

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

Council of the County of Maui

## MINUTES

January 4, 2016

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

**CONVENE:** 9:04 a.m.

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Don Couch, Vice-Chair  
Councilmember Robert Carroll, Member  
Councilmember Stacy Crivello, Member  
Councilmember Riki Hokama, Member  
Councilmember Mike White, Member (In 9:52 a.m.)

**EXCUSED:** Councilmember Gladys C. Baisa, Member  
Councilmember Elle Cochran, Member  
Councilmember Don S. Guzman, Member

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Raynette Yap, Substitute Committee Secretary  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

**ADMIN.:** Michael Molina, Executive Assistant, Office of the Mayor (Item PIA-2(15))  
Gregory King, Central Purchasing Agent, Department of Finance  
Mark R. Walker, Deputy Director, Department of Finance  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Rosemary Robbins

**PRESS:** Colleen Uechi, *The Maui News*  
*Akaku--Maui County Community Television, Inc.*

---

CHAIR VICTORINO: . . .(*gavel*). . . Good morning and Hau`oli Makahiki Hou to all out there. This is the first meeting, Committee meeting of the New Year, January 4, 2016; and I want to wish everyone a happy, healthy, and prosperous new year. All my Members that are here this morning, thank you so very much. I'm the Committee Chair, Michael Victorino. I'd like to introduce at this time the rest of the Committee Members that are present. Our Vice-Chair of the Committee, Don Couch.

VICE-CHAIR COUCH: Good morning, Chair.

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

**January 4, 2016**

---

CHAIR VICTORINO: Good morning. And Members that are present at this time, from East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. And from Molokai, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

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

COUNCILMEMBER HOKAMA: Happy New Year, Chairman.

CHAIR VICTORINO: Happy New Year to all. Thank you, Members, for being here. At this time, Ms. Baisa is excused today; Ms. Cochran is excused today; and Mr. Guzman is excused today; and Chair White will be joining us a little bit later. So right now we have bare quorum. So, Members, if anybody needs any kinds of...have any needs, please let me know and we will take a quick recess, okay? From the Mayor's Office, we have the Executive Assistant, Mike Molina.

MR. MOLINA: Good morning, Mr. Chairman. Thank you.

CHAIR VICTORINO: Happy New Year, Mr. Molina. Thank you for being here. Our Corporation Counsel, Mr. Kushi, will be joining us very, very shortly. This morning, our Committee Staff is...our Legislative Analyst, Ms. Kim Willenbrink.

MS. WILLENBRINK: Good morning and Happy New Year.

CHAIR VICTORINO: Yeah, same to you. And of course our Committee Secretary today is Raynette Yap.

MS. YAP: Good morning, Chair.

CHAIR VICTORINO: Good morning, Ms. Yap. Thank you for standing in. Unfortunately, also, our office in Hana will not be manned today. Ms. Lono is with her husband doing some medical needs in the mainland and we wish them a speedy...I wish him a speedy recovery and a safe return home. Lanai Office, Denise Fernandez, are you there?

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

CHAIR VICTORINO: Good morning, Denise, and Happy New Year. Ella Alcon, Molokai Office, are you there?

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

CHAIR VICTORINO: And is the nominee from Molokai's Planning Commission also there?

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

**January 4, 2016**

---

MS. ALCON: Not at this time.

CHAIR VICTORINO: Thank you. We'll be calling \_\_\_\_\_, because he was the first agenda item and I wanted to get started. I was hoping he'd be there to at least start us off. But anyhow, with that all being said, we have a number of items that we would like to cover today. And we have to open up public testimony so I will start in the gallery. We have one testifier at this time. And Happy New Year to Ms. Robbins. She's here again and thank you for being back. New year and hopefully new ideas. Rosemary Robbins, concerned citizen will be testifying. Again the rules, all the same as last year; three minutes the red light will come on, the yellow at two and a half, and red light will come on at three minutes. And I'll ask you to conclude if you're not concluded at that point in time. Good morning, Ms. Robbins.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. ROBBINS: Good morning. Good morning, everybody. Glad to be here. Hope you had a nice new year and that we're off to a year of improvement, always room for improvement. And thanks to the good work that has been done. This morning I'd like to start out with Policy and Intergovernmental Affairs Committee Item Number 40. The description on that is that the Committee is in receipt of County Communication Number 15, meaning from the year 2015, 156. And it's from the Presiding Officer to the Chairperson of the County Council. So and the contents of it, is about the pCards. We heard a lot about this earlier last year from another county in the State of Hawaii and the behavior that was involved in that misuse of the card and then of that county's not doing a whole lot as we have heard about getting that history only and that it not be an ongoing thing. So the Committee can consider the administration procedures related to using those cards, using them and then how does the processing of those go. So I went up to the 7<sup>th</sup> floor and I got the binder for this, for PIA-40 and 41 and there was very little in it. But there was...oh PIA-41, like I mentioned is how it's processed. And, so the only thing that was in that binder was a collection of papers not numbered. I don't know what happens, the best practices in those. But if you're going to use the document, they need to be numbered so that we know that all the pages are there and there's no chance of any of that being lost or otherwise not available. But anyway, here it is, and it identified that--excuse me, we're on to 41--that after having a request from both May 8<sup>th</sup> and May 29<sup>th</sup>, on June 16<sup>th</sup> of 2015, there was this collection of papers in there that said purchasing cards, pCards, purchase orders, Policy and Intergovernmental Affairs Committee. So there was a Committee that worked on this. And like I say, I'm concerned about the fact that the papers were not numbered in there. But anyway, one of the papers that I did get talks about why it's worth it to have those and on it, it identifies two dots here. One is that there are estimated transaction costs to the County. The other one is that there is known fraud to Maui County. And the money from the...

MS. WILLENBRINK: Three minutes.

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

**January 4, 2016**

---

MS. ROBBINS: Yeah.

CHAIR VICTORINO: Will you conclude Ms. Robbins?

MS. ROBBINS: And we're on to the 41. Yeah. Thank you. And on to here is including that there are current investigations. No clue on that. No clue on the number of pages that would've been in this report. So that's something that should be pretty easy to correct. The use of those cards is very scary. Recall that what happened on another island here. Those cards were used in...

CHAIR VICTORINO: Ms. Robbins, would you sum up in one sentence or less please?

MS. ROBBINS: Okay, even though there are three of these?

CHAIR VICTORINO: I'm sorry?

MS. ROBBINS: There are three of these items, 40, 41.

CHAIR VICTORINO: Are you gonna speak on a different item?

MS. ROBBINS: Yeah, I just said that a minute ago, that we're on to 41.

CHAIR VICTORINO: Are you on to 41?

MS. ROBBINS: I am.

CHAIR VICTORINO: Okay.

MS. ROBBINS: Okay.

CHAIR VICTORINO: I didn't know you had changed. It seems you're still talking about pCards and 41 is not, it's Maui purchase orders. It's a different item so would you...are you addressing that item?

MS. ROBBINS: I am.

CHAIR VICTORINO: Okay, please. Go ahead.

MS. ROBBINS: Thank you. I'm sorry if that caused some confusion.

CHAIR VICTORINO: Thank you.

MS. ROBBINS: Not my intention for sure. That with the, not only the use of those cards, the things that would be pretty unseemly for County use, bars after midnight and entertainment. Not, I think what the majority of people who might end up having to pay for --

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

**January 4, 2016**

---

CHAIR VICTORINO: Ms. Robbins?

MS. ROBBINS: --this is a taxpayer.

CHAIR VICTORINO: Ms. Robbins, you are now on purchase orders, not on cards right? So you're referring again to cards. I would like to make sure that we're on 41, which is purchase orders. Okay? So if you would address that particular item I would appreciate it. Thank you, my dear.

MS. ROBBINS: Okay. Is that gonna be helpful for you to say what purchase orders are. When they were together in that folder, I thought that they were together.

CHAIR VICTORINO: Well they're different items and purchase orders are signed documents that have to be submitted for approval before the purchase is actually made.

MS. ROBBINS: And those aren't the same kinds of purchases that are made with cards?

CHAIR VICTORINO: No, no, no.

MS. ROBBINS: Thank you for that clarification. That's another one that would be helpful. So hopefully that's gonna be helpful for people listening to this too. Thank you for doing that.

CHAIR VICTORINO: Thank you.

MS. ROBBINS: Okay. So anyway, the last of the items that I had signed up for was Council approval of intergovernmental agreements. And this is asking, I've got it highlighted here. The purpose of the proposed bill is to require the Mayor to obtain Council approval prior to, before, entering into any intergovernmental agreement, without regard to whether a financial obligation on the part of the County is being created, just to ensure appropriate reviews and oversight of such agreements. So good idea, think beforehand. Get it set up so that it's a track that's going to be a track of pono that everybody wants. Okay.

CHAIR VICTORINO: Thank you very much.

MS. ROBBINS: And I dare to say everybody because it was put into the Charter. Last one.

CHAIR VICTORINO: Okay. Thank you. Any questions for the testifier on any of the three items that she has testified on? Seeing none, thank you Ms. Robinson. Again thank you and have a great new year.

MS. ROBBINS: You're welcome.

CHAIR VICTORINO: And we look forward to seeing you.

MS. ROBBINS: Robbins.

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

**January 4, 2016**

---

CHAIR VICTORINO: Robbins. I do that, every so often I slip.

MS. ROBBINS: I know.

CHAIR VICTORINO: Thank you. Okay. Seeing no one else wanting to testify in the gallery, I will check with our District Offices. Lanai, Denise, is there anyone wishing to testify?

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

CHAIR VICTORINO: Thank you. Molokai, is there anyone wishing to testify?

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

CHAIR VICTORINO: Thank you Ella. And is the nominee there? Mr. Akutagawa?

MS. ALCON: No he's not.

CHAIR VICTORINO: Okay. With your permission...okay with you...okay, well, first of all, let's close public testimony. No objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you.

**. . .END OF PUBLIC TESTIMONY. . .**

**ITEM PIA-2(15): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS  
(MOLOKAI PLANNING COMMISSION) (CC 15-5)**

CHAIR VICTORINO: With your permission, would you guys mind if we moved that down until he appears? Will he be there today? Do you know, miss...

COUNCILMEMBER CRIVELLO: Not to my knowledge.

CHAIR VICTORINO: Not to your knowledge.

COUNCILMEMBER CRIVELLO: I wasn't expecting him to.

CHAIR VICTORINO: At all? Not even to...

COUNCILMEMBER CRIVELLO: Yeah. I don't know if your Staff...

CHAIR VICTORINO: We tried to ask him if he would come. Did you hear back from him?

MS. WILLENBRINK: I sent you an e-mail. Brief recess.

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

**January 4, 2016**

---

CHAIR VICTORINO: Okay, go ahead, sorry, brief recess. Sorry. . . .(gavel). . .

**RECESS: 9:16 a.m.**

**RECONVENE: 9:17 a.m.**

CHAIR VICTORINO: . . .(gavel). . . Mr. Molina, would you start with the nominee from Molokai for the Molokai Planning Commission. Go ahead.

MR. MOLINA: Yes, thank you very much. Mr. Chairman and Committee Members, once again Happy New Year. This is of course in relation to Policy Item Number 2, bracket 15. The Administration would like to ask for your consideration of Wiliama Akutagawa to serve on the Molokai Planning Commission. Mr. Akutagawa is a small business owner for W.A. Quality Masonry as indicated on your, on the applicant's application. Mr. Akutagawa is very active in the community, involved with several Hawaiian groups as well as church and youth groups, and we're certainly very fortunate to have someone of this caliber serving, potentially serving on this Commission. The Administration would like to thank Councilmember Crivello and her staff with assisting the Administration with the nomination process. So with that being said, Mr. Chairman, if you or the Committee Members have any questions, I'm open to taking those questions. Thank you.

CHAIR VICTORINO: Thank you. And I will then give Ms. Crivello an opportunity to speak about Mr. Akutagawa.

COUNCILMEMBER CRIVELLO: Thank you, Chair. As we realize that often it's difficult to get volunteers to step up to the plate to serve as, on the, especially on the Planning Commission, sometimes just on our home turf it gets to be a challenge, and I sincerely appreciate Wiliama's application. This is a young man, homegrown as ever can be, has his own family, and he's also a business man trying to sustain his livelihood on what can be sometimes difficult economic times on our island. So I know Wiliama comes from a line of family that truly loves and appreciate what Molokai offers but also sees the need, how, what processes we need to go through to get some things in place for different businesses as well as making it compatible with what we value for our island. So I ask my colleagues to support the appointment of Wiliama Akutagawa.

CHAIR VICTORINO: Thank you. Any other comments or questions for Mr. Molina or Ms. Crivello? Members? Then hearing none, then I will make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR VICTORINO: If there's no more further discussion the Chair will entertain a motion to adopt a proposed resolution entitled Relating to the Appointment of Wiliama Akutagawa to the Molokai Planning Commission.

COUNCILMEMBER CRIVELLO: So move, Chair.



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

**January 4, 2016**

---

CHAIR VICTORINO: Happy New Year, gentlemen.

MR. KING: Since the last, since our last meeting the Auditor's Office has been preparing for an audit and we just had a pre-meeting or kickoff meeting I guess they called it, about a week ago and so we're preparing the information for them for their audit. So that's what's going on.

CHAIR VICTORINO: So we are still in the process of the audit itself?

MR. KING: Yeah, it's gonna start...the projected schedule that Scott Kaneshina gave me looks like they're gonna work from now until the end of March, report and then get the report done by end of June.

CHAIR VICTORINO: By when?

MR. KING: June 30<sup>th</sup>.

CHAIR VICTORINO: June 30<sup>th</sup>, okay very good. Members, any questions for Mr. King and/or our Deputy? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, so the audit scope currently is only on pCards or purchasing cards, Mr. King?

MR. KING: Yes, that's my understanding.

COUNCILMEMBER HOKAMA: Okay, so --

MR. KING: Actually the audit says "procurement" and then I think the initial focus is on purchasing cards. I'm not sure if they're gonna go beyond that or whatever, you'd have to ask Mr. Kaneshina that.

COUNCILMEMBER HOKAMA: So purchase orders is not necessarily part of the scope? As you...

MR. KING: Not on the initial, their initial thrust.

COUNCILMEMBER HOKAMA: Okay. Chairman, if I may?

CHAIR VICTORINO: Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. You know, part of my understanding of why our Chairman, Committee Chairman has brought this forward is concerns we've had and as well as our community through media reporting. So is there anything you could tell us regarding the status of those issues at this time? And I just bring it up because there's a sense out there that with white-collar crime, this County turns its cheek and I need to know that we comply with the laws and we will prosecute

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

**January 4, 2016**

---

according to the law. And that it doesn't matter if it's a County employee, wrongdoing is wrongdoing. So I don't know if they can speak about this at this time, Chairman, but that's I know, been, people been asking me what has happened to those that have been guilty or found to have misused public funds?

MR. KING: I'd like to defer to Ed Kushi on that. I know there's some ongoing investigations. You wanna answer?

CHAIR VICTORINO: With that being and that being the question, and I also have that question being asked. And understanding that it's under litigation, I will turn to our Corporation Counsel, Mr. Kushi, welcome, sir, Happy New Year. Okay. Please turn off your cell phones. Okay, sorry. Go ahead, Mr. Kushi, would you like to address that question as best you can?

MR. KUSHI: Yeah, if it's a question whether if there's ongoing investigations, I believe there is, or there were and in any event we can't disclose that to you here. Neither can we disclose it in Executive Session because it is a pending litigation matter and we have to abide by certain collective bargaining agreements and as well as HRS 92-F. When and if the thing is resolved it'll come out and it'll be subject to records request if at all applicable.

CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I think Mr. Kushi in his own common legalese was very clear to me. I understood what he's saying and I appreciate that there is still ongoing investigative review to see if there is one, wrongdoing, and if it is then appropriate action to be taken. So I'm satisfied with his response at this time, Chairman, thank you.

CHAIR VICTORINO: Thank you, and I'm glad you brought that up because I was, if no one else was to ask that same, similar question. But I understood because of the pending litigation and no finalization of it, it's very difficult, they cannot address it at this point in time. And we could go into Executive Session but I did not post it for today.

COUNCILMEMBER HOKAMA: Understood, Chairman. And I just bring it up because people out there are there still --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --interesting enough, maybe in a humorous term but they would say, why don't you let the pCard buy this for us or sponsor this for us. It's a humorous, satire cut at the County, Chairman. And, you know, being part of the County, I take that quite seriously. Thank you.

CHAIR VICTORINO: Absolutely. And I take it the same way. And other concerns and other issues from other counties do reflect upon us also. You know and even if it is not our county, people often make those kinds of remarks, you know, I've had it come to me

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

**January 4, 2016**

---

and says, hey Mike let's go have dinner on your pCard. You know, that's, you know, I take offense to it, but then I understand they're doing it in a joking manner and we just try to, you know, just let it be and just move on. But we will, first of all today was to see where we were with the audit and I guess, and I thank you for that clarification. So hopefully by June we will have that audit completed, and brought to us, and reviewed. The other litigations, as soon as something comes up and we are made avail of it I will be, I would not hesitate to bring it up so the public can hear. Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: So, Chairman, if you would allow, if maybe Mr. King or Mr. Walker as our top Finance people here today can share whether they've made any interim or any recent adjustments in policy, whether to reduce the number of cards out there or there's additional review now to ensure it falls within the parameters of authorized use.

CHAIR VICTORINO: So, gentlemen, whichever one wants to, Mr. Walker or Mr. King, who would like to answer that question.

MR. KING: Councilmember Hokama, yeah one of the things we always had was an audit, kind of an audit process where we take all of the transaction data and put it into Excel spreadsheet and then we can search on the vendor, the vendors. We can search on the, by the cardholder and what their activity is, we can search by amounts and so forth. In that we can look for parceling possibilities. Sometimes parceling is, it's a real gray area because sometimes people have, they'll go to the same place three times in a day for completely legitimate reasons, sometimes not. You know, one of the things, I know there's a lot of buzz going around about jokes about the pCard and stuff but I think my response would be to that is that there's no, there's been lots of pCard problems in various jurisdictions and the Feds actually started this way back. So way back in the '90s the Feds were using pCards and they were, they'd had problems but I've never been aware of a situation where somebody discontinued their pCard program because of problems, because the cost advantages of the transaction. Cost advantages are overwhelming to, as compared to any potential abuse and so I think you'll see that in the audit process. You know, I'm sure there's things that they're gonna find that we can improve upon but I think the basic, we have the basic framework for a solid pCard program.

CHAIR VICTORINO: Mr. Hokama, any other questions?

COUNCILMEMBER HOKAMA: Did at any time the departments consider reimbursements? Because many of us go, we work through reimbursements, you know. We check with the Chair's Office, we spend our money, and if it gets approved we get reimbursed and if it's, doesn't qualify for reimbursement then we eat it.

MR. KING: Yeah. Actually Accounts Division does have a reimbursement program called request for payment thing. And there's a form and you fill out and that's exactly the process and they've had that forever. They're actually trying, making it a concerted effort to discontinue that because it's kind of a parallel procurement process. It's

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

**January 4, 2016**

---

something that I don't see. It's something that goes to accounts and it's always an after-the-fact thing. It's just like the pCard program, it's after the fact. And I guess your point --

COUNCILMEMBER HOKAMA: Well my point is you may not get reimbursed.

MR. KING: --is that it'll get reimbursed only if it's valid.

COUNCILMEMBER HOKAMA: That's correct.

MR. KING: Yeah, and so...yeah. We pretty much reimburse everything that happens because they don't wanna put the employee out on something. So it becomes an employee judgment issue and I'm not sure it's appropriate to have an employee who may or may not be aware of what their limits are to be able to judge their expenditures and so...

COUNCILMEMBER HOKAMA: But it's okay for the pCard to be used?

MR. KING: The pCard...

COUNCILMEMBER HOKAMA: Without knowing the expenditures.

MR. KING: Well the pCard's controlled by, you know, if you go, you could...as a personal expenditure you could go book a first class ticket to Paris, you could do, you could get cash and you could go to Costco and buy cases of champagne or whatever. The pCard is limited, is restricted by merchant category code. So at least it's within the, it's within certain categories of things that they're supposed to be buying, that's the first thing. And second thing, the supervisor is supposed to be watching that also, watching the expenditures. And there's limits. Yeah.

COUNCILMEMBER HOKAMA: The supervisor is made aware prior to the purchase of the employee's intent to buy or is the supervisor made aware after the fact too?

MR. KING: It depends on their policies.

COUNCILMEMBER HOKAMA: So does every department that has a pCard have their own policy on how to operate the use of the pCard?

MR. KING: I'm not sure. I'll give you an example, if you have a mechanic down at the garage and the supervisor's at lunch, and he's working on a car it would be inefficient for him to, for the mechanic to have to wait for the supervisor to get back to lunch always to go order a part from United Auto Parts. So there's some discretion that has to be in play there.

COUNCILMEMBER HOKAMA: But basically at this time you cannot tell this Committee that we have just one policy? Every department operates...

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

**January 4, 2016**

---

MR. KING: We have just one over, we have one overall policy in the Finance Department for the pCards.

COUNCILMEMBER HOKAMA: I look forward to the audit's finding, Chairman.

CHAIR VICTORINO: Exactly, Mr. Hokama, and I think this is why the audit is gonna be pivotal for further decision making by this body and the Administration. I believe that sometimes different departments have different procedures and this is what I've been told. Now how those procedures are monitored is another issue. So with that being said, this was more of an overview to see where we were and to get an idea of when this audit would come forward so that this Committee and the rest of the County would have a better understanding. And if changes are needed then changes should be made immediately so that no further action or no further ability of someone taking advantage of the situation. Again, Mr. King has indicated we save a lot by having pCards; however, if the abuse is egregious then maybe it may not be that great an idea. I don't know. Until I see the audit, Mr. King, I will not comment in the respect. Further questions? Mr. Couch, did you have something? I thought you had raised your hand, I apologize. Anyone else have any more questions? Mr. Carroll, any questions?

COUNCILMEMBER CARROLL: Not really questions but I would like to say I don't really feel comfortable with the pCard, the way it's structured now. Thank you.

CHAIR VICTORINO: Thank you. And, Ms. Crivello, any...no, none?

COUNCILMEMBER CRIVELLO: No questions.

CHAIR VICTORINO: So with no further discussion, I will ask to defer this item, with no objections?

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: GB, EC, DG, MW).

**ACTION: DEFER pending further discussion.**

**ITEM PIA-41: COUNTY OF MAUI PURCHASE ORDERS** (CC 15-173)

CHAIR VICTORINO: Okay. Moving on to the next Item and it's very apropos, County purchase orders, PIA-41. Again there's a county communication, in receipt of County Communication 15-173, from myself, relating to the County's procedures on purchase orders. And that's a different subject but I thought it was a subject that needs to be looked at, and if this is not covered by the audit, which I hope it is, Mr. King, but if it's not, I will definitely be asking for an audit in the purchase orders section because I think we need to have that clarification on how purchase orders work. But I will give

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

**January 4, 2016**

---

you an opportunity to explain the system that the County of Maui has in regards to purchase orders. Mr. King?

MR. KING: Okay, Chairman Victorino, yes. Purchase orders are, start with a piece of paper called a requisition and it can either be a piece of paper or some of it we're doing online now, where there's a need indicated and then there's funding available. And the people fill out a requisition form and then it goes to their supervisor. Sometimes it goes to the department head depending on their internal policies for approval and then it comes to Purchasing and we look at and it goes, if it gets approved, we approve it on our IFAS software system. There's various thresholds of requirements under the purchase order method. For the County of Maui, under \$1,000, multiple quotes aren't required. For over \$1,000, between \$1,000 and \$5,000, 3 verbal quotes are required. And for over 5,000, 3 written quotes are required if that's available. Of course on Maui and on Lanai, and Molokai, especially there's very limited sources in a lot of cases. So we have a form which the users provide documentation for procurements over 1,000 and that form is, if they can't get three quotes they describe why they can't and then we try to, we, we'll approve it if it seems reasonable. And that's basically, that goes up to 25,000. Any procurements over 25,000 we put out the formal bid which is an advertised bid.

CHAIR VICTORINO: So if I'm correct in this, let's use 25,000 and under 'cause that's quite extensive. Your process is that the supervisor, whoever he or she may be, reviews all the bids that were achieved, and there should be three bids received for any major purchase. Is that correct, Mr. King?

MR. KING: For, when you say major purchase meaning under 25,000 or over 5,000?

CHAIR VICTORINO: Under 25,000 and above 1,000.

MR. KING: Okay, yeah. Yeah, they try to...

CHAIR VICTORINO: Sorry --

MR. KING: Yeah.

CHAIR VICTORINO: --for that clarification.

MR. KING: The goal is to get three quotes unless it's on an existing pricelist or cooperate purchase agreement --

CHAIR VICTORINO: Okay.

MR. KING: --or whatever, then it goes by those policies.

CHAIR VICTORINO: By those polices?

MR. KING: Yeah.

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

**January 4, 2016**

---

CHAIR VICTORINO: Okay, okay. Very good, thank you. Questions? Mr. Hokama?

COUNCILMEMBER HOKAMA: I appreciate Mr. King's comments and basically I have confidence in the general operating procedures that we have set up. I just, my only concern, Chairman, and again I find it interesting, on the report that shows cost of known fraud to Maui County, they currently say it less than \$20,000 since inception of the program. I guess for some of us that, we would say that's a good amount. It's to a level, financial level that is not so, I would say earth shattering for us. But the fact is obviously we've had employees that was willing to cheat 'cause there's at least almost \$20,000 worth of fraud that's been shared with us. So saying that, I think we just need to continue to keep reviews of the procedures. I think there should be sample testing of employees that have certain additional financial leeway in this area. And for me, Chairman, again I would be happy to hear how the auditors wanna approach this because I understand it's two different ways of purchasing.

CHAIR VICTORINO: Right.

COUNCILMEMBER HOKAMA: In this, basically you need to happen before, you approve it before you purchase. Have we purchased before approval with POs?

MR. KING: Yes it happens. And we have, we do have an emergency process whereby if, pick on David Sakoda, David Sakoda there's a tree at Kanaha that's about to fall over. He'll call and try to get as many quotes as he can within the time, the emergency procurement process. So we have a process for that, and a lot of it, we give out emergency purchase orders even if it's not that kind of a situation. Even if it's really like a lack of planning situation they'll call up and acquire an emergency purchase order and we'll question them in terms of whether they're getting quotes or whatever, prior to the approval.

COUNCILMEMBER HOKAMA: If it's on County property, Mr. King, can't our departments just go there and take it down because it's a health and safety issue?

MR. KING: Are you talking about trees?

COUNCILMEMBER HOKAMA: Yeah. I mean, you know, Parks says we got our men here, we got saws, we got, you know if it's a health/safety issue we can knock it down right now.

MR. KING: Yeah, we don't have any tree-trimming equipment at the County. Big Island has tree-trimming equipment but we don't so we rely on private contractors.

CHAIR VICTORINO: I see that smile, Mr. Hokama, I see that mind clicking.

COUNCILMEMBER HOKAMA: Okay, well we'll be in budget soon, Chairman.

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

**January 4, 2016**

---

CHAIR VICTORINO: Yeah. Good discussion, I think that'll be something that maybe, you know, something that we could utilize.

COUNCILMEMBER HOKAMA: Well it's something we can talk about, Chairman. Just like how we've --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --talked about repaving. Eventually we went and provided the resource to do repaving.

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: So yeah, maybe this is something we can consider but I appreciate Mr. King giving us those examples. Again I just wanna make sure that we minimize as much as possible any potential ability for fraud because I think most of us have very little tolerance stealing from the people.

CHAIR VICTORINO: Absolutely, absolutely.

COUNCILMEMBER HOKAMA: Okay, thank you, Chair.

CHAIR VICTORINO: Ms. Crivello, any questions?

COUNCILMEMBER CRIVELLO: No, thank you, Chair.

CHAIR VICTORINO: Mr. Couch?

VICE-CHAIR COUCH: No, thank you.

CHAIR VICTORINO: Mr. Carroll? Okay, seeing no further discussion, I wanna thank you again, Mr. King and Mr. Walker, for coming down this morning. Again, it is my hope that the audit will not only cover pCards but maybe even get into the area of purchase orders because I think this is, even though parcels, they're different items, they work hand in hand in a lot of the day-to-day activities that this County provides as far as equipment and as well as other services that we need. And I think it's important that the public have the utmost confidence that what we do is above board and like Mr. Hokama has said very eloquently, very little opportunity for an employee to misrepresent or cheat the County. So with that being said, with no objections, I will defer this matter.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: GB, EC, DG, MW).

**ACTION: DEFER pending further discussion.**

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

**January 4, 2016**

---

**ITEM PIA-9: COUNCIL APPROVAL OF INTERGOVERNMENTAL AGREEMENTS**  
(CC 14-294)

CHAIR VICTORINO: Thank you, and we'll move on to Item Number P-9. Thank you, gentlemen, have a great day and Happy New Year again.

MR. WALKER: Am I here for P-9?

CHAIR VICTORINO: You can stay here for P-9 if you want.

UNIDENTIFIED SPEAKER: Sure.

CHAIR VICTORINO: You know, Mr. Walker, you didn't come all the way up here just for those and you let Mr. King do all the talking, now you're gonna be in the hot seat. How's that sound, Mr. Walker? Thank you. PIA-9 is the County's in receipt of 14-294, from Councilmember Riki Hokama, transmitting a proposed bill entitled A Bill for an Ordinance Amending Chapter 2.20, Maui County Code, to Require the Council's Approval of Intergovernment [sic] Agreements. The purpose of this bill was to require the Mayor to obtain Council approval prior to entering into any intergovernmental agreement, without regard to whether it has financial obligations on the part of the County is being created, or to ensure appropriate review and oversight of such agreements. Councilman Hokama, can you please give us a little background on what this past troubles on intergovernmental agreements have been and why you have brought this forward. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I would say, through my years of service and depending which or who sits in the main chair in the Department of Corporation Counsel, we've had different interpretations regarding the obligation component. So for me, one way is to clarify through the County Code. And currently I am, you know, I've proposed a overarching where it's basically everything. And, you know, for me, Chairman, there's times when, after a Mayor enters into agreement we find that there is financial considerations tied to that eventually. So one way is, under the current system, we could put into the Code if a financial obligation does occur in the future from a non-Council approved agreement that the County of Maui is not obligated to perform 'cause it never went through the Council. The County's not obligated to perform. Then I would say that's one way to approach it. The other way to approach this is that everything comes before us before it gets committed by the Executive on behalf of this County, is another way or I would say, Chairman, I'm open to other options that you may propose, or other Members may propose. But for me it's to be at least informed that there's an agreement out there and to allow us to determine whether or not there may be financial obligations. Again, like the previous items, we are dependent on someone's interpretation of what is this obligation, under the current way it's stated. I think we need to bring some clarity, bring some uniformity so regardless of who's Corporation Counsel, who's on the 9<sup>th</sup> floor, we can expect a consistent way to move this type of agreements forward in this County 'cause we have a basic understanding of what it is, regarding obligations. And that's why I

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

**January 4, 2016**

---

bring it up, Chairman. I think, you know, one of the things that in the past, maybe from the '60s and what not, it wasn't that, to this level that we currently are in. So I would say it's something that, I think, we should consider especially if we can bring clarity to avoid different interpretations of the same phrase, financial obligation. And that's what I'm asking the Committee for discussion and consideration, Chairman.

CHAIR VICTORINO: Okay, thank you. Before I open the floor up to the Members, I will ask Mr. Kushi, it's my understanding your Department has some concerns about the bill as it's written and so with that being said, would you put those concerns forward if you would like to? And that way, when we're going into the discussion maybe we've covered some of the concerns, not only what you may have but Corporation Counsel. Mr. Kushi?

MR. KUSHI: Yes, Mr. Chair, and first of all, excuse my voice. I lost it last week. I discussed this proposed bill with Mr. Ueoka, my colleague who advises the Finance Budget Department, because these agreements usually come to the Budget Committee. I agree with Mr. Hokama, you know, I've been here over 16 years and there has been some differences as to what constitutes an obligation. But when in doubt, I think recently we've said, if you're in doubt, send it down to Council and let them argue about it and don't take it on your own. But, again, it's happened before. The other concern we have is that even in the way the bill reads right now, it says, unless approved by ordinance. We've considered, our office has considered taking the position that in the Budget Session, the Budget Bill is an ordinance, so if any kind of agreement, or allocation, or appropriation is in the budget, it is approved by a budget ordinance, therefore we don't have to come back again. More specifically you've been seeing a lot of intergovernmental agreements within the Budget Session for State-funded loans, Water Department, Sewer Department, so that makes it a little clearer. But in any event, if there's a line item approving something to do with a third-party government entity and it's in the budget, we're of the position, you don't have to come back for a separate agreement. Now this may change with this bill, okay. The other concern we have is that this may slow the process down tremendously because a lot of these agreements, in our mind, our office's mind as well as the 9<sup>th</sup> floor is that there's no obligation, no financial obligation and we just process the thing through. Example is like the civil defense compacts, where all the counties get together with the State and, you know, we'll agree in case of an emergency, we will do this, this, this, this. There's no set forth financial obligation but if the thing happens, it may. But at this point in time, because it's such a iffy, wiffy, biffy, in the case of an emergency, we say, go and sign off because you might risk Federal funds or Federal grant, State grant-in-aids if you don't. If we had to come back to the Council for every of these types of agreements, we'll slow the process down tremendously but again that's the price of rice if you want to do it that way, okay. But again, I agree there is some inconsistency throughout the years, as to what constitutes a financial obligation, and if it needs clarity, fine, and we'll do it through this ordinance. I'm not sure what the 9<sup>th</sup> floor will do, whether it'll consider this bill as supreme micromanagement but again, that's not my call.

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

**January 4, 2016**

---

CHAIR VICTORINO: Thank you, Mr. Kushi, and...for that clarification and some concerns. I think we all share that. I believe you are correct, and many times things have been brought to our attention and there was nothing, as far as financial obligations but, you know, there are things that sometimes come here later, comes down later through the years, financial obligations. And I think that's what Mr. Hokama and many of us have concerns. How do we justify and how do we determine that, yeah? So I'll let you go, Mr. Hokama, again, and then I'll go down the row and ask each one to give their manao and their questions. Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: And thank you, Chairman, and I appreciate you allowing all Members to participate. I would just say, Chairman, that we have seen agreements come before us, with the understanding from Administration and maybe those that even are proposing the agreement to us, from another government agency that there's no financial obligation to this County. Unfortunately, I'm a guy that reads the black and white and then when you read the black and white, there's a component or a paragraph that says the County will pay da, da, da, da, da, under this situations. I consider that financial obligations. So to tell me there's no financial obligation and yet we find it in the document in those small little black and whites, I get confused. Do we or do we not then, have an obligation? The proposal says no to our County but then my point is, why is it in the document? We've seen that many times, Mr. Chairman, and so again, we can be reassured by Mr. Kushi and others representing the Department of Corporation Counsel but to me, at the end of the day somebody's gonna wave this thing in black and white to me and say you guys agreed to this language and this is what the language says, regardless of your understanding when you approve it, this is what it says in the document. I got problems with that, Chairman. Okay.

CHAIR VICTORINO: Mr. Kushi, would you like to respond to that?

COUNCILMEMBER HOKAMA: And I think Mr. Kushi understands what I'm talking about because I think he --

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: --came, in certain meetings and we brought up that very point, Chairman.

CHAIR VICTORINO: Exactly, yes.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR VICTORINO: Okay, Mr. Kushi?

MR. KUSHI: It's not...

CHAIR VICTORINO: And before you start, Mr. Kushi, I'd like to recognize the presence of Mr. White, the Chair of the Council. Good morning, Chair, and Happy New Year.

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

**January 4, 2016**

---

COUNCILMEMBER WHITE: Thank you, same to you.

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

MR. KUSHI: Mr. Chair, it's not so much a response to Member Hokama but right now, pending, for whatever reason we've had good relations with the State, in terms of agreements, contracts, and we've always said, you know, they always...we want indemnification, they want indemnification. We're both government entities, we cannot indemnify, you know, we say we'll indemnify you to the extent permitted by law. The law says you can't, unless you come before the Council. Recently the State has taken a hard...how should I say, hardball position in saying that, you know, unless you sign this contract provision, we won't enter into this contract. And my comment is, well who needs it most, right. But again, these kind of issues may come before us pretty soon because I'm telling my deputies if they wanna have this contract, you bring it to the Council and you let the Council know that we may have to defend and indemnify the State, you know, bring it up front. These are the kinds of issues that you say consequences in the future, so I welcome the opportunity to come and let you guys know what our other government entities are requiring of us, and whether or not we should sign these things off. One problem is a major, major sewer line by the airport bypass road. They want us to indemnify that entire line. And the agreement is sitting on one of my deputy's desk right now. These are the kinds of issues, Mr. Chairman, that I think will be appropriate to bring up whether or not this bill was brought up in the first place.

CHAIR VICTORINO: Mr. Hokama, go ahead.

COUNCILMEMBER HOKAMA: Chairman, I thank our First Deputy because he brings us a very major issue with high-dollar impact, okay. I mean I'm looking at a quarter, at least a quarter billion dollars in my project, I mean estimation, projections, so I understand what Mr. Kushi is saying. And yet here again, here's the State who won't give us the ability on certain things like beach liability, the appropriate legal standing because tort lawyers need somebody to sue, so since they cannot sue the State, the State says well then you can sue the counties.

CHAIR VICTORINO: Right.

COUNCILMEMBER HOKAMA: Not good enough for those of us who live in the counties and our County taxpayers, Chairman. I would say, hearing Mr. Kushi and after the other Committee Members, I would be open to us continuing to work on the bill and ask Corporation Counsel if there is a version that they would like to submit for our consideration. 'Cause I think Mr. Kushi brought up some very constructive points to take into consideration because there's things, more than I had thought about some potential, other governmental agencies changing their perspective or definition of what they consider the obligations to be. So, I appreciate that, Chairman.

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

**January 4, 2016**

---

CHAIR VICTORINO: Thank you, Mr. Hokama, and thank you very much for that openness to look at this overall because when I met with Mr. Kushi and we had covered a number of these issues, then and only then did I become aware of some of the challenges, like you, today and felt that this would be a good starting point and we need to continue to work on it. Like you say, when we can get very specific on certain areas, maybe this is where we wanna head to so that there's very clear definition of what needs to come to us every time. And there may be some that we can say, no, that's not that important. I mean there is the probability of financial liability or other liabilities with that particular agreement, slim to none, okay, we can take that chance. But like you said, Mr. Hokama, we need to continue to work on it and I think that's what I would like to endeavor. So, I wanna hear from the other Committee Members and then if nothing else, I'll probably defer this measure today and continue to work on it. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. What I see is that even if the, us as the Council would make the decision to approve or not approve, we will still be dependent on the Corporation Counsel to help us with interpretation of the agreement. So, I can appreciate us looking more into this and see how...I don't know if it's gonna really satisfy us, 'cause some of, like Mr. Hokama mentioned, some of the challenges we have with our State government is beyond understanding at times. So I can appreciate the collaboration, I guess, with the Corporation Counsel and with our Staff and as well as the Committee too. I think we need to do more homework on this. Thank you.

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

VICE-CHAIR COUCH: Thank you, Mr. Chair. I agree with Mr. Hokama on most of the items he brought up. My one concern would be, you know, if we did the bill as is and I think you mentioned it, Mr. Chair, that, you know, there'd be a lot of items coming up here that we just don't really need to see. On the other side, let me ask Mr. Kushi if I may, Mr. Chair, you know, if an agreement has been made by the Administration and an entity, and Corp. Counsel determines that there's no financial obligation according to the way the law reads now, and then we find out later, two or three years down the line that oh yeah, there is some financial obligation, or even after the signature and then it comes to Council for some reason. Is there, are there provisions that we can say, you know, this agreement is null and void because it didn't come to Council?

CHAIR VICTORINO: Mr. Kushi, would you like to take a stab at that?

MR. KUSHI: Well I mean, initially if you didn't see the agreement, or review it, or approve it --

VICE-CHAIR COUCH: Right.

MR. KUSHI: --you have nothing to do with it.

VICE-CHAIR COUCH: Right, but if it came up and said --

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

**January 4, 2016**

---

MR. KUSHI: Right.

VICE-CHAIR COUCH: --it turns out that there are financial obligations --

MR. KUSHI: Right.

VICE-CHAIR COUCH: --then we were required by law to approve it and didn't, so therefore is the agreement null and void?

MR. KUSHI: Well in that event, in your example, if in the future or four-five years down the line obligation becomes apparent, I would hope the Administration would come down with a budget amendment to fund that obligation. Then you can investigate the document that created the obligation, and, you know, at that time well, you know...

VICE-CHAIR COUCH: Well yeah and that's my concern, we all know there's one that potentially could cost...

MR. KUSHI: You know...Mr. Chair?

CHAIR VICTORINO: Yeah, go ahead.

MR. KUSHI: I'll you give examples of a lot of these so called agreements, it's the famous word, it's MOUs or MOAs, Memorandum of Understandings or Memorandum of Agreements. I've always looked at that, you know, it doesn't worth, its value, as much as it's on a paper because unless there's some quid pro quo, some consideration, it's just an agreement to agree, you know. Now you throw some money in there, then it becomes a contract, enforceable. If there's money involved, it should come here.

CHAIR VICTORINO: Right.

MR. KUSHI: There's an obligation. All right. But there's a lot of MOUs, is basically saying that, you know, as a function of the County, I'm obligated to maintain this road. State, as a function of the State, I'm obligated to maintain that road. At the intersection, we'll cooperate and do whatever, what it is. So there's no hint of financial obligations but because there's two separate jurisdictional entities, they're always enter into these MOAs and MOUs and we don't like to see that.

VICE-CHAIR COUCH: Yeah.

MR. KUSHI: And I've told my deputies you watch out if there's any hidden light bulb in there, watch out, you know.

VICE-CHAIR COUCH: Well yeah and that one, I mean, the one I'm really concerned about is the Anaergia contract.

CHAIR VICTORINO: Well, let's, mister...

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

**January 4, 2016**

---

VICE-CHAIR COUCH: Well, but something like that...

CHAIR VICTORINO: I don't wanna get into specifics because...

VICE-CHAIR COUCH: Well I understand that but something like that is very important. If it turns out that there's a financial obligation, are we responsible?

CHAIR VICTORINO: But Anaergia wasn't a State right, wasn't that between the Administration and Anaergia, not the State?

VICE-CHAIR COUCH: Oh, intergovernmental, yeah okay. Gotcha.

CHAIR VICTORINO: Yeah, okay, so you're going in the wrong and that's why I was trying to stop you --

VICE-CHAIR COUCH: Yeah, yeah, yeah.

CHAIR VICTORINO: --Mr. Couch.

VICE-CHAIR COUCH: Understood.

CHAIR VICTORINO: Sorry about that but --

VICE-CHAIR COUCH: Yup. That wasn't the State.

CHAIR VICTORINO: --okay, let's not go in there.

VICE-CHAIR COUCH: Then lastly --

CHAIR VICTORINO: Okay, please.

VICE-CHAIR COUCH: --you talked about, you said the budget is an ordinance, which it is, so therefore anything that's in the budget as a line item doesn't need to come before us because it did come before us in budget. Can...I mean is it...I don't know, Mr. Chair, this would be a question to you mainly, would you be willing to pull that out, saying that, where it says unless it's approved by ordinance other than the budget ordinance? You know, something like that.

CHAIR VICTORINO: Well everything's open, Mr. Couch, at this point --

VICE-CHAIR COUCH: Yeah.

CHAIR VICTORINO: --and that's why the deferral will give us an opportunity, like Ms. Crivello said, do more homework and do more research and so everything's open. So if that's one, and we've noted that --

VICE-CHAIR COUCH: Yeah, I just wanted to...yeah.

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

**January 4, 2016**

---

CHAIR VICTORINO: --we'll note that in the minutes today and is a concern --

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: --and we will look into it, so.

VICE-CHAIR COUCH: Yup.

CHAIR VICTORINO: Okay.

VICE-CHAIR COUCH: Thank you.

CHAIR VICTORINO: Thank you.

VICE-CHAIR COUCH: Thank you, Chair.

CHAIR VICTORINO: Mr. Carroll?

COUNCILMEMBER CARROLL: I appreciate the discussion, especially Mr. Kushi and Mr. Hokama's discussion over there and I think it's obvious that we need more to look at this. I think it can be done in a way that we won't have delays and I think it can be structured but the structure we have before us is not going to fly. Thank you.

CHAIR VICTORINO: Thank you for your comments. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair, I appreciate the discussion. And I think it bears looking into further and I would agree with your recommendation for deferral.

CHAIR VICTORINO: Okay, seeing no more discussion, I will close by saying that I wanna thank, first of all, Mr. Hokama, you bringing this forward. I think many of us had this concerns for a long time and this is just a way of moving this forward and trying to get it where all of us are involved in the areas that we need to be, without getting involved in everything. You know so I think, what's one of the biggest hang-ups for me was when any intergovernmental agreement. I think that was one of those that I kinda like, balked at. And then, Mr. Kushi, when meeting with him, when he covered these areas, I go okay, I think we need to discuss this further. So that's what this was all about today and thank you. I appreciate it, Mr. Hokama, for what you've brought forward and all of the comments I've received from all of the other Members, you, Mr. Kushi. And I will assure you that we'll continue to work on it and bring something forward in the not-too-distant future for all of us to sit down and review. And those Members that are not here today, if they have any ideas, please forward it to the Committee Staffs and we will look into it at that point. So with no objections and no further discussion, I will ask to defer this matter.

COUNCILMEMBERS: No objections.

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

**January 4, 2016**

---

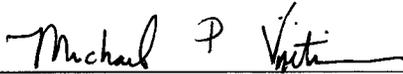
**COUNCILMEMBERS VOICED NO OBJECTIONS** (excused: GB, EC, DG).

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Thank you very, very much, and I think that brings us to the conclusion of the day. Thank you very much for being here, Members. I know this is the first meeting of the new 2016 calendar year. I appreciate it and I appreciate all of you being here. I wanna thank the public for being a part of it, Ms. Robbins, again, Ms. Robbins we got it, for being here and to our, Mr. Walker and the Finance Department, thank you. Mr. Kushi, our Staff, and with hopefully a exciting and prosperous, and productive new year. I wish everyone well. This meeting of the Policy and Intergovernmental agreements, Intergovernmental Policy [sic] Committee is now adjourned. . . .(gavel) . . .

**ADJOURN:** 10:06 a.m.

APPROVED:



---

MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:160104:lp

Transcribed by: Lisanne Paikai

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

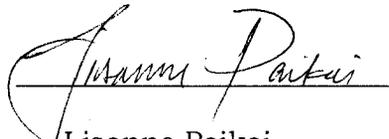
**January 4, 2016**

---

CERTIFICATE

I, Lisanne Paikai, 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 26<sup>th</sup> day of January, 2016, in Kahului, Hawaii

  
Lisanne Paikai