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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

NOVEMBER 18, 2020 AT 2:04 P.M.

MAUI POLICE DEPARTMENT

VIA BLUEJEANS

REGULAR MEETING

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- Frank De Rego, Jr., Chair
- Roberta Patnode, Vice Chair
- Janet Kuwahara
- Randol Leach
- Mark Redeker
- Eugene Santiago

STAFF PRESENT:

- Deputy Chief Dean Rickard
- Melissa Magonigle, Business Administrator
- Gary Murai, Deputy Corporation Counsel
- Amy Lau, Commission Secretary

1 (NOVEMBER 18, 2020, 2:04 P.M.)

2 \* \* \*

3 CHAIR DE REGO: Okay. We'll call the meeting of the  
4 Maui Police Commission to order. It's now 2:04 p.m. We'll  
5 have roll call. Commissioner Redeker.

6 COMMISSIONER REDEKER: Here.

7 CHAIR DE REGO: Commissioner Leach.

8 COMMISSIONER LEACH: Here.

9 CHAIR DE REGO: Commissioner Santiago.

10 COMMISSIONER SANTIAGO: Here.

11 CHAIR DE REGO: Commissioner Patnode.

12 VICE CHAIR PATNODE: Here.

13 CHAIR DE REGO: Oh, I'm sorry, I'm missing my list.  
14 God, I feel terrible. Okay. Commissioner Sharen is excused.  
15 Commissioner Kawamura is trying to get in, so -- and let's  
16 see. And then I'm here, so -- I'm sorry. Today I'm a little  
17 disheveled. And we've been got one -- Jen.

18 COMMISSIONER KUWAHARA: Hi.

19 MS. LAU: Chair, I don't see Commissioner Mano.

20 MR. MURAI: Chair, I think you're muted.

21 VICE CHAIR PATNODE: Frank, we can't hear you.

22 CHAIR DE REGO: Commissioner Mano, we'll mark him as  
23 excused. Okay. So that's it. We have quorum.

24 Let's see. Oral or written testimony on -- move to  
25 oral or written testimony. Do we have any written testimony,

1 Amy?

2 MS. LAU: Yes. The commissioners were emailed that.

3 CHAIR DE REGO: Okay. And that was from Quieter &  
4 Healthier Hawaii -- Maui; correct?

5 MS. LAU: Correct.

6 CHAIR DE REGO: Okay. We've received that  
7 testimony. Since it's not on the agenda today, what we're  
8 gonna do is file that testimony and then move -- pass it on to  
9 the chief. Just a word about testimony to everyone here who's  
10 not a part of the commission or the department, all testimony  
11 must be related to items on the agenda and the police  
12 commission has very limited jurisdiction, okay, in terms of  
13 what it can discuss on its agenda.

14 Basically, the commission can hire, fire, and  
15 evaluate the police chief; we submit and review the -- the  
16 department's budget, and last but not least, we take in  
17 specific complaints about misconduct that are filed with the  
18 department secretary and that are brought before the  
19 department. Those are the three functions of the police  
20 commission.

21 As -- first is operations, anything that touches on  
22 operations in the department, we usually take those  
23 correspondence or that testimony and move it on to the police  
24 chief, whose jurisdiction is to look that over. I know for --  
25 my experience so far has been he's very good at responding to

1 those -- directly to those involved in those kinds of  
2 situations. So we're going to take that written testimony,  
3 we'll file it and pass it on to the police chief.

4 Is there anyone here who has any testimony on any of  
5 the agenda items on the commission's agenda? If you don't  
6 have it, it's available online. Specifically related to what  
7 we're dealing with today.

8 (No response.)

9 CHAIR DE REGO: If you could let Amy know in chat if  
10 you want to testify or you could let us know now if you're on  
11 the phone.

12 (No response.)

13 CHAIR DE REGO: Okay. Hearing none, I, without  
14 objection, will close public testimony today.

15 We'll move on to correspondence. We received PC  
16 20-15, Honolulu Police Commission 2019 Annual Report. Do I  
17 hear a motion to file the report? Or let me do it this way:  
18 Without objection, let's file that report.

19 (No response.)

20 CHAIR DE REGO: Hearing none, we will file that  
21 report and correspondence.

22 Commissioner Redeker, so you have an objection.

23 COMMISSIONER REDEKER: No. I'm looking at the -- at  
24 the agenda.

25 CHAIR DE REGO: Yeah.

1           COMMISSIONER REDEKER: I think we missed the  
2 approval of the minutes.

3           CHAIR DE REGO: Oh, the minutes. I'm sorry. Excuse  
4 me. Okay. So you have the agendas, I think that that has  
5 been -- I mean, the minutes before you. Do I hear a motion to  
6 approve the minutes of the regular meeting of October 21st?  
7 Commissioner Redeker, could you make that a voice --

8           COMMISSIONER REDEKER: Yes. I move to approve of  
9 the regular minutes of October 21st.

10          CHAIR DE REGO: Do I have a second?

11          COMMISSIONER KUWAHARA: (Gesturing.)

12          CHAIR DE REGO: Commissioner Kawamura, I saw your  
13 hands first, so there's a second, Commissioner Kawamura. All  
14 in -- okay. I have to take a -- roll call votes on these.  
15 Okay? So I'm gonna go down the line. Vice Chair Patnode?

16          VICE CHAIR PATNODE: Aye.

17          CHAIR DE REGO: Commissioner Redeker.

18          COMMISSIONER REDEKER: Aye.

19          CHAIR DE REGO: Commissioner Leach.

20          COMMISSIONER LEACH: Aye.

21          CHAIR DE REGO: Commissioner Santiago.

22          COMMISSIONER SANTIAGO: Aye.

23          CHAIR DE REGO: And Commissioner Kawamura.

24          COMMISSIONER KUWAHARA: It's Kuwahara.

25          CHAIR DE REGO: Kuwahara. Oh, God. I am sorry.

1 Gees.

2 COMMISSIONER KUWAHARA: Aye.

3 CHAIR DE REGO: I'm going from memory. Good.

4 COMMISSIONER KUWAHARA: I thought we had somebody  
5 new.

6 CHAIR DE REGO: Thank you for the correction.

7 COMMISSIONER KUWAHARA: I thought we got somebody  
8 new.

9 CHAIR DE REGO: Kuwahara, Kuwahara. I am sorry. So  
10 there we go. I forgot my list when I was getting all of my  
11 papers together, so I'm still learning people's names. I  
12 can't wait until I meet all of you in person, simply because  
13 it's easier for me when I see somebody physically to remember  
14 their name, but now you're getting me relying on my memory,  
15 which is not very good.

16 Okay. So --

17 MR. MURAI: Chair.

18 CHAIR DE REGO: My apologies.

19 MR. MURAI: Chair, it's on our letterhead.

20 CHAIR DE REGO: Okay.

21 MR. MURAI: If you ever need, it's on our  
22 letterhead.

23 CHAIR DE REGO: Okay. There we go. I will have to  
24 get some letterhead, because it's -- I'm going to ask Amy to  
25 put it on our agendas now, so I -- so I have something I can

1 look at directly.

2 So thank you, Commissioner Kuwahara, for the  
3 correction and my apologies. Good.

4 So all in favor? I mean, I say aye, so the meeting  
5 regular minutes are passed.

6 Okay. Let's move on -- I have a suggestion for 6,  
7 7, and 8, since we all received the packets involved in this  
8 and we're gonna have an extended presentation on the budget by  
9 Melissa, without objection, I would ask if anybody has any  
10 questions for the chief or for the current financial report  
11 and budget expenditures or the personnel report, promotions,  
12 reallocations, terminations, and work assignments, that they  
13 would ask those now on any three of those, if that's not  
14 irregular.

15 Yes. So Commissioner Leach.

16 COMMISSIONER LEACH: Yes, I have a -- one question.  
17 I guess the sergeant's filling in for the chief today; is that  
18 correct?

19 SERGEANT McCUTCHEON: No, I'm just -- I'm just  
20 attending.

21 COMMISSIONER LEACH: Oh, okay.

22 SERGEANT McCUTCHEON: I'm just viewing. I believe  
23 Chief Rickard is there.

24 DEPUTY CHIEF RICKARD: Yes, I'm here.

25 COMMISSIONER LEACH: Oh, I don't see his -- his



1 mugshot. Oh, okay. There he is.

2 DEPUTY CHIEF RICKARD: I'm here.

3 COMMISSIONER LEACH: Hi, Dean. I have a question.  
4 I saw in the media there was some talk about confidentiality  
5 in disciplining officers, that their names should be given to  
6 the public, what -- where are we on that and what is our  
7 policy?

8 CHAIR DE REGO: You're muted, Chief.

9 DEPUTY CHIEF RICKARD: Yeah. Commissioner Leach,  
10 it's a new law, Act 285 that went into effect as of July 1st  
11 and what it requires is it requires -- the annual report was  
12 always submitted in years past with regards to any type of  
13 discipline within the departments, would have to be reported  
14 to the legislature. However, this time around, the law  
15 includes the releasing of the officers' names, which is  
16 something that has been unprecedented in the past and  
17 something that I know SHOPO has been in opposition to. And,  
18 you know, since we do have Sergeant McCutcheon, who is the  
19 chapter chair for Maui, you know, if he'd like to, he can  
20 chime in, if you folks want to ask him a question with regards  
21 to how SHOPO is addressing the issues, so --

22 I know that our report isn't completed yet. We're  
23 required to report it every year in January, Melissa usually  
24 takes care of it. Right now we're not really concerned about  
25 it because we have until January to submit it, so we're

1 worrying about just completing the budget, then we'll work on  
2 our report to the legislature with that disciplinary actions  
3 report, so -- but for now, I believe SHOPO has filed an  
4 injunction with Kauai Police Department and I believe the  
5 Honolulu Police Department, if I'm not mistaken, because they  
6 had already released their reports. Right now, we haven't  
7 released anything yet and we'll be doing so in line with the  
8 new law.

9 COMMISSIONER LEACH: Thank you. So the report would  
10 be an annual basis, not --

11 DEPUTY CHIEF RICKARD: Yeah, the report -- there's  
12 an annual report, however, an individual through IUPA or OIA  
13 can request information at any time and they -- we're  
14 obligated to respond. That's where we're at right now.

15 COMMISSIONER LEACH: Thank you.

16 CHAIR DE REGO: Commissioner Redeker.

17 COMMISSIONER REDEKER: On the same lines, the report  
18 goes to the legislature, we in the police commission have  
19 never seen that, so I'm assuming it never went to us.

20 DEPUTY CHIEF RICKARD: Well, I don't control where  
21 the reports go other than we're required to submit it to the  
22 legislature and if it wasn't coming to you folks, then maybe  
23 that's something that we can discuss with Amy to make sure  
24 that you folks do get it.

25 COMMISSIONER REDEKER: Okay.

1 DEPUTY CHIEF RICKARD: 'Cause it's open to the  
2 public. It's not confidential, it's available to the public  
3 when it's put out to the legislature.

4 COMMISSIONER REDEKER: So this is -- so this report  
5 you turn in is a recap of the entire year?

6 DEPUTY CHIEF RICKARD: Correct.

7 COMMISSIONER REDEKER: Okay.

8 CHAIR DE REGO: And what's the status of the  
9 injunction, the application for the injunction at this point,  
10 Chief?

11 DEPUTY CHIEF RICKARD: I'm -- maybe Sergeant  
12 McCutcheon, do you have any comment on where the injunction is  
13 right now with the statewide SHOPO.

14 SERGEANT McCUTCHEON: So right now the statewide  
15 SHOPO, chief was correct with regards to Kauai and -- and  
16 Honolulu. Reason being that they filed the injunction was  
17 that it was just really quick how it -- how it went through  
18 the process and the SHOPO stance on it is just, basically, we  
19 understand the discipline record, it's the individual's names  
20 that are being released which SHOPO wants to kind of keep that  
21 from the public, in a sense. Because what happens is there's  
22 a trickle effect to the families and stuff. Smaller  
23 departments will be affected a lot more than the larger ones,  
24 I believe, because the officers are more personal to the  
25 community.

1           So as of right now, Maui hasn't -- Maui Chapter  
2 hasn't filed anything. Like chief said, they haven't given  
3 their report yet. There was one officer's name that I believe  
4 Maui Beat or something requested information for and that was  
5 released a couple weeks ago, but that was the only one with  
6 the name that was actually sent out. As for the entire  
7 report, nothing -- nothing yet. And I believe Maui would  
8 probably follow suit, the Maui Chapter would follow suit with  
9 regards to the injunction. And, again, it's not against  
10 the -- really against the department, it's more of wanting to  
11 see if SHOPO as a union would have a -- at least a testimony  
12 period to kind of discuss their feelings on how it's gonna  
13 affect the officers and the officers' families if you release  
14 the names opposed to just the disciplinary record.

15           And I understand transparency and the union does as  
16 well and like we say at the union, we're not trying to protect  
17 the bad apples, it's just the contract and -- and just the  
18 working relationship. We don't want a disciplinary record  
19 that later on three years down the road gets overturned, no  
20 one's gonna hear about that later. They're not gonna hear  
21 about the overturn, they'll only hear about what -- what was  
22 bad, you know, and that sticks, you know. So that's pretty  
23 much on the -- on the union side right now. And I believe all  
24 four counties will follow suit with Kauai and Honolulu once  
25 Hawaii PD has to release theirs and Maui releases theirs as

1 well.

2 CHAIR DE REGO: Thank you, Sergeant.

3 Any other questions?

4 (No response.)

5 CHAIR DE REGO: Okay. Anything on the personnel  
6 reports, recruitment, promotions, reallocation, terminations,  
7 and work assignments? Any questions on those or any  
8 questions? Commissioner Redeker.

9 COMMISSIONER REDEKER: Yeah. On the personnel  
10 report, what's our total number of reserves at this point in  
11 time?

12 DEPUTY CHIEF RICKARD: When you say "reserves," you  
13 mean reserve officers?

14 COMMISSIONER REDEKER: Yes.

15 DEPUTY CHIEF RICKARD: We don't have reserve  
16 officers. We have auxiliary officers and I believe we have  
17 four.

18 CHAIR DE REGO: Okay.

19 DEPUTY CHIEF RICKARD: We have -- if you're talk --  
20 are you talking about police reserve officers?

21 COMMISSIONER REDEKER: Yes.

22 DEPUTY CHIEF RICKARD: That's four.

23 COMMISSIONER REDEKER: Four.

24 DEPUTY CHIEF RICKARD: That's four.

25 COMMISSIONER REDEKER: Four. Okay.

1 DEPUTY CHIEF RICKARD: We have four.

2 COMMISSIONER REDEKER: Thank you.

3 DEPUTY CHIEF RICKARD: Was there a number  
4 specifically that you were reported about?

5 COMMISSIONER REDEKER: No, no. I just -- I had  
6 heard there were -- there were seven now, so I --

7 DEPUTY CHIEF RICKARD: I'm not the one that swears  
8 them in, so -- and I'm filling in for the chief, so I  
9 believe -- I know of four, I don't know the other three. I  
10 could double-check and -- maybe Melissa -- Melissa, are you  
11 on?

12 CHAIR DE REGO: Yes, she is.

13 MS. MAGONIGLE: Yes, I'm on. I don't have the exact  
14 number. I can follow up, though.

15 DEPUTY CHIEF RICKARD: Yeah, so -- I know there have  
16 been others that have put in, whether they were sworn in as of  
17 yet, I'm not too sure. Chief is the one that takes care of  
18 that, so --

19 COMMISSIONER REDEKER: Thank you.

20 DEPUTY CHIEF RICKARD: Okay.

21 CHAIR DE REGO: Okay. And any questions on the  
22 current financial report and budget expenditures? I'm kind of  
23 skipping around here while we're taking this as a group, so  
24 any questions on that?

25 (No response.)

1 CHAIR DE REGO: Okay. Hearing none, thank you,  
2 Chief. Thank you, Sergeant McCutcheon. We're gonna -- I  
3 think you're gonna -- I hope you're gonna stick around for the  
4 presentation on the budget, Chief.

5 DEPUTY CHIEF RICKARD: Yeah, I'll be here.

6 CHAIR DE REGO: Okay.

7 DEPUTY CHIEF RICKARD: I'm gonna be turning it over  
8 to Melissa to --

9 CHAIR DE REGO: Melissa. Okay. Thank you very  
10 much.

11 So now we'll have the Maui Police Department FY '22  
12 proposed budget presentation and review. We have Melissa  
13 Magonigle from the department who has graciously consented to  
14 give us a full presentation on the budget. You sent us a lot  
15 of material, very interesting, by the way. Okay. So take it  
16 away.

17 MS. MAGONIGLE: Okay. So jumping to the FY '22  
18 budget, so that'll begin July 1st of 2021 and it runs through  
19 June 30th of 2022. So just to go over -- it's pretty much  
20 broken down into three main areas. I think that got sent out  
21 to you. I tried to --

22 CHAIR DE REGO: Yeah.

23 MS. MAGONIGLE: -- break it all down. So there's  
24 gonna to be three different accounts. There's the A account,  
25 which is salary and wages, premium pay, expansion positions;

1 there's the B account, which is operating expenses; and then  
2 there's the C account, which is equipment, which includes  
3 vehicles. So the C account, the difference is it's items that  
4 are over a thousand dollars each. So if you have an item  
5 that's \$950, that'll fall into the B account. So that's kind  
6 of the breakdown. So as I go through the budget, I'm going to  
7 be breaking it down into A account, B account, and C account,  
8 so the three different areas.

9 CHAIR DE REGO: So we should be looking at the  
10 budget narrative, then, that document you sent to us, got sent  
11 to us, or which document?

12 MS. MAGONIGLE: That one -- yeah. Sorry. I was  
13 gonna go over the other one, what we are planning to request  
14 or what we are requesting --

15 CHAIR DE REGO: Okay.

16 MS. MAGONIGLE: -- for the FY '22. So I'll go over  
17 the personnel that we'll be requesting, the amount, the  
18 operating expenses, and then the --

19 CHAIR DE REGO: Okay.

20 MS. MAGONIGLE: Yeah. And the budget narrative, the  
21 big change is the performance measures.

22 CHAIR DE REGO: Right.

23 MS. MAGONIGLE: So that was updated in the budget  
24 narrative.

25 CHAIR DE REGO: Okay. Thank you.



1 MS. MAGONIGLE: You're welcome.

2 So the way the process goes is we start with what we  
3 call prebudget meetings, so each of the bureaus -- well,  
4 basically, each of the commanders will submit a to/from. So  
5 they pretty much put together their wish list, what they think  
6 their -- would be most efficient for their section or their  
7 district. So they'll submit a memo, a to/from to their  
8 assistant chief with what positions they require, what  
9 equipment, what operating expenses they would like. Those  
10 to/froms get submitted to their assistant chief, that gets put  
11 together and during the prebudget meetings is when the  
12 commanders present their budget to the chief and the deputy  
13 chief.

14 So we had our prebudget meetings. We had the  
15 Investigative Services Bureau done on October 5th, Support  
16 Services Bureau done on October 6th, and Uniformed Services  
17 Bureau on October 7th, so that's when we had the prebudget  
18 meetings. And I believe, yeah, Mr. De Rego, Chair, that you  
19 were on a few of them. Yeah. So that's where we -- that's  
20 kind of the meat and potatoes of the budget process. We  
21 really hear directly from the commanders what it is that they  
22 would like, what they need, and, most importantly, the  
23 justification, why they need that position, why they need that  
24 piece of equipment.

25 So they get -- they submit that, I'll take all that

1 information from the commanders and I roll it up and I put it  
2 together and I present it to the -- their assistant chief.  
3 The assistant chief of the bureau will then prioritize what  
4 they think is the most important for the personnel request or  
5 the equipment requests for their bureau. Once the assistant  
6 chief prioritizes it, it then goes to the chief and the deputy  
7 chief of police and they'll prioritize it on behalf of the  
8 entire department. So that's kind of the process that it is  
9 goes through.

10 So once I get the priority from the chief and the  
11 deputy chief, then I'll do the paperwork and then that's what  
12 we submit to the mayor's office based on the department's  
13 priority. So the budget was due on November 13th. So thank  
14 you, everyone, I came back from maternity leave November 1st,  
15 so sorry for the delay. I know next year we had discussions  
16 that we'll try to start the process a little earlier.

17 So going into the budget --

18 CHAIR DE REGO: Yeah, just to -- to echo that, yeah,  
19 because of the -- just a reminder, it's the commission that's  
20 supposed to review and submit the budget to the mayor, so --  
21 that's what it says in the charter, so we're gonna have to  
22 push this timing of -- before it goes to the mayor back so  
23 it's actually the commission that's fulfilling its charter  
24 responsibility. That's all we're trying to do here, is kind  
25 of -- kind of set things out the way they're supposed to be

1 done in terms of our mandate. So, yeah, so we'll fix that up  
2 next time. We'll be sending a letter out in January to the --  
3 to the department saying that they'll have to meet with us.  
4 If the mayor is asking for the budget by November, then you're  
5 gonna have to have the budget completed by October when you  
6 present it to us, so we can pass it on to the mayor. So  
7 that -- I just wanted to make that clear.

8 MS. MAGONIGLE: Yes, understood.

9 CHAIR DE REGO: So we can dig into the numbers.

10 MS. MAGONIGLE: Okay.

11 Now for the breakdown for the A account. So as I  
12 mentioned, the salaries and wages. The only difference with  
13 the A account is that -- contractual raises. So HGEA  
14 finalized their contract, so with MPD we have various units  
15 within HGEA, so we have Bargaining Unit 3, Bargaining Unit 4,  
16 and Bargaining Unit 13. So as you can see on the paperwork,  
17 there were step movements, so we had to increase the employees  
18 for their step movements. They got rid of Step B. There was  
19 a 3.4 percent across-the-board increase for Bargaining Unit 3  
20 employees. For Bargaining Unit 4 employees, again, step  
21 movements, they deleted Step B. There was a 3.6 percent  
22 across-the-board increase July 1st, 2020, and then another  
23 3.74 percent increase January 1st, 2021. We also have  
24 Bargaining Unit 13, so the continuation of step movements.  
25 There was a 2.15 percent across-the-board increase July 1st,

1 2019, and a 2.03 percent across-the-board increase July 1st,  
2 2020.

3 So those were pretty much the big increases with  
4 salaries, is all four HGEA employees. There weren't any pay  
5 increases -- right now there's -- the contract for SHOPO  
6 doesn't have -- I don't think it's been completed yet or  
7 negotiated yet, so there were no increases for SHOPO for  
8 FY '22. So that takes care of the salaries.

9 For premium pay, last year our premium pay was cut  
10 by 25 percent in FY '21. We did not ask for an increase on  
11 that, so that's status quo, we kept it with -- with that cut  
12 for now. What we did do is we deleted last -- for FY '20 and  
13 FY '21, according to the Bargaining Unit 12, the SHOPO  
14 contract, all sworn personnel received lump-sum payments  
15 depending on what step they were on. So they all received  
16 lump-sum payments for '20, '21, now that we're in '22, we had  
17 to delete all those lump-sum payments. So that's the  
18 difference with -- with that one.

19 So the differences -- so the salaries and wages,  
20 we're -- the MPD is requesting an increase of \$776,525 to  
21 cover the HGEA contractual increases, but we're also deleting  
22 \$734 -- \$734,700 in the lump-sum payments. So the difference  
23 between those two is an increase of \$41,825, is what we're  
24 asking for in the salaries and wages, then.

25 Through the prebudget meetings -- like I said, the

1 commanders will go through and they'll submit what positions  
2 they think, you know, would be most beneficial for their  
3 district or their sections. Once we compiled everything,  
4 there were a total of 25 positions that were requested and  
5 that's from the entire department. That went forward to the  
6 chief and the deputy and of that, three positions were  
7 selected. And that's pretty much due -- I mean, the current  
8 state of the economy right now and also -- so three positions  
9 were selected out of the 25 and they're all nonsworn. So none  
10 of the sworn positions were selected and, like I said, only  
11 three. So the three, by priority, is an office operations  
12 assistant 2 and that's for the communications section, a  
13 police evidence custodian for Kihei Patrol, and a public  
14 safety aide for Molokai Patrol. So those are the three  
15 positions that we are submitting, we are requesting this year  
16 for the department and, again, they're all nonsworn positions.

17 So if you look at the -- what I submitted, there's a  
18 total annual cost, so it has their salary for the entire year.  
19 The second part of it is the eight months salary. So usually  
20 when we request in the budget, they allow four months for  
21 recruiting, for posting the position and recruiting. So when  
22 we ask for salary in the FY '22 budget, we're only asking for  
23 eight months of salary, so that's kind of how -- like if you  
24 look at the -- the sheet I sent, it'll have the total salary  
25 and then there's another column that's saying eight months

1 salary and that's the reason why, is 'cause of the four months  
2 that they factor in for recruiting.

3 So then if we go --

4 CHAIR DE REGO: Can I ask -- can I ask --

5 MS. MAGONIGLE: Yes.

6 CHAIR DE REGO: -- ask a question here?

7 MS. MAGONIGLE: Sure.

8 CHAIR DE REGO: And people should feel free to ask  
9 questions as she's going. I think that's the better way of  
10 dealing with it instead of going through an hour of  
11 presentation or whatever, right. Ask as you feel.

12 So let me ask you a question about -- so these are  
13 expansion positions, that's what you're saying?

14 MS. MAGONIGLE: Yes.

15 CHAIR DE REGO: In terms of -- okay. So I'm a  
16 neophyte here, so other people might know this and I don't.  
17 Is -- okay. So the police force is at, what, about 80 percent  
18 strength right now and I would imagine that there's 20 percent  
19 of those positions left. Are those still open positions that  
20 you can hire for that you account for in the budget or am I  
21 reading that wrong in terms of how you budget for the force?

22 MS. MAGONIGLE: Yeah. No, that's correct. Those  
23 are open positions that are available for people to apply for.  
24 On the nonsworn side, a majority of those positions are  
25 dispatch positions.

1 CHAIR DE REGO: Okay.

2 MS. MAGONIGLE: So a lot of the vacancies are -- are  
3 pretty much the -- the dispatchers.

4 CHAIR DE REGO: Okay. Okay.

5 MS. MAGONIGLE: On the nonsworn side.

6 CHAIR DE REGO: And there's some -- because we  
7 always get these reports about, you know, retention and  
8 there's always these open positions, so those have already  
9 been budgeted for even on the civilian side, the nonsworn side  
10 that there's open positions that you can continually fill  
11 until you reach your quota, is that -- is that what's  
12 happening? And there's a carryover at the end of the fiscal  
13 year, is that what's going on?

14 MS. MAGONIGLE: Yes. If there's the vacancy for the  
15 position, we do recruitments constantly.

16 CHAIR DE REGO: Okay.

17 MS. MAGONIGLE: So we'll always -- if there's ever a  
18 vacant position, we'll -- we're recruiting for it. The only  
19 position that's on continuous recruitment are the dispatcher  
20 positions, that one we never -- we never close, it's on  
21 continuous.

22 CHAIR DE REGO: So an average, what's the carryover  
23 for the department, just out of interest sake, every year just  
24 based on labor?

25 MS. MAGONIGLE: I'd say it's about 3 million. I can

1 give you an exact number where it closed out on the last  
2 Fiscal Year '20.

3 CHAIR DE REGO: Okay. Thank you.

4 MS. MAGONIGLE: But that would include sworn, sworn  
5 positions as well.

6 CHAIR DE REGO: Okay. Thank you very much.

7 MS. MAGONIGLE: Okay. You're welcome.

8 So that was pretty much everything for the -- what  
9 we call the A account, the salaries and wages. The next one  
10 is gonna be what we call the B account, the operating  
11 expenses. So, again, all the commanders will submit  
12 everything that they need, whether it's office chairs, desks,  
13 an increase in professional services. In the report that I  
14 sent to you, I pretty much just outlined the larger request  
15 items.

16 So for the department total in the operating  
17 expenses, we'll be requesting an increase of \$721,018. So the  
18 large amounts on there:

19 For the Investigative Services Bureau, there's a  
20 \$100,000 increase for professional services and that has to do  
21 with our autopsies. So that, of course, we don't know what  
22 that amount is gonna be, but we've gone over budget pretty  
23 much the past two years.

24 Also for the Support Services Bureau, the large  
25 amounts, 200,000 for motor pool repairs and maintenance. As



1 you'll see on our vehicles, a lot of the vehicles are, you  
2 know, a hundred thousand miles, so, naturally, with that kind  
3 of mileage, it requires additional repairs and maintenance to  
4 keep it up to standard.

5 \$180,000 to utility and that's for repairs and  
6 maintenance consultations and that's for the Wailuku Station  
7 and Lahaina Station.

8 150,000 for the radio shop repairs and maintenance  
9 and that's based on historical. So, basically, the last two  
10 years they've gone over budget, so we want to kind of bring it  
11 up to where we match what they've been spending.

12 \$60,000 for body armor and, again, that's just  
13 rotational based on the warranty.

14 And then we also have another \$24,000 for Police One  
15 Academy. So this is a software system we've been using more  
16 for training now with COVID-19, so we have some money in  
17 there.

18 So those are the more big-ticket items in operating  
19 expenses that we -- that we're requesting.

20 And then -- so that concludes the B account, the  
21 operating expenses. The rest in operating expenses, some of  
22 the other items, it includes electricity, water, janitorial  
23 services, towing charges, so it's just the expenses that the  
24 department needs to function. But, like I said, I kind of  
25 just highlighted the -- the big-ticket items that we're

1 requesting increases in.

2 For the C account, which is our equipment account,  
3 we're -- as I mentioned, each piece of equipment is over a  
4 thousand dollars. So, again, the commanders submit what they  
5 need, the assistant chiefs prioritize, and then the chief and  
6 deputy will prioritize for the department. Basically, the  
7 goal is -- the prioritization, the most important on the  
8 priority list, of course, is officer safety, so that's usually  
9 what gets prioritized first. So there were 21 items that  
10 we're going to be submitting for. And by department priority,  
11 I'll read them down the list. We have AEDs, tasers, portable  
12 radios, forensic drying cabinet filters, ballistic tactical  
13 vests and armor plates, a workstation and hutch -- I'm sorry,  
14 workstation with hutch and storage for Molokai Patrol. From  
15 what I've heard, that desk has been there for decades. Two  
16 ATVs for Kihei Patrol, that's to replace their ones that were  
17 purchased in 2006. Rifles and suppressors for the Special  
18 Response Team. Two Harley David -- Davidson motorcycles for  
19 the Traffic Section. And, again, that's rotational. All of  
20 these are replacement items. Well, the Molokai Patrol site  
21 is -- one is not, it's LRAD speaker. Kihei Patrol, a Polaris  
22 and, again, that's to replace a 2006 ATV. Carbon oxygen  
23 cylinder tanks for the vice section. A remote firing device  
24 for SRT and that's for the Hawaii -- the bomb squad.  
25 Workstations for the Juvenile Section. Forensic light source

1 for the Forensic Unit, CID Forensic Unit. Digital camera for  
2 the Forensic Unit. Crime light for the Forensic Unit. Bolt-  
3 enhanced rifles for Molokai Patrol. Monster Lite fold back  
4 wall mount rack for Lahaina Patrol and training fitness  
5 equipment for Lahaina Patrol. It's for their weight room.  
6 And then an arms band launcher for Molokai Patrol.

7 So all those items together, the total cost we're  
8 requesting is \$643,000 -- sorry, \$643,398 for equipment for  
9 the department.

10 Did anyone have any questions on that so far?

11 (No response.)

12 MS. MAGONIGLE: On the other part of the equipment,  
13 we will be -- we are requesting 75 vehicles in FY '22. And so  
14 what I sent, it has the breakdown of how many marked, how many  
15 unmarked, and four-wheel drive, etc. So our rural districts,  
16 they require four-wheel drive, our Hana and Molokai and then  
17 also the Vice, the K9 Section, they require four-wheel drive.  
18 So it has the breakdown of the different units and where they  
19 will be going. All the request is made by mileage. So on  
20 what -- the spreadsheet that was sent, it's sorted by mileage  
21 and that's what we -- that's our -- based on our rotational  
22 policy. So as we replace, it depends whether they're a marked  
23 unit, unmarked unit, and then the mileage on the vehicle, of  
24 course. And this mileage that's on here, that's the mileage  
25 from months ago, from when we had the prebudget meeting, so by

1 the time we actually get the money July 1st, obviously, the  
2 mileage is going to be a lot higher than what's listed here.

3 And just so you know, so this year we're requesting  
4 75 vehicles. In FY '20, we requested 104 vehicles, 25 were  
5 approved. In FY '21, we requested 108 vehicles and 57 were  
6 approved. And we also requested a trike and two motorcycles  
7 in FY '21, so that was -- we also got. So this year we're  
8 doing 75 vehicles and two motorcycles, so we're hoping that,  
9 you know, we get a large -- or a decent amount this year as  
10 well to replace the vehicles.

11 And that's all I have for the budget presentation.  
12 So that went over the A account, the salaries and wages; the  
13 operating expenses in the B account; and then equipment and  
14 vehicles in the C account.

15 I'm open to any questions if anyone has any. That's  
16 all I have, Chair.

17 CHAIR DE REGO: Okay. Thank you.

18 MS. MAGONIGLE: Yes.

19 CHAIR DE REGO: Any questions from the commission?

20 (No response.)

21 MS. MAGONIGLE: Okay. Thank you.

22 CHAIR DE REGO: I -- of course, I always have  
23 questions; right? They found that out when I was sitting in  
24 on the budget and I even had some suggestions. So just one  
25 question: Are there any budget assumptions built into this

1 about possible cuts? In other words, have you guys already  
2 kind of prioritized and -- no need to say this in public,  
3 right, but, you know, do you work off budget assumptions where  
4 you prioritize some of these requests just in case the council  
5 comes back like it did last year? I follow all the budget  
6 hearings, by the way, because the place I work for, we're also  
7 monitoring our own grants, so I'm -- you know, I kind of  
8 follow what's going on in police and fire and everything else,  
9 just watching the budget hearings. That -- there's always a  
10 question, are there any budget assumptions that go into this  
11 about what the fiscal year of the next year might look like in  
12 terms of the county budget as a whole and have you kind of --  
13 or does that happen on a -- on a "We'll make the decision if  
14 they ask us to cut" basis?

15 MS. MAGONIGLE: So with the -- the equipment and the  
16 personnel -- so, basically, it's prioritized as --

17 CHAIR DE REGO: Okay.

18 MS. MAGONIGLE: -- you had mentioned, so right  
19 away -- usually they'll cut and they'll cut the bottom, you  
20 know --

21 CHAIR DE REGO: Okay.

22 MS. MAGONIGLE: -- depending on how much they want  
23 to cut. So when we submit it, we have it prioritized already.

24 CHAIR DE REGO: Oh, okay.

25 MS. MAGONIGLE: So they'll usually cut however much

1 they need and they'll cut from the bottom. And they keep our  
2 most important items left, depending on where they cut. But  
3 last year we did wait for them to come to us, because we  
4 weren't sure what percentage they needed us to cut as well.

5 CHAIR DE REGO: Okay.

6 MS. MAGONIGLE: So they had asked to cut 5 percent  
7 of our entire budget and then that's when we went and  
8 analyzed, you know, to see what we could cut. So we don't  
9 know what percentage they're gonna ask for us to cut if we're  
10 gonna have to cut, but we'll do it at that time.

11 CHAIR DE REGO: Okay. Thank you. Yeah, that makes  
12 sense. Yeah.

13 Anybody else? I don't want to be the one that  
14 prolongs this.

15 (No response.)

16 CHAIR DE REGO: Well, thank you, Melissa. I don't  
17 hear any other questions from the commission, but we  
18 appreciate this.

19 Thank you, Chief, also for being here. We -- next  
20 year we'll work on the process, as I said before, and we'll  
21 kind of make everything all, as they say in California,  
22 copacetic with the charter. Okay? So mahalo and thank you  
23 very much for your presentation.

24 MS. MAGONIGLE: Okay. Thank you, Chair. Thank you,  
25 Commission Members.

1 CHAIR DE REGO: Take care. Mahalo.

2 Okay. Good. So let's move on to Old Business.

3 Okay. Yeah. We created a TIG for the budget review. I'm  
4 gonna -- since we're -- we had our budget review as a whole  
5 right now, I'm gonna request that we disband the TIG and that  
6 the commission authorize --

7 I think, Gary, are you here? Oh, yes.

8 MR. MURAI: I am, Mr. Chair.

9 CHAIR DE REGO: Okay. Commissioner Patnode.

10 VICE CHAIR PATNODE: Hi. This is Bobbie. I just  
11 wanted to say thank you, Frank, for making the point about the  
12 budget is supposed to come from the commission and I think  
13 we've -- I have felt like we overlooked that in the past, so I  
14 wanted to say thank you for that. And I didn't know if before  
15 you disband, if there was a -- if you might want to just write  
16 down what your recommendation is about the process that we  
17 follow so that we make sure we do it next year.

18 CHAIR DE REGO: Okay.

19 VICE CHAIR PATNODE: That's all.

20 CHAIR DE REGO: Okay. So we're supposed to, in some  
21 sense, review and submit. Unfortunately, as she's already  
22 said, the budget's been submitted November 13th. But what we  
23 can do is -- are you suggesting we do a -- we have -- send a  
24 letter saying we've reviewed the budget and -- but that we  
25 have concerns that we're not following the charter and -- is

1 that something that we'd like to do, to send to the mayor and  
2 say that, you know, we're asking for a process change in that  
3 regard so it meets up with the charter? I'm not quite sure.

4 Gary, can you help us with this in terms of wording  
5 or whatever?

6 Is that what we're looking for? Commissioner --  
7 Vice Chair Patnode. I'm sorry.

8 VICE CHAIR PATNODE: Actually, what I'm looking for,  
9 Frank, is just something for the commission.

10 CHAIR DE REGO: Yes.

11 VICE CHAIR PATNODE: For our internal process. I  
12 don't know that we need to send anything to the mayor at this  
13 point.

14 CHAIR DE REGO: Okay.

15 VICE CHAIR PATNODE: I have absolute total faith in  
16 the work that Melissa does for us, she's excellent. I feel  
17 we're very lucky to have her. I just think that we don't, as  
18 a commission, have a lot of input as a whole. And I think  
19 that previously there was a process that allowed the  
20 commission to be involved prior to the budget being sent to  
21 the mayor and I think --

22 CHAIR DE REGO: Right.

23 VICE CHAIR PATNODE: -- we need to revert back to  
24 that.

25 CHAIR DE REGO: Okay. Yeah. And that was supposed



1 to be, from what I gather when I first got on, the creation of  
2 the TIG was supposed to be involved in that. Fortunately, we  
3 got invited to a lot of meetings -- well, at least those who  
4 made up the TIG, it was Mark and I, and I think it was like on  
5 short notice -- I mean, I thought it was on short notice. We  
6 received indications of when each department, each unit was  
7 meeting, and I was able to attend a couple of those. But,  
8 yeah, in terms of a flow of information to the commission so  
9 we can make an adequate sense of input, maybe the TIG process  
10 is not the best. Maybe regular reports as they're creating  
11 the budget should come to the commission, you know, as they do  
12 it and then a final review. I'm not quite sure how we want to  
13 organize this, but, yeah, I think the process could be better  
14 so there's a more adequate flow of information.

15 Is that what you're asking, Vice Chair Patnode?

16 VICE CHAIR PATNODE: This is Bobbie. Yes. And I'm  
17 just thinking that I'm okay if you want to disband the budget  
18 TIG at this point, but I was just thinking it might be good to  
19 have just some final paperwork, some little report that says,  
20 Here's what we would propose the process look like next year.

21 CHAIR DE REGO: Oh, okay. I see what you're saying.  
22 Yeah. Okay. I -- so I guess our -- okay. So do we need a  
23 TIG in order to make that recommendation or could we just do  
24 it at our next meeting and send it to -- because it's obvious  
25 that the deed is done, right, the budget's been submitted and

1 we could probably put it on our agenda next time to be able to  
2 send to the department, you know, what we'd like to see in  
3 terms of the process and maybe we'd have some time to think  
4 about that.

5 Any -- anybody else or would people like the TIG to  
6 stay, okay, and then maybe work out those recommendations?

7 That's up to the commission.

8 MR. MURAI: Chair.

9 CHAIR DE REGO: Corp. Counsel Murai.

10 MR. MURAI: Yeah, thank you, Mr. Chair. Yeah, you  
11 know, I -- as the commission knows, I'm pinch hitting for Jen  
12 Oana who wasn't available today, so I'm not up to speed as you  
13 folks are on the matters before the commission. I just want  
14 to remind folks now, the commission's charter duty is to  
15 review and approve the budget for, you know, transmittal to  
16 the mayor. And while the commission does have the right to be  
17 informed or, you know, to whatever degree it wishes be  
18 involved in the process, it's not your -- I don't think you  
19 folks want to have responsibility for creating the budget.

20 CHAIR DE REGO: No.

21 MR. MURAI: Again, the goal is to review and  
22 approve. And, you know, it sounds like we missed the boat as  
23 far as timing of this matter. I don't believe there's any  
24 harm in the commission -- if the commission wishes, the  
25 commission can indicate its approval of the budget, you know,

1 even though it's already been transmitted, if you wish. That  
2 may be better than -- you've heard Melissa's presentation and  
3 if you don't have any problem with the budget that was  
4 transmitted, I don't believe that there's any harm in the  
5 commission deciding to approve it as well.

6 With regard to the TIG, it sounds to me as if the  
7 purpose of the TIG has become moot and if the TIG has not made  
8 any recommendation, I would say that it would be appropriate,  
9 if the commission wishes, to go ahead and just simply dissolve  
10 the TIG by motion today, if that's what the commission wants  
11 to do. What the commission wants to do as far as future or  
12 for next fiscal year, that's certainly something that you can  
13 work with the MPD administration on. I don't think that --  
14 you know, if you want to do that by way of a motion, that's  
15 fine. If not, I don't -- you know, in my opinion, it's not  
16 necessary. You can simply indicate your desire for the degree  
17 to which you want to be involved for the next go-around, next  
18 go-around.

19 CHAIR DE REGO: So we -- Commissioner Redeker.

20 COMMISSIONER REDEKER: So I would make a motion to  
21 dissolve the TIG and part of that motion would be to also send  
22 a letter to the county to indicate that we have reviewed the  
23 budget and we concur with the budget that they -- that they  
24 reviewed. In my last two years on this commission and in  
25 prior commission that I was on, we always had the chairman,

1 the vice chairman, and as many of the commissioners as  
2 possible sign that letter and send it through. So we  
3 obviously didn't get a chance to do that, it's already gone.  
4 So my motion is two-fold, dissolve the TIG and to send a  
5 letter to the county.

6 CHAIR DE REGO: Do I hear a second on that?

7 MR. MURAI: Mr. Chair. I'm sorry.

8 CHAIR DE REGO: Yeah. Yeah, go ahead.

9 MR. MURAI: You're calling for a second and I -- I'm  
10 premature, so --

11 CHAIR DE REGO: Okay. Do I hear a second on that  
12 motion?

13 (No response.)

14 CHAIR DE REGO: Hearing none, the motion dies.  
15 Yeah. Okay. Corp. Counsel Murai.

16 MR. MURAI: Oh, actually, it's -- since there was no  
17 second, it's moot, but I was just --

18 CHAIR DE REGO: Moot, right.

19 MR. MURAI: -- gonna ask Commissioner Redeker to  
20 confirm -- to clarify when he said send a letter to the  
21 county, whether he meant the mayor's office in particular,  
22 but -- so Mr. Chair, there's a -- since the motion to dissolve  
23 the TIG and to send the letter indicating approval has failed,  
24 maybe you can ask if any other -- if any commissioner has any  
25 other motion or alternative motion.

1 CHAIR DE REGO: I was just about to ask that. Does  
2 anybody have an alternative motion? Or maybe we should  
3 separate these two issues. So, first of all, the disbandment  
4 of the TIG. Go ahead, Vice Chair Patnode.

5 VICE CHAIR PATNODE: Would it make sense to have one  
6 more TIG meeting and discuss the final actions of the TIG?

7 CHAIR DE REGO: Okay. And what would you suggest  
8 the TIG do as far as final actions? 'Cause the TIG right now  
9 is Mark and I.

10 VICE CHAIR PATNODE: Right. I would actually  
11 volunteer to join your TIG for a final meeting. I just feel  
12 like we need to have a clear statement of the process for  
13 doing the review and approval of the budget prior to sending  
14 it to the mayor.

15 CHAIR DE REGO: Okay. So, Corp. Counsel Murai, I  
16 think we have to vote in order to another -- add another  
17 person to the TIG; correct?

18 MR. MURAI: Yeah, that's true. Normally the members  
19 are appointed when the TIG is created.

20 CHAIR DE REGO: Right. So it seems to me we would  
21 need a motion to add --

22 MR. MURAI: I'm not sure whether that's a --  
23 whether, you know, modifying the TIG's purpose or adding  
24 members is appropriate when it's -- when that's not -- give me  
25 a second. Let me take a look at the agenda again and see

1 exactly how it's worded.

2 VICE CHAIR PATNODE: I just want to add, Gary, Jen  
3 did tell us at our last meeting that it is okay to add members  
4 to a TIG after it's started.

5 MR. MURAI: Okay. Well, you know, I'll defer to Jen  
6 on that, but -- so just to clarify, Bobbie, what you'd like  
7 the TIG to do is to, I guess, for next year develop some kind  
8 of a process that would include the commission? Am I  
9 understanding correctly?

10 VICE CHAIR PATNODE: Well, we -- there used to be a  
11 process that included the commission and I think we've gone  
12 away from it in the last couple of years, so I think it would  
13 be helpful if we documented that process for the future years.  
14 I don't think we're trying to create anything brand new, I  
15 just want it clarified for the whole commission so we know  
16 what -- and the department, so we know what's supposed to be  
17 happening.

18 MR. MURAI: Okay. Mr. Chair, here's what I'd  
19 suggest, and it's up to you whether you want to adopt this or  
20 not. Why don't you put this matter on the agenda for the next  
21 meeting and if you think that the TIG can come up -- can meet  
22 and come up with its recommendation at the next meeting, then  
23 we can calendar this matter for the TIG's final report at  
24 their next meeting, at which point the TIG can present its  
25 recommendations and then the TIG can be disbanded and those

1 recommendations be discussed and voted on at the following  
2 meeting. So TIG report, possible dissolution in December,  
3 voting on the TIG's recommendations January.

4 CHAIR DE REGO: Okay. Does that sound acceptable?  
5 But now what about adding a member to the TIG, we'd have to do  
6 that now; correct?

7 MR. MURAI: Yeah. Well, like I said, I -- you know,  
8 I'll -- I'll defer to Jen. If Jen advised the commission that  
9 we can add additional member on today, that's fine, I -- you  
10 know, I think we can do that. I don't believe we need a vote  
11 on it.

12 CHAIR DE REGO: Okay. Okay. So, Bobbie, you're on.  
13 (Laughter.) Okay. Good.

14 So is everybody clear on that process? Then we'll  
15 work on recommendations and present that at the next meeting  
16 from the TIG, we'll dissolve the TIG at that time, and then  
17 vote on those recommendations in January. Okay.

18 So in terms of communicating anything about this  
19 particular budget, what's the -- at least from the commission  
20 of this year's budget, do you feel a need -- there is a need  
21 to or there's no need to at this particular point? There was  
22 a suggestion we send a letter. Anybody have an opinion on  
23 that just to kind of close off the conversation? The vote was  
24 no for the two together, I'm trying to separate them and try  
25 to figure out what the pleasure of the commission is in

1 regards to communicating about the budget. Anybody?

2 COMMISSIONER SANTIAGO: Yeah, Chair, if I may, I  
3 just have a question. So I'm just kind of curious trying to  
4 follow all of this, but -- so it's been submitted already, how  
5 do we go back and -- and try to, you know, reinsert the  
6 process by having an opportunity to review it as Bobbie so  
7 spoke about earlier? I mean, it seemed like it's already done  
8 and, yeah, we didn't perhaps really have an opportunity, so  
9 how do we undo it?

10 CHAIR DE REGO: Yeah.

11 COMMISSIONER SANTIAGO: What would be the process  
12 for that? I mean --

13 CHAIR DE REGO: Yeah. Well, today was supposed to  
14 be somewhat of a review. This is the first report we've had  
15 on the budget. But from what you've seen, I guess the  
16 suggestion was from Commissioner Redeker that we, you know, at  
17 least approve based on this review what we've heard and go  
18 along with that. So if that's not the pleasure of the  
19 commission, we don't need to carry this on further and then  
20 we'll work toward next year in terms of getting on -- on  
21 target with our process. So if I'm not gonna hear any other  
22 motion in regards to this issue, we just can move on.

23 COMMISSIONER SANTIAGO: I mean, and I don't have a  
24 dispute -- like I say, you know, Melissa does a good job at  
25 presenting the budget, but for the benefit of the commission,



1 like I said, who is tasked with having to review the budget  
2 prior to submittal, you know, that's usually our kuleana and  
3 we didn't have a chance, but -- and like -- agreed, Mark, I  
4 mean, you know, I guess we can move forward on it, but just to  
5 have had the opportunity to go through it and review it and  
6 then later on have the opportunity to dissect it and say maybe  
7 we don't need this or we don't need that and, you know, just  
8 to have an opportunity. But now that it's -- already have  
9 been submitted, I guess with Melissa's explanation, if  
10 everybody's all good with it, I guess we can move forward,  
11 yeah.

12 CHAIR DE REGO: Okay. So are you suggesting we send  
13 something or not? That's, I guess, what I'm asking.

14 COMMISSIONER SANTIAGO: No.

15 CHAIR DE REGO: No. Okay. That's -- okay. So  
16 we're just going to leave that go, then. So why don't we just  
17 move on. Okay.

18 There's the creation of a TIG for the chief's  
19 evaluation, so far we only have Mark on that. I -- we have  
20 not actually established the TIG and its scope at this  
21 particular point, so we need to do that today if we're gonna  
22 be on schedule to be able to deliver our recommendations as we  
23 did last year by February. And as we know, when we establish  
24 a TIG, a TIG has to work out its recommendations, it brings it  
25 back to another -- the next meeting of the commission, right,

1 for us would be December, okay, if we establish the TIG today,  
2 and then after that, we would vote on its recommendations,  
3 which means there's a whole bunch of work that has to happen  
4 in between. Commissioner Redeker is always already on there,  
5 he was on the evaluation committee, he has experience in this  
6 area. I am willing to join the evaluation committee if we can  
7 establish the TIG today and maybe get somebody else, if we  
8 can. But there's a few things I think already that we can do.  
9 There are past documents from the evaluation last year that we  
10 can use, we could ask people to think about recommendations  
11 for other stakeholders that we could send it out. I know that  
12 there are other kinds of things that we could do to improve  
13 the evaluation, as has been suggested by Commissioner Redeker.  
14 So I think if we can establish the TIG today and its scope,  
15 then we'll be well on our way to get that done on time. So do  
16 I hear a motion --

17 COMMISSIONER SANTIAGO: (Inaudible) that you need  
18 for the TIG?

19 CHAIR DE REGO: Pardon? I would say at least two,  
20 which would be Commissioner Redeker and I, but I would prefer  
21 another person on this just to kind of spread the -- the  
22 kuleana around, you know what I mean, you know. So I think  
23 last year there were like three or four people on the TIG,  
24 so --

25 COMMISSIONER SANTIAGO: I think I -- at the last

1 meeting -- at the last meeting, I think I volunteered to  
2 assist --

3 CHAIR DE REGO: Oh, okay.

4 COMMISSIONER SANTIAGO: -- there as well.

5 CHAIR DE REGO: Okay. So do I hear -- okay. So  
6 now, Corp. Counsel Murai, would it be enough to say -- to  
7 establish the scope of the TIG would be to evaluate the chief  
8 based on its charter mandate and that would be the scope of  
9 the TIG?

10 MR. MURAI: Yeah, that's sufficient.

11 CHAIR DE REGO: That's sufficient. Okay.

12 MR. MURAI: Yes.

13 CHAIR DE REGO: So do I hear a motion to set up a  
14 TIG made up of Commissioner Santiago, Commissioner Redeker,  
15 and Commissioner De Rego to evaluate the chief and the scope  
16 of the -- the work of -- would be the chief's evaluation.  
17 Okay. Vice Chair Patnode.

18 VICE CHAIR PATNODE: I would like to --

19 CHAIR DE REGO: So can you make -- go ahead.

20 VICE CHAIR PATNODE: I would like to join the TIG  
21 also and maybe we should ask if there are other commission  
22 members who are interested.

23 CHAIR DE REGO: Okay.

24 MR. MURAI: The maximum is -- would be four.

25 VICE CHAIR PATNODE: I understand. I understand

1 that, Gary, we know how many can be in a TIG. I just want to  
2 find out if there are other people who are interested so  
3 perhaps I wouldn't join if there were other people who felt a  
4 really strong desire to do it.

5 CHAIR DE REGO: Is there anybody else? I'd like to  
6 remind that we've had some joy in trying to establish this TIG  
7 for the last four months, so that's good that we got four  
8 people on. I think -- so do I hear a motion to establish the  
9 TIG with those four members?

10 COMMISSIONER SANTIAGO: So moved.

11 VICE CHAIR PATNODE: (Gesturing.)

12 CHAIR DE REGO: Okay. Vice Chair Patnode.

13 VICE CHAIR PATNODE: I move we establish a TIG to  
14 review the performance of the chief, which will include Chair  
15 De Rego, Mark Redeker, Eugene Santiago, and Bobbie Patnode.

16 CHAIR DE REGO: Do I hear a second?

17 COMMISSIONER SANTIAGO: I second.

18 COMMISSIONER KUWAHARA: (Gesturing.)

19 CHAIR DE REGO: Okay. Commissioner Kuwahara, okay,  
20 seconds the motion.

21 COMMISSIONER KUWAHARA: I second the motion.

22 CHAIR DE REGO: Okay. Okay. Let's go down the  
23 list. Commissioner Santiago.

24 COMMISSIONER SANTIAGO: Aye.

25 CHAIR DE REGO: Okay. Commissioner Redeker.

1 COMMISSIONER REDEKER: Aye.

2 CHAIR DE REGO: Commissioner Leach.

3 COMMISSIONER LEACH: Aye.

4 CHAIR DE REGO: Commissioner Patnode.

5 VICE CHAIR PATNODE: Aye.

6 CHAIR DE REGO: Commissioner Kuwahara.

7 COMMISSIONER KUWAHARA: Gesturing.

8 CHAIR DE REGO: Aye. Okay. Good. So -- and I --  
9 I'll put my vote in there, aye. So, okay, so we have a TIG  
10 and they're -- right now we should, I guess, set up a time to  
11 meet later outside of here, the four of us, in order to set a  
12 schedule so we have time to make recommendations at the  
13 December meeting. Okay.

14 Okay. Good. So let's -- got those two done. Okay.  
15 So I'm going to need a motion for to us move into executive  
16 session.

17 COMMISSIONER KUWAHARA: (Gesturing.)

18 CHAIR DE REGO: Can you make it verbally, Janet?  
19 It's gotta be on the record.

20 COMMISSIONER KUWAHARA: I make a motion that we go  
21 into executive session.

22 CHAIR DE REGO: Do I hear a second?

23 COMMISSIONER SANTIAGO: I second the motion.

24 CHAIR DE REGO: Okay. Commissioner Santiago seconds  
25 the motion. So let's move out of here and on your paper that

1 we received we got another link, so we'll see you in a few  
2 minutes. Okay.

3 MR. MURAI: Mr. Chair, before -- before we go --

4 CHAIR DE REGO: Yes.

5 MR. MURAI: -- I just want to say real quickly,  
6 clarify that motion to go into executive session was for the  
7 purposes to discuss the matters on the agenda relating to  
8 matters such as internal investigations, requests for legal  
9 representation, and other matters that are confidential by --  
10 by law.

11 CHAIR DE REGO: Okay. Yes.

12 MR. MURAI: You have to state the reason.

13 CHAIR DE REGO: Okay.

14 MR. MURAI: In open session we need to state the  
15 reason for going into executive session.

16 CHAIR DE REGO: Okay.

17 MR. MURAI: So with -- thank you.

18 CHAIR DE REGO: Okay. With that addition. Okay.

19 So do we need to revote again, is that it?

20 MR. MURAI: No, no, no. Just --

21 CHAIR DE REGO: Okay.

22 MR. MURAI: That's fine.

23 CHAIR DE REGO: Okay.

24 MR. MURAI: So we're all going to exit the public  
25 session and members will be logging into the executive session

1 link.

2 CHAIR DE REGO: Okay. Thank you.

3 (Pause in Proceedings: 3:05 p.m.-4:06 p.m.)

4 CHAIR DE REGO: Okay. It's November 18th and it's  
5 4:06 p.m. at -- we're returning to regular session. I'd like  
6 to entertain a motion from someone to ratify all actions taken  
7 in executive session.

8 VICE CHAIR PATNODE: (Gesturing.)

9 CHAIR DE REGO: Vice Chair Patnode.

10 VICE CHAIR PATNODE: I make a motion that we ratify  
11 all actions taken in executive session.

12 CHAIR DE REGO: Do I hear a second?

13 COMMISSIONER SANTIAGO: Commissioner Santiago. I  
14 second the motion. I was waiting for Janet.

15 CHAIR DE REGO: Okay.

16 (Laughter.)

17 COMMISSIONER KUWAHARA: I was a waiting for somebody  
18 else.

19 CHAIR DE REGO: Okay. So we'll do the roll call.  
20 Vice Chair Patnode.

21 VICE CHAIR PATNODE: Aye.

22 CHAIR DE REGO: Commissioner Kuwahara.

23 COMMISSIONER KUWAHARA: Aye.

24 CHAIR DE REGO: Commissioner Leach.

25 COMMISSIONER LEACH: Aye.

1 CHAIR DE REGO: Commissioner Santiago.

2 COMMISSIONER SANTIAGO: Aye.

3 CHAIR DE REGO: And I also vote aye, so the motion  
4 passed. Okay. So --

5 MR. MURAI: Mr. Chair, we should probably note for  
6 the record that Commissioner Redeker had to leave us, so --

7 CHAIR DE REGO: Okay.

8 MR. MURAI: Anyway, but we still have a quorum.

9 CHAIR DE REGO: Yes. Commissioner Redeker had to  
10 leave on a trip or -- so -- but we still have quorum. So  
11 please send in our -- any agenda items that you have or  
12 concerns.

13 COMMISSIONER PATNODE: (Gesturing.)

14 CHAIR DE REGO: Yes, Commissioner Patnode.

15 VICE CHAIR PATNODE: I just wanted to ask a question  
16 about whether we've heard anything about adding a member to  
17 the commission.

18 CHAIR DE REGO: I have not heard anything.

19 Amy, do you know where that process is at currently?

20 MS. LAU: No, I don't.

21 CHAIR DE REGO: So what's the process in terms of --  
22 so Commissioner Dixon or Chair Dixon resigned, I would imagine  
23 we've informed the mayor's office and I would imagine  
24 whoever's in charge of making appointments or dealing with  
25 appointments to boards and commissions, it's in their hands at



1 this point. Is it a possibility to find out where that  
2 process is currently and when it's gonna get before the  
3 government, you know, relations and transparency committee?

4 MS. LAU: I can try. I don't usually reach out to  
5 them, they always just send me the packet for whoever the new  
6 commissioner is gonna be.

7 CHAIR DE REGO: Okay. I could always ask. I'm not  
8 shy. So, yeah, okay. But I could do that. I know a lot of  
9 people up there, so -- as we all do.

10 Okay. So the next meeting of the Maui Police  
11 Commission is scheduled for December 16th, 2020, at 2:00 p.m.

12 So do I hear a motion to adjourn? Last time I did  
13 it without objection, but I'm getting sense from --

14 COMMISSIONER KUWAHARA: (Gesturing.)

15 CHAIR DE REGO: Okay. So, Janet, do you want to  
16 make the motion?

17 COMMISSIONER KUWAHARA: I make it (inaudible) I  
18 might as well go for all.

19 CHAIR DE REGO: Go for it.

20 COMMISSIONER KUWAHARA: I'll make a motion to  
21 adjourn the meeting.

22 CHAIR DE REGO: Okay. Do I have a second?

23 VICE CHAIR PATNODE: (Gesturing.)

24 CHAIR DE REGO: Okay. Who are you pointing to?

25 (Laughter.)

1           VICE CHAIR PATNODE: You can't tell, can you? I'm  
2 pointing at Gene, but I go -- I'll second it. This is Bobbie.

3           CHAIR DE REGO: Vice Chair Patnode seconds the  
4 motion. Oh, my God and it's still light outside. And so  
5 we'll do the roll call again. Okay. Vice Chair Patnode.

6           VICE CHAIR PATNODE: Aye.

7           CHAIR DE REGO: Commissioner Kuwahara.

8           COMMISSIONER KUWAHARA: Aye.

9           CHAIR DE REGO: Commissioner Leach.

10          COMMISSIONER LEACH: Aye with a comment. Good job.  
11 Good job, Chair Frank.

12          CHAIR DE REGO: Oh, thank you. Thank you. Yeah. I  
13 was a disheveled today, but -- sorry about that. There was --  
14 I had a work emergency right before I got on this call, so,  
15 yeah, I had to take care of that before I got here, so I --  
16 you know, but thank you very much for the -- the support.

17                   And then last, but not least, Commissioner Santiago.

18          COMMISSIONER SANTIAGO: You're ready for my vote?  
19 Okay. Aye.

20          CHAIR DE REGO: Yeah. Yeah. Please, yes. And I  
21 will also say aye, which makes it a majority. So thanks so  
22 much, guys, really appreciate all your work.

23                   (The proceedings were adjourned at 4:10 p.m.)  
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C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on November 18, 2020, at 2:04 p.m., the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 29th day of November, 2020, in Maui, Hawaii.

  
\_\_\_\_\_  
Sandra J. Gran, RPR  
Hawaii CSR 424