay? Because it can be pretty interesting. But, always my interest is public policy, serving the public good, doing the right thing, extremely ethical, caring about how programs operate to create efficiency so that we can serve more, more efficiently. We can save the public money. We can show them how proud we are of how efficient our government is that serves them. That's my interests and that's it.

CHAIR VICTORINO: Thank you very, very much. And would you...I guess my only quick question to you is, in what capacity did you serve as under the President? And not to...and that's not holding against you, I would just like to know.

MS. ALVARADO: Okay. Alright, so long as you don't hold it against me.

CHAIR VICTORINO: No, no, no, no, no, I would never hold it..

MS. ALVARADO: I served as a national policy writer under the Administration of President Bill Clinton. I was assigned to the Department of Agriculture, USDA. And I was doing rural development policy, I helped with empowerment zones and enterprise communities. We were the ones that put them together. I also worked quite a bit with the Vice President on his initiatives also; when you get asked to do things, you just do them automatically. I also was, quickly after I arrived at, in Washington D.C. at USDA, I was plucked, literally, by the U.S. Treasury Department. And I did...I worked on something called Community Development and Financial Institutions. I was the lead rural policy writer for that. In Texas, my first job, when I worked for the Governor of Texas, honestly I didn't even know I was working for the Governor, okay. I mean I was just grateful to have a job and I showed up every day, and all of a sudden, you know, when I left they said oh, did you know you were working for the Governor of Texas? No, I was just doing my job. I was an intern, working hard and had a lot of blessing there, as well. But, you know, when I first started with the President and moving towards CDFI, it was my experience in rural Texas that, you know, piqued their interest at the Treasury Department, because I'd worked with communities throughout the state. Texas has over 2,000 counties, and literally I've been in every one of them over the time that I was there. And so, they wanted someone that could help them with policy, capacity building, access to capital, and trying to level the playing field of rural in urban areas. And so, I have a great treasure trove of love for the rural communities. I was also the Rural Development Director for the State of Arizona, so you're starting to see a trend here. You know, I did work for the City of Phoenix, yes, okay I did that. But, my first true love, quite honestly, is with rural communities. I often tell people, I'm like, you know, when you see Ginger Rogers and Fred Astaire, they always say oh, what a great dancer Fred Astaire is. Well I'm Ginger

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Rogers, only I'm...I would be Gingita or something, because, you know, I'm Latina in heritage. But it...Ginger Rogers had to do everything backward and for me, she had to be better than Fred Astaire, because all his moves that were fancy, she mastered them through...while going backward. So, my feeling is that in rural communities there's a lot of sentiment sometimes that they are backward. Well, I applaud them because they're Ginger Rogers, they're better than the urban areas because they have to be more resilient, they have to have more stamina, and they have to be more creative of how they build their businesses and grow their farms, and grow their families. So, that's it.

CHAIR VICTORINO: Thank you, you fit right in with our NACo Rural Action and other committees that I belong on. And you fit right into all our policies that we bring forward each and every year. So thank you. I'll start with you, Mr. Carroll. No questions? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much for being here this morning. I had asked that you come, and I'm very...you know, thanks for coming. I think it's important. I always like to attach a face to a name with somebody that I really don't know.

MS. ALVARADO: Okay.

COUNCILMEMBER BAISA: Had the opportunity to take a really good look at your application and I am impressed. I think the background you have is very relevant. I just wondered if you could share with us, is there anything that...you are going into a new commission, is there anything that you are already thinking that you know about that you might want to get involved in, knowing the role of the Cost of Government Commission?

MS. ALVARADO: What I've learned in all my policymaking years and working with governors and local government and working with residents, a lot of civic engagement, is the first thing you do is you listen. You don't come in like a bull in a china store. I'm here to learn, I'm here to become entrenched slowly into the policies and procedures and the formalities of Maui County. I cannot be helpful to you if I walk in thinking oh well, let me tell you how this is going to go. I'm here to serve you and everyone here, and all the citizens of Maui. The best way to serve them is to listen and to be a neutral person when it's essential to be neutral.

COUNCILMEMBER BAISA: Terrific, that's an excellent answer. And just one more question, any concern about the time that's involved with this? You know, it's very disturbing that people get on commissions and boards and then they're unable to attend and that becomes a real problem in trying to get quorum. So is there any concern about that?

MS. ALVARADO: Well, having had to have staffed commissions that do that, I know how miserable that is for the entities that are trying to push policies forward. So I certainly understand the importance of attending every meeting and of being prepared, and of

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doing the work that this wonderful body of government is asking me to do, if you so choose to do that.

COUNCILMEMBER BAISA: Okay. Well thank you very, very much. And we appreciate you volunteering. I think you'll bring a lot to the Commission. Thank you.

MS. ALVARADO: Thank you. Thank you so much.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I really appreciate you submitting your application and I believe you bring lots to the table. I truly appreciate your understanding of rural communities also. As a matter of fact, our island did compete in the empowerment zone. We always...*(inaudible)*...we always say we came runner-up. So if you had a fingerprint in that process to help, helping us make the finals for the enterprise community, thank you. So I understand where you're coming from. So, other than that, thank you for being part of our Maui. Thank you.

MS. ALVARADO: Thank you, it's a blessing to be here. I truly feel that way.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR VICTORINO: Mr. Guzman? Any questions?

COUNCILMEMBER GUZMAN: Thank you very much for being here. Yeah, it appears that you have...you are very well qualified. On the...just looking at your educational background the, in Cambridge is that a masters? That...

MS. ALVARADO: Yes. It's a Master of Public Administration from the John F. Kennedy School of Government, which, by the way, I was inspired to do when Kennedy was assassinated.

UNIDENTIFIED SPEAKER: Wow.

COUNCILMEMBER GUZMAN: And, one more question on the...are you aware of the role of the County Auditor and the relationship between the County Auditor and the Cost of Government?

MS. ALVARADO: I read all the documents that I was given, the book, you know, from the Cost of Government, the good work of the Cost of Government. And, what I saw was there was a Charter amendment that came forward, about two or three years ago, I believe, that created the auditor position. And this Cost of Government Committee is a Committee that had been in place since, I believe, 1976? Is that correct? So, I think that, you know, we had some things happen like that when I was in Phoenix where we had an auditor, then the Council decided to create an efficiency and sustainability committee and there was a little, like, struggle, you know, an overlap. But I think that clarifying the position of the Commission versus the role of the auditor really settled

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that very nicely. I don't think that there is a conflict the way it's been written and taken care of. I think that it's best to guard ourselves, not to step into things that are not within our realm, you know, to be respectful of everybody's roles and responsibilities. So, the people of Maui decided to establish through Charter amendment an auditor, then it's an adjustment that I see that's happening very nicely. I mean, there's back and forth and I have no issue with back and forth, debate is good. Debate is a great thing to make better government. And it seemed to me that everybody was asking all the right questions. And ultimately it's the community that really does need to have a voice in government. And but that voice also needs to be tempered and respect the roles and responsibilities of day-to-day government.

COUNCILMEMBER GUZMAN: Thank you. Thank you very much. Thank you, Chair

CHAIR VICTORINO: Thank you. And finally I'll conclude by saying I also am very impressed with your background. And, I think what I've been very taken by was the fact that you said I'm here to listen. You know, it's refreshing to hear someone say that and not, like you mentioned, come into a china shop like a bull.

MS. ALVARADO: No.

CHAIR VICTORINO: Yeah? You know, and we all know...

MS. ALVARADO: Well. . .*(inaudible)*. . .have is broken crystal.

CHAIR VICTORINO: Yeah. Yes, that's exactly right.

MS. ALVARADO: Yeah.

CHAIR VICTORINO: A bull in a china shop only does damage and does no good, in general. And so I'm very confident now in listening to you, your background, and your approach to all of these matters. That I think you'll be a great addition to our Cost of Government. And so we'll see what the vote goes but --

MS. ALVARADO: Yes, sir.

CHAIR VICTORINO: --I feel very confident and, you know, you bring a lot to the table, so thank you very, very much. And your experiences going back to the assassination of John F. Kennedy forward...

MS. ALVARADO: I was three years old. I...it was so impacted. I was three years old, but I watched my parents.

CHAIR VICTORINO: Yes. I think all of us who were here, pretty much except maybe one --

MS. ALVARADO: Of that generation right?

CHAIR VICTORINO: --we remember that day very distinctly.

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MS. ALVARADO: Like it was yesterday.

CHAIR VICTORINO: Yeah. Nine eleven and the assassination of --

MS. ALVARADO: That's right.

CHAIR VICTORINO: --John F. Kennedy I think --

MS. ALVARADO: And Pearl Harbor.

CHAIR VICTORINO: --. . .*(inaudible)*. . .in our memories.

MS. ALVARADO: And Pearl Harbor.

CHAIR VICTORINO: Well, Pearl Harbor was before my time and I think before most of our time.

MS. ALVARADO: I remember that too. Yeah.

CHAIR VICTORINO: But our time, when I say we can remember.

MS. ALVARADO: Oh, yes, yes, yes.

CHAIR VICTORINO: Anyhow, with no further...you may sit down. Thank you --

MS. ALVARADO: Alright. Thank you so much.

CHAIR VICTORINO: --very, very much. With no further discussion, I'd like to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion to adopt the proposed resolution entitled Relating to the Appointment of Annie Alvarado to the Cost of Government Commission.

COUNCILMEMBER CARROLL: So move.

COUNCILMEMBER BAISA: Second.

CHAIR VICTORINO: It's been moved by Mr. Carroll, seconded by Ms. Baisa to approve the nomination of Annie Alvarado to the Cost of Government Commission. Any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

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CHAIR VICTORINO: Opposed? Let the record show five "ayes," four excused.

VOTE: AYES: Chair Victorino and Councilmembers Baisa, Carroll, Crivello, and Guzman.

NOES: None.

EXC.: Vice-Chair Couch and Councilmembers Cochran, Hokama, and White.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending ADOPTION of resolution approving the nomination.

CHAIR VICTORINO: Thank you. Congratulations. But you still have one more step, the full Council but, with the good Lord's will, that's the only next step you have to finish. So thank you very, very, very much for being here, Annie.

MS. ALVARADO: Thank you. Thank you for your time.

CHAIR VICTORINO: Thank you, Members.

ITEM PIA-8: REAL PROPERTY TAX BOARD OF REVIEW ANNUAL REPORT (CC 15-30)

CHAIR VICTORINO: So let's move on to the next item which item number three. And I will call down Mr. Walker and Mr. Madriaga. Good morning, gentlemen. The Committee is in receipt of County Communication 15-30, from the Chair of the...Department of Finance, Real Property Assessment Division, Board of Review, transmitting a copy of a report entitled Real Property Tax Board of Review, Maui County Year End Report, December 2014. The purpose of the annual report is to provide an overview or, and accounting of the real property tax appeals heard by the Board of Review, and to express any concerns relating to the appeals, in pursuant to Section 3.48.635, Maui County Code. So, Mr. Walker, if you'd like to stab...start or Mr. Madriaga, whichever gentlemen would like to start and give us an overview on the appeals and the report that you brought forward.

MR. WALKER: Thank you, Chair, Committee Members. Mark Walker, Deputy Director of Finance. I'd actually like to just defer to Mr. Madriaga who is the expert. So, Gery?

CHAIR VICTORINO: Good morning, Gery.

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MR. MADRIAGA: Mr. Chairman.

CHAIR VICTORINO: Go ahead.

MR. MADRIAGA: Just to review, this is a summary from the Board of Review of, for the Year 2014 actually. So, on...if...the report you see in front of you pretty much tells a story if you look at the back page, the summary of the Board of Review decisions. Five...for the period 2014-'15, total of 555 appeals. And you see a, before you the totals of sustained, revised, stipulations, withdrawals and pending stipulations. The report is from the Chairman of...the Chairman and the Board of Review, on the overview on what they ran into over the year for 2014. If you look through the report, they do address some issues about short-term rental homes, reported addresses, and tax returns, just in summary of what they had addressed and they ran into for the year. Any questions, Mr. Chair?

CHAIR VICTORINO: Thank you, Mr. Madriaga. I'll start with...this time I'll go start with Mr. Guzman, if you don't mind? I'll work our way this way. Mr. Guzman, do you have any questions?

COUNCILMEMBER GUZMAN: Yeah. Can the Department elaborate more on the issues that were addressed? I know that he specific...I mean they specifically mentioned them, but I'd like to have a little bit more detail.

CHAIR VICTORINO: Mr. Madriaga, please?

MR. MADRIAGA: Sure. Let me start from the...there were two concerns on Page 2 of the report that they brought out from the 2013 report that they just wanted to bring up to the Council. Use us to review proposed legislation, I guess they...the board just was looking at if any legislation to review with them or see if they have any opinions from them. And a troubling issue, the timing of a purchase, that just refers to the buying and selling of a property during the year, how that affects your classification. I think you might have run into that years before, where if you buy a property at a certain time of the year it affects you or it doesn't affect you. In the end, we look at what the evaluations and the assessments are at a certain point in time so that you folks can do your budget and anything else. Other things that had come up was...

CHAIR VICTORINO: So, Mr. Madriaga, just so...for clarification, this is when you do the certification of real property?

MR. MADRIAGA: Correct.

CHAIR VICTORINO: Okay. So that's March or April something? There's a schedule right?

MR. MADRIAGA: That's right.

CHAIR VICTORINO: What is the date?

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MR. MADRIAGA: So, March we do our certification. April 9th is when they can do a appeals if they need to. Then come May and June we do a certification so that you folks can do your budget items. So what they see sometimes during the year, they see some of the...so when people buy, for example, later in the year, their home exemptions may change or...so that happens all the time. But we need a certain point in time so that we can value and certify values, classification at a certain point of time. What happens after that, again, we look at the next year for that. We've seen other jurisdictions where they do plus and minus over the year and, in the end, it's kind of a wash. But, more so, that's important for you folks during the budget time of year so we know where the money, the values and the monies will be coming from.

CHAIR VICTORINO: Thank you for that clarification. Continue, I'm sorry.

MR. MADRIAGA: On the same page, Page 2, Molokai and Lanai visitation. What they're asserting to is traveling to Molokai or Lanai for appeal hearings. What has...they prefer to do some teleconferencing or just like what we've have done. So we have...this past year, that past year we did not go to Molokai. It is very seldom we go to Lanai. So, what they...we did was just like what the Board does here, we do a telephone conference over the phone and...in...for one instance we did for a Molokai appeal and we did that over the phone and that worked out well with the Board. So they rather see that than traveling to Molokai to do a full blown Board of Review hearing for the whole day. So that was their...that's their prerogative. And so we oblige to that.

COUNCILMEMBER CRIVELLO: So, Chair?

CHAIR VICTORINO: Yes, go ahead.

COUNCILMEMBER CRIVELLO: In reference to that, I understand how it accommodates the Board. What sort of feedback did we get from the residents?

MR. MADRIAGA: We really...Molokai has been pretty well on this, this past year there hasn't been too many appeals from Molokai. And, at times it might be more helpful to be, if they want to be on Maui they might be...they're travelling to Maui anyway. Like I...for this 2014 year, there was just one that had occurred that was done over the phone where there was a conference call with the Board and they took the testimony that way. That's...we kinda want...you know it is the Board's call on that. Normally we do go to Molokai with the Board, the secretary, you know, we do the hearings on Molokai.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: That's fine. I'll leave it at that. Further discussion at some point. Yeah.

CHAIR VICTORINO: Okay. Mr. Guzman, do you have anything else?

COUNCILMEMBER GUZMAN: I can see who's going to...

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CHAIR VICTORINO: Can you put the mic?

COUNCILMEMBER GUZMAN: Oh, I'm sorry. I believe the Department was going to go through the other issues or mention. . .*(inaudible)*. . .

CHAIR VICTORINO: Okay. If you want to --

MR. MADRIAGA: Yes. I can continue.

CHAIR VICTORINO: --we can go through the other ones.

COUNCILMEMBER GUZMAN: Yeah. Thank you.

MR. MADRIAGA: The next one that they had referred to was the short-term rental home classification. At that time, in 2014, there were some appeals on short-term rental and during that time also the classification also changed, during that time. Short-term rental homes were initially set at Hotel/Resort. During that time period, I'm not sure if you remember, it finally was done by the Council that the classification went to Commercial. So at that in-between time the Board felt like, oh they had to make a decision, there was nothing in the law for them to work with. So in most of their decisions they actually went to Commercial and so the Council also did change the classification on that. So at that time, that's what it came out to be. They also talked about there might be significant expenses in, for parties in the State Tax Court. We did not find that the appeals went to State Tax Appeal Court for that time anyway so that never happened.

CHAIR VICTORINO: Okay.

MR. MADRIAGA: And that's it on that one.

CHAIR VICTORINO: That's it? Mr. Guzman? Anything else?

COUNCILMEMBER GUZMAN: For the home exemption?

MR. MADRIAGA: Okay. Homeowners exemption, as you know, the homeowners exemption...the ordinances specifically talk about the need for being...filing a full-time Hawaii resident income tax. That's what they were looking for and the ordinance also refers it as the reported address. So what the...our staff has been doing is when we get...when we receive the information about your State tax returns, the reported address on your State tax returns, if that's not a, an address in Maui County as the ordinance states, we do follow up and disallow the homeowners exemption. The Board was having a hard time with that when people did come in about the reported address by...for whatever reason that they had filed their State Hawaii income tax and they did not report their address in Hawaii but someplace else on the mainland or other places. So they had problems with that with the Board. There weren't many, just a few, but that's all the Board had seen. So that's what they had concerned on on their reported

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address. They think...if you see here, they think it's...they saying that the Code is too restrictive.

CHAIR VICTORINO: Okay.

MR. MADRIAGA: But we like the Code to be very restrictive because it is a big benefit and there is a lot of different ways where people can file their taxes and put their addresses someplace else other than and we're not...it's hard to tell where it is. So it's, for us it has come, it has been better for us.

CHAIR VICTORINO: Okay.

MR. MADRIAGA: But the Board, you know, they have to make the decision when someone appeals.

CHAIR VICTORINO: Okay. Will this be your last one because I would like to give everybody else a chance. Please go ahead, Mr. Guzman.

COUNCILMEMBER GUZMAN: Okay. Actually...oh well, anyways the...it says here that the Board believes that the Code is too restrictive in regards to the tax form itself as you addressed on the floor. I believe that we put that type of language in there to somehow determine whether the applicant was living in the home. So without that type of language how would we, how would you suggest we go about determining whether the person lives in the house? Because that's one of the requirements, yeah? So I think the reason why we put that in there was to try to find a, some type of condition or term to determine whether they actually do live there.

MR. MADRIAGA: Mr. Chair?

CHAIR VICTORINO: Go ahead, Gery.

MR. MADRIAGA: That's correct. And we follow that also. If anything that would be needed to be added would be maybe in the ordinance a definition of the reported address. During the hearings the Chairman Bruce Erfer would always tell the appellants that this is what the ordinance says. And for whatever reason you did, you did not put the address to be where you were living, that if you want it, you should be putting it, you should put your address on your State returns if that's your reason, you know, you want to get the homeowners exemption. See when people file State income tax, they're not thinking or his accountant not thinking okay I also want the homeowners exemption on Maui. And they might be have their own reasons to put a different address but then forget that okay, in order to get the homeowners exemption your address supposed to say you're in the County of Maui. And so there were a few different reasons why people were doing it and they...saying that their accountant was there or different things like such as that. But for us, as the ordinance says, it is real hard for us to tell where you're at. So making...putting...making the reporting address as a, make a definition on it so it's real specific for them and then at least they can

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learn that that's what I need to get my homeowners exemption, then I'll do that on my tax return. That's what we have found.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR VICTORINO: Thank you for that clarification. Ms. Crivello? Anything else?

COUNCILMEMBER CRIVELLO: Not right now. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Just want to talk a little bit more about this because it seems like a real concern for the Board...where they talk about the Board points out that it considers an extreme inconsistency in tax classifications between permitted STRs and permitted TVRs. They say they cannot determine any difference in property use between the two categories. That TVRs are classified at Commercialized Residential and the others are not. The anomaly must be recognized by the Council and reconciled. Apparently, this is a concern that the Board has and are we going to see any kind of proposal coming out to change this?

CHAIR VICTORINO: Mr. Madriaga?

MR. MADRIAGA: I...Mr. Chairman, I think we just need to help to educate the Board a little bit. You know, short-term rental, TVRs, short-term rental the owner has to be on the property. I'm, I was not sure when they had written this, what was not being understood. Maybe it'd be...how it was being presented from the appellants point of view were in a way confusing them. I am not sure on that. We get, as far as short-term rentals and TVRs, we just get the information from Planning as to what has been approved. So the differences...the uses seems to be similar to the Board. But I'm not sure if they understand short-term rental there's supposed to be an owner there and TVRs you don't have. So there are differences but I'm not sure. And the end use is pretty much the same, it's short term, less than six months. But one you're calling short-term rental, one you're calling TVR. And so I'm, I am sorry but I don't understand too much on this issue here why it was a hard issue to see the difference.

CHAIR VICTORINO: Ms. Baisa, maybe I make this recommendation because I know time's running against us. Should I send a letter with this concern and asking for either the Chair and/or and the Finance Director for clarification?

COUNCILMEMBER BAISA: I think it might be very helpful, Chair. I think it becomes an issue when we get into budget.

CHAIR VICTORINO: Yeah. Okay. I'll do that then. Please, Ms. Willenbrink. That way, I mean, no offense but, just so we can move on today.

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COUNCILMEMBER BAISA: No. Thank you very much.

CHAIR VICTORINO: Okay. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. On the last page, the last paragraph over here. I'll read, with no apparent movement to resolve the above two bureaucratic issues, the Board often finds itself searching for ways to interpret the Code to support decisions favoring the applicant, putting it at odds with the Department. Alright, this should not be, there should be no at odds with the Department. It should be clear, there should be no interpretation. We're not supposed to be having the Department or the Board doing interpretations, it needs to be very clear what action is to be taken and that's where, basically, I think we're having our problems over here. We need to go over there and make it very specific in the codes that we have and the things that we pass out and where there is no interpretation, it's very clear. It's day time, it's night time. There is no room in the Code, or what we're talking about over here and what's before us, to have interpretations. And so we really need to look at this and we really need to look at the verbiage we have inside here to make sure that we don't have the problems that they have outlined over here.

CHAIR VICTORINO: Okay.

COUNCILMEMBER CARROLL: And that is basically why we're having all these problems is because of interpretation. And we need to make sure that we get away from that.

CHAIR VICTORINO: Okay.

COUNCILMEMBER CARROLL: And we're going have to...obviously we cannot do that over here. It's not on the agenda for us to go over there and make changes, but we need to pursue this, it needs to go to committee. And we need to work with the Department and the Board to make sure that we can clarify exactly what is supposed to be done, and that will benefit the applicants because there will not be this ambiguity. They will know what they have to do and when they have to do it. Thank you, Chair.

CHAIR VICTORINO: Okay. And, you know, I'll also add that to our correspondence and have the Department come in and, you know, go over this with us. And, I don't know if it will fall under Budget and Finance or this Department as far as...or this Committee, but we'll...I'll put it in there and ask for clarification and maybe to have something referred to the proper committee for a discussion. I do agree we try to get as many, as much interpretation as possible out of the laws we produce and the policies. Unfortunately, when you have attorneys and others, there was always going to be some interpretation. So, but let's make it as clear as possible. I think that's what you're asking, Mr. Carroll?

COUNCILMEMBER CARROLL: That's what I'm asking. And I think if we proceed like that and when this Committee meets...

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CHAIR VICTORINO: Oh, sorry. I mean wasn't being specific on anybody, mister. . .*(inaudible)*. . .I didn't go there, sorry.

COUNCILMEMBER CARROLL: People know how much fun we have over here.

CHAIR VICTORINO: Yes.

COUNCILMEMBER CARROLL: When this Committee does meet, if we have...I think we can already come up with some verbiage --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER CARROLL: --from the Department and from the Board. So when this Committee does meet we have, be able to consider what needs to be done to get to where we need to go.

CHAIR VICTORINO: Okay.

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Carroll. So with no objections, I would like to defer this matter?

COUNCILMEMBERS: No objections.

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

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Thank you. And I was not being facetious when I said what I said, I was just kinda putting out a statement. I apologize if I offended anyone. Okay. Thank you, gentlemen.

MR. MADRIAGA: Thank you.

ITEM PIA-27: AUDIT OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY (MISC)

CHAIR VICTORINO: And next we'll call up the Fire Chief, Chief Murray, and Chief Murray I'm going to warn you now, you've got about 10-15 minutes and then we're going to be closing the meeting. So, you know, we will also allow, once he gives his presentation, you know, and we get into question and answers, I will probably defer this matter also. It would be nice if all nine were here to discuss, not only this matter, but the other matter that we just discussed. Okay? So, Chief Murray, welcome, good morning.

MR. MURRAY: Aloha and good morning, Chair and Members.

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CHAIR VICTORINO: So, this is in relation...okay, let me start by giving you exactly what we're supposed to be doing so we're not in the...so this is item number four. And this would be...okay, the Committee is in receipt of Miscellaneous Communication, dated May 28, 2015, from the County Clerk, reporting that on May 26, 2015, the Council referred the matter relating to an audit of scheduling practices and other causes of extensive amount of, extensive amounts of overtime incurred by the Department of Fire and Public Safety. Members, on your desk you will find the portion of the minutes from the April 6, 2015 Budget and Finance Committee meeting. Chair White was the one that wanted this brought up and I, so I so scheduled it and I was hoping he would be here but since he's not...Mr. Murray, Chief Murray, would you like to start --

MR. MURRAY: Yes sir?

CHAIR VICTORINO: --off with a little opening statement on the amount of overtime that your Department is expending?

MR. MURRAY: Thank you, Chair. Well, I believe our overtime is appropriate, we only provide overtime when necessary for shortages and/or large events or events that cause us to need more manpower. And of course, you know, shortage coverages, which is sometimes daily. So, yeah. I do remember this conversation at last budget, so I welcome this if the body feels that it's necessary. We'd be happy to cooperate with the Members and Chair.

CHAIR VICTORINO: Well thank you.

MR. MURRAY: Thank you.

CHAIR VICTORINO: I'll start with you, Mr. Carroll. I won't ask questions. I'll start with you, Mr. Carroll, as far as questions, as far as overtime for public safety and fire...Fire and Public Safety, excuse me, correction.

COUNCILMEMBER CARROLL: Actually, Chair, thank you. But I have no real comments at this time.

CHAIR VICTORINO: Well, we'll hold up on comments, I really would like questions if you have questions, if you don't mind please.

COUNCILMEMBER CARROLL: I have no questions right at this time. Thank you.

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

COUNCILMEMBER BAISA: Chair, I really don't have any hard questions but I think an important matter to take a look at is if this OT is to be looked at because there might be some concern about, you know, how much we've used or whether it's appropriate or not. I think we need to have some figures in front of us, you know, what is the

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budget and what are we using? And do we keep coming back for more OT because we have a problem? And I don't happen to have that in front of me.

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

COUNCILMEMBER CRIVELLO: I'm like Ms. Baisa, you know, what are we working out of and what sort of...is the Budget Committee requesting a audit or...and, you know, I don't know, Chair, I guess you're going to defer this --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: We gotta defer.

COUNCILMEMBER CRIVELLO: --because you have only a few more minutes to...

CHAIR VICTORINO: Yeah. And what we'll do is we'll put that as part of our communication, the overtime usage maybe for the last three years, '12, '13, '14 because I think you would have those figures available for us. And specifically, I would be asking for a breakdown, would be for emergency purposes and for manpower needs between stations because of vacations and sick leave and other items that may come up, training, whatever it may be. So, it really would be, you know, Chief, I really would like to be asking for what the emergencies really cost us, because I know emergencies don't happen between 9:00 and 5:00, and we all know that, it happens a lot of times on weekends and evenings and late in the afternoon when call gets up, somebody didn't return from a hike in the mountain and now you gotta go look for them. And so, with that being said. Chief...or brushfires don't always happen at 9:00 in the morning and done by 5:00 in the afternoon, we wish. But with that being said, you know, so really a comparison so that this Committee will have a better understanding on the breakdown on the amount of fire, I mean amount of overtime being used by your Department for these various reasons. If that's alright with you, Chief?

MR. MURRAY: Absolutely, Chair.

CHAIR VICTORINO: And I won't schedule this until you tell me that you're ready to bring this forward. I hope in the next month or so you could bring this forward. But I won't schedule until you can tell us that you're ready to go, okay?

MR. MURRAY: Alright. So if I may clarify?

CHAIR VICTORINO: Sure.

MR. MURRAY: The Fiscal Years of 2012, '13 and '14 is what you're requesting?

CHAIR VICTORINO: If I may, yes.

MR. MURRAY: Yes, you may.

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CHAIR VICTORINO: Yeah, the three years, I think that's the last three years and I think that would be very appropriate, you know, so.

MR. MURRAY: Alright.

CHAIR VICTORINO: And then, you know, of course we talked about the helicopter and the expense of the helicopter but, you know, how does that all come together with your manpower expenses, helicopter expenses, so the public has a better understanding on why, you know, we use what we do and how we use it. But I think, more important is in this case we want really the overtime and why.

MR. MURRAY: Alright.

CHAIR VICTORINO: Mr. Guzman, do you have anything that you wanted to add to that?

COUNCILMEMBER GUZMAN: I think you've pretty much covered it, Chair. I...does the Chief have a copy of the minutes? 'Cause it pretty much breaks down Mr. White's concerns, yeah...

CHAIR VICTORINO: We will get him a copy.

COUNCILMEMBER GUZMAN: ...where it says, you know, Mr. White is concerned about the determination as to how the premium pay breaks out, between overtime and Rank-for-Rank Recall responsibilities. So I think you pretty much covered it, Chair. And if Chief could come back with some numbers and maybe review the minutes. . . .(inaudible). . .

MR. MURRAY: Alright, I have a copy of the minutes right in front me, so we'll go ahead and review that and we'll break it down with the request that you've...that Chair already gave me now and what Council Chair White's items are within the minutes. Yeah.

COUNCILMEMBER GUZMAN: Yeah. It's better. . .(inaudible). . .

CHAIR VICTORINO: Between the two I think they cover pretty much everything, unless you see anything else. I think we've covered everything. So, Chief, I'm sorry that, you know, we had to, you know, but you don't have the information and I apologize for not putting that forward but we will bring it forward when you have ascertained this information. And most importantly, I would hope that at that time we could have most of the Members if not all the Members here to hear that. Because I think that's very important, because during budget that's one of the big concerns every budget session is the overtime, both by your Department, Police, and I think the other one is, generally, are essential like Water and Parks. So, I think this is a good time for you to show us and show the public how the money is being spent.

MR. MURRAY: Well thank you for that opportunity, Chair and Members. I appreciate that.

CHAIR VICTORINO: Thank you, Chief Murray. So with no objections...

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MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Yes?

MS. WILLENBRINK: Point of clarification?

CHAIR VICTORINO: Yes?

MR. WILLENBRINK: Just to...for the body to be aware that this was just referred as the matter of, there's no resolution attached to it at this time.

CHAIR VICTORINO: Understandable, and so at this point I just wanted to make sure that before we go to the next step we have the necessary information so that we can bring it forward. Okay? So with no objections, I will defer this matter.

COUNCILMEMBERS: No objections.

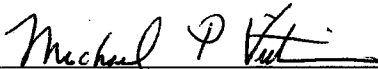
COUNCILMEMBERS VOICED NO OBJECTIONS (excused: DC, EC, RH, MW).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: Thank you very much. Members, thank you for being here. I apologize with, you know, with bare quorum there's not much else we can do. But I think the two last items really deserve some more attention. We need to get more information. I think this is very, very important if we're going to do a good job in helping both Departments do their job. So with no further discussion, the meeting of the Public...public, oh God, I'm still in public...Policy and Intergovernment [sic] Affairs Committee for September 29, 2015 is now adjourned. . . .(gavel). . .

ADJOURN: 9:58 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Policy and Intergovernmental Affairs Committee

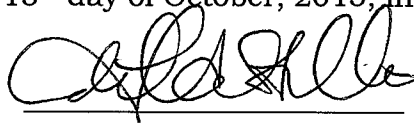
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CERTIFICATE

I, Tiare del Castillo, 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 15th day of October, 2015, in Pukalani, Hawaii

A handwritten signature in black ink, appearing to read 'Tiare del Castillo', is written over a horizontal line.

Tiare del Castillo