

MINUTES

PUBLIC WORKS AND FACILITIES COMMITTEE

Council of the County of Maui

Council Chamber

February 14, 2007

CONVENE: 9:05 a.m.

PRESENT: Councilmember Bill Kauakea Medeiros, Co-Chair
Councilmember Michael P. Victorino, Co-Chair
Councilmember G. Riki Hokama, Member
Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member

Councilmember Michelle Anderson, Nonmember
Councilmember Gladys Baisa, Nonmember (arr. at 10:08 a.m.)
Councilmember Michael J. Molina, Nonmember

STAFF: Scott Jensen, Legislative Analyst
Carla Nakata, Legislative Attorney
Ken Fukuoka, Director
Pauline Martins, Committee Secretary

Lynette Zakabi, Executive Assistant to Councilmember Anderson
Jock Yamaguchi, Executive Assistant to Councilmember Anderson
Stephanie Ohigashi, Executive Assistant to Councilmember Victorino
Arthur Suyama, Executive Assistant to Councilmember Mateo
Morris Haole, Executive Assistant to Councilmember Medeiros

ADMIN.: Brian Moto, Corporation Counsel, Department of the Corporation
Counsel
Cindy Young, Deputy Corporation Counsel, Department of the
Corporation Counsel
John D. Kim, Deputy Corporation Counsel, Department of the
Corporation Counsel
Milton Arakawa, Director, Department of Public Works and
Environmental Management
Milton Matsuoka, Captain, Department of Police (Item No. 12)
Barry Aoki, Sergeant, Department of Police (Item No. 12)
Kalbert Young, Director, Department of Finance (Item No. 12)

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OTHERS: Phil Feliciano, Cruiser Phil's Volcano Riders
James Cramer
John Thuro, Maui Mountain Cruisers
Brian Kramer, Maui Mountain Riders
Jimmy Muschietti, Spokesperson, The Upcountry Citizens for Bike &
Traffic Safety
Trevor Ward
Plus (14) other people

PRESS: *Akaku--Maui County Community Television, Inc.*
Ilima Loomis, The Maui News

CO-CHAIR VICTORINO: . . . *(gavel)* . . . Good morning.

COUNCILMEMBER MATEO: Good morning.

CO-CHAIR VICTORINO: The Committee on Public Works and Facilities will come to order.
Members that are present today: Member Danny Mateo, Member Michelle Anderson,--

COUNCILMEMBER ANDERSON: Good morning.

CO-CHAIR VICTORINO: --Member Bill Medeiros, Member Michael Molina, and Member Joseph
Pontanilla--

COUNCILMEMBER PONTANILLA: Good morning.

CO-CHAIR VICTORINO: --and the Co-Chair, Mr. Medeiros. Today, I will start the first part of the
meeting. Michael Victorino present. Also, I'd like to introduce Corp. Counsel Brian Moto,
J.D. Kim; our Secretary Pauline Martins; our Analyst Scott Jensen; and our staff secretary . . . I
mean our staff counsel, Carla--and Carla, I forgot your last name.

MS. NAKATA: Nakata.

MS. JENSEN: Nakata.

CO-CHAIR VICTORINO: Nakata. He didn't put it down on my script. Sorry. Okay. Later joining
us will be representatives from the Public Works, Milton Arakawa; and from the Department of
Parks and Recreation, the Department Head, Tamara Horcajo. At this time, we would normally
go in . . . we have six items that we will be discussing on today's agenda; and I will be
presiding over the first half of the meeting, which will include PWF items 12 and 15. Co-Chair
Medeiros will be presiding on the second half of the meeting, which will include PWF items
18, 11, 75 and 77.

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Before we go on, at this time, I'd like to take a moment and ask our esteemed counsel, Carla. We had an opinion sent down from the Department of Office of Information Practices that was given to us yesterday, which may have an impact on some of the things that we are doing. And I think before we go any further, just for the public to truly understand the matter, I would like to call upon Carla to give us a brief explanation on the informal opinion sent down by OIP yesterday. Carla, would you please do that.

MS. NAKATA: Okay. Thank you, Mr. Chair. Staff had a conversation by telephone yesterday with the Office of Information Practices attorney of the day. After her consultation with the director of that office, she advised that, informally, that OIP was of the opinion that participation at this committee meeting by Council members who are not committee members amounts to a Council meeting; and that, therefore, their office has Sunshine Law concerns since this is not a noticed Council meeting.

CO-CHAIR VICTORINO: Thank you. At this time, I would like to call upon Corp. Counsel Brian Moto. Mr. Moto has done some research on this matter in a quick manner and will give you some kind of background and some kind of opinion in this area. Mr. Moto?

MR. MOTO: Good morning, Mr. Chairman and members. This subject that was just addressed by Ms. Nakata is a new one. It's a new issue. I was just informed of it late yesterday around pau hana time, and I'm . . . uh . . . I understand that Ms. Nakata had entered into this discussion with OIP really to clarify certain points about executive sessions and their scope and then . . . but the response, the answer, the information given by OIP went well beyond that. I say that it is a new topic or issue in the sense that I'm . . . this is the first time I'm aware of an opinion specifically addressing or discussing this topic. It's not one that I expected . . . uh . . . I don't think I've ever encountered anyone who's discussed this particular issue or topic; and there's no, there are no written opinions from OIP before that addressed this issue. The informal ruling that they made and expressed over the telephone to your Council Staff has brought consequences because it wouldn't apply just to this committee or this meeting, but it has consequences for any committee of the Council that consists of only five or seven members . . . because basically what they're opining or have opined informally is that really it's a Sunshine Law violation under current practices for the Council to allow non-committee members to have seat and voice basically, to participate as if they were committee members. If you do not post an agenda for it that reflects that reality, the fact that it's possible that all nine may be present.

Obviously, I . . . there has not been enough time for any of us to look into this or to discuss this further with OIP. Last night and this morning, I was trying to think and make sense of what thought process was going on in OIP to reach this conclusion; and I speculate . . . I speculate that perhaps one thing they're thinking about is it comes down in part to truth in advertising. If you post an agenda for a five-member committee but in reality, seven, eight, or nine members of Council end up participating, then really is it a meeting of the committee? Or rather . . . or is it not really a meeting then of at least the Council or part of the Council? But in . . . uh . . . to

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make a long story short, I do think that this opinion is worth investigating further and discussing further with OIP. It puts the Council in a little difficult position right now . . . uh . . . coming so quickly and unexpectedly.

My advice to the Chair and to the staff was that in the interim that the Council and this committee do its best to try to comply with the informal advice rendered by OIP for today's meeting and that the Council take steps towards obtaining written confirmation (a written opinion) from the Office of Information Practices because we don't have a written opinion now. All we have is this oral opinion. And also in preparing such a request, the Council will have to consider what positions they want to express or arguments they want to take in requesting this opinion. Also in the meantime, before such an opinion is issued, Council and its staff can also consider what remedial measures to take, what corrective measures or alternatives are available in light of this opinion.

CO-CHAIR VICTORINO: Thank you, Mr. Moto. Before I entertain any questions from the members, I would like to recognize Council Chair Riki Hokama, who's in attendance now. Council Chair Hokama, you had requested some time to put in your opinions or your suggestions on this matter, or some thought you had on this matter. So if I would . . . if that's all right with the rest of the members?

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you. Council Chair Hokama?

COUNCILMEMBER HOKAMA: Chairman. I would say on this topic that the counties have in the past--just as members of the Legislature, just as members of Congress--have extended the courtesy to non-committee members to sit in the same meeting, to hear the same information at the same time, and to ask questions for points of clarification, knowing that that member (elected member) may not vote in the specific committee that they have no assignment to. It is a courtesy that has been . . . *(pause)* . . . gee--I cannot remember a time when it was not extended. My disappointment that I shared with my colleagues this morning is that it appears once more that the Office of Information Practices in their defense, I believe, of Hawaii Revised Statutes Chapter 92, which is the public meetings law--the Sunshine Law as we lovingly call it--makes it appear now that Council members have less rights than the general public in public meeting participation. I find that both unreasonable and unpractical in the members' efforts to fulfill their obligations and duties to the constituency that elected them to this office. Saying that, I would reluctantly and with reservations, Mr. Chairman, agree with Corporation Counsel that we should do our best in our efforts to comply with this verbal advice--and I'm not even sure that the Office of Information Practices clearly understood the situation that its providing their opinion to--and that we should follow up with a written request. But you know, these are some of the things that I believe Councils in the past have asked the Legislature to adjust the Sunshine Law (Chapter 92) so that reasonable and practical application is the rule in the interpretation. This is getting so far extreme to one other

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pendulum, Mr. Chairman, that once more, I believe, it hinders the elected official's ability to participate in open public meetings; and that was not the intent of Sunshine Law. It was for government to be open to our public that sits in the gallery, watches us on t.v., reads us in the newspaper. It wasn't for the members not to be able to participate in an open meeting, a noticed meeting, agendized [*sic*] meeting. So I hope that this is a good lesson for our community as well as for the members . . . because we definitely need to revise the Sunshine Law to allow practical and reasonable application so that the members can participate to the fullest extent they wish to participate. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you, Council Chair Hokama. Vice-Chair Mateo, you had asked for a moment to say a few words so I will grant you that and then I'll open up the floor for our questions and answers.

COUNCILMEMBER MATEO: Chairman Victorino, thank you very much and good morning. I share the same concerns as Member Hokama; but you know, he said it a little more graciously. I think this is a pretty sad day in hell when we are limited in what we can participate with and in. As an elected official and as an elected official that represents a totally separate island from the island of Maui, it is a difficult thing for me to not be allowed to participate in a committee meeting when issues from my island is being addressed, and I am not able to participate. As non-committee members . . . uh . . . when we do sit in in our meetings, you know, we have always had the right to participate verbally. And granted we have no vote, you know, in the committee meeting process; but it allows us the opportunity in the access of information that is relevant and pertinent in us making sound decisions once it's moved out of committee and get onto the Council floor. The irony of it all is we are being held to . . . uh . . . be required with the limitations of Sunshine. County Councils are; State officials are not. There is a major imbalance. And yet the focus of a County like Maui (that represents multiple items) the limitations become even more unbalanced, unfair, and unpractical. As an elected official, it is my right to sit in and to participate and . . . um . . . you know, even though this is new and this is rather shattering for me, I will look forward to Corp. Counsel's continued efforts in coming up with additional information. And I look forward to getting, you know, the actual opinion . . . um . . . so we're able to take a look at it; and I sure as hell hope that the rest of the counties throughout this state really take this to heart because of its limiting factor on the abilities and on the responsibilities that we as Council members should have access and a right to voice our opinions on behalf of other people in this County. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you, Vice-Chair Mateo. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. I might like to ask . . . um . . . Ms. Nakata, who she spoke with at OIP.

CO-CHAIR VICTORINO: Ms. Nakata?

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MS. NAKATA: Yes. I spoke with the attorney of the day, Lorna Aratani, who also consulted with the director of the office.

COUNCILMEMBER ANDERSON: And so the opinion that she expressed was the opinion of Director Les Kondo?

MS. NAKATA: Yes. That's my understanding, although it was an informal verbal opinion.

COUNCILMEMBER ANDERSON: You know, this is a grave matter, Mr. Chair. And . . . uh . . . while I am a strong proponent of the Sunshine Law, I don't think the Council should allow itself to be strong-armed by an opinion that was verbally expressed. We have nothing in writing. You know, when you . . . *(sigh)* . . . legal opinions have to be in writing for many, many reasons. Mr. Moto would not issue us a verbal legal opinion, you know, except in session, when we ask a direct question. None of us were here to hear what questions were posed and what comments were made by Ms. Nakata to prompt this opinion. And while it may be, in the final analysis, correct that the posting for this meeting doesn't allow other members (under the Sunshine Law) to sit in and participate, you know. If that's what they're telling us, let's see it in writing . . . because this puts a real, this throws a wrench into our . . . um . . . processes here. All these committees that we sat up this term and in terms past were all with the understanding that there would be equal participation except for a vote or the right to propose amendments, or motions to all members of the Council; and that way, all of our districts are equally represented in the business, in the people's business. So you know, I think we say "oh well, now we know; and from now on, we'll post accordingly"; but I'm loathe to make such a huge change just because we got some verbal opinion that none of us have seen in writing. We don't know what Ms. Nakata said. We don't know what . . . uh . . . whoever the attorney of the day was, we don't know what she said to the Director. And you know, unless it . . . the Director's the one who issues opinions and . . . uh . . . without a formal opinion, in a court of law, we would be acting on hearsay.

So I am very disturbed with this because . . . um . . . it's my understanding that if we were to have an executive session today to discuss the bicycle tour bill that's coming up on Friday; and without all of us having the opportunity to participate in that executive session, we're not gonna be equally informed when we have to make a vote on Friday.

I also have issues with another item on this agenda, that I spent considerable time putting together information for this committee. This is an item (an ongoing item) that . . . um . . . the Parks and Economic Development Committee considered and discussed in the last term, and of which we made requests to the applicant to fulfill. I may be the only member sitting here that attended that meeting and has that knowledge to share with the other members.

So you know, a verbal opinion that just came up happenstance based on another issue, to me is a pretty weak reason for us to change the whole organization and concept of this Council, which has always been inclusive of all members. So you know, I respect the body's opinion

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and of course our Corporation Counsel is trying to do the right thing in advising us to adhere to this opinion. But I myself--as a non-member of this committee--am extremely offended by it. Not by Mr. Moto . . . (*chuckled*) . . . but by the imposition of this verbal opinion that happened late last night with no notice. Talk about Sunshine Law violation, you know. This isn't a Council meeting; and just because there's more than the committee members sitting here, this was not posted as a Council meeting. So I don't know how OIP can determine that it's a Council meeting. They don't have all the facts. So you know, they need to look at our Council Rules. Our Council Rules explicitly state that all members are encouraged to attend every committee meeting and participate in every committee meeting, allowing us all to be equally informed on the matters that we have to vote at before Council.

Just extend this out a little bit, members. If we get a written opinion that tells us, "there's no way that we can allow other members to participate as non-committee members in the various committee meetings", what is this gonna happen to our . . . how is this gonna affect our Council meetings? We're gonna have to do committee work at Council. Because otherwise, you're gonna have at least four members (for the five-member committees that we have) coming to the meeting without equal knowledge, and they're gonna have to ask questions. You know, we're gonna be doing committee work at Council. So that's my say on it.

And I would hope, Mr. Chair, that if those of us who are non-members are gonna be kicked out of this meeting today, you know, to me, the fair thing to do would be to go forward with the meeting today and then deal with this and adjust accordingly. None of us has had fair notice. But if we're gonna get kicked out of this meeting, I would request, Mr. Chair, that you allow more than three minutes for testimony . . . because it's gonna take me more than three minutes to share what I have with these members, that I think is very pertinent information to items on this agenda; and if we're not gonna be able to participate in any executive session regarding the bill before the Council on Friday on bike tours, then I would hope that we could have the same executive session at the Council meeting, so all of us are equally informed. Thank you, Mr. Chair.

CO-CHAIR VICTORINO: Thank you, Member Anderson. Let me state at this point, I know the public's out there looking in and also on television wondering at this point "what is exactly going on"; and it's something that I have a difficult time explaining other than having been called last night at about 7:30 by Ms. Nakata (6:30 or 7:30, somewhere around there) to be informed of this. And because I do not want to put our business in jeopardy or any litigation matter, I want to do it right. Okay. I agree with Ms. Anderson. I agree with Mr. Hokama and all that have spoken and probably will speak, that this is a loop that none of us expected. And where do we fall into this Sunshine Law because every time I do something I've gotta be careful of what I say, where I'm at, and who I'm with. I mean I think that's become a real challenge in my mind, but that's another issue. This matter right now precludes us from doing the people's business because we're stuck with an opinion (informal) not in writing. You're absolutely correct, Ms. Anderson, that may have no legal bearing. But also, I've been told (by attorneys) that once you're informed--whether it's by verbal or otherwise--and you proceed to

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continue doing it, then you put yourself in harms way. I'm not knocking the written legal opinion that you just mentioned, Ms. Anderson. That is true. You need something like that; but at this point, we have been informed unbeknownst to what the conversation. I trust Ms. Nakata and what she has said to us was told to her. And I think the public has to understand this puts us in a real quandary right now because we've done business like this for so many years and we've been inclusive; and now you're telling me a Council member has less rights than the general public, that a Council member cannot participate in a meeting. That is absolutely insane, and I agree. So without saying more, and I'm talking too much, and I apologize. I will open the floor to more questions. Councilmember Molina, I apologize.

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chairman, and thank you for giving us some leeway here because, you know, you could have taken the other option and just totally shut us down. So as the second perceived troublemaker from the OIP at today's committee meeting here, I want to thank you for giving me this opportunity to state my concerns. Just as . . . um . . . a point of information for Corporation Counsel in soliciting some information, I think it would benefit all if we find out what triggered this sudden . . . what I look at as a sudden ruling by OIP; and also I would like to know what case law they're basing this opinion on as well . . . because it, I find it amazing that the Sunshine Law has been in effect all of these years and then all of a sudden, here we are, February 14th (Valentine's Day), we're finding out that suddenly non-committee members cannot participate. *(NOTE: A cell phone rang in the audience.)* I notice we have a little music in the background here--

CO-CHAIR VICTORINO: Yeah, if I may just interject.

COUNCILMEMBER MOLINA: --through my dissertation.

CO-CHAIR VICTORINO: Will all of you please turn off your cell phones or put `em on silent modem or vibrate. That is very distracting and I appreciate that. Thank you. Go ahead, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you again, Mr. Chairman. So you know, I will leave after my little dissertation here; but I just want to state that I think this is a real disservice to our community. As elected members, you know, I think we have . . . we're entitled to be here, whether we are non-committee members or not. So Mr. Chairman, I think, in my opinion, the Sunshine Law has been twisted around to limit participation; and in my opinion, it's a violation of democracy, Mr. Chairman. So that's all I have to say, Mr. Chairman, and thank you for letting us have our say.

CO-CHAIR VICTORINO: Thank you, Mr. Molina. Any other comments before I go back to Ms. Anderson.

COUNCILMEMBER PONTANILLA: I have one.

CO-CHAIR VICTORINO: Mr. Pontanilla, please.

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COUNCILMEMBER PONTANILLA: Thank you. I agree with all of my colleagues here today and one of the things--not one of the things--we are elected by all of the people within this County. And although we don't sit in all of the committees, we have had an opportunity to participate in committees that we are non-members of ever since I was elected. Anyway, my whole take to this is that, you know, it's come to be like OIP is trying to regulate something that, you know, has been working on this County for I guess decades and now we're faced with this problem. One way . . . the only way for me, in my mind, to correct this whole situation is that we all become nine-member committees, so all of us can participate; but that's my comment. Thank you.

CO-CHAIR VICTORINO: Thank you. If I may? Mr. Medeiros, Councilmember Medeiros?

CO-CHAIR MEDEIROS: Mahalo, Chair. And . . . one, I have--Corporation Counsel correct me if I'm wrong. But . . . uh . . . the Sunshine Law (which is codified as Part 1 of Chapter 92, Hawaii Revised Statutes) was that instituted around 1991?

MR. MOTO: Mr. Chairman. Actually, I don't have the statute in front of me. I think it actually goes back further than that. I'm sorry; I can't give you a precise date of enactment.

CO-CHAIR MEDEIROS: Okay. Mahalo, Corporation Counsel. So anyway, you know, it's quite a few years since this law has been in effect. And in 1998, the law was transferred to OIP, so OIP has had this law for nine years. Why hasn't this come up in nine years is what I'm asking. Maybe Corp. Counsel can address that.

MR. MOTO: Mr. Chairman.

CO-CHAIR VICTORINO: Go ahead.

MR. MOTO: This oral opinion really on this particular subject matter of committees made up of fewer than the full Council membership came really out of the blue. It came unexpectedly. It was given orally in response to an inquiry from your staff members on a . . . uh . . . on actually, a different technical issue regarding the conduct of executive sessions; and apparently the conversation morphed. It changed. And . . . uh . . . and when OIP began looking at the facts, they said "well here's the advice we're gonna give you" and it came out to be something really quite unexpected and much broader in application and consequence than was anticipated.

CO-CHAIR MEDEIROS: Thank you, Mr. Moto. I know you haven't had very much time to research this opinion even though it's informal and by . . . it's verbal. But Mr. Chair, I have to agree with my colleagues, especially my colleague from Lanai and Molokai, because I myself representing the East Maui District (the Hana area) we feel like we're a third separate island, just like the other islands, because of our distance and isolation. And I think, as Member Mateo expressed, it would be unfair for my constituents in East Maui . . . uh . . . if I could not sit down

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in meetings that affected items regarding East Maui. So I think this is the wrong direction that OIP is trying to take and . . . uh . . . I voiced my concern about it but I too will wait for a more written opinion on this. Mahalo, Chair.

CO-CHAIR VICTORINO: Thank you, Councilmember Medeiros. Councilmember Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. A question for Corp. Counsel.

CO-CHAIR VICTORINO: Corp. Counsel?

COUNCILMEMBER ANDERSON: Could you . . . could we cure this concern? First of all, you know, in all fairness to OIP, who I think are very fair in their opinions.

CO-CHAIR VICTORINO: Yes.

COUNCILMEMBER ANDERSON: I've read most every opinion they've come down with in the last eight years, you know, and they are truly there to protect the public's interest. And . . . and so I want to say in their, you know, on their behalf, that the question has probably never been posed to them, which is why they've never had to, you know, consider it. They've probably never been aware that non-committee members sit in on committee meetings, and it's fair to assume that. But still this is such a big issue that I think we need to have a written opinion before we act on it, even though we have been advised. We've been informally noticed but, you know, we don't know what information he used to make this determination, he or she used to make this determination. So it could be that the opinion is wrong, after they look at it, you know, more in depth. . . .*(end of tape, start 1B at 9:37 a.m.)*. . . So my question to Corp. Counsel is: could we cure this perceived problem if we listed every member on each agenda and listed those non-committee members as ex-officio members? And could we do that without any complication to our Charter, or the Council Rules, or anything in that matter?

MR. FUKUOKA: Mr. Chairman, may . . . ?

CO-CHAIR VICTORINO: Mr. Fukuoka, go ahead.

MR. FUKUOKA: I'm sorry for--

CO-CHAIR VICTORINO: No.

MR. FUKUOKA: --interjecting myself.

CO-CHAIR VICTORINO: No problem.

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MR. FUKUOKA: I wanted to caution the members--and this is subject to Corp. Counsel's advice--about getting more deep into this particular topic than can be justified under the Sunshine Law. I mean what, what's been noticed. This is a complication with respect to the consideration of this particular item. And to that extent, you know, there is some latitude I suppose; but that is one issue I wanted to bring up.

The second thing is I was the one. I should tell you that I was the one. It wasn't Corp. Counsel; and it wasn't Ms. Nakata, who brought up this topic. I had concerns about how the . . . uh . . . executive session and attorney-client confidentiality provisions work in the Council. This has been a longstanding concern of mine for about the last year or so. It started actually in other issues--in water issues and things like that--and . . . uh . . . so I was the one who asked that this be checked out.

COUNCILMEMBER ANDERSON: Excuse--

MR. FUKUOKA: And . . .

COUNCILMEMBER ANDERSON: --me, Mr. Fukuoka. As you interrupted me, I think that, you know, I appreciate your input; but I think you need to identify yourself--

MR. FUKUOKA: I'm sorry.

COUNCILMEMBER ANDERSON: --for those who are watching.

MR. FUKUOKA: I'm sorry.

CO-CHAIR VICTORINO: And I apologize. I did not. I . . . and I apologize, Member Anderson. I did . . . I let Mr. Fukuoka go ahead.

COUNCILMEMBER ANDERSON: It's okay.

CO-CHAIR VICTORINO: Mr. Fukuoka, would you identify yourself?

MR. FUKUOKA: I'm Ken Fukuoka. I'm the Director of Council Services. I was the one who asked the staff, including the attorney, to try to find out if we could clarify these issues. And in the process of doing so, she did go into a lot of explanation about why this was an issue, and really more importantly, the types of relationships--I'm not saying this right--the fact that the committee is a part of the Council; the fact that these matters are reported to the Council. In other words, there was a lot of information given. Now that doesn't guarantee that the information that was given necessarily was integrated into the verbal opinion and it's accepted that these informal opinions are subject to some thought before they actually make it to a final version. But I did want to make it very clear that the information that was provided them was provided at my request and that I was the one who initiated this process, so it wasn't anybody

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else. As far as the legal ramifications, I have to defer to Corp. Counsel. That's all I wanted to say. Oh, I'm sorry! One further thing. I looked through our Council Rules and the committee-appointing resolution. I couldn't find anything that would justify the theory that the non-members were a part of the committee for the purpose of participation in discussion and receipt of information. I was looking for that.

COUNCILMEMBER ANDERSON: Are you saying that you didn't see the sentence in there that says "all members are encouraged to attend all meetings--

MR. FUKUOKA: I'm sorry.

COUNCILMEMBER ANDERSON: --whether they're members or not?"

MR. FUKUOKA: I didn't see that.

COUNCILMEMBER ANDERSON: Well, I'll have to point it out to you, Mr. Fukuoka, because I'm sure Mr. Hokama is aware of it. We discussed it when we were organizing the committees. I'd like to go back to my question, Mr. Chair. This is the only question I have--

CO-CHAIR VICTORINO: Yes, Ms. Anderson, go ahead.

COUNCILMEMBER ANDERSON: --to Corp. Counsel. Would it satisfy OIP if we listed all members at each committee's, on each committee's agenda and . . . um . . . listed those non-members as ex-officio?

MR. MOTO: Mr. Chairman. I'm a little hesitant to say what would satisfy OIP. But certainly I think some of the remedial corrective measures that may be considered include redoing the agendas that are done. Perhaps there's some way to modify them in a way that provides the kind of disclosure that would satisfy OIP's review. We may also have to consider changes in Council Rules. At this point, I haven't reached any kind of firm opinion as to what would be sufficient and best . . . uh . . . given all circumstances to correct your postings.

COUNCILMEMBER ANDERSON: Well I find that real disturbing, that we're acting on an opinion that we don't have enough information on to even be able to see what would cure it; so I'm gonna ask one more question. Based on what verbal opinion we have received and your advice that because we've received this information, we have to act on it--even though we don't know what the substance is of the opinion or what Mr. Fukuoka, what information he gave regarding this that may have influenced their opinion--would it be your opinion (based on all of this fuzzy knowledge) that as a Councilmember I can't sit in the audience and listen to the meeting because I'm a Councilmember?

CO-CHAIR VICTORINO: Mr. Moto?

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MR. MOTO: I . . . um . . . there, it is true that. Let me step back a little bit and say that because I didn't participate in all those discussions, it is true that it is very difficult to analyze this situation because we were not privy to the assumptions that were made or the facts discussed. I would think that the . . . since the focus of the opinion seems to have been upon Council members participating in the meeting as if they were members of the committee, meaning seat and voice. I didn't hear them to say that you could not sit in attendance, you know, passively, in the gallery in a meeting. And I don't interpret what they said to be a bar against you going up to the lectern like anybody else to provide testimony. So the short answer is "I think it's probably okay if you did sit in the gallery or went up to the microphone to testify". I think for now, given what OIP has said informally, that it's probably best that you not sit where you are and participate fully as if you were a member of the committee.

CO-CHAIR VICTORINO: Ms. Anderson, is . . . ?

COUNCILMEMBER ANDERSON: Well you know, I'm . . . uh . . . I appreciate that, Mr. Moto. I know you're trying to accommodate me without all the facts and . . . uh . . . thought processes that went into this verbal opinion; but you know, that means I'm still attending the meeting. And you know, we do have written opinions that say that no more than three Council members can attend a meeting that discusses Council business unless they've been . . . it's been duly agendized [*sic*]. So you know, are you advising me to violate that opinion?

MR. MOTO: Mr. Chairman. I am aware of those kinds of opinions and . . . um . . . this is an unusual situation. I would point out that even if you did not sit passively in the gallery, you could go. The fact of the matter is you (or anybody else for that matter) could go back to your office--and I know for a fact that you have microphones, that you have speakers in which you could listen to the entire meeting anyway and watch it on video streaming.

COUNCILMEMBER ANDERSON: That's not the point, Mr. Moto!

MR. MOTO: So . . .

COUNCILMEMBER ANDERSON: That's not the point that I'm making. All these people came to participate by sitting here and listening to the meeting. Some are County employees and some are members of the public and you know, maybe I could put a hat on that says "I'm a member of the public" and go sit in the audience. The fact that we have special taped-in video to our office that allows us to sit in there and watch the meeting to me is irrelevant to the issue at hand.

MR. MOTO: What . . .

COUNCILMEMBER ANDERSON: And--

MR. MOTO: What it . . .

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COUNCILMEMBER ANDERSON: --so . . .

CO-CHAIR VICTORINO: Go ahead, Mr. Moto.

MR. MOTO: Well I wasn't. I didn't . . . uh . . . I didn't finish my thought there. The point I'm trying to make is that those are facts I would put out to OIP to get them to realize that it would not make sense to be too draconian in these particular circumstances and say that it's illegal. It's a violation of a Sunshine Law for a Councilmember to sit passively in the Council Chambers at a committee meeting. It's just . . .

COUNCILMEMBER ANDERSON: Yeah, but what I . . .

MR. MOTO: All I'm saying is that that's a factor that I would argue that OIP should consider.

COUNCILMEMBER ANDERSON: Right.

MR. MOTO: Whether they would agree with me or not, I'm not sure. They may . . . they may, in fact, not.

COUNCILMEMBER ANDERSON: But that's just the point, Mr. Chair, is that we don't have all the facts and neither does OIP; and yet we're acting on an opinion that was done late in the day yesterday and gave none of us notice until we showed up this morning.

You know, in my opinion, I think we should just cancel this whole meeting in all fairness to everybody concerned including my constituency in South Kihei, who has a beach access issue on your agenda, that I'm not gonna be able to participate in.

CO-CHAIR VICTORINO: Thank you.

COUNCILMEMBER ANDERSON: So . . .

CO-CHAIR VICTORINO: Yeah.

COUNCILMEMBER ANDERSON: And, and . . . and also the bike tours issue. I mean this . . . we've got a bill in front of the whole Council that was laid on the table because there were outstanding questions that every member on this body needs to have information in order to make an informed decision; and now we're being told we can't participate. So . . . *(sigh)* . . . you know, we're all gonna just fall over and concede to an informal opinion that none of us have seen, you know, what the substance is; what the repercussions are; how it was thought out; and . . . and what specific provision in Chapter 92 requires us to leave this meeting. So that's just my opinion. I think it's totally unfair for all of us and our constituency that we have to fold on this matter. I think we should stand up for our rights; acknowledge that we've received the

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opinion; ask them to send us something in writing immediately so that we can make adjustments accordingly. But to just fold right now, with nothing of substance in front of us, just hearsay, I feel is irresponsible. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Ms. Anderson. Is there any other discussion or any other? You know, looking at this whole matter and with the advice of Mr. Moto and Ms. Nakata, along with Councilmember . . . uh . . . Council Chair Hokama, I would say first of all, next time somebody tells me I have an easy agenda item, I'm gonna not show up. . . . *(chuckled)* . . .

COUNCILMEMBER ANDERSON: . . . *(chuckled)* . . .

CO-CHAIR VICTORINO: I'm getting tired of this. . . . *(chuckled)* . . . But anyhow, besides that, I'm just saying that I'm of the opinion (as you Ms. Anderson) that because we don't have anything of sustenance other than a "informal verbal opinion". That's all that came down. Okay. And being that it was . . . the nature of it was actually based upon executive session, which then went on beyond that boundary. I feel that today, I'd like to recommend--and this is up to the members that are here--that we proceed with the meeting, that we allow any member of our Council to participate as we have in the past, with no voting, but participate, and let them sit in the chair. And in this respect, I will say--pardon the pun--I'll be damned if I do and I'll be damned if I don't, and I'm gonna do it. That's my recommendation but the committee will make that decision. No offense to you, Mr. Moto. You have made it very clear and I appreciate that. I understand some of the ramifications that are involved in this. But I do not think the people, and I agree with all my colleagues. I don't care where you come from. I come from Wailuku. It doesn't proceed, preclude my constituencies to have the same mannerism and the same feeling that "why did they elect me if I cannot participate?" So my recommendation in this matter is to move on, and to allow any member of this standing Council to participate in the committee meeting but not as a voting member, as we have in the past; and I leave this up to the body to decide, so. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Corporation Counsel, what would be the ramification if we receive a written response from OIP in regards to what's happening today, if we went ahead like our Chairman here has said? What would be the ramification for Maui County?

MR. MOTO: Mr. Chairman.

CO-CHAIR VICTORINO: Yes.

MR. MOTO: Just based upon experience, probably what would happen is . . . um . . . oral and/or written essentially warnings might be given by OIP. I think that's one possibility. If . . . uh . . . because I think what OIP tries to do is to get voluntary compliance and I (from experience) know that where they feel that that cooperation is not gonna be obtained, they have sought to pursue matters in litigation. I don't think the . . . uh . . . I don't think it's likely that anyone is

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gonna go to jail or be fined. That hasn't . . . but we would have further interactions with OIP, I think, that's for sure.

COUNCILMEMBER PONTANILLA: Thank you. Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Mr. Pontanilla. And I do premise that you said "written opinion" that once we received it. And I think, Mr. Moto, I want that clear that if we were to receive written documentation requesting that, then at that point that would change everything in my mind. But right now, we are sitting with an informal opinion rendered based upon a subject matter that really wasn't what the intent of our committee setup was from the beginning for participation. Am I correct in kinda evaluating that Mr. Moto?

MR. MOTO: Yes. If I understood you correctly, all we have so far is just that . . . uh . . . the oral statement.

CO-CHAIR VICTORINO: Okay. Any? Go ahead, Mr. Medeiros.

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Yes.

CO-CHAIR MEDEIROS: I'd like to ask for a recess, a short recess.

CO-CHAIR VICTORINO: The Chair will grant a five-minute recess. . . . *(gavel)* . . .

RECESS: 9:53 a.m.

RECONVENE: 10:08 a.m. . . .(end of tape, start 2A). . .

CO-CHAIR VICTORINO: . . . *(gavel)* . . . I would like to call the meeting back to order. Ladies and gentlemen, after some extensive discussion, I've come up with two options I'd like to recommend to the committee.

Option No. 1 (as I stated earlier) would be to conduct the meeting as we have in the past inclusive of all standing members, any standing Council member to participate fully in the meeting, except in the areas of voting.

The second option is to adjourn this meeting and get a reading or some kind of reasonable conclusion so that we can conduct the County's business; not only for this committee, but all committees (all five- or seven-member committees) because this has an affect on all of us. Okay. The nine-member committees, it has no effect.

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So my recommendation to you is one of those two options. I will open the floor to discussion to all members that are here, and I'd like to recognize Member Gladys Baisa, who is now in attendance. Thank you.

COUNCILMEMBER BAISA: Thank you, Chair.

CO-CHAIR VICTORINO: Is there any recommendations from the floor? Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Actually, I think--as protocol would have it--I'll yield the floor to your committee members first to give their opinions on your suggestions, Mr. Chair.

CO-CHAIR VICTORINO: Thank you. Thank you, Mr. Molina. Councilmember Mateo?

COUNCILMEMBER MATEO: Thank you very much, Chairman. I thank you for your two options. I think if we go with Option 1 (which is to continue business as usual) I think the question will still arise. I think because of the verbal opinion that we have received, it seems like the handcuffs have already been placed. Chairman, adjourn this meeting.

CO-CHAIR VICTORINO: That is the recommendation from Vice-Chair Mateo. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chair. I too would agree with that (adjourning this meeting) because of . . . um . . . until we receive a written explanation from OIP in regards to their decisions, then I would accept deferring or adjourning this meeting.

CO-CHAIR VICTORINO: Thank you, Mr. Pontanilla. Any other discussion from members of the committee first? If not, then I will open it to the . . . open the floor to non-members. Member Baisa?

COUNCILMEMBER BAISA: Good morning, Mr. Chair. Thank you. My question to Corp. Counsel--I guess, if it's okay--would be "if this meeting is adjourned until we are in receipt of the proper information in a written form, does that also mean that we might want to adjourn all meetings until such time as that is received?"

CO-CHAIR VICTORINO: Member Baisa, I cannot. Maybe I'll turn that to--

COUNCILMEMBER BAISA: Corp. Counsel?

CO-CHAIR VICTORINO: --Corp. Counsel or Council Services. If somebody could, address that please. Brian, Mr. Moto?

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MR. MOTO: Mr. Chairman. Well, I think the ruling that's made by OIP really is relevant only to those committees with fewer than nine members, so for those meetings. But there may be some, as I mentioned earlier, some remedial corrective measures that could be taken with regard to the notices that are posted for them, et cetera, that may be sufficient in order to allow them to proceed; but I'm not 100 percent certain, yeah.

COUNCILMEMBER BAISA: Mr. Chair?

CO-CHAIR VICTORINO: Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Corp. Counsel, the reason I'm asking the question is that I have a continuation of the Planning Committee meeting scheduled for Thursday morning.

MR. MOTO: That's true. I've . . . uh . . . I didn't think about that. That is also a less than nine member committee, so the same issue would arise there as well.

COUNCILMEMBER BAISA: Yes, it would; and I'm concerned about public notification, if we're going to cancel it.

MR. MOTO: Well, I'm . . . uh . . . I'll . . . *(sigh)* . . . I'll just say that "yes, it is of concern; and we may have to consider that meeting as well".

COUNCILMEMBER BAISA: Thank you. I don't want to put you on the spot, but it's what's going on in my mind.

MR. MOTO: I understand.

CO-CHAIR VICTORINO: Thank you, Member Baisa. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. You know, we're all so concerned about violating HRS 92 based on some vague opinion, verbal (over the phone). None of us had privy to, you know, the thought processes or the information that was exchanged to come to this opinion, yet we're all sitting here right now violating the Sunshine Law. We're discussing a matter that's not on the agenda.

CO-CHAIR VICTORINO: Absolutely correct.

COUNCILMEMBER ANDERSON: And you know, I . . . my weigh in on this, "cancel the meeting, Mr. Chair!"

CO-CHAIR VICTORINO: Thank you, Ms. Anderson. Mr. Molina?

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COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chairman. What a pickle we're in on this Valentine's Day. I'd like to say chocolates but it definitely has a stronger taste than chocolate, if you know what I'm saying. Just for your consideration, because you know . . . uh . . . you know, whatever is decided by the committee (whether to proceed or not) we do have folks that have signed up to testify. So as an option, if as the Chair, you would like to at least give the public an opportunity to testify and then cancel then maybe that's one option that could be considered as well.

CO-CHAIR VICTORINO: Well it was my knowledge or I was told that "even if we adjourn this meeting, we must allow public testimony", so that will go on.

COUNCILMEMBER MOLINA: Okay.

CO-CHAIR VICTORINO: Okay. And I will open the floor to all items, to all matters for public testimony; so that do, we'll proceed. Okay. We will not wait till the matter itself comes up because we'll adjourn the meeting. So public testimony, let me assure the public, it will be taken this morning. But we need to come to some reasonable conclusion. So the direction I am getting from the members this morning is to basically adjourn this meeting until we get this matter straightened; and I think with that in mind, I will do that after we take public testimony. It's only fair that we take public testimony. The people have been so gracious in sitting there waiting for this. What a Valentine's Day, I agree. It's been a black day in this morning.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman.

CO-CHAIR VICTORINO: We had . . . if there's no further discussion, then I'm going to proceed on to public testimony. We have, on the agenda today--one, two, three, four, five--six matters. PWF-12, which is the bicycle tour operations. Okay. Also on the agenda today is PWF-15, beach access easement for the North Kihei Road; PWF-18, indemnifying the State Department of Health in pursuance to a contract for deposit beverage container program; PWF-11, a grant of a non-exclusive easement to Maui Land & Pine Company, Incorporated for private wastewater system proposed at Haliimaile; PWF-75, a grant of an easement to Maui Electric Company, Limited, and Hawaiian Telcom, Incorporated in Wailuku; and PWF-77, a grant of non-exclusive easement to Anthony J. Rodrigues and Irene G. Rodrigues for a private pipeline for private waterline purposes in Kahakuloa. I will now open the floor to all public testimony in any of the following items. I do have six testifiers. At this time, if it's all right with the committee, I will start testimony. No objections?

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you. The first one will be on Item PWF-12, the bicycle tour operations. Phil Feliciano; Phil. And I will allow three minutes with one minute to conclude and take questions from the committee so that we will extend it if there's questions from the committee members or any of our councilors. Mr. Feliciano?

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... BEGIN PUBLIC TESTIMONY ...

MR. FELICIANO: Good morning, members, and happy Valentine's Day. And I'm sure we can get past all this. I'm here because of PWF-12. And I gotta tell you I'm a little confused because we're gonna meet on Friday and now we're meeting again today, so I'm not sure what direction my testimony should take. But I wanted . . . I guess the direction I'm gonna take it in is to let you know that since January 19th, the bicycle tour industry has not been sitting on its laurels just waiting for you guys to do something. We've been very active. Yesterday alone, three separate meetings with three separate committees. I want to point out that four out of the five owners of the bike tour companies are here today present. We're all very concerned about what direction this is gonna go. And I'm gonna let people like John Thuro from Maui Mountain Cruisers; Brian Kramer from Mountain Riders; and Mr. Jimmy Muschietti speak to the efforts that we all have collectively and have done, and are now in practice.

What I'd like to talk about a little bit is the police report that we've heard so much about for the past year. I finally got a copy, and I got a copy through a Kula Community Association person who we met with last night. We've been talking about this report like, you know, all the time and now I get a report. The industry, I believe, deserves the respect of the committee, respect of the police force. If this report was generated . . . and if I had gotten a copy of this report a year ago, when it was written, we probably wouldn't be here today. We could have taken action. The actions that we're now taking could have been done a long time ago, and maybe we wouldn't be here. A lot of things have been done. I ask that you take a look at what the other members are doing and maybe finally form this task force to really find out what's true and what's happening out there because you hear all kinds of false statements about how many companies there are and how many tours we do everyday. I supplied some documents that--you may or may not have in front of you at this point--but tells you the truth about how many companies and where we're at; and until you find out the truth of what's really going on from all the people involved, I ask that you form a task force and really look at that seriously. Thank you.

CO-CHAIR VICTORINO: Thank you. Any questions for Mr. Feliciano? Seeing none. Thank you, Mr. Feliciano. Next testifier on PWF-12 is Mr. James Cramer.

MR. CRAMER: Good morning, everyone.

COUNCILMEMBER ANDERSON: Good morning.

MR. CRAMER: Thanks for at least inviting us so that we can be here to share with you our experience more than anything else. This bicycle industry, of course, is a concern for our community and a concern for us in the industry as well. My concern is that after spending some 20-plus years in making this industry not only a viable business but a viable asset for the

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state of Hawaii, and I'm concerned that some of these requirements are not really getting the advantage of the experience that we have on this island from the bicycle company owners and the people that are involved in the industry, like myself. We've offered to serve on these committees and certainly it's in a nonparticipating way, just to share the information to continue to make this bicycle a safe industry for everyone. And I think that . . . uh . . . the 20 years of experience and even the safety record that we have, I mean there's some concerns, but it's excellent. I think that some of the changes that are being offered right now, that's a concern to me. I think that it's going to hamper the safety of our industry and I think that real consideration by the committee members, certainly the entire County Council, should take advantage of this experience. Give us an opportunity to share with you what we know about the bicycle industry and why it's become such an ideal, beautiful, activity on our island that has so many people coming worldwide to experience this wonderful activity. It's something that . . . uh . . . gee, we should continue to share with our public . . . uh . . . with the people that are coming to our islands and literally for the world. It is a state asset that we're talking about here. To hinder or hamper that in any way (without at least considering some of the things that have been brought out already) is the wrong thing to do. Please give us an opportunity to not only change our industry to help minimize the effect on the community itself; but certainly, our concern (probably more than yours) is safety in our industry. And that's pretty much what I have to say at this moment. We want to participate.

CO-CHAIR VICTORINO: Thank you, Mr. Cramer. Any questions for Mr. Cramer?

COUNCILMEMBER PONTANILLA: I got one.

CO-CHAIR VICTORINO: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Mr. Cramer. In regards to your safety records, do you keep documentation in regards to that? And if that can be provided to this body.

MR. CRAMER: Fortunately, our bicycle industry, we keep records very carefully along with the national park. I don't have statistics in front of me, but I know that . . . uh . . . if we make some of these changes that it's gonna affect some of the safety aspects of this bike ride; and I don't want those things to jeopardize our industry or make it more of a liability for our County. I think that . . . uh . . . because of the safety record, I mean you're looking at 20 years; and the County's never had a lawsuit that was successful against it for any reason; and the purpose behind this (to raise the insurance rate) I think that it's unnecessary. I really feel that way. I think that certainly the County needs to be protected but . . . uh . . . maybe by itself.

COUNCILMEMBER PONTANILLA: So you do have safety records that we can . . .

MR. CRAMER: We certainly. Each company maintains accident reports for everything that happens from a skinned knee to even the more serious things that occur, but we keep track of that along with the national park. I'm sure they could share that with you too.

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COUNCILMEMBER PONTANILLA: Thank you.

CO-CHAIR VICTORINO: Thank you, Mr. Pontanilla. Any other questions for Mr. Cramer? Seeing none. Thank you, Mr. Cramer. Next speaking on PWF-12 is Mr. John Thuro.

MR. THURO: Good morning, Chair members and Council members. There's been, I guess, a lot of stuff being said about the bikes . . . um . . . how they're run, how they're operated. Being an owner myself and being in the business for 23 years and doing the bikes for 7 years every single day, I know what happens when you ride a bike down the hill and why they happen. What we've been trying to work with with the public is--and it's been from day one--is speeding traffic down that hill. Those posted signs go from 15 to 30 to 25, and those bicycles are right there at those speed limits. If not, just a little bit below, but not above it. If you were to personally drive your car down that road at the posted speed limit, you would get the finger; you would get passing in illegal spots by these people that are coming down the road. Now that's what we've contended with for 24 years; and that is a big safety issue. Now what we have been trying to work with--and we've been getting this worked out in the last couple of weeks--is from the sunrise area down all the way to where the polo field is (the arena) down there by King K, is the bikes are now on the shoulder of the road. They are no longer in the middle of the road at all anymore. Those vans and trailers, they're not on the road anymore. They're hanging back in an area where there's a spot they can hang back at. They're back there for five to ten minutes. Now, they are . . . they are licensed to be on the road (just like your car is) and they can drive the speed limit. They go from Point-A to Point-B doing that. There's no bikes in front of `em. But then they'll pull off and they're not having any bikes in front of `em anymore, and the traffic continues to just go on down. That's one of our solutions that we're doing. And I think that is what's gonna really change this whole thing to where we're not gonna have a problem anymore because that area from Sunrise down to there is where most of the people are going down to get to their places and do the business they need to do; so we're out of the way. It's not a problem. Now the unguided--the uncontrolled ones; the ones that aren't with our companies, which we get confused with--they're all over the roads, and I don't know what to do about those. That's something you guys may have to have an issue with or work with. But you know, you guys asked and we did it. And like Phil said, "if we had gotten this a little bit sooner, we really could have, you know, gotten to the meat of this thing and taken care of it". But we are responsible business owners, like a lot of people on this island are, and we're working to try to do what you guys want us to do. I mean we got families. We got bills. We got just everything like what you guys do. We are willing to work with you guys, and so this solution that we've come up with is getting the bikes over to the side and that's where they stay. There's a few areas that, you know, I have concerns with, and one of `em is just below . . .

CO-CHAIR VICTORINO: Mr. Thuro, can you wind your . . . ?

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MR. THURO: Okay. There's a couple areas where we will need to escort the bikes through there (but they're only 30 seconds) and we're off again. So with this in mind, just remember that, you know, we are working with the public; and we have been cut back, too. We're not 40 trips a day. We are 19. Remember that! We're 19, and that's all we can do on the sunrise. Whoever's been telling you 40 is blowing smoke your way.

CO-CHAIR VICTORINO: Thank you, Mr. Thuro. Questions?

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Co-Chair Medeiros, go ahead.

CO-CHAIR MEDEIROS: Mahalo. Yeah. As a reminder, can you have the testifiers give their name and organization if they're representing a company before they testify? So could I ask you sir--

MR. THURO: Yeah.

CO-CHAIR MEDEIROS: --to repeat your name and organization or company you represent?

MR. THURO: Sure. John Thuro, Maui Mountain Cruisers.

CO-CHAIR MEDEIROS: Thank you, Chair.

COUNCILMEMBER PONTANILLA: Question.

CO-CHAIR VICTORINO: Go ahead, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Mr. Thuro, for being here this morning. You said that there's only 19 bike tours coming down from the mountain during the sunrise tour?

MR. THURO: Correct. That's it. That's that. There's no more than that. We were limited by the national park over a year ago. And when I hear these statements from people who come up here and say 40 and more per day, it's irritating because it's not true.

COUNCILMEMBER PONTANILLA: So 19 tours based on what, 15 riders per tour?

MR. THURO: It's 13.

COUNCILMEMBER PONTANILLA: Thirteen.

MR. THURO: Thirteen plus a guide.

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COUNCILMEMBER PONTANILLA: Thank you.

MR. THURO: Okay.

CO-CHAIR VICTORINO: Any other questions for Mr. Thuro? Thank you, Mr. Thuro.

MR. THURO: Okay, thank you.

CO-CHAIR VICTORINO: Our fourth testifier is also on PWF-12, Mr. Brian Kramer, and he is representing Maui Riders. Mr. Kramer? And my apology Co-Chair, I failed to read that part.

CO-CHAIR MEDEIROS: Thank you.

MR. KRAMER: Good morning, Mr. Chair and members of committee. It's Maui Mountain Riders, by the way. Excuse me. For the last three weeks, this process that we're working on with the community has taken 99 percent of my time. It's nonstop. Meetings; meeting with members of the community; trying to figure out ways that we can make this bike ride a safer ride and a little bit easier on the committee or the community up in Kula. So the bottom line (as I see it is) I support what Phil Feliciano said, and that is a task force. We need a task force of people that can get the work done. You know, it's just not the bike companies that have to do everything. We need support from the County. We need support from the State. We need support from the Kula Community Association and the private citizens of Upcountry. Everybody needs to be a part of this solution. We have made tremendous strides in the last few days. John's been up there daily. Phil's been up there daily. I've been up there daily. We're taking people on rides. We're watching people come down. They're starting to figure out how it really is . . . the guided tour business. Okay. The guided tour business. What I call the controlled tours. The unguided, that's a completely different monster. The majority of complaints and the majority of accidents happen with the unguided tours. It's not with the guided tours. We pride ourselves in being a safe industry. We want to work with the community to solve their problems. It has to be a win-win situation. That's all I have to say.

CO-CHAIR VICTORINO: Any questions for Mr. Kramer? Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chairmain. Good morning, Mr. Kramer. Regarding your statement on the majority of the accidents with the unguided tours, can you provide the committee with that information?

MR. KRAMER: I can provide the committee with our accident rate. Okay. I can't speak for the unguided, you know.

COUNCILMEMBER MOLINA: Uh-huh.

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MR. KRAMER: I run a horseback ride up in Haleakala also and you know . . . *(sigh)* . . . I . . . uh . . . coming down with a trailer, I see it all the time, you know. The people are falling down. They don't have any medical aide. They're knocking on doors and asking for you know, Band-Aids or you know, put an arm. We've stopped our guided . . . uh . . . guided tours stop all the time for unguided injuries.

COUNCILMEMBER MOLINA: So your information . . .

MR. KRAMER: I don't have that information.

COUNCILMEMBER MOLINA: Okay. So you're . . . only just from what you've witnessed, at this point?

MR. KRAMER: Yes.

COUNCILMEMBER MOLINA: Okay. Thank you.

CO-CHAIR VICTORINO: Councilmember Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Thank you for being here. Do you think it would be helpful to you folks . . . um . . . to have--well not just for guided tours but for unguided tours also--for there to be specific regulations to be followed, you know, a specific set of regulations that everybody knows? These are the rules. This is what everybody needs to follow.

MR. KRAMER: The national park has that in effect.

COUNCILMEMBER ANDERSON: Could you go up to the mike?

MR. KRAMER: The national park has that in effect right now.

COUNCILMEMBER ANDERSON: But that . . . but that's national park--

MR. KRAMER: In the national park.

COUNCILMEMBER ANDERSON: --and it only goes certain.

MR. KRAMER: I mean I have no problem with that. That would be part of a, that would be part of the task force, to come up with. You know, what we . . . what I started two-and-a-half weeks ago was a piece of paper that, you know, addressed every turnout (every possible place where the van would pull over and get off the road). These are mandatory. If there's a shoulder there, that's where . . . the . . . we'd have to say. We used to not do that, okay. If there was a shoulder there, we . . . if there was no traffic in back of us, we would say "we would ride in the

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middle of the road or just to the right of center". We changed that this week, okay. Now we've got mandate, where there's a shoulder--whether you have a car or not--we're on the shoulder. Okay. We're over off the road, okay. So the traffic can just go, okay. And we deal with the speeding and the flybys and everything else, but we are off the road.

COUNCILMEMBER ANDERSON: Well we appreciate that and I'm sure residents Upcountry appreciate it a lot. So the question again, "do you think it would be helpful to have specified regulations that, you know, inform everybody of what they have to do (guided and unguided)?"

MR. KRAMER: I think . . .

COUNCILMEMBER ANDERSON: You know . . .

MR. KRAMER: I think you need . . .

COUNCILMEMBER ANDERSON: Based on . . .

MR. KRAMER: I think you need . . .

COUNCILMEMBER ANDERSON: Based on the task force that you guys . . .

MR. KRAMER: Yeah. I think you . . . if you came up with a set of guidelines. These are the guidelines . . . because number one, with a bike ride, you can't possibly say that every instance is. For example, in our guidance, we have some areas where we actually pull off the road and ride in a grassy area, okay. Now, people know that when it's raining and it's muddy, it's probably not a safe thing to do, okay. You know, those guidelines need to be, you know, for the bike companies and for the general public. So they know what the guidelines are and they'll understand that "yeah, it's raining; it's muddy there; they can't ride their bikes there". We understand that. But I don't think . . . if you put it in a regulation form, you know, you're . . . it's gonna have an impact on safety.

COUNCILMEMBER ANDERSON: Yeah.

MR. KRAMER: But you know, a set of guidelines--

COUNCILMEMBER ANDERSON: And maybe if it's raining . . .

MR. KRAMER: --would be wonderful.

COUNCILMEMBER ANDERSON: Maybe if it's raining, they shouldn't be going down the mountain at all . . . (*chuckled*) . . . for safety purposes.

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MR. KRAMER: You know. I can tell you that on a rainy day, you know, accidents go way down. Because number one, the general public is pretty much aware that it's raining, and what? They are a little bit more careful. They are a little cautious, just like when you're driving your car.

COUNCILMEMBER ANDERSON: Okay. Thank you very much.

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Yes, Co-Chair Medeiros.

CO-CHAIR MEDEIROS: Mr. Kramer, we heard before that the guided tours are separated by time and distance when you leave the summit. Is that correct?

MR. KRAMER: That's correct.

CO-CHAIR MEDEIROS: Okay. What happens when the unguided tours end up being between the separated tours or right, you know, behind your tour? What action is taken then, because then you end up with much more bikes on the road; and . . . uh . . . I know you don't have control over the unguided tours, but is that a consideration that your industry takes into account?

MR. KRAMER: Okay. This . . . and again, this week, we have . . . there's an area right above Kula, right out, right by pony express, we call the "tree line".

CO-CHAIR MEDEIROS: Uh-huh.

MR. KRAMER: It's mile marker three, and that's three miles from there to the intersection of 377 and 378. At that point, as our guided tours are coming down, as we look down the mountain as the guide (the lead person) looks down, he can see the tree line a mile and a half away. If there's a group down there, when he gets to that tree line, he has to put three minutes between himself and the group in front of him; so we don't have that bottleneck happening in Kula. So the groups are spaced out going through that last two and a half miles to 377, so that's another thing that we just started this last week.

CO-CHAIR MEDEIROS: And that would include the unguided tours--

MR. KRAMER: It has nothing to do with . . .

CO-CHAIR MEDEIROS: --that you provide space?

MR. KRAMER: No.

CO-CHAIR MEDEIROS: No, just . . .

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MR. KRAMER: Just the guided tours.

CO-CHAIR MEDEIROS: Just your--

MR. KRAMER: Just the guided tours.

CO-CHAIR MEDEIROS: --tours, right? So my question was, "what do you do when unguided tours catch up to your group, or is front of your group and then we have a larger body of bikes on the road?"

MR. KRAMER: Well, we just deal with it. I mean if they're in front of us and they're going at a slower pace than we do, we just do what a car does. I mean we attempt to pass the group, or pass those two riders, or that single rider, or that group of five. We ask the person if he could just slide over to the shoulder, we have bikers coming around. If the bikers are in back of us and they're going faster than we are, we move over and let the bikes go. We don't want them in our group. We want them, you know, as a . . . another entity. I don't know what to do with them.

CO-CHAIR MEDEIROS: Okay. Thank you, Mr. Kramer. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. I want to remind all members that . . . uh . . . let's keep the questions to the related and specified testifier so that we won't have problems in getting confused. Okay. Any other questions specifically for this testifier? Having none. Thank you, Mr. Kramer.

MR. KRAMER: Thank you, Mr. Chair.

CO-CHAIR VICTORINO: Next, I'd like to call up Mr. Jimmy Muschietti; and Jimmy is with The Upcountry Citizens for Bike & Traffic Safety. Mr. Muschietti?

MR. MUSCHIETTI: Thank you very much, Mr. Chairman. As said, I'm Jimmy Muschietti. Glad to see you all. I was here about almost a month ago, huh. Made a proposal to the bike companies . . . um . . . termed it under "Aloha". First couple of weeks I thought "this isn't gonna work"; and you can maybe get a little sense in the way some of the questions are answered. And there's an inbred habituality that they've had for ages and also . . . uh . . . "who in the hell are you?" You know, "who in the hell are you?" "This is my business; what are you telling me my business?" The combination of things happened, I think. There's a lot of public support out there; there's other committees. . . .(end of tape, start 2B at 10:40 a.m.). . . . Recently, the community, the Kula Community Association finally got involved in it after having had the marital forums and things and not brought up the bike issues, and now that's happening. My DVD came out; and in that DVD "back to you". In _____ the question, you can see where there's an independent group and then there's a bike group with the vans and "what do they do?" They go around on a curb and pass very, you know, dangerously the independent. So

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there's a lot of danger out there. I have to say that in the last couple of weeks, there's been a remarkable turnaround with the guys. I have to give . . . uh . . . (Cruiser Phil as he's known as) Phil Feliciano and John a lot of credit, and Brian who just spoke here. They really have sat down at the table. Yesterday, I sat down with five owners and, you know, it was basically "we'll do this; but we won't do that"; and I insisted. I said "no". When you go through that whole area through Kula, your bikes have to be off the road. I don't want any vans in there; and you know, we argued about this for a long time. I think . . . then I brought the speed gun out there and I started doing some of the studies, you know, "well, we're going the speed limit". No, you guys are not going the speed limit. You're going maybe 12 miles an hour. The speed limit might be 30. So I think I . . . I think I convinced them to trust me and that I'm here to work with them and the public, and I'm not getting a damn thing out of it. I've spent over 100 hours since this last meeting, you know. I've got better things to do with my time.

Real quickly, I want to just divert and I want to publicly thank Sergeant Aoki from the Maui Police Department because he has not only worked with me and been available for questions in E-mails and phone calls and in meeting in person, but he's also been there for the bike company. That has helped a lot because he's respected and when he says something then we get together we go "right on" and that's what we're gonna work on.

At this point, I just want to say that we have, I think, worked out a very good solution. I said last time I didn't trust the bike companies any more than anybody else in the public. I have learned to like some of these guys, you know. Now, they . . . (*chuckled*) . . . they're very nice people. I don't like all of `em and I don't think I ever will.

CO-CHAIR VICTORINO: Mr. Muschietti, will you come to your conclusion, please?

MR. MUSCHIETTI: Yes, sir. And just let me finish with the emphasis on the independents. That is where we really need to focus. There is a lot of danger and they will not listen; and they still have not responded to my inquiries to sit down and talk story.

CO-CHAIR VICTORINO: Thank you. Questions for Mr. Muschietti? Ms. Anderson.

COUNCILMEMBER ANDERSON: (*NOTE: She cleared her throat.*) Excuse me. Jimmy, how many independents do you think there are?

MR. MUSCHIETTI: Three; I think there's three. And . . . uh . . . you know, I can't tell you one's worse than the other. Maybe one is not as bad and one is pretty bad, but they're all . . .

COUNCILMEMBER ANDERSON: And are all these independents selling cars--selling cars--selling bikes to people and then buying them back at the end of the day?

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MR. MUSCHIETTI: I believe they are. I'm not sure about the one company called "Aloha" because they . . . uh . . . they go a different direction. They go to the winery. You know, it's a little . . . there off a little bit different than the other two; but that is also--by the way while we're speaking of safety--where the Mr. Rinaldi was killed on, the 17-year-old on that tour.

COUNCILMEMBER ANDERSON: Thank you.

CO-CHAIR VICTORINO: Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Chairman. Good morning, Jimmy.

MR. MUSCHIETTI: Good morning.

COUNCILMEMBER MOLINA: Just for the committee's information, do you have the names of those three independent companies for unguided tours?

MR. MUSCHIETTI: Well, it would be Haleakala Bike Company, Aloha Bike Company, and the other one, if someone . . .

(NOTE: An unidentified speaker in the gallery said "Maui Sunrise".)

MR. MUSCHIETTI: Maui Sunrise, that's right. I'm sorry, Maui Sunrise.

COUNCILMEMBER MOLINA: Okay, thank you.

CO-CHAIR VICTORINO: Any other questions from committee members or other councilors? Seeing none. Thank you, Mr. Muschietti. I appreciate all your work and your 100 hours will be very gratifying for the public.

MR. MUSCHIETTI: And thank every one of you very, very much for all your time. I know how hard you all work.

CO-CHAIR VICTORINO: Thank you.

MR. MUSCHIETTI: You're welcome.

CO-CHAIR VICTORINO: And our last testifier is also about PWF-12 and the OIP opinion; and it's Mr. Trevor Ward and he's speaking as an individual.

MR. WARD: Good morning. This is a first for me, Council meeting, so . . .

CO-CHAIR VICTORINO: Mr. Ward, would you identify yourself please? Thank you.

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MR. WARD: Oh! My apologies. My name is Trevor Ward. I'm a 15-year resident of Maui. Most of that's been Olinda and Makawao. So my first experience with the bike tours was--like the general public--meant much spewing and lots of finger pointing. But things changed over the years and all of a sudden, I found myself in a vehicle behind these riders so that's quite a . . . and the reason for that is obviously financial, some changes in my life and I needed to earn some income. So I suppose my opinion is based on the fact that there's a lot of other people in this industry that need their jobs; and so for me right now, I do it part-time. I do it an average of two days a week, and this has allowed me to go to school and study and better myself. So hopefully, I'm gonna be able to continue to do that. Recently, I was away for some time and I came back to Maui and needed to get that job back again, so I approached Phil and the first thing he informed me was that I would have to be retrained. That seemed pretty bizarre to me; but in the interim, I had to go through that because of the changes that had been effect. So that is my opinion up here at this morning is that these companies have made a very big effort to make some changes and to allow the public, especially through the Kula area, to get by quicker so that everybody can get to work on time. And I suppose, from my point of view, there was a major is . . . uh . . . when the public can anticipate and know that they can still keep within their plans of time to be on work in time because most of the people are just annoyed behind these bikes . . . uh . . . and because they're either late, they got up late or something. So I suppose it's the community that needs to plan better as well. But hopefully, we can sort it out and I can keep my two days a week and . . . uh . . . get into something different and see you on a different topic some time. Yeah. The other . . .

CO-CHAIR VICTORINO: Oh, wait, Mr. Ward. Before you go onto the OIP, let us ask you questions. If there's any Council members that would like to ask you questions on the specific PWF-12 issue, the bicycle operation. Any questions for Mr. Ward?

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Co-Chair Medeiros.

CO-CHAIR MEDEIROS: Mr. Ward, thank you for being here. So you're a part-time worker with the bike tours?

MR. WARD: That is correct.

CO-CHAIR MEDEIROS: Okay. And . . . uh . . . you mentioned that you were trained or retrained for that particular position, what is your position with the bike tours? What do you do?

MR. WARD: I drive. I drive a van behind the riders.

CO-CHAIR MEDEIROS: Okay. And in your training--because I'm not sure, that's kind of broad, when you say training--but does that include first responder training?

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MR. WARD: At the moment, I'm not a first responder although I do have experience in Paramedicine. I was actually a paramedic in South Africa for three years. Not that that's . . . uh . . . but at least one person on that tour (either the cruise leader or the driver) has to be a first responder. So at the present time, I'm not a first responder. Obviously, I feel that I'm adequate in my experience in order to help individuals but no I'm not a first responder.

CO-CHAIR MEDEIROS: Thank you, Mr. Ward. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. Any other questions for Mr. Ward? If not, Mr. Ward, I'll allow you to speak on the OIP issue.

MR. WARD: Yeah. It was kind of interesting. I was just confused on that subject.

COUNCILMEMBER HOKAMA: Chairman! Point of order, please. Chairman?

CO-CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: While I know this may be of interest to the individual, it's not a posted item.

CO-CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: It was a procedural and--

MR. WARD: Yeah, I'll retract that.

COUNCILMEMBER HOKAMA: --informal requirement of staff notifying you and the members of a new wrinkle, I guess, in OIP's interpretation regarding member participation. So I would ask that you not allow testimony on this specific item at this time.

CO-CHAIR VICTORINO: Thank you, Council Chair Hokama, for that clarification; and thank you, Mr. Ward--

MR. WARD: Thank you very much.

CO-CHAIR VICTORINO: --for your testimony.

MR. WARD: Thank you, Councilman.

... END OF PUBLIC TESTIMONY ...

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CO-CHAIR VICTORINO: At this time, I'm not in receipt of any other testimony. Is there anyone else out there that would like to testify? I do see the Police Department present. Sergeant Aoki, do you have anything you'd like to add to the testimony today?

MR. AOKI: *(NOTE: Speaking from the gallery.)* No, sir.

CO-CHAIR VICTORINO: None at this time? Thank you. Okay. Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. You know, I noticed that the binders in your committee for this item have none of the information that was collected during the last term and, which means the item was not forwarded from, I think it was Public . . . Parks and Economic Development had this item previously. I'm requesting that maybe you could have staff go through the documentation, specifically. I mean if it's not too much, I'd like to see it all forwarded so new members can have, you know, the advantage of seeing what's been done on this issue in the past and particularly any statistical information, the report from the Police Department, which is, you know, pivotal on this issue. We heard several testifiers talk about, you know, they wish they'd seen it before.

CO-CHAIR VICTORINO: Right.

COUNCILMEMBER ANDERSON: So I think the members of your committee, you know, would benefit from the information that was collected during the last term; and if maybe your committee staff could go through that and pick out the most important items and forward it to your committee.

CO-CHAIR VICTORINO: Mr. Jensen, would--

COUNCILMEMBER ANDERSON: That would be very helpful.

CO-CHAIR VICTORINO: --you like to address that, please?

MR. JENSEN: Yes, Mr. Chair. Just for the members information, the item that Councilmember Anderson is referring to was filed automatically at the end of the last term. It was before the Public Works Committee during the last term and so all documentation was filed when that item was filed; but any time, the option that Councilmember Anderson refers to is possible--that any committee member could do a doc-trans and have that information included. All the information that was referred to in testimony was available to all members in the last terms binder.

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CO-CHAIR VICTORINO: Thank you for that clarification. Ms. Anderson?

COUNCILMEMBER ANDERSON: Yeah, you know, I could take the time to probably go through and dig out all the information that I feel is pertinent. But as I am not a not a member of this committee and . . . um . . . you know, it's unfortunate that the item as a whole was not referred forward to this term; and that's why I'm requesting that you, Mr. Chair, instruct your staff to do that. I think that's appropriate.

CO-CHAIR VICTORINO: Thank you, Ms. Anderson, and I will consult with the staff and get that taken care of. Mr. Jensen?

MR. JENSEN: Yeah, and just one other point. Just to mention that this is a relatively new referral. This was referred in very general terms to allow the discussion that was anticipated today by this letter from Council Chair Hokama. And so really any discussion as far as the committee's plans to further explore this beyond what was intended with that initial referral have not been decided yet; but we will absolutely follow the Co-Chair's recommendation.

CO-CHAIR VICTORINO: Thank you. Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. I do think that this is an ongoing issue. You know, it's great that we're having voluntary cooperation by the industry; but we've heard this in the past and that's why I brought up the possibility of instituting some kind of regulations or, you know, even guidelines would be helpful at this point. But . . . um . . . you know, there's been a lot of . . . we heard from Jimmy, a hundred hours on his part ,and he's not even a member of the industry. There's been a lot of time and effort by people in the community (the Upcountry community) and the industry itself towards this issue; and that's what's generated the documentation that was . . . um . . . under this item during the last term. And I just think it's a real waste not to provide that information. It's an ongoing issue and, you know, the whole reason we're here today with this item on your agenda, Chair, is to discuss the insurance, which is coming up on Friday; and funny, nobody even mentioned it in their testimony. But I don't think that's, you know, the end of the issue. There is a lot more to be discussed, especially the unregulated or unguided bike tours, which is a whole new wrinkle. And so . . . um . . . that's why I think it's important that we keep the historical documentation or data that's been collected in the forefront, so that members can go back and, you know, bring themselves up to date on what's already been done. That will also save us a lot of time going forward. We won't have to reinvent the wheel.

CO-CHAIR VICTORINO: Thank you, Member Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair.

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CO-CHAIR VICTORINO: Your advice will be well received and looked into and made sure that it . . . they'll do what we need done, so we can all move along. Is there any more testimony today from the public? Sensing none. If it's all right with the committee, I will close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you. Before I adjourn the meeting, I would like to say a few things regarding this morning's proceedings. I do apologize to the public and to my fellow members that I was not well prepared; but it took me by surprise last night and I am still not certain what I am thinking about this whole matter. I agree with all of you that when we are somehow by a body--that I consider highly and well respected and . . . and love their opinions in many areas have been very helpful--comes down with a sudden opinion that throws everything into a loop. I think sometimes that makes it difficult to understand, but I'll leave it at that.

Being today is Valentine's Day--and I'll change the subject real quickly--I'd like to wish every one of you and your significant others, family members, a very happy Valentine's Day, a day of love, a day that has no sectarian, religious, or other matter other than sharing our hearts with our loved ones and people around us. I think Maui's always had a big heart and I think can be no ka oi when it comes to Valentine's Day.

Before I close, I have to be remiss in not doing this, but I have to, and please indulge me. I'd like to congratulate my lovely wife for being married to me for 31 years. Today is our anniversary and I thank that wonderful lady that makes my life so whole. And I think all of you have the same share with your significant other (wives, spouses, and girlfriends, and boyfriends, and whatever). Again, I hope everyone out there will send their love to all of your family from me to . . . from my family to you, I wish you all a very happy Valentine's Day. Member Anderson?

COUNCILMEMBER ANDERSON: Mr. Chair, I'd just like to add that. I'd like to congratulate you for being married to your wife all these years.

CO-CHAIR VICTORINO: I'll . . .

COUNCILMEMBER ANDERSON: Thank you.

CO-CHAIR VICTORINO: I'll accept that one. . . . (*chuckled*) . . .

COUNCILMEMBER ANDERSON: Okay.

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CO-CHAIR VICTORINO: I'll accept that. Anything else? Any other comments? If not, meeting adjourned. . . . (*gavel*) . . .

ADJOURN: 10:56 a.m.

APPROVED BY:



MICHAEL P. VICTORINO, Co-Chair
Public Works and Facilities Committee

APPROVED BY:



BILL KAUAKEA MEDEIROS, Co-Chair
Public Works and Facilities Committee

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