

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

**MINUTES**

**November 30, 2015**

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

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

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Gladys C. Baisa, Member (Out 11:45 a.m.)  
Councilmember Robert Carroll, Member  
Councilmember Elle Cochran, Member  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member (In 9:19 a.m.)  
Councilmember Riki Hokama, Member (Out 10:55 a.m.)

**EXCUSED:** Councilmember Don Couch, Vice-Chair  
Councilmember Mike White, Member

**STAFF:** Sharon Brooks, Legislative Attorney  
Tammy M. Frias, Committee Secretary  
David Raatz, Director of Council Services  
Steve R. Selee, Legislative Analyst  
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.:** Jeffrey A. Murray, Fire Chief, Department of Fire and Public Safety (Items PIA-30, -27)  
Paul Haake, Captain, Support Services Division (Fire Prevention Bureau), Department of Fire and Public Safety (Items PIA-30, -27)  
Cindy Kagoshima, Business Administrator, Department of Fire and Public Safety (Item PIA-27)  
Traci Fujita-Villarosa, Deputy Director, Department of Liquor Control (Item PIA-31)  
Georgette C. Reyes Tyau, Administrative Assistant II, Department of Liquor Control (Item PIA-31)  
Mark R. Walker, Deputy Director, Department of Finance (Item PIA-36)  
Jacob W. Verkerke, Chief Technology Officer, Information Technology Services Division, Department of Management (Item PIA-42)  
Karen L. Sherman, Information Systems Analyst VI, Information Technology Services Division, Department of Management (Item PIA-42)

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Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Items PIA-30, -27)

Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel (In 9:35 a.m.)

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

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CHAIR VICTORINO: ...*(gavel)*... Good morning. The meeting of the Policy and Intergovernmental Affairs Committee will come to order. I am the Chair Michael Victorino. I'd like to first ask everyone if they would make sure that their phones are turned off or put to silent mode. Decorum will be followed in the Chambers at all times. This morning may I introduce the Members that are here? Let me say who will not be here. First of all, our Vice-Chair Don Couch is excused and the Chair of the Council Mike White is also excused. So we will be dealing with just seven Members. First of all from East Maui Mr. Robert Carroll. Good morning.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. And from Upcountry, our lovely young lady Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

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

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR VICTORINO: Aloha. And the birthday girl from yesterday but we won't talk about age but the young lady from Molokai Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha and mahalo.

CHAIR VICTORINO: And happy belated birthday.

COUNCILMEMBER CRIVELLO: Mahalo.

CHAIR VICTORINO: Thank you. And right now our young man from the Island of Lanai Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Thank you. Mr. Guzman I guess will be joining us a little later. So right now we have three excused. Let's start with our Corporation Counsel. Today for the Corporation Counsel we have Jeffrey Ueoka standing in for Mr. Ed Kushi. Also coming up today will be Mr. Jeff Murray from, the Chief of the Fire Department. Thank you, Jeff, for being here. Frank Silva, Director of Liquor Control. Director of

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Finance or his representative will be here, Mr. Agsalog. And Managing Director or his representative possibly Jacob Verkerke in the area of cybersecurity. I'd like to introduce our invaluable staff Ms. Sharon Brooks, Legislative Attorney.

MS. BROOKS: Good morning.

CHAIR VICTORINO: And our Committee Secretary Ms. Tammy Frias. Thank you. Let us check with our District Offices to make sure they have been connected. Let's start with our office in Hana. Dawn Lono, are you there?

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

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

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

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

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

CHAIR VICTORINO: Thank you. So we have connections to all the islands. Today we have five items. Four of which are updates for monetary items to be referred...was referred for our examination from the Budget and Finance Committee and updates on the County cybersecurity. So at this time I would like to open the floor for public testimony. Public testimony will be limited to any of the five items that we'll be speaking of. If you haven't signed up please sign up on the desk on the 8<sup>th</sup> floor lobby. Testimony will be limited to three minutes, two and half minutes the yellow light will be...will go on and at three minutes the red light will start blinking. So and when you come up please state your name and who you are representing if you're representing anyone. We have established our contact with our District Offices and we will rotate as we move on in the morning for public testimony. Let's see, do we have anyone in the gallery that's wanting to testify?

MS. BROOKS: There are no testifiers in the Chamber.

CHAIR VICTORINO: No testifiers in the Chamber. Well that's starting to be good. Okay. And let's start with our District Offices. Hana, Dawn, do you have anyone wishing to testify?

MS. LONO: There's no one waiting to testify in the Hana Office.

CHAIR VICTORINO: Thank you. Lanai, is there anyone wishing to testify in the Lanai Office?

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

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

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

CHAIR VICTORINO: Seeing no one here in the Chamber and no one in our District Offices, with no objections, I will close public testimony for today.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. Okay. Thank you.

**ITEM PIA-30: FIRE HAZARD REMOVAL REVOLVING FUND (MISC)**

CHAIR VICTORINO: Our first item is Fire Hazard Removal Revolving Fund, PIA-30. 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 this matter relating to a Fire Hazard Removal Revolving Fund. The purpose of the referral was to review Chapter 3.68, Maui County Code, and to evaluate strategic...strategy I should say, to improve the efficiency of the fund in fulfilling its purpose. When we met in August 17, 2015 some of the questions that came up which were later posed...posted by a letter from the Chief, the questions were: (1) whether the Department could use Maui County Correctional Center Work Line Program to assist us in rendering...oh shucks I lost my place, son of a gun...in writing...oh excuse me...in rendering neglected buildings and premises so that it will be safe for...and additional funds could be made available for the Fire Hazard Removal Fund, and (2) how the Department has utilized the Fire Hazard Removal Revolving Fund over the past five years, and how many times has the Department actually recovered the expenses incurred to render the building or premises safe. The Chief has responded with a letter dated October 5, 2015 and October 16, 2015 and he's here today to explain his responses. So, Chief Murray, and if Captain Haake would like to come up, please. First of all, Chief, I want to thank you very much for being here today. I know you've had some brush fire issues both on West Maui and now in out by in Makena side. So I know you're quite busy but thank you for being here and Captain Haake.

MR. MURRAY: Aloha, good morning. Thank you for having us.

CHAIR VICTORINO: Thank you.

MR. MURRAY: Yes, we have a 15-acre fire right now in Kahikinui.

CHAIR VICTORINO: Thank you. And we wish everyone to stay safe and you're able to get the fire under control as soon as possible. I will ask you, Chief, if you want to make some comments on your responses, both October 5, 2015 and again in October 16, 2015, the letters that you sent to us. I think you have copies in your binder for both of 'em.

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MR. MURRAY: Yes, I do.

CHAIR VICTORINO: Thank you, Chief.

MR. MURRAY: If you take a look at the letter written on October 5<sup>th</sup>, we had consulted with Corporation Counsel on the feasibility of Work Line Program and it was suggested that it wouldn't be a good idea to move forward with that.

CHAIR VICTORINO: Okay.

MR. MURRAY: And then in regards to our Hazard Removal Fund the way it's set up now it's not very useful for us. It takes more time than it is useful and it doesn't have the amount of funds that we need within that revolving fund 'cause I believe the cap is \$5,000. So, I'd be happy to entertain any questions.

CHAIR VICTORINO: Okay. Thank you, Chief. If you don't mind I have a couple quick questions and I'll turn it over to my Members. The first one I will ask you is I understand Corporation Counsel is not recommending the usage of the Work Line. And if, Corporation Counsel, would you address why...I can read here but why you don't believe it is a good idea, it's not feasible to use the Work Line?

MR. UEOKA: Thank you, Chair. At this time, the Work Line grant is with the Department of Parks and Recreation and it is a grant as opposed to a Contract for Services. And the difference is a lot of times the Work Line they're working on County property, you know, helping out at parks and doing that kind of work. All of this will be on private property which is, I don't believe it's currently accounted for in the grant agreement. It's not to say that you can't ever use 'em it's just make sure all the paperwork is in order before you move forward with that concept. And again the big difference is this is doing work on private property in accordance with I guess law that, you know, the Chief has a right to go after these types of things. Thank you.

CHAIR VICTORINO: Thank you for that clarification. So it's basically a issue with a different grant or incorporating the grant we have and also liability issues as well as I guess scheduling issues would become a part of the problem, Mr. Ueoka?

MR. UEOKA: Yes, adjusting that grant, the language in the grant and taking into account scheduling would, you know, all be very important to do before committing to or requesting or committing to something like this. Thank you, Chair.

CHAIR VICTORINO: Okay. Thank you, Mr. Ueoka. So now I'll turn it over and I'll start with you, Mr. Hokama, and we'll just work our way down. I'll let you lead off, please. I know you've been very interested in this area.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. Good morning, Chief.

MR. MURRAY: Good morning.

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COUNCILMEMBER HOKAMA: I read in your September 30<sup>th</sup> response, Chief, some of your challenges, one is deadbeat property owners, and properties that are in foreclosure or owners that cannot be located is some of the issues you deal with regarding I would guess overgrown brush, some fire hazard situations on private property. You mentioned also toward the ending of your communication to us regarding some administrative process procedures that either can add to your ability to cite, fine, and collect penalties. So I'm asking is that something your Commission is considering at this time in how to assist your Department in dealing with this type of situations?

MR. MURRAY: Thank you for that question. I'm going to let Captain Haake answer that one. And the Commission is supportive of either direction that we go.

CHAIR VICTORINO: Captain Haake, please.

MR. HAAKE: Thanks, Chair. Councilmember Hokama, I believe in our new Fire Code which was adopted --

COUNCILMEMBER HOKAMA: Yes.

MR. HAAKE: --we have the proper procedures identified to --

COUNCILMEMBER HOKAMA: Okay.

MR. HAAKE: --allow us to recuperate the funds utilized.

COUNCILMEMBER HOKAMA: Okay. So saying what you just shared with the Committee this morning, there is no additional legislation or Council action required to implement this policy. Is that our understanding?

MR. HAAKE: Yes.

COUNCILMEMBER HOKAMA: So it can be done, right, Corporation Counsel?

CHAIR VICTORINO: Go ahead, Corporation Counsel, I'm sorry.

MR. UEOKA: Thank you, Chair. Yes, Mr. Hokama, we believe...we haven't tried it yet but it's our understanding right now the language as written gives us the authority to basically go after these people.

COUNCILMEMBER HOKAMA: Okay. And I bring that question up because you don't need for us to put into the budget document under Schedule...was it Schedule B the amount of the penalty or is that squared away because it's under a certain class of infraction or violation misdemeanor that it's already set whatever the fine or penalty will be?

CHAIR VICTORINO: Go ahead, Mr. Ueoka.

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MR. UEOKA: Thank you, Mr. Chair. I know for the...it allows in the Fire Code to go two avenues. You can either go through civil and we'll probably recuperate the cost of the cleanup. I believe there's a \$1,000 daily fine included in the civil. The criminal side has...it's essentially like you said, Mr. Hokama, it's a misdemeanor but that would...the criminal one would be like writing like a ticket and giving it to the person and they got to go court to deal with it.

COUNCILMEMBER HOKAMA: Right.

MR. UEOKA: So that's...those are the two ways and both are established and it's at, I think it's the Chief's discretion which way they go. Thank you.

COUNCILMEMBER HOKAMA: Okay. So again the Committee's understanding of what we believe is in the Code. Currently, the Fire Department's officers may execute Notices of Violations to either a driver of a vehicle in an unauthorized area or they can cite the property owner for hazardous conditions. Is that my...that's my understanding that they have that ability --

CHAIR VICTORINO: Mr. Ueoka.

COUNCILMEMBER HOKAMA: --to write violations?

CHAIR VICTORINO: Go ahead, Mr. Ueoka.

MR. UEOKA: Thank you, Chair. I think if, it's more like they have the authority to do like the non-moving violation kind if, I believe Chief said if they have something in their vehicle they're not supposed to have like some sort of hazardous material or something like that. Whereas...

COUNCILMEMBER HOKAMA: Well, my thing is say they blocking the street, the Chief has to respond, his trucks cannot go through a street because there's two illegal parked vehicles on either side of the lanes. So he has no clearance of distance to move his equipment. My thing is he can cite 'em. He can tow 'em. He can do whatever he needs to respond to the crisis. That's what my understanding is this authority we have given the Department.

MR. UEOKA: I'm not 100 percent sure on that but I believe in practice Fire works directly with MPD and together, and I believe it comes a lot to do with MPD's familiarity with writing a citation versus...

COUNCILMEMBER HOKAMA: But this is something that was asked of us and we granted the Department that authority. Okay. I would ask, Chairman --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --and again I don't want to hold it up --

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CHAIR VICTORINO: Yeah. Yeah.

COUNCILMEMBER HOKAMA: --but I think it's an important thing because we give the Department some enforcement powers.

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: And I want them to be able to execute and exercise those powers in performance of their duties regarding public safety. And that's my point with the private property thing, you're right, Corporation, but it is for public safety purposes that the County is moving onto private property. It's not for no reasons at all. We only responding to a situation. The Department is tasked with fire safety so they responding to a public safety issue which for me we state in advance of what property owners are responsible for including easements and right of ways. So, you know, I don't have a problem supporting the Department I just want to make sure that people out there know that we give them some enforcement powers and they have the ability to cite. Thank you, Chairman.

CHAIR VICTORINO: Thank you. And what I will do is make sure we have that letter to the Chief and to Corporation Counsel for clarification and for the specificities of their enforcement powers. If that can be done, Ms. Brooks?

MS. BROOKS: Yes.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: Okay and one last one, Chairman.

CHAIR VICTORINO: Yeah, go ahead.

COUNCILMEMBER HOKAMA: On the money side...

CHAIR VICTORINO: Before you start I'd like to recognize the attendance of our Vice-Chair Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR VICTORINO: Thank you, Chair. Go ahead.

COUNCILMEMBER HOKAMA: And one last quick one, Chairman. My understanding is there is nothing on the books to...for collections, right, Captain? There's no outstanding liens, no outstanding fines, nothing within Finance at this point in time that says Fire has monies that they could collect if they went after it. That would be a, our good understanding?

CHAIR VICTORINO: Captain Haake, if you...

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MR. HAAKE: Councilmember, you're asking if there's any outstanding fines, outstanding fees?

COUNCILMEMBER HOKAMA: Or outstanding liens, outstanding penalty that is owed you for work you have performed. Let's say you folks went and cleaned up ten properties. Five property owners paid and five people owe us whatever the cost was for that cleanup. I don't have a problem us liening the property 'cause Finance would catch it through real property taxation.

MR. HAAKE: Right. I believe there's a couple that are still out there that haven't been collected --

COUNCILMEMBER HOKAMA: Okay.

MR. HAAKE: --and those were issued prior to the adoption of our new Fire Code.

COUNCILMEMBER HOKAMA: Okay. Chairman, if we can get an accurate report of that 'cause I would like to see how we can assure that the, you know, we help the departments collect the monies owed them for work performed.

CHAIR VICTORINO: Okay, we will add that along with that correspondence and that report on whatever is outstanding owed to the County at this point in time.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR VICTORINO: Okay. So...thank you, Mr. Hokama. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you for being here, Department. I just have a brief question, when you note that a property is in need of cleanup or what have you and it has the indications of hazard, what is...how long is the process to notify the property owner? And until you have a respond from the property owner is it then that you start finding a private contractor or whomever to cleanup?

MR. HAAKE: Thank you, Councilmember Crivello. So the process starts with an inspection that's done. Well, first of all, we have...usually someone calls in about a concern then we do an inspection and if it is determined to be a hazard then we start a notification process that starts with a warning letter that has 15 days to respond. And if no response is done within that 15 days then we issue a Notice of Violation and then that has 30 days to respond. And then after that 30 days if nothing has been done then at that point the property is in violation and we can move forward with seeking remedy, whether it be clearing up or yeah, clearing up the problem.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR VICTORINO: Yes, go ahead.

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COUNCILMEMBER CRIVELLO: Thank you, Chair. So after the violation notice is passed on to the property owner or whomever is it then that we go ahead and do whatever we have to do and then bill the property owner? I mean so that's when we have to wait for the dollars to come in.

CHAIR VICTORINO: Mr. Haake?

MR. HAAKE: Right. So after the Notice of Violation is sent there's 30 days to respond to it. If there's no response then the property is in violation and at that point the, I believe the fines start to...are levied then. And what we'll do is we'll go out and seek three bids to clean the property and get it done, and that paperwork gets submitted to Corp. Counsel for collection. And we follow up with the contractor that gets selected to clear the property and make sure that the fire hazard is addressed properly.

COUNCILMEMBER CRIVELLO: Okay, thank you. Thank you.

CHAIR VICTORINO: Okay. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Fire Department, for being here and for all the work you do. So, thank you, Mr. Hokama, for bringing up the points I was looking at on your October 5<sup>th</sup> letter in regards to problematic properties or the foreclosures and owners that cannot be located. But in regards to the Notice of Violations issue it looks like 50 per year are sent to you, Request for Services. And I guess at this point 20 percent have met I guess the deadlines before fines are incurred and I think currently it says six separate cases have not been...have not complied with the NOVs. But you have issues in no types of rules or procedures in order to pursue fines and penalties. Is that kind of where it all roadblocks at this point?

CHAIR VICTORINO: Captain Haake or Corporation Counsel?

COUNCILMEMBER COCHRAN: Oh is this Corporation Counsel?

CHAIR VICTORINO: Yeah. Go ahead, Mr. Ueoka, please.

MR. UEOKA: Thank you, Chair. Yeah, Ms. Cochran, we didn't have procedures in place but instead of going policies and...or administrative rules and procedures it was just put into the Fire Code. So it's in place now.

COUNCILMEMBER COCHRAN: Okay. Okay, very good. So, then follow up, Chair?

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER COCHRAN: So, currently as of this...when this letter was written we have since incorporated the new Fire Code to address this sentence then, this letter dated October 16<sup>th</sup>?

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MR. UEOKA: Currently...

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

MR. UEOKA: Thank you, Chair. Currently, the procedures are in place through the Fire Code. Thank you.

COUNCILMEMBER COCHRAN: Okay. And so back to Department then, Chair. Since they are in place we are following through with these six cases to recoup some fines and penalties and what have you from them --

CHAIR VICTORINO: Mr. Haake?

COUNCILMEMBER COCHRAN: --in order to start this fund to grow or to be utilized?

CHAIR VICTORINO: Mr. Haake?

MR. HAAKE: Yes, Councilmember, we'll look into it. It was issued prior to the Fire Code being adopted so I guess we'll push all those paperwork forward to Corp. Counsel or Corporation Counsel to see if they can recoup those fines.

COUNCILMEMBER COCHRAN: Okay.

MR. HAAKE: Yeah, the monies to do the work and any possible fines.

COUNCILMEMBER COCHRAN: Okay. And so, Chair, I guess is that appropriate? Because they were fined prior to the adoption of the rules and procedures, can we now go back I guess --

CHAIR VICTORINO: I believe so but not unless --

COUNCILMEMBER COCHRAN: --on that?

CHAIR VICTORINO: --Corporation Counsel, do you have...

COUNCILMEMBER COCHRAN: So I was wondering if Mr. Ueoka had a comment.

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. It probably shouldn't go under the same one. Probably do a reinvestigation and a reissuance and start, just start the clock over again. And hopefully they'll comply before it comes to any of this which is as Captain Haake mentioned is often the case. Thank you.

COUNCILMEMBER COCHRAN: Okay. Alright. Very good. Thank you, Chair.

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CHAIR VICTORINO: But let me ask you this question, the amounts that are due would still be in place, right, you just start a new time clock is that your answer, Mr. Ueoka? For the money that needs to be reimbursed for the work that was done I should say. Excuse me let me correct myself.

MR. UEOKA: Thank you, Chair. Currently, there's no reimbursement necessary, no work has been performed, only notices and stuff have been issued. So the County hasn't expended any funds at this time.

CHAIR VICTORINO: Okay.

MR. UEOKA: Thank you.

CHAIR VICTORINO: Okay. Mr. Haake, do you want to add something, Captain?

MR. HAAKE: No, Chair.

CHAIR VICTORINO: Okay. Thank you. I just want to make sure. If there's money due the County I want to make sure we get it back and, you know, make sure that this fund is adequately funded so that it can do the work that needs to be done. With all the rains we've had I mean I can see properties...our own properties, our own roadways have become very treacherous with all the grass and weeds growing just out of sight. You know you cannot see down the road sometimes. So I can just see this becoming a real problem for next year and then everything gets dry and if I'm not...I should say if I'm incorrect in saying this, Chief, then it becomes a real major fire hazard especially with all the grass growing and weeds growing unbelievably out of sight.

MR. MURRAY: Yeah, it's been a problem. I mean, you know, the water is a blessing all the way around but then there's a hazard that's grown on a daily basis throughout our whole County, I mean including our own personal yards. You know if you don't get to it as you used to in two weeks now you got to do it every week. So, yeah, it becomes a maintenance issue for all of us. Thanks.

CHAIR VICTORINO: Thank you, Chief. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Captain and Chief, for being here this morning with us. This is a really appropriate issue that we're talking about this now because as we drive around you can't help but notice how overgrown all of the weeds and things on the side of the road and whatever. It's kind of a mess. A mixed blessing. Very happy to have the rain but now we gotta deal with the rest of it and we don't have any more people that we can put out, you know, taking care of these things. So this is a really important matter we're discussing today. I'm reading the letter, there's two or three things that really come out at me. One is you mentioned how difficult it is to find the person to deal with in getting this done. And I'm wondering why that is such a problem. Doesn't...isn't it that we have to keep track of who owns these things because of the taxes? We don't

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have current records of who owns these things because somebody has got to pay the tax bill.

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yes, we do know who the owners are on record in accordance with real property tax; however, again granted I'm not familiar with all the cases but the typical scenario is if it's a foreclosure type situation the bank will continue to pay the real property taxes and we can't lien the property under RPT with these fire type charges. So the banks are making sure the real property taxes are paid so they won't be subject to the foreclosure without suit and will put it up at our real property tax auctions. The owners are in foreclosure so typically they're not as responsive to these types of requests 'cause they probably don't even live in the home anymore. So that's kind of the conundrum we're in with these types of foreclosed properties.

COUNCILMEMBER BAISA: Is that the kind of puka that Councilmember Hokama was talking about that maybe we should plug?

CHAIR VICTORINO: Go ahead, Mr. Ueoka.

MR. UEOKA: Thank you, Chair. That's, our authority to do the foreclosure without suit comes from State law. So if the law were to change and allow us to treat these types of civil fines and penalties as real property taxes it would give us a lot more power. But that's not to say we don't still have the avenue of going through a regular type of lien, judgment, you know, that type of...it just takes a long time.

COUNCILMEMBER BAISA: I don't know but it seems to me that, you know, this is...there's more to this than just fire hazards. This is so ugly. You know you drive, really, it just ruins the whole neighborhood when you have one house that's closed up and overgrown, and it just brings everybody's property make it ugly. It ruins the neighborhood. So this is a real problem with me. You know we try so hard to keep our property neat and the property that I have that has nothing on it we have cattle in it to eat it so that it's nice and clean, you know, trying not to cause fire hazards. But there's so many people that just don't seem to care and it degrades everything. So this is a real pet peeve of mine. I don't like it. The other question I had was what is the average cost of a cleanup? What are we talking about or is there any average cost?

CHAIR VICTORINO: Mr. Haake, Captain?

COUNCILMEMBER BAISA: Somebody mentioned something about \$5,000 and that not being significant. So, what is significant?

MR. HAAKE: Thank you, Councilmember. Well, we had one in 2015 that was about \$3,500 to clear and that was on a property that a house was located on. So and then we've had a couple more that was about \$500. So now the one with the house they had to...a lot of the overgrown plants were actually turned into trees and things like that.

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So it was a big job. And then the \$500 costs were associated with clearing brush on vacant land so it wasn't as difficult as getting onto the property and clearing some trees.

COUNCILMEMBER BAISA: You know we've been watching on TV lately with the situation with the homeless and watching the cleanups and even they have been having a really hard time getting people to do this kind of work because apparently there's a lot of it and a lot of people don't want to do it. Which brings me up, Chair, to the last question that I want to ask now and that is about the questions about the Work Line. You know I'm a big fan of the Work Line and I really believe that keeping the inmates busy is very good. It helps with their own personal integrity, their sense of self-worth and being able to see projects finished is very good for them. Not only that it's very cost effective but however liability issues were mentioned and then somewhere in the letter it ends up with well if we could resolve the liability issues this might work. Can we talk about that a little bit, what those liability issues are and how can we mitigate them so that we can use them?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Currently, the grant agreement with the State I believe it's through is strictly for, you know, certain County properties, certain projects. So, you know, the indemnification and I'm not...the State probably doesn't provide us with insurance but, you know, indemnification provisions wouldn't be applicable at that point. Also, we need to work out just a general concept of if anything does happen on the property that we're cleaning 'cause again it's private property. Generally speaking when we hire a contractor to do it, you know, they'll...that will be their kuleana if anything goes wrong. That's part of the contract, you know, it's included in the price. So those are just the types of things we'd have to try and figure out if we were to look at using the Work Line. And again I believe the bigger concern is I think their schedule is pretty full already with the Parks Department who operates the grant. So that would just be logistical for Captain Haake to work with the Parks Department but it could be a significant issue also. Thank you, Chair.

COUNCILMEMBER BAISA: Thank you. It seems to me that we as a State really need to look at how we utilize our inmate labor. You know it's a huge source of employment; free or cheap, and I believe that it is really important to reentry. You know a feeling of self-worth, keeping people busy, being able to see a project finish, learning work skills really, really important rather than having people just sit and figure out what kind of mischief they're going to get into. This is not a good thing. And I really think we have a lot to do to work at the State level and we have a new reentry commission that I understand is not even meeting. And in my visits to Legislature this year I will try to talk to the folks that are doing this 'cause I think it's really unconscionable not to be doing more with getting our people back into the workforce to become productive citizens in our community. So I understand the limits that you're dealing with but we got to try to work with them. Thank you. Thank you, Chair.

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CHAIR VICTORINO: Thank you, and I believe from my experience in working with the Work Line in other aspects of this community, another real challenge has been the number of ACOs available to be with the Work Line, that's been another big --

COUNCILMEMBER BAISA: Yes.

CHAIR VICTORINO: --challenge, and they still are fairly short when it comes to ACOs. So again there's a multiplicity of problems that occur. It's just not one funding or, you know. So anyhow with that being said and I don't want to belabor the point, I will also add to the questions is what can be done with the Work Line and what other legislation if possible can be proposed to the Legislature for expanding the Work Line, and what other contractual agreements we could work out, Mr. Ueoka. So we'll call upon some questions in that respect. Yeah.

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll? No questions. I like you. Okay, Mr. Guzman, I'll end with you 'cause you came in a little bit late. Sorry about that.

COUNCILMEMBER GUZMAN: That's okay. I'm sorry if this was answered already but how much is in the fund as is it currently right now? Nothing?

MR. HAAKE: I believe in the fund there's about \$3,900.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR VICTORINO: Okay. So with no further questions on this matter, with no objections, I will defer Item PIA-30 so that we can get further responses and look into it a little more deeper. Any objections to deferring the matter?

COUNCILMEMBERS: No objections.

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

CHAIR VICTORINO: Thank you.

**ACTION: DEFER pending further discussion.**

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

CHAIR VICTORINO: Second item will be an Audit of the Department of Fire and Public Safety, PIA-27. The Committee is in receipt of the following: a Miscellaneous Correspondence, dated May 28, 2015, from the County Clerk, reporting that on May 26, 2015, the Council referred this matter relating to an audit to the Department of Fire and Public Safety. Correspondence dated October 16, 2015, from the Fire Chief, relating to information on overtime compensation for the Department's

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employees for the Fiscal Years 2012, '13, and '14. Members, this item was referred to us by the Budget and Finance Committee. Our task is to consider an audit of the Department's scheduling practices and causes of excess amounts of overtime incurred. We met on September 29, 2015 and discussed this matter. A letter dated October 6, 2015 which you'll find in your binder, I requested a breakdown of why the overtime was necessary. It's not a matter in my mind how they're using it but why this amount of overtime is being asked for. Understanding that fires like what we have going on right now, the brush fire and the brush fire this past weekend in West Maui doesn't occur between 8:00 and 4:00 or 9:00 to 5:00. So we understand that is part of the aspects, yeah, but there's other issues that we wanted resolved or at least made aware of. A letter dated October 16, 2015, the Chief responded including an extensive breakdown of premium pay based on financial reports for the fiscal years again 2012, '13, and '14. The Chief would now like to...Chief, would you like now to summarize and highlight the reasons why overtime is needed? And again we would like to know really the reasons and I know there's many legitimate reasons so this is your opportunity, Chief, please go ahead.

MR. MURRAY: Alright. Thank you, Chair, for the opportunity. As you see there's a list of reasons for manpower shortage. We also have to take into account that we have three islands and Hana almost being an island by itself. Moving manpower around is not as easy as it may seem. You know on a daily basis, we are challenged with this every single day. And for instance like this morning a fire started about 0520 this morning in Kahikinui. So now we had five units amongst tankers going out there. Shift exchange is at 0730, we got the guys coming on at 0730, we got guys going off. So now we got two sets of people and most of 'em already on scene and we spend that time trying to recycle those people back out so they can get off. And then we also in the process of getting our wild land team together so they can go back out there and assist with the hand tools and work that whole area because it's a high wind area. So we need to make sure that we kill every part of that fire because at any point it can rekindle because of the wind. So we have people on overtime going out there to do the handwork on the ground and then we also have coverage of the two companies from the same station but one needs to be off and one is on. So we're trying to do that changeover. So those instances which we have almost every day, one crew or another will be doing that. So we incur overtime during those items as well. And of course training, we have to cover training based on the bargaining unit. If they come to training we need to pay them, and we do have a lot of training that we need to do to stay up on our certifications on an annual basis. And we got over 300 uniformed personnel that need to attend. So those times we need to cover overtime, and all types of leave. So and as you know our employees are entitled to their leave and we do our best to encourage them not to call in sick when they're not sick. You know try to do better scheduling on their part so it's not so much of an emergency on ours. And then also in there you'll see that we have that Rank for Rank Program and, you know, that covers the shortages on a scheduled basis so it actually helps us out when we know we're short ahead of time in most cases. So I hope that helps with some of the explanation on why overtime is incurred.

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CHAIR VICTORINO: Okay. Thank you, Chief. And again, Members, we are looking at the reasons why overtime is necessitated and I want to make sure that we keep it in that area, that form and not to go probably outside of different realms that may...and if you do I will stop you at that point just to keep it on that premise of premium pay. So this time I will start on the other side of the room with Mr. Carroll and work our way down. Mr. Carroll, you have first dibs as far questions. No questions. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I really don't have any questions. I understand the operation of the Fire Department from a person who's not involved from afar. And I can see the scope of what they have to do, when they have to do it, and it's almost impossible to plan how much of it you're going to need because you don't know when it's going to happen. And sometimes you have a rash of fires and sometimes you don't. So really, Chair, I think that the secret here is that we've got to have an administration that manages the schedule to the best they can and does whatever they have to do because we cannot say no, when they have to go they have to go. Thank you.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Chief, for explaining, and I too understand that, you know, things that happen and you will incur that overtime. I just...can you just kind of help me understand the Rank for Rank pages here? I don't quite understand what all this is telling me here.

CHAIR VICTORINO: Chief, if you would please?

MR. MURRAY: Alright. So are you looking at a specific sheet?

COUNCILMEMBER COCHRAN: No. I mean just the first page.

MR. MURRAY: Okay. We're talking about Fiscal Year 2012?

COUNCILMEMBER COCHRAN: Yeah.

MR. MURRAY: Okay.

COUNCILMEMBER COCHRAN: Just for example.

MR. MURRAY: Alright. So basically in the contract it states that each ranked personnel is afforded 288 hours of rank recall. So basically it's a recall system for a person, for instance a Captain in Wailuku is off due to either training, sick leave, vacation, and what have you. Then another ranked Captain from that station is allowed to go and work his shift or her shift. So that allows the experience level to be covered during that time and they're only allowed that 288. The only other times we'll call those people back is if we don't have a ranked personnel, either a Fire Fighter III, which on other occasions we'll TA up to Captain or a Fire Fighter III and the Captain is gone. So

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we'll either relocate somebody if there is no ranked person that's coming in 'cause we need to have a person in command.

COUNCILMEMBER COCHRAN: Okay. And you're saying that allows that person filling in I guess so to speak to incur overtime --

MR. MURRAY: Yes.

COUNCILMEMBER COCHRAN: --pay in those certain situations where they have to take the place of a person whose not there?

MR. MURRAY: Right. And usually the Rank for Rank situation is a scheduled one so that the Battalion Chief doesn't have to chase anybody down to fill that position in the meantime. So they'll allow that. Whenever that opening is made the individuals can put in to work that and it's covered by that experienced personnel.

COUNCILMEMBER COCHRAN: Okay. And so I guess the whole thing, cross training was going through my mind but I think in your line of work you can't really in a sense do that --

MR. MURRAY: We do.

COUNCILMEMBER COCHRAN: --because a Captain needs to fill in a Captain. I mean I guess they can work, they know all the duties of people below that rank, but to go above that rank you're officially, you know what I mean titled.

MR. MURRAY: Good question 'cause there's only a few people that can go to that rank and a Fire Fighter III is that person. So in the past we used to do that. We'd fill that direction first before we fill any shortage with overtime. But this is a contractual thing that was worked on through arbitrated negotiation --

COUNCILMEMBER COCHRAN: Right.

MR. MURRAY: --or actually an arbitration --

COUNCILMEMBER COCHRAN: Right.

MR. MURRAY: --after the negotiation and this is basically the parameters that we have to work within there to not violate that collective bargaining agreement.

COUNCILMEMBER COCHRAN: Right. Thank you. I know we had big discussion during budget time about this.

MR. MURRAY: Right.

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COUNCILMEMBER COCHRAN: But okay, well, thank you very much, Chief, and again I do understand and you're juggling people around to get the work done, you know, and thank you for what you do and it's the price we need to pay.

MR. MURRAY: Thank you. Thank you.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR VICTORINO: And again that's the primary reason for today is to really give the public and the Councilmembers an opportunity to better understand these terms and when they're brought up during budget session we don't spend a lot of time trying to figure it out. This is what my goal has been is to make sure that the budget process should be budgetary and not discussing what the departments have or need to do or are doing. We should have that already by the time we walk in. And that's my hope that this will help you all to become a little bit more acquainted with how the departments run whether it's Fire, Police, it doesn't make a difference. And I think you've done that with your departments, Ms. Baisa, I mean, Ms. Cochran, with Public Works, et cetera. So you know I think this is important. You know I think this is very important. Thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair, for bringing this to our attention. I just have this question in regards to overtime or premium or what they call per diem or what have you for the rural areas, you know, say Molokai. And so is there an increase for overtime or what have you when you have to send coverage from say Kahului or Wailuku or do you send coverage from Maui in itself to cover the other islands like Molokai, Lanai, or even Hana?

CHAIR VICTORINO: Chief?

MR. MURRAY: Thank you, Member Crivello. I appreciate that question. Yes, we do. If the timing allows us we will have it scheduled ahead of the shift and that's our most opportune time that we can move people from island to island. Or if we can get, you know, before noon hour because it also costs us to fly the individuals there and now we're paying for their equipment to go along with them because it's their personal protective gear. So it's quite the costly matter to move personnel from island to island. Molokai is our most challenging. Hana and Lanai we're able to pull off a little bit better because of the accessibility of travel. So with the ferry not running at the right time that it used to before in the past, we have a hard time to do Molokai. So we do have a lot of overtime incurred off and on. It just comes and goes.

COUNCILMEMBER CRIVELLO: So it's due to vacation, sick leave, as you have mentioned here with your notation?

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MR. MURRAY: Yes, both and/or training.

COUNCILMEMBER CRIVELLO: Or training. Okay. Thank you. Thank you.

MR. MURRAY: Thank you.

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

COUNCILMEMBER HOKAMA: Thank you, Chairman. I think the Chief was very accurate when he mentioned his challenge of basically three departments on three islands. It is something I believe just this Chief has as a challenge compared to his peers across the State except maybe for Honolulu City and County who has the whole archipelago under jurisdiction. However, stating that, Chairman, I understand the Chief and the Department's need for overtime. I think what we need to be questioning is well is this currently the best practices. Is the current SOP sufficient for our needs at this point in time regarding financial and capital resources? So for me, Chairman, I think an audit would assist the Department in finding out what they doing well and where we need to make some improvements, because the Chief does have one challenge, three islands. No, four, I mean if something on Kahoolawe occurs that's still part of our jurisdiction, Chief still has to respond to Kahoolawe. Am I correct, Chief?

MR. MURRAY: You're correct.

COUNCILMEMBER HOKAMA: So, four islands okay. The Chief has tremendous responsibilities. And I think what we need to do as part of the audit, and again I consider this more of a performance with a component of financial, Chairman, is because the other counties don't deal with BOBI, Rank for Rank that way we have to. You've heard some of the unique challenges, transportation of firefighters to a station that is not on the same island as the firefighter. Honolulu doesn't deal with that. Kauai doesn't deal with that. Well, I'm not sure I cannot speak for how they deal with Niihau.

CHAIR VICTORINO: Niihau, yeah.

COUNCILMEMBER HOKAMA: Okay. But our Chief does have unique situations and I think we need to do our part to ensure one, confidence in the Department maintains high, two, what we are currently spending gets the job done or the audit will say you need to put more resources if you want your Department to respond to this level of service. And that is something we will take to the taxpayers, what are you willing to pay for regarding public and fire safety? Because it depends what you give us will depend how the Department can perform. They only perform with the resources the people give them through us and we only give what the people are willing to pay. So I think part of it is a coordinated effort, Chairman, of the Department and this Committee to help educate and explain this is how it really works in this County. Sure Maui has a ladder truck. Do I need a ladder truck on Lanai or does Ms. Crivello need it on Molokai? The answer more than likely would be no but it's a required equipment for this island and we got to pay for that kind of resources. Lanai, Molokai, Hana maybe

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we need more off-road equipment because that's where more tend to have our issues with. So my thing, Chairman, is I hope we look at this audit as something that's going to assist them because I think they do some things very, very well and they should be commended for those efforts. But every department can stand improvement and my point is there's nothing wrong with Fire but Fire needs to go through a systematic departmental review like every other department, Chairman, every other. We've not picking on Fire. Fire is one of all the other departments that we should eventually get to regarding this type of audits. It's part of our responsibility to perform on the people's behalf. And so I see this as something good. I think the Chief has been very upfront in sharing what he has presented to this Committee, and again I want to commend them for outstanding work, because their responses come when we don't expect them to come. When they want to be sleeping they're out to fighting issues. When they're on holidays they're out fighting issues. So they respond when nobody else wants to respond because it's usually when everybody else is doing sleeping, fun things, family things. Our people have to respond. And not only Fire, Chairman, I want to bring up what I getting in the paper. Again we keep warning people about the dangers of our oceans and we still get people going out there and we have to risk our own employees' lives and safety to respond to idiots out there. Okay and let's call it what they are because now they not just jeopardizing themselves, Chairman, they jeopardizing other individual employees and their families to rescue that idiot. And I don't have a problem finding a way to assess them financial penalties for going against the advisement of official personnel and policy during dangerous times because it's not fair to put our peoples' lives at risk for unnecessary things, unnecessary. And so that's what I wanted to say. I'm sorry I don't have a question, Chairman, but I did want to say that I think we need to commend them when they do the job well, Chairman, because they don't get that recognition often but they deserve it. Thank you.

CHAIR VICTORINO: Thank you. And thank you for pontificating all what we all think. Thank you and I do appreciate it, and I think we do appreciate our Fire Department and the different aspects they have to go through. You're absolutely correct, Mr. Hokama. And this audit, and any audit we do really should be more for performance and improvement and not witch hunting. You know we're not out there looking for what is wrong but what they've done right and then if there's something they can improve on. And that goes for all the departments whether it's Water or whether it's Environmental Management, whether it's Parks and Recreation or Housing. It doesn't make a difference. Everyone should have that opportunity to show what they've done and how they getting the job done. And where we can help them improve with more resources, let's do it, and if not let's see what we can do to make sure their dollar, we get the bang...best bang for the buck if that's what you want to do. And I agree with you there's a lot of idiots but they're not only visitors. There's a lot of locals who don't think before they do.

COUNCILMEMBER HOKAMA: I didn't discriminate on where the idiots come from, Chair.

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CHAIR VICTORINO: Yeah, I know that but I just want to make sure that is clear. You know that is absolutely clear. And I just had an experience that's why it's vivid in my mind about people...and never mind. I'll leave it at that. Mr. Guzman, I'll let you go now.

COUNCILMEMBER GUZMAN: Sorry, Chair. Anyway, yeah, it's good that people don't discriminate against.

CHAIR VICTORINO: We don't.

COUNCILMEMBER GUZMAN: Yeah. But anyway I'd like to also echo my colleagues and commend the Department as well as the Chief for all their hard work. And I do understand the necessity for overtime but can you explain to me on the Rank-for-Rank categories here where it says overtime hours and then it's got all four pages for each of the positions as the overtime hours are 24 across the board. Is that something that's been or that's within the union contract?

CHAIR VICTORINO: Chief?

COUNCILMEMBER GUZMAN: It's on the Rank for Rank FY 2012 and if you go per position and the dates it basically has overtime hours and then 24, 24 all the way down.

MR. MURRAY: Right. So it's...

COUNCILMEMBER GUZMAN: So is that something that's already buffered in or is expected or?

MR. MURRAY: Well, basically what this shows is the exact dates and times when the individuals worked --

COUNCILMEMBER GUZMAN: Okay.

MR. MURRAY: --and what their position is. And like I said earlier that normally we try to cover the whole shift instead of piecemealing the shifts together. So if they know that there is going to be somebody out, the off personnel that are on their days off first take an opportunity if they have their...they haven't reached their accumulated limit they're able to take this. So this just shows the positions of each station that have had the opportunity to work, yeah.

COUNCILMEMBER GUZMAN: So every time you have a Captain replacing a Captain --

MR. MURRAY: Right.

COUNCILMEMBER GUZMAN: --they're going in for 24 hours, it's not like...

MR. MURRAY: For most cases, yes, 'cause if the Captain is off for 24.

COUNCILMEMBER GUZMAN: Okay.

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MR. MURRAY: So this is just a spreadsheet that shows you what it was covering for but we also have times where they cover 14 or 10 or 8, yeah, times.

COUNCILMEMBER GUZMAN: Well, if that's the case is that on a different sheet because they're all 24, 24 all the way like 4 pages worth and there's no change in the 24s?

MR. MURRAY: Well, they'll be different because different circumstances on why that individual was not allowed to leave or properly relieved.

COUNCILMEMBER GUZMAN: Oh, I see.

MR. MURRAY: Yeah.

COUNCILMEMBER GUZMAN: So is there a system to specifically I guess monitor or report or track the hours?

MR. MURRAY: Yes. Yes.

COUNCILMEMBER GUZMAN: Is that what's in place already?

MR. MURRAY: Yes.

COUNCILMEMBER GUZMAN: Okay, and then that's in like a database or something?

MR. MURRAY: It's on our personnel office and they keep track every two weeks on who's getting what so that they can figure out their accumulation so they don't exceed this specific item with the 288 hours.

COUNCILMEMBER GUZMAN: Okay. And so when it comes to budget time do you already have that, I guess an estimation of what your overtime will be and --

MR. MURRAY: Right. Yes.

COUNCILMEMBER GUZMAN: --you kind of calculate it based off of those \_\_\_\_\_ data--

MR. MURRAY: Historical data, yeah.

COUNCILMEMBER GUZMAN: --historical data?

MR. MURRAY: Uh-huh.

COUNCILMEMBER GUZMAN: Okay.

MR. MURRAY: And then we take...account the maximum usage of the hours for their specific position and what that pay is actually. So, and then it's estimated throughout the whole fiscal year and that's what is presented to you folks annually.

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COUNCILMEMBER GUZMAN: You know one more question, Chair.

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER GUZMAN: Would you be agreeable to have an audit done with a performance component to it to...

MR. MURRAY: Absolutely. I mean that's one of the reasons why we're so adamant about the accreditation process --

COUNCILMEMBER GUZMAN: Right, correct. Right.

MR. MURRAY: --because that process is all about that.

COUNCILMEMBER GUZMAN: Right.

MR. MURRAY: You know how are you effectively and efficiently moving your department.

COUNCILMEMBER GUZMAN: Right.

MR. MURRAY: And, you know, and we've done that internally and we're totally open to learning more. I mean we've been around for a little while but we're always open to learn and do things better so we're definitely looking ahead with open arms for this audit actually, so.

COUNCILMEMBER GUZMAN: Yeah, I would assume that it would help you in terms of future negotiations with the unions just to have that type of background or --

MR. MURRAY: Right.

COUNCILMEMBER GUZMAN: --evidence or reports that show maybe a certain efficiency issue and if they could renegotiate the union contracts to address those issues. How is the certification process going?

MR. MURRAY: The certification process is moving. We had to slow down on some of the areas of need because we don't have the money. So, you know, we're trying to do our part even though we have goals that are set so we had to cut back on some of those items. So I think that we really need to take a look at it through the audit and see what we're missing because I think the product that you have today as opposed to seven and a half years ago is completely different. And you can ask anybody in the Department and through our response and our activity and our confidence level that it is a difference and that's the direction that we're moving. So we want to solidify that so through audits and accreditation that will only help us to stay on point, so we appreciate the opportunity.

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COUNCILMEMBER GUZMAN: Okay. Thank you. One last question, Chair, and I promise that's the last question.

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER GUZMAN: With the Ocean Safety Division potentially coming in, have you seen their numbers in terms of overtime?

MR. MURRAY: Yes, we have.

COUNCILMEMBER GUZMAN: Okay.

MR. MURRAY: And we're ready to move but we just need the support because they've been working so hard to do what they do with what they have. So they basically making do with what they have. And what we're trying to do is up that level to provide the response and the coverage and the safety for our employees, number one, and in turn that just takes care of everything for the community. So when our presentations of the budgets that are upcoming for equipment and personnel that is to cover that. So right now I mean they get it done but is it as safe as possible or is it safe as it should be? That's questionable. So we see it little bit different.

COUNCILMEMBER GUZMAN: So I assume that they will come under the same scrutiny for overtime once they've become incorporated --

MR. MURRAY: Absolutely.

COUNCILMEMBER GUZMAN: --into the Department?

MR. MURRAY: Absolutely.

COUNCILMEMBER GUZMAN: Okay.

MR. MURRAY: They're going to have to work through that whole parameters.

COUNCILMEMBER GUZMAN: Okay.

MR. MURRAY: And so we'll be able to make the adjustments as needed but we're also factoring those things in as well.

COUNCILMEMBER GUZMAN: Okay. And they won't have Rank for Rank?

MR. MURRAY: No.

COUNCILMEMBER GUZMAN: Okay. They're under a different union, right?

MR. MURRAY: But they're under a different union but there is positions that have to be filled by a person that is certified, for instance the Jet Ski operator. And they're in

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negotiations right now so hopefully soon they'll be able to present to you folks what has been done through Unit 14. We were just there at arbitration so hopefully something will come up so that they can give you some solid information on what the changes are for that Division.

COUNCILMEMBER GUZMAN: Chair, can I recommend that if we do go forward with an audit at the Ocean Safety portion although they haven't been incorporated yet but at least that side of the Parks Department be audited as well in terms of past performance or the money, the budgetary efficiency of that specific component?

CHAIR VICTORINO: I would have to check with Corporation Counsel because that's two different departments at this time.

COUNCILMEMBER GUZMAN: Right. Okay.

CHAIR VICTORINO: And so it would come under a different premise as far as...I understand what the Chief is saying and once they're connected or once they're brought in then it's one department and he has the...this would fall under the premise of what we're trying to do today. So let me ask and I will send a letter and get back to all of you on that aspect. Chief, go ahead.

MR. MURRAY: If I may? What we will do though once the audit begins, whatever information that we have moving forward we can vet all of that out through that process 'cause that's what we were doing on our own anyway --

COUNCILMEMBER GUZMAN: Right, right.

MR. MURRAY: --so that we could have one clear understanding of what we're up against.

COUNCILMEMBER GUZMAN: No, I was only thinking that you would need the historical performance or the finances of --

MR. MURRAY: We do have most of it already.

COUNCILMEMBER GUZMAN: -- that.

MR. MURRAY: That was all part of our process.

COUNCILMEMBER GUZMAN: Okay, very good. Very good. Thank you, Chair.

MR. MURRAY: Yeah, so we'll be happy to provide that for you.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: And I believe once they go over then they could be a part of this audit also, but at this time to audit them under the Parks separately for the purpose of Fire makes it I think logistically a real challenge. So I would like to leave that to the Chief

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and the Department, and hopefully...Chief, do you have any...one more question I have for you is do you have any idea timetable-wise when Ocean Safety should... 'cause it's been a long process but when Ocean Safety should be turned over to...from Parks to Fire and Safety?

MR. MURRAY: Well, right now we have it with the budget that was submitted for July 1<sup>st</sup> of 2016. So, you know, one of the things that we really need to take a look at is what portion of that budget that we submitted is going to get filled. Because there's other issues that will be a compounding factor and a negative aspect to our Department if we do not have those positions. And, you know, so for example the equipment we're putting it on a replacement program --

CHAIR VICTORINO: Right.

MR. MURRAY: --very similar to what we have in our Department. And we want to stay on track with that so it's not, you know, overwhelming for our people when they need to replace all at once 'cause you don't want things to breakdown all at once, you want it to breakdown once in a while. So we want to stay ahead of that. So that's one of the examples that we could utilize in that. But right now as it stands how we have submitted it it would be for July 1<sup>st</sup> of 2016.

CHAIR VICTORINO: Okay.

MR. MURRAY: And I believe that the Council had a question on the bargaining unit so hopefully that will be cleared up before our budget session and we'll be able to answer the questions. And you'll be able to have the schedules for rates and all of those things in front of you so you can make a good decision moving forward. Thank you.

CHAIR VICTORINO: Thank you. And again, Members, I don't want to stray too far off. Again this is an audit and that's what we're looking to conduct. All these other matters kind of straying away from the audit itself although it would be important once you start and that historic and financial history from the Ocean Safety comes along with everything that you're trying to accomplish. But I'm glad to hear July 1<sup>st</sup> as being, 2016 probably the real turnover of putting Ocean Safety under the Fire and Public Safety and taking it out of Parks and Recreation. So I'm kind of glad to hear that. So with no further discussion, I would like to defer this matter, with no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you. And thank you, Chief, for being here and we really do appreciate what you do. And again in closing I'll say like the Police Department, our EMTs and our Fire Department, those three divisions come out at the most, like Mr. Hokama said at the most inopportune times when we most need 'em and whether they're in a mountain or on the ocean or on our highways, they're there helping and protect and the wellbeing and health of the people of Maui County. So I want to thank you and your men and women that do a great job each and every day. And hopefully

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this audit will help you do even a more efficient and more prosperous job. Thank you, Chief.

MR. MURRAY: Thank you, Chair.

COUNCILMEMBER COCHRAN: Chair?

MR. MURRAY: And thank you, Members.

COUNCILMEMBER COCHRAN: Chair? Sorry to interrupt. But thank you. Chair, can I just ask a real quick question on the calendars in the audit?

CHAIR VICTORINO: Quick question please 'cause --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR VICTORINO: --we have other items I would like to get to but go ahead.

COUNCILMEMBER COCHRAN: Yeah, just real quick, Chief, on any given day I mean I'm looking at some of these dates and there's just like back-to-back meetings. Is this for one fire fighter to...

CHAIR VICTORINO: What page is that, Mr. Cochran?

COUNCILMEMBER COCHRAN: I mean look at July, let me see, July 2012 the first page on Friday the 6<sup>th</sup>, 7:45 safe driving, pumper...I mean just on down the line that whole day is just back-to-back training. Is that like a typical training day for one fire fighter to attend --

CHAIR VICTORINO: Chief?

COUNCILMEMBER COCHRAN: --and learn all these different things?

MR. MURRAY: These are usually done by companies. So this could be our quarterly drill schedule. That's what it looks like to me. And then you'll see other areas where they have to come in to actual class. So most of these items they've already been trained on and certified on and we try to maintain that every quarter and work up to our recertification dates, whenever those are. Yeah, so it's they train a lot.

COUNCILMEMBER COCHRAN: Yeah.

MR. MURRAY: Yeah.

COUNCILMEMBER COCHRAN: Yeah. Busy. Busy.

MR. MURRAY: Our job is all about preparedness so that's what this whole concept is about.

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COUNCILMEMBER COCHRAN: Okay. Alright. Very good. No, Chair, I just question, I mean their dates they're booked up on particular dates and wow they do a lot of, yeah, training.

CHAIR VICTORINO: Thank you. And when you say by companies --

COUNCILMEMBER COCHRAN: Thank you.

CHAIR VICTORINO: --can you explain to the public what a company means? I know what it means but would you explain how when you say by training by company what does that mean?

MR. MURRAY: Thank you, Chair. So a company is basically a engine, rescue, hazmat, ladder, they are assigned to a company out of a station. So they'll work as a crew so the training is done as a crew. So that's what a company means. So they're assigned to that specific company for that day and usually that's their normal assignment. And they will train appropriately to make sure that they have all what's necessary throughout the year.

CHAIR VICTORINO: So, Chief, can you give me an idea or to the public also how many companies we have throughout the County of Maui?

MR. MURRAY: We have 18 companies and 14 stations.

CHAIR VICTORINO: Okay. Just so that the public and the Members are clear with what a company meant. I appreciate that, Chief.

MR. MURRAY: You're very welcome. Thank you for the opportunity. Have a great day.

CHAIR VICTORINO: Okay. Thank you. I think we deferred this matter. Did I get okay for deferral?

COUNCILMEMBER COCHRAN: Yes. Yeah.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: Chair? Chair?

CHAIR VICTORINO: Oh, wait hang on.

COUNCILMEMBER HOKAMA: No, they can go, Chair.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: But before you make the announcement of the deferral, Chairman --

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CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --I would just like to say that I support the Chief --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --and when you are ready to reschedule this item --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --I think once we get the audit squared away because I think part of this is scoping the audit.

CHAIR VICTORINO: Right.

COUNCILMEMBER HOKAMA: And I know that's what you're trying to get clear on is what shall be within the parameters of the audit.

CHAIR VICTORINO: Exactly.

COUNCILMEMBER HOKAMA: So I appreciate it, Chair. But I think with the Chief down the road, the sooner we can get it done, Chair, I think it's better for us all in budget review upcoming, a direction for the Department not only with the audit and certification but also with the transfer of a division. And that's why I support that July 1<sup>st</sup> date also --

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: --to make it clean on the transfer.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: So thank you, Chairman.

CHAIR VICTORINO: Thank you, Mr. Hokama. Thank you, Chief, again.

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

**ACTION: DEFER pending further discussion.**

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

CHAIR VICTORINO: Okay, moving right along, next we have the Liquor Education Fund, PIA-31 and I see Ms. Traci Villarosa Fujita, yeah, or Fujita-Villarosa. I forget how it works. Sorry. I announced that Mr. Silva was coming but I realized that he retired as of November 1<sup>st</sup> if I'm correct. Yes. So I guess you're standing in for him. And if you two ladies would introduce yourself after...wait, let me get started and then we can

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have you introduce yourselves and we can get started with the PIA-31. The Committee is in receipt of the following: Miscellaneous Communication, dated again May 28, 2015, from the County Clerk, reporting that on May 26, 2015 the Council referred the matter relating to a Liquor Education Fund. Correspondence dated October 26, 2015, from the Director of Liquor Control, relating to public liquor educational programs and fines for the Fiscal Year 2015. Members, this item was referred to us by the Budget and Finance Committee to evaluate strategies to improve the efficiency of this fund. We met on this on August 17, 2015 and discussed this matter. By letter dated October 6, 2015, again all of you should have that copy in your binder, I requested the information of the use of the Liquor Education Fund for public liquor related educational programs including (1) what the public liquor educational programs the Department has established using fines collected against liquor licensees, (2) statistics regarding the number and types of fines gathered in 2014 in comparison to the liquor revenue generated by establishes [sic] for that year. And this basically a letter that was dated October 26, 2015 the Director responded. The Director, pardon me, Deputy Director Villarosa, Fujita-Villarosa, would you like to respond to those questions that were brought up and the answers that were given to us in that letter dated October 26, 2015?

MS. FUJITA-VILLAROSA: Good morning, Mr. Chair and Committee Members. Traci Villarosa, Deputy Director for the Department of Liquor Control. You should have a copy of a memo that was signed by Director Frank Silva on October 26<sup>th</sup> and in the memo it responds to the questions that were asked. The first question is requesting information on what public liquor educational programs the Department has established using liquor license fees. The memo clarified that the Liquor Education Fund is not comprised of liquor license fees, instead it is comprised of money collected from the assessment of fines against licensees. So it is a different source of revenue for that fund. The second question, the second request was to provide the Committee with information on the number and types of fines generated in 2014 and the liquor revenues generated by establishments for that year. And attached to that memo is a summary and a breakdown of the information that was requested. And I'm available for any other questions that the Committee might have.

CHAIR VICTORINO: Okay. Thank you very, very much. Members, I have a couple quick questions then I will turn it over to you as Members. Ms. Fujita-Villarosa, why has the Department not established any public liquor educational programs with this fund? Now strictly public, I'm not talking about training your operators or their employees. Is there any specific reason why that has not been done?

MS. FUJITA-VILLAROSA: To my knowledge the Department has never established those programs. We don't have really any program in place nor do we have like the staff to implement that type of program at this point, but that's the only reason that I know of.

CHAIR VICTORINO: Okay, thank you. And one last question, would you please compare the fines to revenues by establishments? You know what is the percentage-wise between your fines and establishments, do you have any data on that?

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MS. FUJITA-VILLAROSA: The amount of the fines versus the number of establishments?

CHAIR VICTORINO: What the percentage of, you know, how many, you know, let's say you collect \$10,000 in fines and you bring in \$2 million in revenue, you know, I guess that's what I'm looking for. What is the percentage, yes, please?

MS. FUJITA-VILLAROSA: Oh, okay. So the Liquor Education Fund balance, the estimated balance for FY '16 is \$328,136 and the total gross liquor sales...oh no that wouldn't be...well, the total gross liquor sales for 2015 was \$341,247,522 which is our, I'm trying to think what the percentage. You're talking about the actual amount that's budgeted for the Department?

CHAIR VICTORINO: Yes.

MS. FUJITA-VILLAROSA: It's about 3 million. I mean I can look it up if you want the exact number.

CHAIR VICTORINO: Okay.

MS. FUJITA-VILLAROSA: But it's in the budget.

CHAIR VICTORINO: It's the budget.

MS. FUJITA-VILLAROSA: Yeah, it's in the Budget Ordinance.

CHAIR VICTORINO: Okay. I have a few more questions but I will let my Members ask the questions first. If you would like to start, I'll start this time with Mr. Guzman and work our way down. Mr. Guzman?

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair. Questions, so the total...it's my understanding that you can only get 10 percent of the total fines collected and that 10 percent can be used for public education for liquor public education. Is that correct?

MS. FUJITA-VILLAROSA: Yes, it's under HRS --

COUNCILMEMBER GUZMAN: Yeah.

MS. FUJITA-VILLAROSA: --and this is in 281-17. It says, let's see, the amount not to exceed 10 percent a year of fines accumulated may be used to fund public liquor related educational or enforcement programs.

COUNCILMEMBER GUZMAN: Okay. Yeah, so the total fines collected is I guess my calculation is it 45,700?

MS. FUJITA-VILLAROSA: The estimate for this year?

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COUNCILMEMBER GUZMAN: Yes.

MS. FUJITA-VILLAROSA: The estimate for this year would be \$28,222 and that's also in the Budget Ordinance in Appendix A.

COUNCILMEMBER GUZMAN: Okay. I guess my question would be if you haven't been utilizing the 10 percent per year do we then lose it or where does that, where is it at now? Is it in escrow or someplace in a different fund?

MS. FUJITA-VILLAROSA: Well, it's in a revolving fund.

COUNCILMEMBER GUZMAN: Revolving fund.

MS. FUJITA-VILLAROSA: Yeah, it's in a revolving fund --

COUNCILMEMBER GUZMAN: Okay.

MS. FUJITA-VILLAROSA: --the Liquor Education Fund, and the money is used for other things besides the public liquor related educational and enforcement programs.

COUNCILMEMBER GUZMAN: Okay. So what other things have --

MS. FUJITA-VILLAROSA: Well, it's used...

COUNCILMEMBER GUZMAN: --are you authorized to use those for? Okay.

MS. FUJITA-VILLAROSA: Well, so that section talks about, let's see, so it says to control, supervise and regulate--this is the...actually the whole subsection --

COUNCILMEMBER GUZMAN: Right.

MS. FUJITA-VILLAROSA: --3 of 281-17. To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, education provided that any educational program shall be limited to the Commission staff, Commissioners, Liquor Control Adjudication Board members, licensees and their employees, and shall be financed through the money collected from the assessment of fines against licensees. So we use the money for education of the liquor licensees, education of staff, that sort of thing.

COUNCILMEMBER GUZMAN: It sounds as though it's narrowly written that you can only use that 10 percent for educating your own employees and the Commission. Is it...

MS. FUJITA-VILLAROSA: No, the 10 percent limit --

COUNCILMEMBER GUZMAN: Oh the 10...

MS. FUJITA-VILLAROSA: --is for the public portion.

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COUNCILMEMBER GUZMAN: For the public, okay

MS. FUJITA-VILLAROSA: Yeah, for the public portion.

COUNCILMEMBER GUZMAN: Right. Right. So you've been using the 10 percent that was actually I guess set aside for the public, you've been using that for the training of Commission...

MS. FUJITA-VILLAROSA: No.

COUNCILMEMBER GUZMAN: Oh, so it's still there.

MS. FUJITA-VILLAROSA: Well, it's a revolving fund --

COUNCILMEMBER GUZMAN: Okay.

MS. FUJITA-VILLAROSA: --and so this language authorizes the Department to use up to 10 percent for the public education portion.

COUNCILMEMBER GUZMAN: Okay. So, I'm going to go back to my initial --

MS. FUJITA-VILLAROSA: Yeah.

COUNCILMEMBER GUZMAN: --question is that since you haven't been utilizing the past years for the 10 percent can we now use those past years retroactively or retro going back and I guess use those 10 percents? So instead of using it in, you know, 5 years ago, if you haven't used it can we now apply 20 percent now or 30 percent of that now?

MS. FUJITA-VILLAROSA: It says, the language in the statute says not to exceed 10 percent a year --

COUNCILMEMBER GUZMAN: A year.

MS. FUJITA-VILLAROSA: --of fines accumulated.

COUNCILMEMBER GUZMAN: But if you haven't used it that year can...

MS. FUJITA-VILLAROSA: Yeah, I'd have to look into that, I'm not sure.

COUNCILMEMBER GUZMAN: Okay.

MS. FUJITA-VILLAROSA: If that would be possible.

COUNCILMEMBER GUZMAN: Do you have plans to maybe implement a public portion of that, a component of it...education of it?

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MS. FUJITA-VILLAROSA: Well we're kind of in limbo right now in the Department. We don't have a Director that's been appointed yet.

COUNCILMEMBER GUZMAN: Right, right.

MS. FUJITA-VILLAROSA: So I can't really speak as to what the future plans might be.

COUNCILMEMBER GUZMAN: So if the...this is my last question and then I'll move on for my other colleagues, if the Department isn't equipped to go out and do it on its own, the public education, can they use the money to give it to another entity that a nonprofit or some type of agency that does public education especially those in high school levels? I know we have a lot that are going on in the elementary schools but it would be great to have it more directed towards the high school level. DARE has had...it's no longer being Federally funded but we're funding it through the County, but it would, you know, it would help a lot if we implement that into the high school levels --

MS. FUJITA-VILLAROSA: Right, yeah.

COUNCILMEMBER GUZMAN: --which would be great.

MS. FUJITA-VILLAROSA: Those are really good. Those are really great programs. I think that when I referred to not having the staff, I also was referring to not having grant management staff --

COUNCILMEMBER GUZMAN: Right.

MS. FUJITA-VILLAROSA: --because that's what it would take. You know we would have to have a, sort of a grants program in the Department of Liquor Control which we just don't have right now. We've never done it. Not to say that we can't or that we wouldn't but it just, we just haven't done it so there's, you know, I've drafted grant agreements but I've never administered them. I've never managed grants before. I mean it would there would be some learning involved.

COUNCILMEMBER GUZMAN: I think with this type of opportunity, you know, a change in administration...

CHAIR VICTORINO: Before you go any further.

COUNCILMEMBER GUZMAN: I'm just going to make a statement. I'm not going to...

CHAIR VICTORINO: No, I'm going to stop you here.

COUNCILMEMBER GUZMAN: Okay, that's fine, Chair.

CHAIR VICTORINO: And the reason for that why I'm stopping you here and, Ms. Villarosa, and maybe your counterpart there can better clarify but it is my understanding that

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this monies were put in there and that at the end of the year if anything is unused there's a refund given to the various establishments. Now, if I'm incorrect then you please correct me but I believe that's what happens. It doesn't stay there accumulating.

MS. FUJITA-VILLAROSA: No. No.

CHAIR VICTORINO: There's a refund when it reaches a certain point and --

MS. FUJITA-VILLAROSA: Mr. Chair?

CHAIR VICTORINO: --yeah, if you can please explain that?

MS. FUJITA-VILLAROSA: Actually you're referring to the fees.

CHAIR VICTORINO: Yes.

MS. FUJITA-VILLAROSA: Yeah, which is different from the fines.

CHAIR VICTORINO: Okay. Okay.

MS. FUJITA-VILLAROSA: So it true for fees if there is an excess balance it does get credited back to the licensees --

CHAIR VICTORINO: Okay.

MS. FUJITA-VILLAROSA: --but that's not the case with the fines. The fines are in a revolving fund.

CHAIR VICTORINO: Okay, when you say revolving fund where does...you know you said 10 percent but yet we don't have 10 percent. How does this revolving fund work then?

MS. FUJITA-VILLAROSA: Well, the revolving fund there's, you know, it works like any other revolving fund that's in Appendix A. I mean it's just a sum of money in there and what the statute authorizes that 10 percent is an authorization to use up to 10 percent for a certain type of program but that's not the only type of program that can, you know, that can be used with that money. So there are other programs to educate, you know, the staff, and the boards and Commission members, and the licensees that we have been using the money for.

CHAIR VICTORINO: But not for the public like what Mr. Guzman was talking about DARE or other --

MS. FUJITA-VILLAROSA: Right.

CHAIR VICTORINO: --programs, rehab programs, Drug Court, I don't know. You know all the different programs that are out there.

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MS. FUJITA-VILLAROSA: Right.

CHAIR VICTORINO: This money has never been used in that direction because?

MS. FUJITA-VILLAROSA: That I don't know but I did...Georgette did mention to me that apparently we did have--was it just one grant?

MS. TYAU: We had a grant back in the '90s.

MS. FUJITA-VILLAROSA: We had a grant back in the '90s. I wasn't aware of that but I guess that's the only one that we're aware of, but why we haven't, the only thing that I know of is that we just don't really have anybody to administer a grants program right now. We would have to...that would be something that the Department would have to develop. We'd have to develop a grants program. I mean we just don't have anything like that in existence right now, but that's the only reason why that I know of. I don't know of any other reason.

CHAIR VICTORINO: Okay. Georgette, could you add to that? You said there was a grant in the '90s, do you have any idea what that grant was for and...

MS. TYAU: It was for server training but it wasn't a grant out of the Liquor Education Fund.

CHAIR VICTORINO: Okay.

MS. TYAU: The Liquor Education Fund is strictly Liquor Education Fund and I don't believe you would have to establish a grant for that one. Keep in mind that the use for 10 percent for public, that was per Senate Bill 470 back in 2010 so that is fairly recent. Liquor Education Fund was created back in around 1995, prior to that everything went into the General Fund. So we were really limited on what we could use the Liquor Education Fund for. So like I said back in 2009 Senate Bill 470 allowed for 10 percent of use for other services such as if you wanted to maybe join up with like Be a Jerk or any kind of program that might be able to help. The only thing I believe we would have to do is be able to allocate. If we do a program like that we're probably going to have to allocate time, like whoever is going to be working on that particular program that we decide to fund we'd probably just have to allocate time and so forth. I don't see anything else really besides time.

CHAIR VICTORINO: Time, when you're saying time you're talking staff time.

MS. TYAU: Yeah, pay --

CHAIR VICTORINO: Someone doing it...yeah.

MS. TYAU: --like a...salaries.

CHAIR VICTORINO: Okay.

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MS. TYAU: Allocating it from Liquor Fund to Liquor Education Fund. And I just wanted to make one clarification, yeah, again.

CHAIR VICTORINO: Yes.

MS. TYAU: The reason for the clarification that I made in Liquor Education Fund is not comprised of liquor license fees is because I do know there was kind of a confusion of using the money that is being returned to the licensees and trying to tap that money. That money that we return to licensees per the percentage fee formula is part of the Liquor Fund which is by 281-17(5) where monies can only be used for liquor license purposes. So that's license fees. Liquor Education Fund is like 281-17(2) so that's different and that is what governs what we can use Liquor Education Fund for.

CHAIR VICTORINO: Okay, thank you for that clarification. I think that helps a little bit now, I mean we have a better understanding on what you're doing. Okay. Thank you. Moving right along. Mr. Hokama?

COUNCILMEMBER HOKAMA: I wanted to ask, Chairman --

CHAIR VICTORINO: Yes, please.

COUNCILMEMBER HOKAMA: --when the Department talks about revolving fund this is a State revolving fund?

MS. FUJITA-VILLAROSA: No it's a County revolving fund.

COUNCILMEMBER HOKAMA: So, it's in the County Code?

MS. FUJITA-VILLAROSA: No, it's established in HRS but it's in the County budget.

COUNCILMEMBER HOKAMA: And that's what I'm trying to bring up, yeah, how can the State under our Charter and home rule authority tell the County they have to set up a revolving fund?

MS. FUJITA-VILLAROSA: Well, I think that the revolving fund is just the mechanism by which we comply with the State law. Because the State law specifies, you know, that this money can only be used for a certain purpose and it's fine money that accumulates. So it's, that's how the County set aside this money in a revolving fund. I think that's how a lot of the revolving funds have come around where they...it's just sort of the mechanism that's used to preserve that money for this particular use.

COUNCILMEMBER HOKAMA: I understand but --

MS. FUJITA-VILLAROSA: Yeah, it doesn't specifically...

COUNCILMEMBER HOKAMA: --to me that's just not the State's business. It is this County.

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MS. FUJITA-VILLAROSA: Yeah, it doesn't specifically ...HRS doesn't specifically say that you have to do it. You know it doesn't have this language that it must set up through a revolving fund and it doesn't have that type of language. I think the County decided, I don't know, whenever I guess back in when it was first established to set it up this way.

COUNCILMEMBER HOKAMA: Well, knowing more than likely when it was...some of the issues that we're trying to deal with now that my colleague from Upcountry has a great concern of maybe it wasn't as prevalent. It was obviously around but not as prevalent as it is in our people's mind nowadays. But hearing that, Chairman, and I don't see what prevents us from creating by ordinance additional options for the County. I'm open to requiring wholesalers and manufacturers of alcohol beverages in this State to pay this County X dollars for the privilege of serving in this County to be used for education. And the State can take us to court if they want and challenge us on our ordinance. But I don't mind pushing the envelope because this is something that we've talked about. I mean even the manufacturers, look on TV, even the manufacturers say be smart about drinking their booze. So the manufacturers are doing education, yeah, why isn't, why aren't we? 'Cause I would like to reduce overtime for emergency response, Fire, Police, for alcohol-related incidents. We just talked about overtime with one department. So my thing is if the State is more about telling us like the bank that says yes, they're the State just says no, why don't we just then force them to make a decision and enact certain legislation that we can within our purview? I don't have a problem with that. Just like how we've adjusted how we're going to access cruise ships that enter this County's jurisdiction and how we charge them for licensing. It's not a State thing, it's a County thing. So if our Commission won't do it I don't see why the Council can't do it through an ordinance, Chairman, and I'd be open to seeing if there's ways for us to get it done. Thank you.

CHAIR VICTORINO: Thank you. Do you have any comments, Department?

MS. TYAU: Once again...

CHAIR VICTORINO: Go ahead.

MS. TYAU: Once again I just wanted to clarify that like Councilmember Riki Hokama was saying, you know, as far as like charging wholesalers or manufacturers a fee, that would fall under our Liquor Fund. And the Liquor Fund like I said I just wanted to clarify that because we use a percentage fee and that percentage fee only came into effect around 1995 also. That was the first time we used it. It's because...well, early in the '90s or '80s, late '80s because there was a lawsuit because money was proposed to be used for other than liquor license purposes. So there was a lawsuit and part of the settlement was to come up with some kind of formula so that liquor license fees monies collected and this is per 281-17(5) was only used for liquor license purposes. So in short, this percentage fee was created and that is why monies is reimbursed through the percentage fee process every year to licensees and why it's not used or cannot be used for other purposes. And like I said, the Liquor Education Fund is

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totally separate, it doesn't run through the budget process. It's not fees that we allocate to licensees to run our Department. It's just the fines collected, so two different funds, yeah.

CHAIR VICTORINO: Mr. Hokama, you have said many times there's more ways to skin a cat so --

COUNCILMEMBER HOKAMA: So, Chairman --

CHAIR VICTORINO: --I can see where you're going with this.

COUNCILMEMBER HOKAMA: --I hear the Department's \_\_\_\_\_ --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --and I understand it --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER HOKAMA: --okay, from that perspective. I'm not looking at it from that perspective. I'm not talking about the licensees. I'm talking about the wholesalers and the manufacturers. Okay. I'm not talking about licensee who selling retail drinks. I'm talking about the guys that selling it to the retailers. The guys that actually making the alcohol beverages. I don't see us being able...so what I would prefer is a County that will tell this Committee how we can get certain things done. I'm tired of hearing why we cannot do things, that's the easiest answer to give this Committee but it's not good enough, Chairman. Not good enough. And if not we better find people who can give us the options that we need to move this County forward.

CHAIR VICTORINO: Thank you, Mr. Hokama, I agree with you wholeheartedly and I think it's time to think out of the box and like you said put something forward and let's see where the State takes us. 'Cause they sure want to tell us what to do so let them take us somewhere. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I think we understand the clarification about fines for public education as well as, you know, assessment of fees for liquor licenses. So, I just want to talk about the fines. Does the Department have any kind of plans or anything strategically setup to provide some sort of program for public education?

MS. FUJITA-VILLAROSA: Not at this time.

COUNCILMEMBER CRIVELLO: Okay. Then that being said I think I heard you mention that it would probably be a process for grant application and then you don't have the manpower or the capacity to manage a grant so-called so that a program can be put in place. Is that my understanding?

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MS. FUJITA-VILLAROSA: Well, I don't know if we have the capacity right now. It just hasn't been looked into. I mean it's something that we would have to look into to see, you know, if we could absorb that additional responsibility and duties, you know, with our existing staff. Whether we could have training of our existing staff, I mean it's just something that I don't believe to my knowledge that we really ever looked into. So it would have to be looked into.

COUNCILMEMBER CRIVELLO: Okay, so that being said am I to understand then that there's really never been any allocation of 10 percent of the funds for any kind of public education that you may be aware of?

MS. FUJITA-VILLAROSA: That's to my knowledge, yes.

COUNCILMEMBER CRIVELLO: Okay. As you're looking into considering would you consider using like 10 percent to allocate to provide the education for a nonprofit to, so that it doesn't absorb your limited capacity? And then maybe the Department will just be a cosponsor. I would like to ask, I'm not sure because it's something that this has never been implemented --

MS. FUJITA-VILLAROSA: Right.

COUNCILMEMBER CRIVELLO: --as far as I understand, the utilization of these...the 10 percent funding for public education. And I think that's where Mr. Guzman was trying to ask is if we've never implemented those funds and never did have any kind of program for public education so those funds are just revolving?

MS. FUJITA-VILLAROSA: Right.

COUNCILMEMBER CRIVELLO: Okay. Okay, thank you, Chair. You know I was hoping Mr. Guzman could clarify more what he was going to ask to but maybe I'm...

CHAIR VICTORINO: I will go back to him. Okay.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR VICTORINO: I will go back to him. Don't worry. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah I hear the frustration and sort of the huh there has never been anything established for public education and you folks are still sitting there saying not at this time. But are you interested or willing or want to? And I think there are definite solutions here, especially with existing nonprofits out there. MEO did the Be a Jerk Program. I mean there's many...Aloha House perhaps. Any of the anonymous programs, I mean the list probably goes on and on. So just to you folks and I know you said you're in limbo. You're looking for a director, but I mean you ladies have been there for many years and have seen people come and go and I just would hope there's some kind of spark in your Department

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that thinks and wants to move forward in what we're all trying to strive for. And especially Ms. Baisa here I know she's going to have a lot to say after me. But so just to your Department, you know, would you be open and interested to going down that road sometime soon?

MS. FUJITA-VILLAROSA: Well, you know, I can speak personally --

COUNCILMEMBER COCHRAN: Yes.

MS. FUJITA-VILLAROSA: --because like I said I'm, you know, I'm the Deputy Director right now. We don't have a Director so I'm not sure what the direction of the Department would be. Personally, I would be interested in looking into it. I've been involved personally in the Be a Jerk Program. My daughter went through the DARE Program with MPD. So I know how valuable those programs are, those community programs are and it's something that, you know, if I had the opportunity I would look into it.

COUNCILMEMBER COCHRAN: Okay, well, very good. And then looking at the letter dated October 26<sup>th</sup> at the bottom, total gross liquor sales FY 2015 \$341 million. So that is just till what? 'Cause we're still in FY '15. So that is till what date as of October that is your liquor sales right there?

MS. FUJITA-VILLAROSA: No that's of July.

COUNCILMEMBER COCHRAN: As of July?

MS. FUJITA-VILLAROSA: July 2015. Yeah so it's from June...

COUNCILMEMBER COCHRAN: Okay so that's just, I mean half of a calendar year per se.

MS. TYAU: That's the whole fiscal year.

CHAIR VICTORINO: Fiscal year. Fiscal year.

COUNCILMEMBER COCHRAN: Oh, the whole entire, oh okay. So that's about...is that high/low is that...that amount?

MS. FUJITA-VILLAROSA: It goes up every year.

COUNCILMEMBER COCHRAN: It's continuously going up?

MS. FUJITA-VILLAROSA: Yeah it increases every year a little bit.

COUNCILMEMBER COCHRAN: Wow, that's a lot of money. And I didn't quite catch in your opening comments you mentioned a \$3 million figure. Three million is that in this revolving fund?

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MS. FUJITA-VILLAROSA: No, that's in, that's our...the budget for the Liquor Fund for the Department. So if you look in the budget in the, you know, for the revenues for the Department. So basically the Liquor Fund is made up of the various fees that the Department collects as well as the percentage fee that Georgette mentioned which is less than 1 percent of this gross sales amount. So it amounts to about 3 million but the exact figure is in the Budget Ordinance.

COUNCILMEMBER COCHRAN: Okay. And then mister, Chair Victorino mentioned about refunds at the end of the year. Out of that 3 mil are you expecting to refund some of that? Is that a regular practice that monies go back to the licensees?

MS. TYAU: Every year we get Carryover/Savings from the Department of Finance and that amount less the 20 percent of our current year's fees gets refunded and...not refunded like money. It's credited back as far as it reduces the percentage fee that they pay for the next fiscal year because we only collect exactly to our budget that is approved by Council. That is the monies we collect.

COUNCILMEMBER COCHRAN: Okay. So they don't get cash back per se?

MS. TYAU: No the percentage fee. That's one item that would reduce the percentage fee.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: That's why one of the reasons why I have always been a proponent of giving them more positions because those positions are paid out of that fund for which if they're not given goes back to the vendors, goes back to the licensee. So, you know, to me part of what you're talking about, Mr. Guzman, enforcement and education is having the people out there to do this and yet we constantly hold back. We don't give 'em the vehicles. All of that comes out of that fund. It does not come out of the County fund. It is a self-sufficient, just like Water a different fund that runs separate from the County itself. And we do not get the monies if there's leftover. We don't get it. It really goes back to the licensees. So that's one of the issues I've had for all these years, so I'm glad that's what the discussion is moving towards is not only education but some of the things that they request if it's being paid by the licensee and not given to them then it goes right, the money goes right back to the licensees.

COUNCILMEMBER COCHRAN: Right, why not use it.

CHAIR VICTORINO: Utilize it better, yes.

COUNCILMEMBER COCHRAN: So in stating that then you mentioned a lack of grants manager, not knowing how to do that type of work, this funds perhaps could go towards such a body to do this in your Department I guess? So okay, well it's something to think about during our budget discussions. So thank you for bringing this forward and looking forward to hearing what Ms. Baisa has to say next. Thank you, Chair.

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CHAIR VICTORINO: That's going to be a long one. Okay. Go ahead, Ms. Baisa, 'cause we've heard you many times. Go ahead.

COUNCILMEMBER BAISA: Thank you very much, Chair. I really don't have a whole lot to say because my colleagues have been eloquent. Everybody has said what I would have said. But I do want to say that it's very good to be sitting here today. I've been after this money for a long time and have tried to make inroads at the Legislature with very little success. And part of it is my fault. I really didn't understand how, the intimacies of this. I know there's an awful lot of money involved in liquor in this State. When I look at \$341 million in sales we're not talking small change here. We're talking a lot of money, and for me I'd like to see that money not only take care of the enforcement and education that is your Department's responsibility but I'd like to see some of that go to mitigate the impacts of alcohol. And I don't think that there's any discussion about what those are, you know, we have enough evidence about the misery that alcohol creates. And so I would like to see some of this money used for mitigating that. And, you know, social service money is becoming very difficult to get. Our Maui County of course is head and shoulders above everybody else in terms of what our commitment is to our social services. But Federal monies dried up. The State doesn't give very much. Foundations are just badgered with people needing money. And so if we have a source of funding here I think there's a direct relationship and I don't think there's anything wrong in trying to get some of that. You know just helping with a program like DARE helps a lot because if we can catch these kids before they get into trouble, why not. Then we've got all of these programs of treatment where we have to put people up, places like Aloha House. They're very expensive to run because they're 24-hour, 365-day-a-year operations and we need to use some of these money there. I am really inspired and really excited about what Mr. Hokama had to say. And, Mr. Hokama, I'm more than willing to get a PAF in there to get some legislation. I think we should. You know let's be innovative. You know one of the things that people look at Maui about and they envy is our ability to be leaders and to try and be innovative and get programs going. And I know Mr. Kushi is probably going to have a heart attack because of the legal complications but what, you know, let's try. If we don't try we'll never know. I am more than willing to be the person to, you know, work with the Council Staff to get something drafted and with legal. I think we've got to try to do something. We've sat here for too long saying cannot, cannot, cannot. Time to say can. Let's figure out how to make this happen. And, you know, to me our argument for the TAT, we say well we want the TAT because the tourist cause all these problems and they make us do this and they make us do that. Well what's the difference with alcohol? It's the problem. It makes us do this and that and deal with all the grief that we talk about like this morning when we were talking with the Fire Department about all the humbug and the OT that they go through coming out in the middle of the night to deal with the accidents that are caused by people who have had too much to drink or whatever. So, Chair, this is singing my song and I'd like to take it to another level. Thank you.

CHAIR VICTORINO: Well, now that we have clarified that it can be done, you know, again we've been told all these years it couldn't be done and you and I have sat here and have been told that and have been told that. So now all of a sudden we've been told

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something differently so I have no problem in you bringing a PAF forward and legislating this public funds to be used towards education for the public itself. I have no problem with that. In fact that's one of the reasons why this was brought forward because we've been stuck in the mud and I wanted to see how we could get unstuck and I think we found a way. And so and if it takes us to court with the State well fine, you know, let the State come back and tell us we cannot and I want a good reason why not. So with that in mind, Mr. Guzman, I've not forgotten about you but you got to pontificate everybody else so I had to get my three cents in. Go ahead, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I just wanted to follow up on Member Crivello's point on the utilizing the fines in the revolving fund. Using, you know, I'm just looking at the short-term goals of it. If we could stay within the parameters of HRS 281 and basically look at co-sponsorship, name alone, and looking at projects like DARE and on a specific day or a specific week cosponsor a liquor component of that and have it, you know, cosponsored by the Maui County Liquor Department. I think the heavy lifting is going to be on the DARE Program or whatever nonprofit it is and all you're doing is supplying the monies and basically the name by cosponsoring it will allow you to stay within HRS 281. The Office of Economic Development does that a lot. They cosponsor. The Parks Department does that a lot. They cosponsor just to tie in the name and allow the allocation but the heavy lifting is on the nonprofit or agency. So keep that in mind. It would be great to see a short-term goal within the next year. Thank you.

CHAIR VICTORINO: Before we close this up I'll give Mr. Kushi an opportunity. Do you have anything you'd like to add, Mr. Kushi? You sat very quietly so I figure if you had anything that you would like to add to this discussion.

MR. KUSHI: Well, from what I understand the discussion is about you guys could easily in your budget process allocate up to 10 percent of their funding towards whatever program you want. You go over 10 percent you'll run into problems with the State law, but you can try it.

CHAIR VICTORINO: Okay I think that's clear enough to me. Is there any questions to Corporation Counsel? Seeing none, with no objections, I would like to defer this matter because I think there's some more that needs to be worked on and I would like to see one, Mr. Guzman's idea of just cosponsoring and how we can work on that, and two, maybe Ms. Baisa bringing some legislation forward to specify what this funds could be used to help at public education. So I think those would be two areas that I'd like to see brought forward and I'll wait for that PIA...that PAF to come in, Ms. Baisa. So no objections to deferring this matter?

COUNCILMEMBERS: No objections.

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

**ACTION: DEFER pending further discussion.**

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CHAIR VICTORINO: So at this time, we're almost at 11:00 so I'm going to take the morning break. I would like everybody back at 11:05 'cause we have two more matters to discuss, the Alarm System Fund and second, and more importantly the Cyber Security issue. So I would like to get everybody back so we can finish this up. This meeting now stands in recess. . . .(gavel). . .

**RECESS: 10:55 a.m.**

**RECONVENE: 11:12 a.m.**

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

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

CHAIR VICTORINO: We're supposed to take up number four, Alarm System Fund, PIA-36, unfortunately the Police Department is unavailable to be here right now. And so with no objections, I'm going to defer this matter to our next meeting and that way we can have a good discussion with the Police as well as Finance. So, with no objection, I will defer PIA-36.

COUNCILMEMBERS: No objections.

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

**ACTION: DEFER (no discussion).**

CHAIR VICTORINO: Thank you very much. Thank you, Mark, for being here.

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

CHAIR VICTORINO: At this time, I'd like to call up Mr. Jacob Verkerke and go on to our last and final item today which is PIA-42. It's Cybersecurity. The Committee is in receipt of County Communication 13-226, from Councilmember Riki Hokama relating to cybersecurity, including the County's role in cybersecurity and its current practices in dealing with cybersecurity issues. We have today Mr. Jacob Verkerke, the Chief Technological [sic] Officer of the IT Division and to give us an update in the County's cybersecurity. Mr. Verkerke, would you like to...I think you have a presentation for us. So first of all I'll ask you and say thank you for being here and secondly if you would introduce the young lady with and get started with your presentation I will be greatly appreciative. Go ahead.

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MR. VERKERKE: Thank you, Chair Victorino and Members of the Committee. I have Karen Sherman with me. She is the Information Security and Privacy Officer for the County of Maui. And we've prepared a presentation for you to give you an update on our activity since we last were before this Committee.

CHAIR VICTORINO: Mr. Verkerke, let me ask you one quick question.

MR. VERKERKE: Sure.

CHAIR VICTORINO: Is any of these items that we're going to be discussing needing any, what you call that, executive session?

MR. VERKERKE: I don't believe so, Mr. Chair.

CHAIR VICTORINO: Okay.

MR. VERKERKE: We've put this slide together so we could do it in open session; however, if any of the questions or comments would touch on things that are better kept in executive session I will ask that we perhaps hold off till we can go in executive session.

CHAIR VICTORINO: Okay, Members, so we'll try to keep it, you know, open today and if we need to I will bring this back and if an executive session is needed for specific questions then we will cover that at that time if that's okay with the Committee. No objections?

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Okay, go ahead, Mr. Verkerke.

MR. VERKERKE: Thank you and I'll turn it over to Ms. Sherman. Thank you.

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

**Note: Computer-generated presentation.**

MS. SHERMAN: Aloha, Council, and thank you so much for allowing us to appear before you today. We wanted to as Jacob mentioned...

CHAIR VICTORINO: Get the microphone a little closer, yeah sorry.

MS. SHERMAN: How's that better?

CHAIR VICTORINO: Yeah, there you go. Good.

MS. SHERMAN: Okay. Thank you for allowing us to appear again before you and I want to thank you for allowing us to update you on the current status of where we are with our cybersecurity posture at the County. We've been working on things diligently for

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the last little over a year and we've made a lot of progress and we appreciate all the support you've been providing us. So, with that I'm going to just jump into our agenda. I'm going to talk a little bit about the current cybersecurity threat landscape just out there across the globe basically. Just a quick little update on that, and then we're going to talk a little bit about the current posture at the County, future initiatives, and then any questions you might have. The first thing I just wanted to bring to your attention is, you know, in 1995 there was only 300,000 devices connected to the Internet. Now there's about 3 billion and that just kind of tells you in a 20-year period how many things are connected to the Internet. And when you hear about the Internet of things it's not just your cell phone, it's not just your laptop. It's also, you know, some people have their homes now connected to the Internet, your television, your garage door opener, whatever that may be. There are many things now connected to the Internet. And each one of those items that are connected cause potential risk in an environment. And when you really start thinking about what we're doing nowadays and what we're doing in the public sector, there's nothing that we do that provides value that's not technology or Internet connected related. And that's pretty profound when you really think about that because it's hard to imagine, you know, where we would be today without the Internet. And then the other thing I wanted to mention is that with everything being so interconnected we all have a cyber legacy. You as Councilmembers, Jacob and I as technology representatives, we all are part of what we are going to leave here at the County, all the constituents, all the residents, everybody, we all have a cyber legacy. And I really wanted to express our appreciation for the support you have provided us with budgeting and with everything and what we are trying to do to secure the infrastructure here. A little bit about the landscape itself. Right now in the last five-month period there's been a huge amount of breaches that everybody hears about in the news but there's a couple that I just really want to capture. And one being the huge breach with the Federal Government. The Office of Personnel Management, that breach was just massive, 21.5 million Social Security numbers, 5.6 million fingerprints, security clearance information dating back 3 decades. That alone is just huge 'cause when you get that type of personal information on individuals it allows you to basically hack their accounts. Now there hasn't been, you know, direct statements and nobody will make direct statements this is how, but after that breach CIA Director John Brennan's personal account was hacked and data was breached or leaked. The FBI just in October their shared portal that they use for individuals that have been arrested by the Federal Government and this is not just within the US this is also across the globe, they were able to breach that account and then from there, access other systems. So when we talk about trying to secure our environment, you know, this is kind of an extreme level and but you have to think in those terms. You know it's really my job to think in those terms of how we can protect our environment. And again that was just a five-month period. And then I also wanted to bring to your attention is every month we receive a large amount of information that we ingest about potential threats in our environment. And a lot of that comes from the Multi-State-ISAC that we're members of and their information comes from the Department of Homeland Security, FBI, CIA, so forth. And those threat reports that we receive we, you know, sift through them all, determine what impact that's going to have to us, and then again use our security posture and the systems that we put in place to protect our environment. And just

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again to give you some random numbers. Albert which thank you for--we used a grant, I think we used a grant on that too--no we didn't, okay, to put that in place. That's been in place since about August but on just one month the Center for Internet Security which is the Multi-State-ISAC processes 315 billion logs that was in October alone. Of those they issued 3,157 actionable notifications and the County did receive 5 during that period. They also issued 1,920 notifications to affected entities regarding compromised credentials, infected host websites, and so forth. So, with them they're monitoring actively other government agencies and this is state and local territories. They're issuing it out so we know when there's something that's potentially at risk. They're aiding us in that research so that we can determine what threats we may have been exposed to. And then also we receive, you know, numerous incident reports not just for us but just again potential reports of incidents out in the country. We receive situational awareness reports like this. Each one is, you know, 30 to 40 pages on top of our weekly WASP reports and each of those reports again has numerous amount of information on what's happening out there in the country and what threats we may be exposed to. Now, a little bit about what we've been doing and again I want to thank you for all your support because it's been huge for us. In October, I don't know if you were all aware, but we did have Cyber Security Awareness month here in Maui County which was wonderful and you can see Jacob standing there very excited next to all of the drives that we were able to crush that day. We actually crushed about 150 drives. We were very excited with that. Anyway it was a fun day. We had a lot of people from the community come in. One of the exciting thing was so many people that showed up said, you know, thank you so much for doing this. We didn't know what to do with all these drives. They had boxes of old hard drives they had been storing in a closet or in their garage but they didn't know how to destroy them. They knew they shouldn't throw them out but they didn't know what to with them. And so, we were very excited to do that. We're going to do it again every year. Anyway so that was a pretty thrilling experience for us. Also, we have I'm sure you've noticed in the elevators, we have our cybersecurity-themed posters in the elevators again helping to educate the community about keeping their family safe. We had the table in the lobby that again has more information about keeping your family safe and staying cyber aware. We now have a cybersecurity website at the County. We originally opened it up during Cyber Security Awareness month and we'll be updating that on a regular basis with activities going on. And then we're also going to start doing a training program here at the County which is basically they call it Securing the Human. But what that allows you to do is it's going to put employees through a series of, you know, small little computer modules or computer programs that allows them to do this little training on the computer. They're maybe five minutes max in length. There's a handful of them. And again it's just themes to help keep you aware of keeping your family and the environment. Where the main thing is people get e-mails and they don't know what to do with them and we're going to go into that in a little bit and this kind of helps you be smart about phishing, be smart about securing your network at home, securing your family. A lot of the themes that we have down at the table. And then a little bit about what we've been doing with, you know, since our fiscal year began July 1<sup>st</sup>. We were able to acquire some pretty impressive threat detection systems that are...we're very, very happy to have in place. It's been huge for us. We've got the FireEye NX. The NX is a zero-day prevention, zero-day threat

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detection allowing us to in real-time scan when links are being pressed and when things are going on on the network, and that again runs it through an engine that determines whether or not it's malicious. We put the NX in place in production on July 30<sup>th</sup> and just in that time it detected and blocked 415 web-based malware infections in our environment. And then this, you know, probably doesn't mean a lot but those are various malwares that have come through the environment and if you look at the one that I have circled there that malware is Cryptowall. And I don't know if you're familiar with Cryptowall but it's basically the malware that encrypts your hard drive and holds everything for ransom. And you can see there was a total of 56 events on that. That's actually just 2 events but 56 hits and then I want to dive into that. So if you look here and I know this is probably hard to read but all that that you see on the screen happened in 24 seconds. That was one crypto infection. And if you can imagine what would have transpired in our environment had we not had this appliance in place protecting us. And again that whole 56 events, those were just 2 incidents of crypto. I'm just showing you 1 here but in 24 seconds that's what happens. There's not time to unplug your network. There's not time to do anything. It would have been encrypted. But you can see fortunately they were all blocked. And again this was one of the appliances that we put in place. And just so you're aware, we've got, you know, defense in depth. So, you know, we've got firewalls in place that do a certain level of blocking. We've got other tools in place that do a certain level of blocking. What the FireEye appliance has allowed us to do is get that zero-day threat. In other words, things, you know, you have your layer of defense, you know, things that slip through all those other layers because the bad guys are getting smarter and the bad guys are doing these things. You know all they do all day long apparently is figure out ways to, you know, penetrate environments and do malicious activity. So you have to have other tools in place and fortunately we were able to get the NX in place and we were able to prevent something that could have been, you know, pretty horrific in our environment. The other thing that we put in place is we also got what they call the EX which is similar to the network but only on e-mail. And this was something that we wanted but we, you know, didn't have the...we didn't think we had the money in the budget but we were able to get a really good deal on this. And again I appreciate what you guys have done for us as far as funding goes. We were able to get a good deal and we got both these appliances in. So this one does the same thing only on e-mail and I'll walk you through a little of that. This has been in place just since October 1<sup>st</sup> and we've already had 60 e-mail-based web infections that have been blocked. I know this is hard to see but I just wanted to kind of show you, you know, what it's doing is it's going through and it's scanning. So if there's an attachment that comes in on an e-mail it actually runs that attachment through a series of tests to see whether it's malicious. So a lot of times, you know, these bad guys they'll put stuff in where you'll think it's an Excel spreadsheet and it's coming from somebody you know but it's really not. It's got something bad that's embedded in it. And this one I know it's hard to see but maybe you can see it on your printouts but...does this pointer work, oh, yeah, no, it's not going to show there. If you look here, these ones right here and I put this on specifically to show you. This actually is what would have been a legitimate e-mail that somebody here at the County was expecting coming from another government agency. And it turns out this particular individual's endpoint or laptop computer was infected. So while he was trying to send something to us that

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attachment was actually infected. So this system prevented us from receiving that malicious or infected attachment and potentially infecting a computer in our environment. And again this type of advanced threat detection it's just incredibly important to us and it's just huge for protecting our environment and our cybersecurity posture. The other thing I wanted to point out here is if you look at some of these, some of these came from ADP so it's, you know, you get an e-mail and it's from ADP or you get an e-mail that says, you know, you might get it at home especially right now with the holidays you might get an e-mail saying oh, you know, we've missed you, this is UPS. These ones here supposedly were missed shipping packages that was UPS.org. So it's not UPS.com. It's not really something that you were receiving at home. It's fake, you know, it's a phishing thing. They want you to click on the attachment or the link and get infected. So anyway that's why I wanted to show you these, and again all of this is really helping the defense in depth and the layers of protection that we have in our environment. The other thing I wanted to mention is I touched on it earlier about the Center for Internet Security and Albert and us getting that in place. That's been in place since the beginning of August. And again that's giving us, you know, 24/7, 365 monitoring of our network, which is huge. You know we're not a, you know, 24/7 shop but we have the Center for Internet Security monitoring that for us. So if something malicious happens we're getting notified. So just during that time that they've been doing this we've had 26 alerts and that was across 4 different hosts. The Center for Internet Security helped us resolve those issues and determine what was going on, if it was something that really needed to be actionable or wasn't, and again that's invaluable. We're using, you know, thinking out of the box in order to add depth to our layers of protection. In other words, adding other individuals and other organizations to help broaden our resources that we have here. We also acquired our Security Intelligence Event Management System. We're still working to get that in place. That's a more complex project but we're working on that and we're hoping to have that completely configured and 100 percent running in the next several months. It's up and running now but it takes a while to get everything in there and get it configured, but that's also been invaluable for us to be able to determine different threats on our environment. And then the other point I wanted to touch on was, you know, when you think about cybersecurity you're not always thinking about critical infrastructure, and critical infrastructure here at Maui County of course our water and wastewater systems. One of the things that Department of Homeland Security provides is guidance on how to secure your critical infrastructure. And back to my comments at the beginning about the Internet of things. Everything is connected to the Internet. In the old days, you know, there was no reason to have any connectivity into our critical infrastructure but nowadays it's easier to manage those systems if you have access into it. But when you do that you open up a hole and you open up a gap to potentially add risk into that environment. So what we've been doing is working with Water and Wastewater as they're updating their systems to move them and migrate them to the Department of Homeland Security recommended security posture for those different systems. And in doing that that adds, you know, layers of technology in place and puts things in place that protects those environments and it does add more expense. And I just wanted to make you aware that we are making these requests, there will be budget requests associated with it for us to secure our critical infrastructure on each of our sites. I'm

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not going to talk at details about that because it's not really prudent to do that right now but I just wanted to make you aware that we are doing that and we are working with them to secure those environments. Upcoming cybersecurity initiatives. So for next fiscal year we're going to be looking at putting in the Mobile Device Management System. Mobile device management allows us to, you know, not just control and protect the network, you know, your PC on your desk or your laptop but also to protect the phones and tablets. Again back to the Internet of things, you know, people's mobile devices are connected to the Internet. They're accessing their County e-mail and if their endpoint gets infected that could potentially infect the County. So a Mobile Device Management System allows us to, you know, what they call containerize but really manage the County part or the part of their phone that might be accessing the County network. And there's a way to do that so that they're each separate and they're not cross pollinating and we don't have to worry about infections. So that's a system that we're looking...we've been evaluating a variety of vendors and we're down to a final two so hopefully we'll have some pricing in the next month or two. The other thing we're looking at is something that's called privileged access management and what that is is just like you have an admin account on your PC, you know, servers have that same thing. So the privileged access management allows us to manage those accounts in a way that's more prudent and it allows us to actually know every single change and modification that's gone on in our environment. Again because we don't have, you know, a huge staff of individuals managing every system, we've got vendors that assist us with some of those systems. And having the privileged access management tool in place allows us to really manage what those vendors that are assisting us are doing and track those changes that are happening in our environment. The other thing that we're doing is data at rest. I think we mentioned this last year. We've got a grant from DHS that's going to help us with that. We're going to be working cooperatively with what the State's doing in order to get that in place and leverage the work that they've already done. We've also are going to be working on a data-in-transit initiative. Some of the vendors that we're already working with have tools in place where we can leverage what we already have and just add on a little bit of extra in order to get that data in transit. And basically that means anything trafficking across our or communicating across our network would be encrypted. So even if somebody got in there they couldn't read it, you know, 'cause they can read the packets if they get in there. And that's really it. I know I kind of whipped through that quickly. Any questions?

CHAIR VICTORINO: Well, thank you very much, first of all, for your presentation and yes cybersecurity has become a tremendous issue in all aspects of our lives. I've had personally three credit cards changed because of cybersecurity breaches with retail outlets and so they changed my credit cards. In the last two months I've had three changed just because of that. I never had a problem but because that particular retail outlet was breached any usage of any card that was used during that period of time, and some of them were like only three or four-month periods, you know, according to the letters, they recommended changes. And so the issuing agency or the issuing company changed the card, you know, changed the number. So it's something that I appreciate the protection. I'll be very honest. So if it happens to you and that does occur don't feel like you've done anything wrong, it's just the world we live in. It is just

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what we're surrounded with each and every day. You know, Ms. Baisa, you remember how our parents used to say don't buy anything without, unless you have the cash.

COUNCILMEMBER BAISA: Yeah.

CHAIR VICTORINO: Well, it may be a good idea to go back to just cash because there's no way of, you know, getting somebody breaking in on our cash base not that we have a lot to, you know, deal with but.

COUNCILMEMBER BAISA: Then you have to worry about safeguarding the cash.

CHAIR VICTORINO: That's right. Well, you may have to but it's a little different issue and there's not cybersecurity on cash is there but, you know, okay. Anyhow, so I'll open the floor up and we're getting close to the end of the day. I know, Ms. Baisa, you have to leave at 11:45 so I'm going to let you have...and everybody just one question and then, you know, so that we can just kind of. And if we cross over, Mr. Verkerke or Mr. Kushi, into something that you think should be discussed or talked about in executive session so please let us know and then we'll move that item into that, in executive session 'cause I'm going to just defer this matter and bring it back in a future date. But, Ms. Baisa, go ahead.

COUNCILMEMBER BAISA: No question, Chair, I just want to thank the Department for all the work they're doing. And I got the message loud and clear there will be some budget requests coming for us to do these things that I think are very important for us to have to do. You know we have to safeguard our information and in order to do that you will need some of these things. So, Chair, thank you for the update.

CHAIR VICTORINO: Thank you. Mr. Carroll? Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: No.

CHAIR VICTORINO: No questions. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. So am I to understand that with all the cybersecurity, I mean the Federal Government has failed quite often if we pay attention to what's happening in the news. And so we protect our critical infrastructure like our water supply and what have you. So does this expansion of a larger wall protect I guess for employees because with personnel as well as payroll employees have bank accounts that deductions go to or direct deposits and what have you. And we've seen the actual damage that's been done with Social Security or what was it, postal employees. So is this FireEye EX, am I to understand that's like to keep the intruders out?

CHAIR VICTORINO: Go ahead, Ms. Sherman or Mr. Verkerke.

MS. SHERMAN: What it does is the way the intruders get in, you know, is they expect somebody to let them in the door. Okay. So, you know, I talked about the phishing

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e-mails, you know, here's your package or here's your receipt ADP, you know, we use ADP for our payroll, right, so if you get something from ADP you may open it. And so it's a two-factor thing, so we're training our employees like I mentioned with the Securing the Human training. So we're training people to recognize when somebody is sending them something that may not necessarily be right. But the EX and the NX which, you know, two different layers of protection there, also add that layer of protection. So we're not solely relying on somebody to be suspicious of that e-mail. It's just stopping it from coming in the door. It's blocking it. So, if you accidentally click on something or say you go to a legitimate website that's been compromised, you know, you don't know, they've just been compromised and it's not like you're doing something wrong. These systems are in place to help protect that so to prevent that. Like with the, you know, I think with the Feds, you know, that was a nation state, you know, they believed China did that and that was a nation state, you know, hacker that went in there. But the way they probably got in was by just sending somebody an e-mail, getting somebody to click on it, and once they clicked on it that opened the bad stuff in the background, you know, nothing is there to stop it and it's going to go out to, you know, what they call the command and control center and start feeding information. And that's basically what it did. It just started siphoning off a bunch of information. And once they have that hole in the environment they can get around and do stuff. And so that's why we're adding these different layers of protection in there. You know it's not like the old days, you know, where, you know, you can just lock your door or not lock your door. You know what I mean it's, you know, they're out there, they're trying to get in. They're just looking for ways to get in the door. And so we're evaluating what tools we can use that we can leverage that will give us those extra layers of protection to protect our critical infrastructure, to protect payroll, to protect, you know, everybody's personal information.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

MR. VERKERKE: If I may, Chair? Sorry.

CHAIR VICTORINO: Yes, go ahead, Mr. Verkerke. Go ahead.

MR. VERKERKE: There's another aspect to your question especially since you used the payroll ADP system as one of the examples. ADP is actually hosted by the company. We don't really run a payroll system on our servers. So more and more in order for us to have the appropriate cybersecurity protection in place we need to also be aware of what vendors like ADP who runs systems in their own environment have in place for cybersecurity. So, our scope of concern expands with more and more of information systems residing in the cloud. We need to do our due diligence and be aware of what vendors of those cloud services do to protect the information that's there. So, it's no longer just protecting us against people that could break into our environment but we need to be worried about other people's environments as well.

COUNCILMEMBER CRIVELLO: So part of your, I guess agreement with the vendor like for the ADP payroll, are there provisions that we're assured that they have a large wall to prevent intruders or is that something that we're assured or is that a hope to?

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MR. VERKERKE: With what we've learned over the years we need to take a closer look at that and with new agreements we definitely make, need to make that an upfront requirement so that we have better insight into their cybersecurity practices. So it will be appropriate to go back and revisit that with vendors on a regular basis. And luckily there are national organizations that keep an eye on that so there is some shared information that is out there that will help in our efforts to establish that these vendors do everything that can be expected of them.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

MS. SHERMAN: Can I add one more thing onto that?

COUNCILMEMBER CRIVELLO: Sure.

MS. SHERMAN: And just to pick up on what Jacob was saying regarding, you know, and what you were requesting regarding the vendors. Moody's announced I think within the last week that they are going to start adding cyber risk to their credit rating. So, you know, so it's not just us I mean everybody is asking these questions and everybody wants to make sure their partners, you know, their vendor partners are doing everything they can not to just protect themselves but to protect the customers, you know, the people that are using their systems. And so I was very pleased to see that Moody's going to start adding that in there. Because that helps us, you know, understand what risk they potentially have and if Moody is going out there saying, you know, these guys, you know, they're bad on cybersecurity risk then, you know, we don't want any part of that. So it's great that they're recognizing it and they're doing things to help the customers.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

CHAIR VICTORINO: Yeah, very good. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you bringing this up. I've had many discussions with Mr. Verkerke and the IT Department in our Infrastructure Committee also. So this part of it has been looking forward for discussion. But so it's depressing but yet scary and all that in your opening slides in regards to the big Federal Government and CIA, and all, you know, that level being tampered with. And here we are the little County trying to protect ourselves and the big guys got breached. But I just want to thank you folks for doing such a great job. And just wondering, this, the page, I guess ten the web-based malware blocked. These were all ones that had come through our system and this new program caught them. Is that what this graph I guess is showing us right now?

MS. SHERMAN: That's correct.

COUNCILMEMBER COCHRAN: Okay.

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MR. VERKERKE: The nature of zero-day threat is that, you know, your web filter, your spam filter tries to block things but it can only block things that have been reported and have been analyzed that can be recognized because of some signature in the malware. Zero-day threat is that first 24 hours when things are being released before those larger systems have identified them and developed a protection against it. So these are things that are not being caught by the normal filters and that in the background are being executed in a safe way to see if there is something hidden in there that hasn't been identified yet. So this is an extra layer in protection to narrow that window of opportunity for people that release malware.

COUNCILMEMBER COCHRAN: And the next page, that 24-second line you were showing us. That's just showing us how much I guess malware or is being, trying to be infused into our system I mean within 24-seconds timeframe?

MS. SHERMAN: That was one event that in that one event that was basically a Cryptowall that event. So that was like a single click let's say, right. I click on this and that one Cryptowall did all of this in 24 seconds. 'Cause what it was attempting to do it was, you know, the way these malwares work is they try to contact the mother ship, right, so then that's essentially what it is, you know, their command and control center. So all of those different...within that 24-second period was it trying to call the mother ship. Hey I'm in, you know, give me what I need, right. So that's what it was trying to do but it got blocked by the FireEye. So and again that's just...so that's how quickly it can happen. That wasn't 24 unique events, that was 1 event that had 24 attempts at doing something bad.

COUNCILMEMBER COCHRAN: And so this FireEye it does it on its own. I mean you don't need to be sitting there monitoring and go --

MS. SHERMAN: I know isn't that great.

COUNCILMEMBER COCHRAN: --activate, activate, activate. So it's just ongoing 24/7 --

MS. SHERMAN: Yeah, yeah.

COUNCILMEMBER COCHRAN: --like you're saying 365?

MS. SHERMAN: Exactly. So even over the holidays, you know --

COUNCILMEMBER COCHRAN: Right.

MS. SHERMAN: --stuffs getting blocked all the time.

COUNCILMEMBER COCHRAN: And it doesn't sleep.

MS. SHERMAN: It's wonderful. You know you don't have to be all paranoid all the time.

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COUNCILMEMBER COCHRAN: Very good. And then on Page 9 I guess you didn't want to get too much into it but the FY 2016 Budget item is looking to I guess put more protection into this whatever program or whatever you call it.

MR. VERKERKE: We were trying to give you credit 'cause the budget funding that you provided us in the current budget was used for this. We asked for that and we've put it to use and it's working for us, so we want to give credit where it's due. Thank you.

COUNCILMEMBER COCHRAN: Alright. Well, very good. Thank you very much, and looking forward to upcoming to, yeah, continue the protection that we need. So thank you for all your hard work.

MR. VERKERKE: Thank you.

MS. SHERMAN: Thank you.

COUNCILMEMBER COCHRAN: Chair, thank you, that's all.

CHAIR VICTORINO: Well, thank you very much. Mr. Carroll, you have anything? Okay. Well, I want to thank again you, Mr. Verkerke and Ms. Sherman, for being here and then, you know, enlightening us on what's occurring out there. I think cybersecurity and, you know, you mentioned about Moody's but I can tell you right now almost all the insurance companies now are pulling back on cybersecurity and removing it from their liability sections or making sure it's excluded and you have to now get a rider and/or a separate policy. So even the insurance industry which is one of the first to recognize a major problem has taken the appropriate action I guess, and if you want to use it in that term, to protect themselves as well as the public at large. And more importantly I think in closing I'll say this, the new threat today is not just the bomb hitting us or somebody walking around and although this is happening all over America and the world, shooting at us. It's really cybersecurity where they can get in and totally disrupt our lives in a major, major way. There has been airlines that have reported breaches in their computer systems as the plane was flying, you know, and we used to think that was all, you know, all outer space and what I call the...what you call those...Dick Tracy and all of those shows that used to have all of that and you used to laugh and no way that will never happen. But now that's become reality, you know. Star Wars is here, you know, Star Trek is here. And now the last thing I'm waiting for is so that I can get beamed from place to place immediately so I can attend ten meetings in a one-hour time. But with my luck I'd be halfway somewhere and half place somewhere else so that's the end of that story. But anyhow thank you, and again making us aware and making the public aware that you know you should be checking your credit card, your credit card statements, anything you do on the computer you must check nowadays to make sure it's legitimate. And finally, really keep an eye on anything that's suspicious, if it doesn't look right don't open it up. I think that's the key. If you get something from some strange or even somebody you know. For example my wife has gotten two requests for help from people she knows but was really strange because one was asking for help from someplace in Europe and she had just seen the lady the day before in Maui. So she called and lo and behold

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that lady was still here in Maui and was not requesting any financial help. So again be careful public. You know we're doing our due diligence but you have to do yours. If anything doesn't seem right, like the old saying if it doesn't look right don't touch it. Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Real quickly though, so not being techie guru-ish type...

CHAIR VICTORINO: Like Don Couch but then we won't talk about Councilman Couch.

COUNCILMEMBER COCHRAN: My neighbor who's not here, but if I see something that I think like you said looks fishy or not right can you, I mean you want to get it out of your laptop, phone, whatever your device is so can you at least click on it to delete it out? Or how would you...what do you do with it? Is it just going to sit there and just don't touch it, don't open it, and let it be in your computer waiting for the accidental moment to oh no I didn't mean to open that or what do you, how do you get rid of it?

CHAIR VICTORINO: Mr. Verkerke?

MR. VERKERKE: Our advice is always that if something comes in an e-mail or otherwise that you don't recognize, you don't expect, that looks suspicious just go ahead and delete it without opening it. So if it comes in you inbox you can delete it without opening it and it will disappear. Because typically it requires you to open it and then click on something or open something within the e-mail. So just go ahead and delete it straight from the inbox and that way it won't be able to infect you.

COUNCILMEMBER COCHRAN: Okay, very good. Simple.

CHAIR VICTORINO: So that would be good for not only County but in your own personal any --

MR. VERKERKE: Everybody.

CHAIR VICTORINO: -- e-mail that you receive that doesn't look right if you are suspicious delete it and that will probably eliminate any chance of any virus or any kind of ability to crash your computer or your device.

MR. VERKERKE: And if it's not real obvious and you go, you have this suspicion but, you know, it's not real obvious that it's a phishing campaign or something, feel free to call our help desk.

CHAIR VICTORINO: Okay.

MR. VERKERKE: We keep an eye on campaigns, you know, there's always information being published like oh there's this particular e-mail going around that's to be avoided. So feel free to call our help desk and we'll be happy to provide you whatever information we have.

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CHAIR VICTORINO: Thank you.

COUNCILMEMBER COCHRAN: And what's that number?

MR. VERKERKE: Seven eight four two.

CHAIR VICTORINO: Well, that's for the County now.

COUNCILMEMBER COCHRAN: That's in house.

CHAIR VICTORINO: Yeah, in house. That's not the public. No, no, no.

COUNCILMEMBER COCHRAN: That's not the public.

CHAIR VICTORINO: We don't have that service yet. I want to make sure that's perfectly clear. Sorry, public, that service is not available from the County.

MR. VERKERKE: For the public you have to have your credit card ready.

CHAIR VICTORINO: Thank you. Anyhow, if there's no further discussion or questions, the meeting of the Policy and Intergovernmental Affairs Committee for November 30, 2015 is now adjourned. . . .(gavel). . .

UNIDENTIFIED SPEAKER: Defer.

CHAIR VICTORINO: Oh, yes. Sorry before... . . .(gavel). . . Reconvene, reconvene. Excuse me. May I with your permission defer this matter? Any objections?

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

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Okay, now I'll adjourn the meeting.

UNIDENTIFIED SPEAKER: Mr. Chair, if I may?

CHAIR VICTORINO: Sorry, meeting adjourned. . . .(gavel). . .

**ADJOURN:** 11:55 a.m.

APPROVED:

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

**November 30, 2015**

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MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:151130:cs

Transcribed by: Cathy Simmons

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

**November 30, 2015**

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CERTIFICATE

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

DATED this 21<sup>st</sup> day of December 2015, in Wailuku, Hawaii.



Cathy Simmons