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M I N U T E S
POLICY COMMITTEE
Council of the County of Maui
Council Chamber
March 11, 2008

1 **CONVENE:** 1:39 a.m.

2 **PRESENT:** VOTING MEMBERS:

- 3 Councilmember Danny A. Mateo, Chair
- 4 Councilmember G. Riki Hokama, Vice-Chair
(In 1:51 p.m.; Out 3:45 p.m.)
- 5 Councilmember Michelle Anderson (In 1:41
p.m.)
- 6 Councilmember Gladys C. Baisa (In 2:24
p.m.)
- 7 Councilmember Jo Anne Johnson (Out 2:51
p.m.)
- 8 Councilmember Bill Kauakea Medeiros
- 9 Councilmember Michael J. Molina
- 10 Councilmember Joseph Pontanilla
- 11 Councilmember Michael P. Victorino

12 **STAFF:** Gayle Revels, Legislative Analyst (Item No.
13 2(10); Out 2:51 p.m.)
14 Kirstin Hamman, Legislative Attorney (In 2:44
15 p.m.; Item Nos. 4(1), 1(18), and 1(19))
16 Camille Sakamoto, Committee Secretary

17 **ADMIN:** Marian Feenstra, Executive Assistant, Office
18 of the Mayor (Item No. 2(10))
19 Gary Yabuta, Deputy Chief, Department of
20 Police (Item No. 1(19))
21 Traci Fujita Villarosa, First Deputy
22 Corporation Counsel, Department of the
23 Corporation Counsel (Item No. 2(10))
24 Madelyn S. D'Enbeau, Deputy Corporation
25 Counsel, Department of the Corporation
Counsel (Item No. 4(1) and 1(18))
Laureen L. Martin, Deputy Corporation Counsel,
Department of the Corporation Counsel,
(Item No. 1(19))
Moana M. Lutey, Deputy Corporation Counsel,
Department of the Corporation Counsel
(Item No. 1(19))

26 **OTHERS:** Lynn Gushiken Krieg, Director, Department of
27 Personnel Services (Item No. 2(10))
28 DeGray Vanderbilt (Item No. 2(10))
29 Five(5) additional unidentified attendees

30 **PRESS:** Akaku: Maui Community Television, Inc.
31 Ilima Loomis, The Maui News

32

1 CHAIR MATEO: ...(gavel)... Policy Committee meeting for
2 March 11, 2008, will come to order. The Members
3 present this afternoon, we have Member Johnson,
4 Member Medeiros, Member Molina, Member Pontanilla,
5 Member Victorino; excused this afternoon and
6 hopefully will be joining us shortly is Member --
7 Chairman Hokama and Member Anderson.

8 Members, we have four items on this
9 afternoon's agenda that I believe we'll be able to
10 address a little quicker than anticipated.

11 At this time before getting into our agenda,
12 we have -- we have one individual who have signed up
13 to testify this afternoon. This is Lynn Kreig, and
14 she'll be testifying on Policy Item 2(10).
15 Ms. Kreig?

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

17 MS. KREIG: Good afternoon, Chair Mateo and Members of the
18 Policy Committee. I am Lynn Kreig, Director of
19 Personnel Services for the County of Maui.

20 Thank you for the opportunity to present
21 testimony this afternoon in regards to policy --
22 POL-2(10), Nominations to Boards, Committees, and
23 Commissions, specifically on Item Roman numeral
24 II.1.F. Civil Service Commission regarding nominee
25 Paula Ann Heiskell.

1 First of all, I'd like to clarify that my
2 testimony this afternoon is not appointee specific,
3 as I have no issues with the individual nominated,
4 except for the fact that she is an active civil
5 service employee for the County of Maui.

6 Prior to July 1st, 2002, Section 76-51 of the
7 Hawaii Revised Statutes stated in part that no
8 person who occupies any elective or appointive
9 office or any position under the State or County
10 government shall be eligible for membership on or
11 continue to be a member of the Civil Service
12 Commission.

13 Effective July 1st, 2002, this portion of
14 Section 76-51 was amended by deleting reference to
15 "or any position" and changing the reference to
16 "Civil Service Commission" to "Merit Appeals Board."

17 While it appears that the deleted reference to
18 "or any position" now allows for a State or County
19 civil service employee to be appointed to a board or
20 commission, I would submit that Section 78-4 of the
21 Hawaii Revised Statutes, boards and commissions;
22 service limited, further provides for exceptions
23 when there is an inconsistency or incompatibility
24 with such appointment.

25 In the case of the Civil Service Commission, I

1 contend that there is such inconsistency or
2 incompatibility for the following reasons. First of
3 all, the majority -- in the majority of cases, our
4 civil service employees are also included in
5 collective bargaining and are members of, or
6 affiliated with, one of the four major labor unions
7 with whom we negotiate contracts.

8 While Section 76-51 covers both the State and
9 counties, Section 76-75 of the Hawaii Revised
10 Statutes only applies to the County jurisdictions.
11 And Section 76-75, as well as our Maui County
12 Charter, states that the Civil Service Commission
13 appoints the Director of Personnel Services.

14 The Director of Personnel Services is
15 responsible for negotiating wages, hours, and terms
16 and conditions of work for employees. The Director
17 also recommends adjustments for excluded employees
18 to the Mayor. Therefore, it would be a conflict to
19 have someone have that appointive power over the
20 Personnel Director, when the Director, in turn, must
21 act on their wages, hours, and terms and conditions
22 of employment.

23 In addition, the Civil Service Commission is
24 responsible for hearing appeals by any employees
25 against actions taken by the Personnel Director or

1 other department heads. In hearing appeals, the
2 members must interpret civil service rules and make
3 judgements as to whether they are in agreement with
4 the application of such rules.

5 I contend that it is inconsistent and
6 incompatible to have an active County civil service
7 employee hearing the complaints of other County
8 employees for the purpose of passing judgment over
9 the actions of a County department head or to be
10 placed in a position of authority that could
11 influence the interpretation of rules which may have
12 an impact on that individual's future.

13 For these reasons, it is with regret that I
14 must ask that your Committee disapprove the
15 nomination of Ms. Paula Ann Heiskell to the Civil
16 Service Commission and further ask that no active
17 County civil service employees be appointed to the
18 Civil Service Commission. Thank you for the
19 opportunity to testify.

20 CHAIR MATEO: Thank you, Ms. Kreig. Members, questions for
21 the Director? Go ahead, Mr. Medeiros.

22 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chair. Yes. Were you
23 aware of this while it was being reviewed by the
24 Mayor's Office for consideration?

25 MS. KREIG: No, I was not.

1 COUNCILMEMBER MEDEIROS: You were not. Okay. You only
2 became aware once you saw the final list that was
3 coming down?

4 MS. KREIG: Correct.

5 COUNCILMEMBER MEDEIROS: I see. Mahalo, Mr. Chairman.

6 CHAIR MATEO: Thank you. Members, additional questions for
7 the Director? Madam -- Ms. Director, thank you very
8 much for sharing your concerns with -- with the
9 Committee.

10 When testimonies are completed, the Chair will
11 ask the Administration, you know, to provide comment
12 on -- on this particular nomination. And the Chair
13 would also like to ask the Director for your
14 assistance because whether you're aware of it or
15 not, this Administration, like the -- like the past,
16 are all having difficulty in getting individuals to
17 come forward and apply to fill these positions. So
18 I will also ask you to assist in also finding
19 individuals who would like to volunteer.

20 MS. KREIG: Right. I understand that they are having
21 difficulty. And in fact, I have made a short list
22 of, I think, three names that I will be giving to
23 the Administration as a suggestion.

24 CHAIR MATEO: Terrific. Thank you very much.

25 MS. KREIG: Okay.

1 CHAIR MATEO: Additional questions, Members? Thank you,
2 Ms. Kreig.

3 MS. KREIG: Thank you.

4 UNIDENTIFIED SPEAKER: Thank you.

5 CHAIR MATEO: At -- at this time, the Chair would like to
6 offer anyone in the gallery the opportunity to share
7 your comments with the Committee on any of the items
8 listed on our agenda this afternoon.

9 If you can just provide your testimony,
10 Mr. Vanderbilt, and fill out the form when you're
11 done.

12 MR. VANDERBILT: Thank you, Chair Mateo and Members. My
13 name's DeGray Vanderbilt. I'm Chair of the Molokai
14 Planning Commission.

15 I'm here speaking, though, as -- as an
16 individual. And as I understand it, and I don't
17 have the list, there's two nominees for the Molokai
18 Planning Commission, Lori Buchanan and, I believe,
19 Don Williams.

20 And, of course, Lori was a former Chair of the
21 Planning Commission. She was always in attendance.
22 She's continued to be in attendance at many
23 different Planning meetings, the Water Working
24 Group, the GPAC meetings, and she's continued to be
25 heavily involved and somebody that will be at the

1 meetings, and that -- that's so important.

2 This is my last year on the Planning
3 Commission. I'm proud to say I made every meeting
4 during the last year, as did a couple of others, but
5 we've had a problem with attendance sometimes so
6 it's really important that the commitment is made by
7 these people.

8 As far as Don Williams, I -- I had a long talk
9 with him over a couple of beers at the Kahului
10 Airport after he had talked with Councilman Mateo,
11 and -- and I just want to give you a little
12 background on Don.

13 I -- I -- I think he's a smart fellow, he's a
14 nice guy, he's a contractor on the west end. He
15 filed to be a Member of the Planning Commission
16 because he was angry about a swimming pool issue on
17 the west end that he didn't think our Planning
18 Commission handled correctly. And -- and that's
19 fine. We -- we got no problems. We get shots all
20 the time on the Planning Commission. But Don was
21 also the guy that built this guy John McAfee's house
22 on the west end, and McAfee went on to terrorize the
23 island, and he's gone now.

24 But Don's girlfriend is a Realtor, Stephanie
25 Coble there, and she's a very nice person. I think

1 they have Molokai at heart. It wouldn't be bad
2 having a contractor's expertise on the Commission.
3 He builds mostly on the west end at the Kaluakoi
4 Resort, but -- and I'm hopeful that, you know, he
5 says that, you know, he's seen the light about
6 Molokai now, and -- and he's sort of changed his
7 practices and -- and so I'm hopeful that he will --
8 will be a good addition to our Molokai Planning
9 Commission and will attend regularly.

10 And with that, Commissioner Mateo, that's the
11 end of my testimony.

12 CHAIR MATEO: Thank you, Mr. Vanderbilt. Members,
13 questions for the testifier? Mr. Medeiros?

14 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yeah,
15 Mr. Vanderbilt, how -- how long has Mr. Williams
16 been a part of the Molokai Community?

17 MR. VANDERBILT: Oh, I -- I don't know. I -- I would think
18 it's beyond --

19 COUNCILMEMBER MEDEIROS: More than five years, more than
20 ten years?

21 MR. VANDERBILT: I don't know if it's more than ten, but
22 he's -- he's been there seven or eight years, maybe.
23 I -- it may be on his resume. I -- I don't know.

24 COUNCILMEMBER MEDEIROS: Oh, okay. We can look at that.

25 MR. VANDERBILT: Yeah.

1 COUNCILMEMBER MEDEIROS: And -- and so he's been a
2 contractor throughout that time?

3 MR. VANDERBILT: Yes. I mean, he was -- he even came
4 before our Planning Commission when he was doing
5 McAfee's house for an after-the-fact permit and
6 defended his action by saying all the other guys out
7 here aren't getting any permits when they're doing
8 building, but -- so that -- I don't know what that
9 did, but -- but apparently, you know, he cares.

10 And -- and I know his -- his girlfriend is a
11 Realtor, and she -- she's come in and -- and at
12 least made an appearance and -- and -- on some
13 controversial issues and been very straightforward
14 and honest.

15 COUNCILMEMBER MEDEIROS: Okay. Thank you, Mr. Vanderbilt.
16 Mahalo, Mr. Chairman.

17 CHAIR MATEO: Thank you, Mr. Medeiros. Additional
18 questions, Members? Seeing none -- Ms. Anderson, go
19 ahead.

20 COUNCILMEMBER ANDERSON: Thank you, Chair. DeGray, thanks
21 for being here.

22 So are there -- would there be occasions that
23 you could think of where permits would be coming
24 forward for the west end? You say he's a --

25 MR. VANDERBILT: Contractor.

1 COUNCILMEMBER ANDERSON: -- contractor on the west end
2 that --

3 MR. VANDERBILT: He lives on the west end, yeah.

4 COUNCILMEMBER ANDERSON: But -- but that doesn't mean he
5 wouldn't be doing work other places on the island,
6 right?

7 MR. VANDERBILT: Right, right --

8 COUNCILMEMBER ANDERSON: I'm just concerned about a
9 conflict of interest.

10 MR. VANDERBILT: -- right. No. No, he -- he could,
11 although there's a lot of pretty high-end houses
12 coming up on the west end now so he's probably going
13 to be as busy as he can be. They're turning away
14 work now.

15 COUNCILMEMBER ANDERSON: Well, I'm just think -- thinking
16 as a current Planning Commissioner, you probably
17 have, you know, your finger on the pulse of what's
18 going on over there and so would there -- could
19 there be occasions where items might come up to the
20 Planning Commission that he would find himself in
21 conflict?

22 MR. VANDERBILT: Well, he was upset over an issue that came
23 before our Planning Commission where he was the
24 contractor on a big oceanfront home and so I guess
25 if he was a contractor on something before the

1 Commission, he'd have to recuse himself.

2 I -- I'm not all that clear about what's a
3 conflict and what's not. It's never been explained
4 to us, you know. It's all this well, if you have a
5 financial interest or -- or whatever, but...

6 COUNCILMEMBER ANDERSON: It could even be the appearance --

7 MR. VANDERBILT: Well, yeah.

8 COUNCILMEMBER ANDERSON: -- of a conflict due to
9 financial -- direct or indirect financial interest.

10 MR. VANDERBILT: Okay. Well, he -- he could. I mean,
11 you -- you take this Laau Point controversy on
12 Molokai, everybody on the island is one side or the
13 other so you could say the Planning Commission,
14 whoever on the Planning Commission, they all have
15 to recuse themselves and -- so I -- I don't know.

16 I -- I -- he -- he may. I -- I mean, he -- I
17 had a long talk with him. I -- I think Councilman
18 Mateo had a talk -- a long talk with him, and -- and
19 I would give him a chance.

20 COUNCILMEMBER ANDERSON: Okay. Thank you very much.

21 CHAIR MATEO: Thank you, Ms. Anderson. Additional
22 questions? Thank you, Mr. Vanderbilt.

23 Members, Mr. Vanderbilt was the last
24 individual to testify. And, Mr. Vanderbilt, if you
25 can be sure to fill out your -- your testifying

1 form.

2 With no objections at this point, Members, the
3 Chair would like to close public testimony.

4 COUNCIL MEMBERS: No objections.

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

6 CHAIR MATEO: Thank you very much. And just to provide a
7 response to Mr. Medeiros' questions regarding the
8 tenure on Molokai for that individual, it's
9 14 years.

10 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

11 CHAIR MATEO: Thank you.

12 **ITEM NO. 2(10): NOMINATIONS TO BOARDS, COMMITTEES, AND**
13 **COMMISSIONS (VARIOUS) (C.C. No. 07-7)**

14 CHAIR MATEO: Members, we're going to go right into the
15 agenda and address the first item on the agenda,
16 which is Policy 2(10), Nominations to Boards,
17 Committees, and Commissions.

18 In accordance with the Charter of the County
19 of Maui, Section 13.2.16, January 31st, 2008, Mayor
20 Tavares transmitted the list of nominees to the
21 respective boards, committees, and commissions to
22 this Committee. It is now subject to our review,
23 consideration, and appropriate action.

24 The list of nominees is quite extensive. And,
25 Members, if you recall, Committee Staff had polled

1 the Committee Members to gauge whether or not there
2 was an interest to interview respective nominees.

3 We were not able to get three Members
4 requesting an interview of specific individuals;
5 therefore, no one had been requested to be present
6 for interviews.

7 And, Members, before we go any farther with
8 this particular Committee item, the Chair would like
9 to make it clear this afternoon the Chair's intent
10 is to defer Policy Item 2(10).

11 We virtually have run out of time. This item,
12 however, will be posted on -- on the March 18th,
13 2008, Council meeting, at which time I will ask to
14 discharge the Committee and to vote on the floor.

15 If we do not take this action, the next
16 Council meeting would, therefore, be April 4th, and
17 that would have -- we would have exceeded the
18 deadline required for us to approve or disapprove.

19 So at this time, Members, we will run through
20 the list of nominees for the sake of discussion so
21 we can address issues at this point prior to getting
22 on the Council floor.

23 The Chair does have, representing the
24 Administration, we have Ms. Feenstra. And she did
25 hear the testifier earlier this afternoon,

1 Ms. Kreig, make reference to the Civil Service
2 Commission nominee and if you could provide comment
3 to those concerns expressed by the Director,
4 Ms. Feenstra?

5 MS. FEENSTRA: Good afternoon --

6 CHAIR MATEO: Good afternoon.

7 MS. FEENSTRA: -- Chair and Council Members. I will take
8 the testimony from Ms. Kreig and present it to the
9 Mayor for her to -- to check out and -- and see what
10 she would prefer to do and also ask Council.

11 CHAIR MATEO: Okay. So you will be able to get back to the
12 Chair or the Committee as soon as possible so we can
13 get some kind of an understanding as to the
14 Chair's -- the Mayor's intent at this point to
15 either withdraw or -- or to -- it's too late to
16 resubmit another name at this point, so the --

17 MS. FEENSTRA: Uh-huh.

18 CHAIR MATEO: -- the only -- the only option for the
19 Administration is to just withdraw that name, or we
20 could just deny it.

21 MS. FEENSTRA: I can get with the Mayor to withdraw or
22 if -- if you, as a -- as a Committee, want to deny
23 it, that would be --

24 CHAIR MATEO: Okay. And I think it -- it also is a good
25 opportunity at this point, you know, to be able to

1 be sure you're -- you're -- since you're the one
2 who's going to be dealing with all these boards and
3 commissions from -- from here on end, to be aware of
4 the specific requirements when looking at nominees
5 so we can avoid these issues in -- in the future. I
6 think that might be really helpful to us.

7 MS. FEENSTRA: Okay.

8 CHAIR MATEO: Members --

9 MS. REVELS: Mr. Chair? Mr. Chair?

10 CHAIR MATEO: Go ahead.

11 MS. REVELS: Point of clarification. There is no procedure
12 for the Mayor's Office to withdraw a nomination at
13 this point. The Committee would need to disapprove.

14 CHAIR MATEO: Disapprove it. Thank you. The Chair stands
15 corrected. Thank you, Ms. Feenstra. Okay. Thank
16 you -- thank you, Ms. Revels.

17 Members, we're going to go through this list,
18 this rather lengthy list. But before doing so,
19 Mr. Medeiros, go ahead.

20 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yeah, and
21 I -- I -- I'm sure you would have gotten to -- I
22 wanted to ask Corp. Counsel on the same nominee that
23 you were just discussing with the Mayor's
24 representative if indeed she's a disqualified
25 candidate, or is that Ms. Kreig's recommendation

1 that she not be considered?

2 CHAIR MATEO: Thank you. Corporation Counsel, Ms. Fujita
3 Villarosa?

4 MS. FUJITA VILLAROSA: Mr. Chair, I don't believe my office
5 has had an opportunity to look at this particular
6 issue.

7 I took a look at the State statute, and
8 there's not a -- it's not a clear black-and-white
9 issue. I think that it requires some analysis.

10 Any time you deal with conflicts, it's -- it's
11 -- usually there's some gray area involved so at
12 this time, I -- I wouldn't -- I wouldn't want to
13 make an opinion from the -- from my office. I'd
14 like our office to take a look at it and -- and
15 provide the advice at a later time at the -- maybe
16 at the -- at the next meeting.

17 COUNCILMEMBER MEDEIROS: Okay. Thank you for your
18 response. Mahalo, Mr. Chairman.

19 CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional
20 questions before going through this list? Seeing
21 none, at this time, the Chair will ask our Committee
22 Staff to please go down the -- the listing for us.
23 Ms. Revels?

24 And you can follow along, Members, as we go
25 through this long ordeal.

1 MS. REVELS: Thank you, Mr. Chair. In the first
2 correspondence dated January 31st, 2008, from the
3 Mayor, requesting consideration of the following,
4 nominees to boards, committees, and commissions,
5 requiring Council approval or disapproval within 60
6 days for terms expiring as indicated.

7 First, the Board of Ethics, Michael R.
8 Westfall, replacing Peter Soman, for a term expiring
9 on March 31st, 2010; the Civil Service Commission,
10 Ellen Joy Pelissero, replacing Abe Kaahui, for a
11 term expiring on March 31st, 2011.

12 To the Commission on Naming Streets, Parks,
13 and Facilities, Robert Vafaie, replacing Verna
14 Nahulu, for a term expiring on March 31st, 2010; and
15 Keoni Kaniela Kali, replacing Karen Arakawa, for a
16 term expiring on March 31st, 2010.

17 To the Cost of Government Commission, Gina
18 Marie Flammer, replacing Stephen Goldsmith, for a
19 term expiring on March 31st, 2008; Malcolm Hearne
20 Findley, replacing Keith Moniz, for a term expiring
21 on March 31st, 2008; and Leo Kaniela Caires,
22 replacing Frederic Schwettmann, for a term expiring
23 on March 31st, 2008.

24 To the Council on Aging, Deldrine Manera,
25 replacing Karen Holt, for a term expiring on

1 March 31st, 2009; and to the Maui County Grants
2 Review Committee, R. Susan Rubenstein, replacing
3 Cynthia Arruiza, for a term expiring on March 31st,
4 2008. Correspondence --

5 VICE-CHAIR HOKAMA: Chairman?

6 CHAIR MATEO: Go ahead, Mr. Hokama.

7 VICE-CHAIR HOKAMA: May -- if you would consider us just
8 taking up the first correspondence --

9 CHAIR MATEO: That's fine. Yeah, that will be fine.

10 VICE-CHAIR HOKAMA: -- at this time?

11 CHAIR MATEO: That will be fine. Go ahead.

12 VICE-CHAIR HOKAMA: Chairman, thank you. I would like to
13 bring up the portion under the Maui County Grants
14 Review Committee.

15 I have not met Ms. Rubenstein, and my concern
16 is not whether or not she should be disapproved. My
17 comment is the replacement of the late-Cynthia
18 Arruiza of Lanai, Chairman.

19 It is definitely -- the intent has always
20 been, through our charter and through our
21 ordinances, to try and get as best geographical
22 balance on our boards and commissions.

23 One of the difficulties that I have been made
24 aware of from various administrations is the
25 participation from Lanai. The key issue for

1 participation from Lanai is the difficulty of
2 transportation getting to and from Lanai to Maui for
3 those requirements of attendance.

4 Because we've always asked appoint --
5 nominees, will you make the meetings, can you
6 attend, can you fulfill your responsibilities and
7 obligations that you're going to accept.

8 I bring this up because I, you know, believe
9 we may be able to get better participation from the
10 Island of Lanai if there's ways that we can have the
11 Administration consider trying to find, maybe,
12 adjustments in scheduling and time of boards and
13 commission meetings where we have Countywide
14 representation.

15 If you will look, there is very few Lanai
16 residents that participate on boards and commission.
17 And the primary concern is, one, we basically have
18 no direct air service on a daily basis.

19 You -- as for me, I always have to go through
20 around the horn, which is Honolulu, or for those
21 that wish to, to take the ferry. But that is one of
22 the key considerations I just bring up, and I would
23 ask that the Administration's representative take
24 this back and -- and to have it discussed to see if
25 there's ways.

1 Because one of the things that I have been
2 told was that if there are ways that they can
3 participate or have the meetings scheduled to
4 accommodate their transportation restrictions, if I
5 could use that word, Chairman, it would help us, and
6 particularly me, to solicit more volunteers that
7 would like to serve on County boards and
8 commissions.

9 And so I just share this with the Committee
10 because unlike -- fortunately for you, Mr. Chairman,
11 you have daily morning/afternoon service between
12 Molokai and Maui, direct air service. It is, of
13 course, a convenience not having to go through a
14 different air -- another airport that our Lanai
15 residents would have to go through.

16 So I bring this up, Members, because I would
17 like to have more participation from our residents
18 on Lanai. It has always been brought to my
19 attention this is the number one issue, is how to
20 attend and yet fit that within the restrictions of
21 either sea travel or air travel. Thank you,
22 Chairman.

23 CHAIR MATEO: Thank you, Mr. Hokama. Point -- point well
24 taken. And -- and similar to yourself, one of --
25 one of the neighbor island's biggest problems in

1 filling these positions with our people is
2 oftentimes, they come here and there's not enough --
3 there's no quorum to actually hold the meeting. So
4 they leave, like my island, at 6:55 in the morning,
5 and they got to wait until 5:30 to go home and
6 there's no meeting to -- to come to.

7 So, yeah, the rural areas does have a lot more
8 difficult needs to be addressed when they serve on
9 boards and commissions. Point well taken, and I'm
10 sure Ms. Feenstra will carry the message back and
11 have a discussion with Administration.

12 VICE-CHAIR HOKAMA: Thank you, Chairman.

13 CHAIR MATEO: Mr. Pontanilla, followed by Mr. Medeiros?

14 COUNCILMEMBER PONTANILLA: Based on the comments that --
15 that you and Ms. -- Chairman Hokama made, I don't
16 know if this is proper, but in regards to the
17 meeting itself, does the commissioner need to be,
18 you know, meeting face-to-face with the rest of the
19 Commission, or can the commissioner, maybe, from
20 Hana, Molokai, Lanai or even here, you know, the
21 other parts of Maui, attend the meeting via
22 teleconference?

23 CHAIR MATEO: Uh-huh.

24 COUNCILMEMBER PONTANILLA: I -- I don't know if -- if it's
25 okay or -- or maybe Corporation Counsel can provide

1 us with a comment in regards to teleconferencing
2 for, you know, commissioners that can't readily fly
3 to Maui or -- or travel from Hana to -- to Wailuku
4 or wherever the meeting is located.

5 CHAIR MATEO: Corp. Counsel, would you be able to provide a
6 response?

7 MS. FUJITA VILLAROSA: Mr. Chair, I was trying to look up
8 the provision real fast in HRS, but there is a
9 provision that allows for a tele --
10 videoconferencing.

11 COUNCILMEMBER PONTANILLA: Videoconferencing.

12 MS. FUJITA VILLAROSA: Not telephone conference.

13 COUNCILMEMBER PONTANILLA: Okay.

14 CHAIR MATEO: Thank you. Additional questions,
15 Mr. Pontanilla?

16 COUNCILMEMBER PONTANILLA: Yeah. I -- I -- I don't know if
17 any of those islands or Hana, for example, do have
18 videoconferences -- videoconferencing capabilities
19 or even Maui County, so maybe that's something that
20 we need to take a look at. Thank you.

21 CHAIR MATEO: Thank you, Mr. Pontanilla. Mr. Medeiros?

22 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yeah.

23 Under that first grouping, which is Roman numeral I
24 and under B, Civil Service Commission, so do we also
25 have to now, under Ms. Kreig's description of her

1 not recommending the other Civil Service Commission
2 person, would also Ellen Joy Pelissero also be under
3 that consideration?

4 Because she also works for government, and she
5 works for DLNR, which I'm sure she's a union member
6 which was the concerns of Ms. Kreig because of the
7 negotiations with the unions, so does the Mayor
8 Office also have to look at her?

9 CHAIR MATEO: Thank you. Ms. -- Ms. Feenstra, would --
10 would you be aware?

11 MS. FEENSTRA: I think I should probably look at her
12 application to see if -- if she is working for DLNR.

13 COUNCILMEMBER MEDEIROS: Well, on -- on her application, I
14 don't know what -- what date this was done, this was
15 a year ago in January, she listed her position as
16 DLNR working for KIRC, which is the Kahoolawe Island
17 Reserve Commission, and DLNR is a State, you know,
18 department.

19 MS. ANDERSON: She still does.

20 MS. FEENSTRA: She still does?

21 CHAIR MATEO: Ms. Anderson?

22 COUNCILMEMBER ANDERSON: Yeah. I saw her at lunch a week
23 or so ago, and she still does work for KIRC.

24 CHAIR MATEO: Thank you.

25 MS. FEENSTRA: Oh, okay.

1 CHAIR MATEO: Well, Ms. Feenstra, if you can follow up and
2 get back to this Committee. I would be surprised,
3 then, why the Director would come up and just
4 reference one individual instead of -- instead of
5 both of 'em.

6 COUNCILMEMBER PONTANILLA: Chairman?

7 CHAIR MATEO: Yeah, go ahead.

8 COUNCILMEMBER PONTANILLA: I -- I think the Director was
9 trying to point out that because the employee does
10 report to her department, that it seems that, you
11 know, kind of, you know, now I -- I have this
12 opportunity to look at my boss in a different light.

13 So, you know, trying to get away from that,
14 you know, I'm your boss today and then, you know,
15 when I do meet as a civil service commissioner, you
16 know, tables are turned around, yeah? Thank you.

17 CHAIR MATEO: Yeah. Point well taken, Mr. Pontanilla.
18 Thank you.

19 Members, additional questions on this first
20 listing of nominees? Thank you. Ms. Revels, can
21 you continue?

22 MS. REVELS: The second correspondence is also dated
23 January 31st, 2008, from the Mayor, requesting
24 consideration of the following, nominees to boards,
25 committees, and commissions, requiring Council

1 approval or disapproval within 60 days for terms
2 expiring on March 31st, 2013, unless otherwise
3 indicated.

4 First, the Affirmative Action Advisory
5 Council, Jon Schlobohm; second, to the Board of Code
6 Appeals, Herman Nascimento; to the Board of Ethics,
7 Marti Wukelic and Gretchen Guy, who's a
8 reappointment; to the Board of Variances and
9 Appeals, Kevin Tanaka and Sandra Lee Duvauchelle; to
10 the Board of Water Supply, Ted Yamamura and Scott
11 Luck, who's a reappointment; the Civil Service
12 Commission, Paula Heiskell; to the Commission on
13 Children and Youth, Lis Richardson, Ailina Laborte,
14 Edward Garcia; to the Commission on Culture and the
15 Arts, Craig Gardner and Randi Pack; to the Cost of
16 Government Commission, Robert George Hill, III, for
17 a term expiring on March 31st, 2010, and Craig
18 Conway Anderson, for a term expiring on March 31st,
19 2010; to the Council on Aging, Douglas Scott Harr
20 and Marlene Young, who is a reappointment; to the
21 Fire and Public Safety Commission, Kevyn Correa; to
22 the Hana Advisory Committee, Tina-Marie Kahula; to
23 the Civil Service Commission -- oops, sorry.

24 To the Liquor Control Adjudication Board,
25 Jason Harvey Medeiros and Ralph Norio Masuda; to the

1 Liquor Control Commission, James Takeshi Viela and
2 Henry Kauka, Jr., reappointment; to the Maui County
3 Cultural Resources Commission, Raymond Hutaff; to
4 the Maui County Grants Review Committee, Phyllis
5 Sato; to the Maui County Outdoor Lighting Standards
6 Committee, Joseph Ritter, for a term expiring on
7 March 31st, 2010, Sye Vasquez, for a term expiring
8 March 31st, 2010, and Delilah Dela Rosa Salcedo, for
9 a term expiring March 31st, 2009; to the Maui
10 Planning Commission, Donna Lee Domingo and Kent M.
11 Hiranaga, reappointment; to the Molokai Planning
12 Commission, Lori Buchanan and Donald Williams; to
13 the Police Commission, Kirk Tanaka and David
14 Jorgensen; to the Real Property Tax Review Board,
15 Susanna Sato; to the Salary Commission, Monica
16 Revells; to the Subdivision Engineering Standards
17 Committee, Chadwick Ken Fukunaga and Edward Thomas
18 Lewicke.

19 Nominees to boards, committees, and
20 commissions, requiring Council approval or
21 disapproval with no time limitations for terms
22 expiring on March 31st, 2013.

23 To the Kula Agricultural Park Committee,
24 Norman Masato Nagata; to the Maui Redevelopment
25 Agency, Katharine Olga Popenuk; and to the Urban

1 Design Review Board, Linda Jean Berry, an alternate
2 member.

3 Nominees to boards, committees, and
4 commissions, appointed by the Mayor with notice to,
5 but without approval by, the Council for terms
6 expiring on March 31st, 2013, unless otherwise
7 indicated.

8 To the Committee on Status of Women, Paulette
9 Ann McFaul, replacing Emma Fay, for a term expiring
10 on March 31st, 2010; to the Maui County Arborist
11 Committee, Monroe Thomas Bryce; and to the Traffic
12 Safety Council, David John Peterson.

13 CHAIR MATEO: Okay. We'll stop there. Members, any
14 questions for any of those that we just read?
15 Ms. -- Ms. Johnson, go ahead.

16 COUNCILMEMBER JOHNSON: Yes. I -- I just wanted to ask
17 Marian about some of, I guess, the boards and
18 commissions in terms of their balance.

19 And particularly I'm looking at -- I just
20 looked through the applications, and we have a
21 number of people involved in the realty business
22 throughout many of our boards and commissions.

23 So I just want to understand how are these
24 nominees coming forward, are -- is there a blue
25 ribbon panel, are -- are they just being picked by

1 the Mayor?

2 CHAIR MATEO: Ms. Feenstra, would you be able to respond?

3 MS. FEENSTRA: Well, the Mayor makes the selections. The
4 applications come in via either the advertisement
5 that we've done in the paper or from the radio ads
6 that we had, and we do e-mail to other groups.

7 I think I've talked to several, well,
8 Directors and Members of Council, especially for,
9 like, Lanai and Molokai and Hana for applicants.

10 So from that pool of applicants, we create a
11 list of, you know, people prioritized exactly what
12 commission or committee or board they want to be on,
13 and we go from there and then we try to balance it
14 out as best we can with the number of applicants we
15 have.

16 COUNCILMEMBER JOHNSON: Okay. And -- and how many people
17 do you generally send rejection letters to?

18 MS. FEENSTRA: I think we may have sent about 90 rejection
19 letters this time.

20 COUNCILMEMBER JOHNSON: Okay. And of those 90 rejection
21 letters that you send out, do you offer, perhaps,
22 another board or commission or -- you know, because
23 obviously, these people are expressing an interest
24 in coming on a board or a commission. Even though
25 they list their priorities, you know, they're people

1 that obviously have come forward to serve in some
2 capacity.

3 So do you make any attempt to at least solicit
4 their feedback on whether or not they would be
5 interested in any other board or commission once you
6 list which ones are available?

7 MS. FEENSTRA: Yes. Yeah. A lot of people, if they --
8 especially on their applications if you notice that
9 they only want one particular board or commission,
10 they're pretty set on that because I have called
11 quite a few of those to see if they'd be interested
12 in another board or commission. I can't say that
13 I've called every single one --

14 COUNCILMEMBER JOHNSON: Uh-huh.

15 MS. FEENSTRA: -- because of time constraints, but I have
16 called numerous people to see if they would be
17 interested in another board or commission, depending
18 on their application and where I think -- you know,
19 from the application you don't know everything about
20 a person, but it gives you a little something to go
21 by.

22 COUNCILMEMBER JOHNSON: Uh-huh.

23 MS. FEENSTRA: So I -- I have done that and then I would
24 let the Mayor know that that person was also
25 interested in another board or commission.

1 COUNCILMEMBER JOHNSON: Okay. And -- and about how many
2 applications do you get as a general rule when --
3 let's say on the second batch that we're going
4 through, you know, several hundred, or...

5 MS. FEENSTRA: We received about 150 applications, and we
6 had applications from last year also.

7 COUNCILMEMBER JOHNSON: Uh-huh.

8 MS. FEENSTRA: And then since we closed, kind of officially
9 closed the applications so we could make the
10 selections on January 18th, I've received another 20
11 applications.

12 So I'm keeping it open. I want to continue
13 recruiting and have it be open recruiting throughout
14 the year because we do get people that resign for,
15 you know, different reasons because a lot of the
16 terms are five-year terms, which is difficult for
17 someone to always commit to.

18 So, I mean, there's definitely room for
19 improvement and, you know, I kind of just inherited
20 this from -- from Diane, and she did the best she
21 could to get me up to speed, but I think next year
22 will be better.

23 COUNCILMEMBER JOHNSON: Okay. With regard to the Planning
24 Commission, I know when Councilmember Tavares was,
25 you know, there as opposed to Mayor Tavares,

1 particularly on Planning, she was always very
2 careful not to place people on a board, and
3 particularly Planning, because that -- you know,
4 you're making land use decisions, where many times
5 there are financial gains either for the companies
6 that you're affiliated with, representation that you
7 actually are involved in with regard to unions,
8 industry, and even I guess you would say geographics
9 because we try to represent each community.

10 But Mayor Tavares, in a conversation I had the
11 other day, I -- I -- I questioned her about did she
12 have a change in philosophy with regard to the
13 Planning Commission only because when you look at
14 conflict of interest or potential for conflict of
15 interest, I really want to see that that's being
16 done.

17 And I see on the Planning Commission that we
18 now have -- if one of the individuals is affirmed,
19 we would now have two union representatives on the
20 Planning Commission. And in the past, you know,
21 there has been this indication of not putting people
22 in a potential of conflict. So we would have ILWU,
23 and we would also have the Carpenters Union.

24 So have you discussed that, I mean, in terms
25 of balance? Because right in the -- you know,

1 right -- right in the boards and commissions, it
2 says, you shall seek to maintain balance to prevent
3 conflict of interest essentially, and it says, no
4 one should engage in any business transaction or
5 activity, have a financial interest, direct or
6 indirect, which is incompatible with the discharge
7 of their official duties or which may tend to impair
8 their judgment in the performance of their official
9 duties.

10 So I'm -- I'm just looking at the Maui
11 Planning Commission and seeing if that analysis and
12 that past practice is now being adhered to.

13 MS. FEENSTRA: Well, that -- the decisions were the Mayor's
14 decision, they weren't mine, so I wouldn't be able
15 to speak on that, you know, how she came about her
16 decision.

17 However, this group can -- can deny her choice
18 or her selection, which is what the process, you
19 know, is for. So I -- I know I didn't answer your
20 question, but I did the best that I could.

21 COUNCILMEMBER JOHNSON: No, that's okay. And I realize
22 you're new to the process, too.

23 The -- the information, Mr. Chair, that I
24 would like to have -- because obviously, we're
25 trying to -- and right in our charter it says,

1 geographic representation, and I know it's always
2 been a concern for Molokai, Lanai. We try to
3 represent the various geographic areas, but also
4 because of past queries that have been made about
5 people who've been appointed to boards or
6 commissions or statements that they made subsequent
7 to their being appointed to those commissions, it
8 was always my understanding that there should be
9 balance and representation throughout all spectrums,
10 both employment, geographic, and whatever.

11 So, Mr. Chair, I would like to see if we could
12 get a list of where the individuals, in what
13 district they're representing, you know. So in
14 other words, if -- obviously Molokai and Lanai have
15 different area, but is South Maui, you know, who is
16 the person that lives in that geographic area. And
17 I would also like to know the occupations of all of
18 the individuals who are currently on the boards --
19 or at least the Maui Planning Commission.

20 COUNCILMEMBER VICTORINO: Mr. Chair?

21 CHAIR MATEO: Mr. Victorino?

22 COUNCILMEMBER VICTORINO: Yes. I'm not too happy in what I
23 just heard, but that's fine. I respect my
24 colleagues and their opinions so I'm going to give
25 you mine.

1 First of all, the person in question, the
2 young lady lives in the Kihei area, is an ILW
3 member, which we have over 8,000 of them, and I do
4 not think when people start saying because you
5 belong to a union that you cannot be on a
6 commission, especially Planning because there's two
7 union Members, excuse me.

8 The unions are our backbone. These are our
9 working people. These are the people that make what
10 Maui County is all about. And to say that they're
11 not qualified or that you have a conflict, bothers
12 me immensely.

13 And I don't care who on this Council, I will
14 challenge that any time, any place. I take that
15 very personal, and I'm not one to say much in that
16 area unless I get and I feel real strongly about it.

17 This young lady I've known for many years.
18 Has worked hard in this community. Lives in Kihei,
19 which is South Maui if I last recall. If you look
20 at the address, you would have known that.

21 But the most important thing is just because
22 you belong to a union eliminates you from any
23 commission, whether it's Planning, whether it's
24 anyone, is very appalling in my mind.

25 There's 8,000 of those members out there. And

1 in this community, we have well over 17,000 union
2 members in all the various unions. If we ever had
3 to do that, we'd eliminate getting anybody for
4 boards and commissions.

5 So I think if you've got a quandary with
6 somebody about something, let's not make it unions
7 first and foremost. If you've got a quandary about
8 our district where they live, fine. I've just
9 answered that question.

10 She's female, and I like this young lady.
11 I've known her for many years. I think she brings
12 balance in that area as a female.

13 So, Mr. Chair, I think when some Members start
14 to bring that up, I cannot sit aside and not say
15 something. I am sorry if I got a little -- a little
16 uptight, but I didn't -- I don't like those
17 comments. I don't think they're fair.

18 You got a problem with a person, that's one
19 issue; but because they're a union member, that
20 bothers me immensely because these people are our
21 people. They work hard. They make this economy go.
22 They make this whole country go, this State and this
23 County, and I will not back off of that. Thank you,
24 Mr. Chair.

25 CHAIR MATEO: Thank you -- thank you, Mr. Victorino.

1 Member -- Members, additional comments before
2 recognizing Mr. Medeiros?

3 Ms. Johnson, also, there -- there currently is
4 the -- the current list of boards and commissions
5 that are all broken down exactly by district area,
6 etc., so that is already available with the existing
7 appointments.

8 COUNCILMEMBER JOHNSON: And -- and that's in our binder?

9 CHAIR MATEO: I don't believe it's currently in the
10 binders, but it's been circulated to all of the
11 Members. It's been periodically updated so we do
12 have --

13 COUNCILMEMBER JOHNSON: Okay. I will try and -- and locate
14 that. And with regard to the comments of my fellow
15 Council Member, I think that what ends up happening
16 is on every board or commission, we try very hard to
17 strive for balance.

18 The Planning Commission has authority over
19 coastal zone management issues. It is extremely
20 important that that Board, particularly Maui
21 Planning Commission, be balanced so as not to unduly
22 represent any sector or segment.

23 There are a number of Realtors, there are a
24 number of individuals that represent construction
25 interests. I think that what we have to do, if

1 we're going to actually discharge our responsibility
2 and look at balance -- and people were extremely
3 critical of comments that were made by one of the
4 commissioners because people thought it was
5 prejudicial or biased.

6 What ends up happening is you have to go into
7 that commission with no bias. Under past
8 questioning, I can show you comments that were made
9 by individuals during that particular hearing, where
10 Council Members questioned at length because there
11 may be a potential conflict and then the person and
12 some of the same individuals who launch criticism at
13 individuals who we've interviewed, they come later
14 on and they make comments and then people say, well,
15 they're biased or they're prejudiced.

16 So what I'm trying to achieve is some type of
17 balance and equity for the public. It's not that we
18 have every single economic sector represented on the
19 Planning Commission. There should be balance, and
20 there should be no predetermined, prejudicial kind
21 of attitudes coming to that commission.

22 And I have not seen that, Mr. Chair, and
23 that's why I'm asking the questions. Who is
24 representing the average citizen, or who is adhering
25 to coastal zone management laws. So it's about

1 balance.

2 And I believe that that is the point that I'm
3 making. It's not that unions are bad. It's that
4 when you have any segment on any board or commission
5 that unduly influences and fails to do a job that
6 they are charged with, which is the responsibility
7 of particularly Maui Planning Commission, you do not
8 get decisions that represent the best interest of
9 the public.

10 And I have seen far too much of that lately,
11 and it's very upsetting to me. It's just as much
12 upsetting to me that people say something in
13 interviews and then they do something entirely
14 different, and they make statements at the Planning
15 Commission that are exactly the opposite of what was
16 stated here to the Council. And that's my point,
17 not about unions or antiunion.

18 CHAIR MATEO: Thank you, Ms. Johnson. Members, additional
19 questions? Mr. -- Mr. Medeiros, go ahead.

20 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yeah, for
21 the Administration, when you get applicants
22 submitted to the Mayor's Office, does the Mayor or a
23 Mayor representative interview those applicants
24 either by phone or in person?

25 CHAIR MATEO: Ms. Feenstra?

1 COUNCILMEMBER MEDEIROS: And the reason I ask that is
2 because on your application form, there isn't a
3 section that asks how committed the applicant is to
4 attend meetings so that there would be a quorum most
5 of the time.

6 MS. FEENSTRA: If -- if Mayor didn't know someone and
7 needed to interview them or had questions, yes,
8 she -- she would call and interview.

9 What I did after she had selected her nominees
10 is I personally called each person and spoke with
11 them about the nomination, explained the process
12 that it was a nomination; however, it still needed
13 to go through Council for approval.

14 COUNCILMEMBER MEDEIROS: Uh-huh.

15 MS. FEENSTRA: And at that time, I let them know how many
16 years that they needed to serve for and that we were
17 looking for people that could -- could serve that
18 term.

19 I also let them know what -- you know, how
20 many hours of service it would be a month, you know,
21 because some are a lot more than others, the amount
22 of time they would need to dedicate so that I could
23 get a clear understanding and they could have a
24 clear understanding as to what they were getting
25 themselves into, so to speak.

1 Mayor was also concerned with first-time
2 persons, you know, if the -- some people, the first
3 time, they want to go on the Planning Commission.
4 That's kind of a hefty goal for the first time
5 you're ever on a board or commission.

6 So -- but other than that, you know, I did
7 call each person to make sure, number one, they were
8 still interested and, you know, what it entailed and
9 what days that they met.

10 COUNCILMEMBER MEDEIROS: Okay. But you do that after the
11 Mayor has made her selection?

12 MS. FEENSTRA: When the Mayor notifies me of the selection,
13 then I would call them and ask them if they were
14 still interested in being nominated prior to letting
15 you folks know.

16 COUNCILMEMBER MEDEIROS: I see. Okay. I was just thinking
17 that probably the interview you spoke about that you
18 have with them on the phone would be a good
19 screening process prior to the Mayor making the
20 selection so she would have that information. So
21 just a suggestion to, you know, the Mayor's Office.

22 And the other thing is, yeah, the -- the
23 concern that, maybe, some people applying for boards
24 and commissions, and we certainly need a lot of them
25 to fill all the boards and commissions, but, you

1 know, some people may be applying without the
2 commitment to make as many meetings as they can
3 and -- and then, you know, we suffer not having a
4 quorum for certain meetings.

5 So if that can be expressed and impressed to
6 them, that would be helpful, I think. And, again,
7 you know, like you say, sometimes there's a concern
8 about which commissions they're applying for and
9 their background and experience in being somebody
10 qualified or capable to serve on that particular
11 commission.

12 And -- and just one last thing is there's
13 times when people want to get on these boards and
14 commissions because it helps their resume to put
15 that, you know, they were on the Planning or Police
16 Commission and so forth, so I just want to be sure
17 that, you know, that's -- there's an awareness of
18 that. Thank you. Mahalo, Mr. Chairman.

19 CHAIR MATEO: Thank you -- thank you, Mr. Medeiros.

20 Mr. Hokama?

21 VICE-CHAIR HOKAMA: Chairman, I just put forward a
22 consideration to you for -- to deliberate on. You
23 know, we're here to either have issues with a
24 nominee and make our decisions whether we're going
25 to disapprove or approve.

1 If the Committee is interested in how a name
2 gets selected to be sent down to this Committee for
3 consideration, I think that should be a separate
4 Committee item, okay?

5 And, again, we -- we also will take into
6 account the prerogative and authority of the Mayor
7 to have her decision or to have her nominees sent
8 forward. That is for, to me, another day.

9 What we are here is to make decisions on
10 whether or not we're going to approve or disapprove
11 people. There's a clock running; and if we take no
12 action, the majority or almost all appoint --
13 nominees will be approved. That is what we need to
14 work on this afternoon, Mr. Chairman, and that would
15 be my suggestion.

16 I would just make one request to Ms. Feenstra,
17 as the Administrative representative, that as part
18 of some of the comments made by Ms. Kreig, that
19 prior to this moving to either another Committee
20 meeting or if this moves to Council if -- if
21 discharge is approved, that you are able to respond
22 whether or not, one, there are issues with any
23 County employee or government employee that's being
24 nominated to serve on a specific board or commission
25 and whether or not there is an issue for the

1 Committee or the Council to take upon prior and
2 final decision making. That would be my request to
3 you, Chairman. Thank you.

4 CHAIR MATEO: Thank -- thank you, Mr. Hokama.

5 Ms. Feenstra, you had understood the -- the request
6 by Chairman?

7 MS. FEENSTRA: Yes, I did.

8 CHAIR MATEO: Thank you very much. Members, additional
9 questions on -- on this -- this next section we're
10 looking to? Go ahead.

11 COUNCILMEMBER JOHNSON: Yes, Mr. Chair. So are we going to
12 act today, or are we going to defer this?

13 CHAIR MATEO: The Chair's intent will be to defer this.
14 The Chair would like to go through as much of the
15 discussion as possible at this point so when it does
16 get to the next stage, then we'd be able to not --
17 not engage the Committee discussion all over again.
18 Go ahead, Ms. Anderson.

19 COUNCILMEMBER ANDERSON: Thank you, Chair. So, basically,
20 the only person we have here to ask any questions of
21 is Ms. Feenstra?

22 CHAIR MATEO: She's the only one from the Administration
23 that does the selection --

24 COUNCILMEMBER ANDERSON: And -- well, what I mean is that
25 there's no nominees here so basically -- and -- and

1 she didn't interview any of them, that was done by
2 the Mayor if she didn't know them so -- and -- and
3 it is your intent to defer this and take it up on
4 the Council floor on the 18th --

5 CHAIR MATEO: Right.

6 COUNCILMEMBER ANDERSON: -- where we will then vote, is
7 that correct?

8 CHAIR MATEO: Right. Correct.

9 COUNCILMEMBER ANDERSON: Okay. Then I only have one
10 question for Ms. Feenstra, and that is of the 90
11 rejection letters that you sent, you said you had
12 150 applications received prior to these
13 transmittals and that 90 received rejection letters.

14 Were the rejection letters written in a way
15 that said we'll consider you in the future?

16 MS. FEENSTRA: Definitely and that we would keep their
17 application on file --

18 COUNCILMEMBER ANDERSON: Okay. That's great.

19 MS. FEENSTRA: -- and consider them for --

20 COUNCILMEMBER ANDERSON: So -- that's helpful for us, too,
21 to know because if there are any nominees that don't
22 make the cut, so to speak, then we know that there
23 are people that the Mayor could call on to fill in.

24 MS. FEENSTRA: I have a real fat binder of people.

25 COUNCILMEMBER ANDERSON: Excellent. Okay. Thank you,

1 Chair.

2 CHAIR MATEO: Thank you, Ms. Anderson. Additional --

3 COUNCILMEMBER ANDERSON: And -- and I must say, if I can
4 just throw this in, it's encouraging to see so many
5 people applying. This is difficult no matter what
6 board you're on --

7 CHAIR MATEO: Yes.

8 COUNCILMEMBER ANDERSON: -- to make this kind of personal
9 commitment of -- of time that in this day and age
10 many of us don't have much extra time left.

11 So I just would like to thank everyone who
12 applied and even those who didn't, you know, get on
13 the list this time. Because a lot of people have we
14 -- as we have seen, you know, come with good
15 intentions and then they find out it's more time
16 than they can possibly give.

17 And -- and it's not just going to the
18 meetings, it's doing your homework, too, so then
19 they have to resign and so it's nice to know that we
20 have people, you know, backup people that are
21 willing to serve.

22 So I just want to send out a thank you to
23 everyone who took the time to apply. And if you
24 didn't get selected this time, you know, don't be
25 disheartened because there's so many -- only so many

1 positions. So thank you, Chairman.

2 CHAIR MATEO: Thank you, Ms. Anderson. Mr. Molina?

3 COUNCILMEMBER MOLINA: Yeah. Thank you very much,
4 Mr. Chairman. Essentially want to keep my comments
5 or question, if you will, to what's on the agenda
6 here today in terms of since the topic came about,
7 the amount of rejections for these boards and
8 commissions we're considering.

9 You -- you mentioned there was 90,
10 Ms. Feenstra. Can you tell us at this time which --
11 the majority of the applicants for these boards and
12 commissions were for which commission or board,
13 would that be Planning? I guess probably more than
14 likely for some of the very high-profile commissions
15 or boards?

16 MS. FEENSTRA: Yeah, it was for the high-profile
17 commissions and boards where we only had maybe
18 one -- one person or two persons --

19 COUNCILMEMBER MOLINA: Uh-huh.

20 MS. FEENSTRA: -- and you have a list of 20 to 30
21 applicants for two positions.

22 COUNCILMEMBER MOLINA: And can you tell us at this time
23 which specific board or commission had the most
24 applicants?

25 MS. FEENSTRA: The high numbers are with Planning

1 Commission, Police Commission, Fire and Public
2 Safety, and Liquor Commission.

3 COUNCILMEMBER MOLINA: Okay. And I know it's a -- it's a
4 --

5 MS. FEENSTRA: Those are the popular ones.

6 COUNCILMEMBER MOLINA: And I know it's sort of an ironic
7 twist. We're having a tough time filling the other
8 commissions and boards, you know, but it seems like
9 the very -- I guess commissions that are always in
10 the news a lot, that seems to get a lot of interest.

11 But I guess for a lot of folks out there that
12 could echo that sentiment, maybe you need to try and
13 look in other -- at other boards and commissions,
14 sort of get your feet wet first, and then maybe you
15 could at a later point apply for some of our
16 high-profile commissions so -- anyway, Mr. Chair, I
17 just want to say that I'm ready for your
18 recommendation at this point. Thank you.

19 COUNCILMEMBER VICTORINO: Mr. Chair?

20 CHAIR MATEO: Thank you, Mr. Molina. Mr. Victorino?

21 COUNCILMEMBER VICTORINO: Yeah. And so that I understand
22 the process first and foremost, we -- if we defer
23 this, that means at our next Council meeting, this
24 would come out on the floor for us to decide on all
25 these various nominations. So we would have no

1 Committee work, it would come straight to the floor
2 and we'd decide on the floor?

3 CHAIR MATEO: Basically, yes.

4 COUNCILMEMBER VICTORINO: Okay. That was just so I got
5 that clear.

6 And secondly, I'll say that I, too, had
7 applied for boards and commission -- in fact, the
8 first one was Police, and I got rejected. But there
9 was a nice letter, said, you know, we'll keep you on
10 file and all that so I have the reject letter at
11 home so I understand how that works.

12 And the next time I applied for Planning
13 Commission, I was rejected again so, you know, I
14 know rejection. I understand that part, you know,
15 and I wasn't doing it for my resume. It was more
16 for -- for the purpose of serving this Community.

17 So the third time, and I guess that's the
18 charm, I got -- I applied for the Water Board, and I
19 made that one, see, so I guess it takes a while to
20 get selected. You know, I went through two
21 different Mayors, Lingle, as well as Apana, before I
22 got selected and that's the way life is.

23 But, you know, again, I -- I -- I know
24 everyone wants balance, you know. Everyone wants
25 geographical balance so that we don't leave any

1 particular region out. We want balance as far as
2 our Community is concerned, and I'm still very
3 adamant about that.

4 The balance, if you really wanted balance, it
5 would be nice to get more working people, the
6 everyday people to be on these boards and
7 commissions, but I'm going to tell you the vast
8 majority will not apply. They don't have the time.
9 They can't take four, five, six hours of their day
10 to come to a board or commission meeting.

11 And for those coming from the outlying
12 districts, whether they're Hana, Molokai, or Lanai
13 or even West Maui or South Maui, that's a trek to
14 get over here and go to these meetings. And I had
15 been to meetings, Mr. Chair, I will admit, gone to
16 meetings we had no quorum so then that's another
17 frustrating situation.

18 But all said and done, I think the balance --
19 and I -- and I want to give one more -- one more
20 statement to the Mayor. I think this Administration
21 has continuously demonstrated the rationale of being
22 balanced.

23 As my colleague says, she thinks she's not
24 being balanced. Well, we all take different
25 perspectives. I believe this -- this Administration

1 has tried. Now, it's not always available, it's not
2 always possible, but I think the intent is there.

3 CHAIR MATEO: Uh-huh.

4 COUNCILMEMBER VICTORINO: That much I'll give the
5 Administration that. And I am not one to guess what
6 the Mayor is thinking on any one of her appointees.
7 I think she does a good job. And the only way
8 somebody can talk about who's this and who's that,
9 is go sit in that chair.

10 CHAIR MATEO: Okay.

11 COUNCILMEMBER VICTORINO: And I don't want the chair, I
12 tell you guys now, but go sit in that Chair and try
13 to make these decision. It's not easy, so --

14 CHAIR MATEO: Thank you, Mr. Victorino.

15 COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

16 CHAIR MATEO: Okay. Members, we still have one more group
17 left.

18 UNIDENTIFIED SPEAKER: Right.

19 CHAIR MATEO: Are there any more questions or issues on the
20 nominees that was read off a little bit ago?
21 Hearing none, we're going to ask Staff to continue
22 the third group. Ms. Revels?

23 MS. REVELS: Thank you, Mr. Chair. There have been
24 correspondence dated February 15th, 2008, from the
25 Mayor, requesting consideration of the following,

1 nominees to boards, committees, and commissions,
2 requiring Council approval or disapproval within 60
3 days, for terms expiring as indicated.

4 First, the Affirmative Action Advisory
5 Council, Karleen Hultquist, replacing Rudolpho Rudy
6 Esquer, for a term expiring on March 31st, 2010; to
7 the Cost of Government Commission, Ronald Vaught,
8 replacing Sharron Courter, for a term expiring on
9 March 31st, 2009; and lastly, to the Maui County
10 Commission on Persons with Disabilities, John
11 Briley, replacing Don Reaser, for a term expiring on
12 March 31st, 2011, and Charlotte Seales, replacing
13 Kealoha Laemoa, for a term expiring on March 31st,
14 2012.

15 CHAIR MATEO: Thank you, Ms. Revels. Members, questions or
16 issues with any of those names, those nominees just
17 read off by Staff? Thank you very much.

18 Again, Members, at this point, we do know that
19 we will be getting some communications back from
20 Ms. Feenstra regarding some of the issues that was
21 raised by the Members this afternoon.

22 Once again, the -- I -- I indicated the
23 Chair's direction early on in the meeting. And at
24 this point, Members, if there's no objections, the
25 Chair would like to defer Policy Item 2(10).

1 COUNCILMEMBER VICTORINO: No objections.

2 VICE-CHAIR HOKAMA: Chairman?

3 CHAIR MATEO: Mr. Hokama?

4 VICE-CHAIR HOKAMA: Before you defer, I would just state
5 that I believe there are some very excellent
6 nominees. On the last list, I have had the
7 privilege of working with Dr. John Briley on the
8 Imua Board, the nonprofit board.

9 I appreciate Dr. Briley's continued
10 willingness to volunteer. He's a very, very busy
11 man. He -- his -- his volunteerism for our youth,
12 particularly our pre-elementary school-aged children
13 is very, very commendable. I would like to, at this
14 time, express my support and thanks to Dr. Briley
15 for his continued service to the community.

16 And since more than likely, and I -- I can
17 tell the Members it has been posted for
18 consideration of discharge of this Committee's
19 responsibility that will be on the next Council's
20 agenda so I'll make my statements now, Mr. Chairman,
21 very -- very short and concise.

22 The concern about who is nominated for various
23 boards and commission, Mr. Chairman, if you will
24 note, it is -- many of the requirements and
25 parameters are by either County, Maui County Code

1 through an ordinance approval by Council or by the
2 Charter of what types of disciplines, what types of
3 specific requirements a specific board or commission
4 requires for participation. And that is in our Code
5 or in our Charter.

6 Those things definitely comes into
7 consideration before the Mayor or Administration can
8 send a name down for a nominee. They must be in
9 compliance with those already specific policies set
10 by the people through the Charter or by the Council
11 through its ordinances. Those, I believe, can be
12 verified by our Staff with no -- with no problems.

13 I would also state, Mr. Chairman, that some of
14 the other considerations that I would hope that
15 maybe eventually we might want to take up is, again,
16 the options of how we can conduct our boards and
17 commission meetings.

18 I believe Corp. Counsel did make a comment
19 about videoconferencing, but there are issues with
20 that, too, particularly if you lose the video
21 portion of the videoconferencing and whether or not
22 you can still continue to conduct a meeting and
23 eventually even make decision making.

24 So those -- those are things that I believe
25 Mr. Pontanilla brought up that has merit. We should

1 consider how to increase participation in our
2 County's residents, particularly from our rural or
3 outlying sister districts, because we do have people
4 who want to participate and, again, part of the
5 issue is not necessarily (inaudible). It's the time
6 of the meeting and the day of the meeting.

7 And I know we try to schedule well with
8 Council's standing committees because Corporation
9 Counsel cannot be at two or three places at once,
10 nor our planners can be at two, three places at once
11 or -- or various Staff requirements of the various
12 departments.

13 I would think that maybe one of the ways that
14 I would ask -- and -- and I bring it up under this
15 discussion at this time, Chairman, before the
16 deferral is that it may be beneficial and for us to
17 budget appropriately, and that can come under
18 Mr. Pontanilla's budget review, is to place
19 sufficient funds where the boards and commissions
20 would be required to go to the various different
21 regions either once a year or once a term so that a
22 board or variance meeting may be held on Molokai
23 within a two-year term. A commission on disability
24 will come to Lanai within a two-year term so that
25 actual meetings of our various decision-making

1 boards and commissions can go throughout the County
2 and get maybe more public participation, as well as
3 input on how it directly relates to specific regions
4 of our various -- of our various diverse
5 communities.

6 That is just suggestions I offer now, and I
7 thank the Members for allowing me to state this
8 because more than likely, I'll be listening to all
9 of your comments during the Council meeting. Thank
10 you, Chair.

11 CHAIR MATEO: Thank you very much, Mr. Hokama. Members --
12 go ahead, Ms. Johnson.

13 COUNCILMEMBER JOHNSON: Yes. I -- I did get a copy in the
14 interim of the listing for the Planning Commission,
15 and there is no space for the occupation of the
16 individuals.

17 But, you know, I pretty much know what the
18 individuals do, but I noted that there are three
19 people -- you know, assuming that the two nominees
20 move forward, there would be three people from Paia,
21 two from Wailuku, one from Kihei, one from Kula, and
22 one from Hana. So that is, you know, what I'm
23 talking about and -- you know, in terms of balance.

24 And the other thing, we have one, two, three,
25 four, five, six people that are -- either have been

1 involved, are currently involved, or their
2 occupation is such that they would be involved in
3 development or construction. So that's what I'm
4 talking about when I'm talking about balance.

5 CHAIR MATEO: Okay.

6 COUNCILMEMBER JOHNSON: Thank you.

7 CHAIR MATEO: Thank you, Ms. Johnson. Ms. Baisa?

8 COUNCILMEMBER BAISA: Thank you, Chair. I may be confused,
9 but on the bottom of one of the nominees, the
10 applications, there is a note that says he is from
11 Spreckelsville, and Spreckelville -- Spreckelsville
12 is a part of the Kahului Community Plan area. So I
13 think we need to fix that a little bit.

14 CHAIR MATEO: Thank you. Point taken. Okay.

15 Additional -- additional comments? Hearing none,
16 thank you very much, Members.

17 Once again, the Chair, if there's no
18 objections again, will defer Policy Item 2(10). Any
19 objections?

20 **COUNCIL MEMBERS VOICED NO OBJECTIONS.**

21 **ACTION: DEFER pending further discussion.**

22 CHAIR MATEO: Thank you.

23 **ITEM NO. 4(1): INDEMNIFICATION AUTHORIZATION (LOTHAR
24 KUSTER V. MICHAEL W. FOLEY ET AL., CIVIL
 NO. CV 07-00264 SOM BMK)(C.C. NO. 07-9)**

25 CHAIR MATEO: Thank you very much, Members. We're going to

1 go ahead and move on with the rest of the agenda,
2 Members.

3 The next item on our agenda is Policy 4(1).
4 It's Indemnification Authorization Lothar Kuster
5 versus Michael W. Foley et al., Civil No. CV
6 07-002664.

7 Corporation Counsel on February 29, 2008,
8 transmitted for consideration a proposed resolution
9 entitled Indemnifying Tammy Osurman in Lothar Kuster
10 versus Michael W. Foley.

11 The complaint alleges violations of
12 Plaintiff's rights under 42 United States
13 Constitution 1983 and the 4th, 5th, and 14th
14 Amendments to the U.S. Constitution relating to his
15 4.5-acre property in Haiku, Maui.

16 The purpose of the proposed resolution is to
17 indemnify Tamara Osurman, a Maui County Zoning
18 Inspector, in this case.

19 The Deputy Corporation Counsel with us this
20 afternoon and who will be providing review and --
21 and additional information on this case is Deputy
22 Corporation Counsel Benny D'Enbeau.

23 And, Members, there is a request for Executive
24 Session. And just as a reminder, the additional two
25 items also listed on this agenda also comes with a

1 request for Executive Session as well.

2 At this point, the Chair will ask Ms. D'Enbeau
3 to provide us with your -- your opening statements.

4 Ms. D'Enbeau?

5 MS. D'ENBEAU: Thank you, Mr. Chair, Members. This case is
6 on -- is an ongoing litigation that we met with you
7 last year when you indemnified the other Defendants
8 in the case.

9 And just to refresh your recollections, it
10 involves an allegation that the -- the named
11 Defendants who are Michael Foley, the former
12 Planning Director, Jay Arakawa, Charles Villalon,
13 and Ty Fukuroku. Charles Villalon and Jay Arakawa
14 are -- are zoning inspectors, and Ty Fukuroku works
15 for Public Works. He's an engineer who inspects
16 grading violations.

17 The -- the reason for bringing Ms. Osurman
18 before you today for indemnification is originally
19 when the complaint was filed, as is permitted under
20 the rules, if the Plaintiff doesn't know the actual
21 identity of a person but is aware that there's
22 someone that they want to bring a lawsuit against,
23 they bring them as a Jane Doe.

24 And in this allegation, there was an
25 allegation -- excuse me, in this complaint, there

1 was an allegation that there was a woman inspector
2 who was involved, and they didn't know her identity
3 so she was identified as Jane Doe.

4 And subsequently, the Plaintiffs then
5 indicated that that individual was Tammy Osurman and
6 want to name her specifically so she would -- for
7 that reason, we're bringing forward the motion -- I
8 mean, excuse me, the request for indemnification for
9 Ms. Osurman. She is also a zoning inspector working
10 at the Planning Department.

11 This case involves, as you may recall, the
12 allegations arose from an inspection that
13 Mr. Fukuroku did on the Plaintiff's property out in
14 Huelo area, Waipio Stream area.

15 The Plaintiff alleges that Mr. Fukuroku went
16 on to his property without permission. It's sort of
17 an open, rural area. Mr. Fukuroku responded that he
18 believed he was on the neighbor's property. If he
19 crossed into Mr. Kuster's property, he was unaware
20 of that.

21 Mr. Kuster then has alleged that because of --
22 Mr. Kuster called the police, excuse me, and has now
23 alleged that because of his calling the police, that
24 basically these County people are kind of out to get
25 him and not processing his SMA assessment

1 application with enough speed.

2 So that's -- that's essentially what the
3 lawsuit is about. And today, again, it's -- our
4 request is to indemnify the female inspector --
5 excuse me, Tamara Osurman, who they intend to -- to
6 name in their lawsuit, that you replace Jane Doe
7 with Tammy Osurman's name.

8 So I don't necessarily think there's a need
9 for an Executive Session unless there's other
10 information that the Council Members --

11 CHAIR MATEO: Okay.

12 MS. D'ENBEAU: -- need.

13 CHAIR MATEO: Thank you very much, Ms. D'Enbeau. Members,
14 questions for Deputy Corporation Counsel?

15 Is -- Chair will ask whether there is a need
16 for us to go into Executive Session for this request
17 for indemnification?

18 COUNCIL MEMBERS: No.

19 CHAIR MATEO: Fine. Great. Members -- Members, then if
20 there's no questions for Corporation Counsel and
21 there's no need to go into Executive Session, the
22 Chair would recommend the adoption of the resolution
23 entitled Indemnifying Tamara Osurman in Luther -- or
24 Lothar Kuster versus Michael W. Foley et al., Civil
25 No. 07-00264.

1 COUNCILMEMBER VICTORINO: So moved.

2 VICE-CHAIR HOKAMA: Second.

3 CHAIR MATEO: It's been moved by Mr. Victorino, second by
4 Mr. Hokama. Any additional discussion? Seeing
5 none, all those in favor, signify by saying "aye."

6 COUNCIL MEMBERS: Aye.

7 CHAIR MATEO: Opposed?

8 **VOTE: AYES:** Councilmembers Anderson, Baisa,
9 Medeiros, Molina, Pontanilla, Victorino,
Vice-Chair Hokama, and Chair Mateo.

10 **NOES:** None.

11 **ABSTAIN:** None.

12 **ABSENT:** None.

13 **EXC.:** Councilmember Johnson.

14 **MOTION CARRIED.**

15 **ACTION:** Recommending **ADOPTION** of resolution.

16 CHAIR MATEO: Thank you very much. Motion is carried.

17 **ITEM NO. 1(18):** **SETTLEMENT AUTHORIZATION OF CLAIMS AND**
18 **LAWSUITS (HANOHANO, LLC V. COUNTY OF**
MAUI, ET AL., CIVIL NO. 06-1-0148(1))
19 **(C.C. No. 07-11)**

20 CHAIR MATEO: Thank you very much, Ms. D'Enbeau. We're
21 going to move right on to Policy No. 1(8),
22 Settlement Authorization of Claims and Lawsuits,
23 Hanohano, LLC versus County of Maui, et al., Civil
24 No. 06-1-0148(1).

25 This is a request for settlement in an alleged

1 complaint of declaratory, injunctive, and other
2 relief stemming from a County zoning decision
3 affecting lands compromising the Pukalani
4 residential community owned by class Plaintiffs,
5 including two parcels of land owned by Plaintiff
6 Kaho -- Hooano --

7 UNIDENTIFIED SPEAKER: Hanohano.

8 CHAIR MATEO: -- Hanohano, LLC, comprising approximately of
9 28.695 acres situated at Keahua, Kula, Hawaii.

10 Corporation Counsel is requesting
11 consideration of this settlement, as the offer to
12 settle this case will expire on April 1st, 2008.
13 Further, trial in this matter is set for June 30,
14 2008.

15 The Chair will at this time allow Deputy
16 Corporation Counsel D'Enbeau to provide opening
17 comments and additional informations regarding this
18 matter. Ms. D'Enbeau?

19 MS. D'ENBEAU: Thank you. The Hanohano case, as -- as it's
20 been briefly alluded to, involves a proposed
21 subdivision in Pukalani.

22 The issue, essentially, is a very old
23 ordinance that was passed by the Board of
24 Supervisors zoning this particular property for
25 Residential use.

1 At the time that ordinance was passed, the
2 State had designated the land Agriculture so we had
3 an Agricultural designation by the State, and it --
4 it all happened within a few months of -- of -- of
5 each other, and no one's quite clear -- this
6 happened in the '60s -- exactly why the Board of
7 Supervisors, as it -- as it then was, passed an
8 ordinance denoting this property as -- as
9 residentially zoned, when in fact it was designated
10 Agriculture by the State.

11 From the research I've been able to do, I
12 think it was probably an inadvertence. The -- the
13 bill came to the Board of Supervisors and then was
14 referred back to the Commission -- Planning
15 Commission; and in the interim, the State, for the
16 first time, did these designations, these Land Use
17 designations that we're all so familiar with now,
18 but they were just -- that was the beginning of it.

19 So I'm assuming that what happened was no one
20 was quite familiar with that process and somehow
21 it -- it slipped through the cracks. And the County
22 has taken the position over the years that the
23 ordinance, itself, was invalid; and, therefore, the
24 property should be deemed Interim rather than
25 residentially zoned.

1 In other words, to say it again, there is an
2 ordinance that was passed, and this particular
3 property up in Pukalani, the ordinance -- it's
4 usually referred to as Map 10. It was a zoning
5 ordinance map, Map 10, that designated various parts
6 of what we call the Pukalani area for Residential
7 and some for Business use and so forth.

8 This particular land that belongs to Hanohano,
9 LLC, was designated for Residential use in this Map
10 10 zoning. Subsequently, it was realized that at
11 the time Map 10 was passed, the -- the State had
12 designated the land Agriculture; and, therefore,
13 there was a conflict.

14 And the opinion of Corporation Counsel was
15 that the conflict created a situation where the
16 zoning ordinance itself was invalid; therefore,
17 there was no -- no valid zoning ordinance, and it
18 kicked back to Interim.

19 And that -- that situation's continued for
20 property in the Pukalani area and also for property
21 in other parts of the island, specifically Makena,
22 and I think there's some other areas, too.

23 Hanohano filed a lawsuit, and Judge August has
24 ruled that the County, Corporation Counsel's
25 interpretation was incorrect and that the ordinance

1 was not invalid when it was passed, that you would
2 first look at whether it was a valid ordinance or
3 not when the use was actually requested, in other
4 words when the subdivision application was being
5 processed or whatever use you were requesting.

6 By that time, Hanohano had sought and received
7 from the Land Use Commission a change in
8 designation. I know this is really confusing, but
9 in any case, so now what the judge said is, all
10 right, back then, you had these two different things
11 that seem inconsistent, but no use had been
12 requested. Everything was just sitting there.

13 By the time Hanohano came in to ask for their
14 subdivision and so forth, they also went to the Land
15 Use Commission and so the Land Use Commission
16 changed it to Urban and so at this point in time,
17 there's no conflict; and, therefore, in the judge's
18 view, this earlier ordinance way back in the '60s
19 the Board of Supervisors passed should be considered
20 valid.

21 So that's what's happened on the public
22 records so far, and there is a proposal by Hanohano
23 to settle this case, which I'd like to discuss in
24 Executive Session.

25 CHAIR MATEO: Thank you. Members, question for Corporation

1 Counsel at this point? Mr. Hokama, followed by
2 Ms. Anderson.

3 VICE-CHAIR HOKAMA: Is this part of the famous stick 'em
4 attitude and approach of the Planning Department?

5 MS. D'ENBEAU: I'm sorry? The what approach?

6 VICE-CHAIR HOKAMA: I call it the stick 'em. You see this
7 the yellow sheet of paper?

8 MS. D'ENBEAU: Oh.

9 VICE-CHAIR HOKAMA: How the Planning Department did a stick
10 'em and says by their own version of zoning say now
11 your zoning has changed from Residential to Interim
12 or whether it be from Resort to Interim, is this
13 part of what I call the stick 'em approach of the
14 Planning Department?

15 CHAIR MATEO: Ms. D'Enbeau?

16 MS. D'ENBEAU: Yes.

17 COUNCILMEMBER VICTORINO: Okay, that answers --

18 VICE-CHAIR HOKAMA: So -- so Ms. D'Enbeau -- and, again,
19 you need to tell me if you cannot answer and that it
20 needs to be dealt with in Executive Session, but why
21 was Council never informed of this cavalier attitude
22 of the Planning Department, thinking that they could
23 administratively change zoning without coming back
24 to the Council, which is the legislative branch of
25 the County of Maui?

1 MS. D'ENBEAU: I -- I don't know why the Council was never
2 informed, I'm sorry.

3 VICE-CHAIR HOKAMA: Which is interesting again because the
4 Department then, from that point on, made people
5 believe that they could make those zoning changes
6 arbitrarily and administratively. And we've been
7 taken to court. The County has been taken to court
8 --

9 COUNCILMEMBER VICTORINO: And lose.

10 VICE-CHAIR HOKAMA: -- on this cavalier attitude of our
11 Administrative Department.

12 Under what basis did those planners feel they
13 had the authority to do such --

14 MS. D'ENBEAU: I think it was based --

15 VICE-CHAIR HOKAMA: -- change of designation pleas?

16 MS. D'ENBEAU: I believe it was based on opinions from the
17 Office of Corporation Counsel.

18 VICE-CHAIR HOKAMA: And were those opinions by Corporation
19 Counsel sent to the Council also for the Council's
20 understanding or edification?

21 MS. D'ENBEAU: I do believe that -- this has been going on
22 for a number of years, and I do believe that there
23 were earlier issues that came up where those
24 opinions, I do think, are part of various Council
25 agenda.

1 I think I've -- I can't remember the exact
2 year the first opinions, but -- may have been in the
3 early '90s, and I think that it came up in -- I
4 think so I can't -- I can't swear to that, but I do
5 believe that at various times, this opinion was a
6 part of the Council agenda, Council records.

7 VICE-CHAIR HOKAMA: I hope those attorneys are not working
8 for us now, are they? Because I would be very
9 disappointed if they are.

10 My other question is, is this a class action
11 settlement? Because -- or are we going to be
12 brought up by another property owner under similar
13 circumstances again?

14 MS. D'ENBEAU: It's not a class action settlement. It just
15 has to do with -- with Hanohano.

16 VICE-CHAIR HOKAMA: So you mean to tell me that all these
17 other stick 'em designations on other TMKs or -- or
18 real property tax maps still going to exist and
19 still have the same situation that wouldn't be
20 resolved?

21 MS. D'ENBEAU: Well, if it's okay, I'd rather discuss that
22 in Executive Session.

23 VICE-CHAIR HOKAMA: Okay, Chairman, because I'm ready to
24 hang this Department upside down. Thank you,
25 Chairman.

1 CHAIR MATEO: Thank you, Mr. Hokama. Ms. Anderson?

2 COUNCILMEMBER ANDERSON: Thank you, Chair. You know, we
3 all got a good laugh out of the description Chair
4 Hokama used, stick 'em policy, but -- yeah, ha, ha,
5 it's funny, but it's not so funny because you're
6 dealing with people's livelihoods, their life
7 investments, whatever.

8 And it's not a matter of the Council being
9 informed when the Planning Department discovers an
10 error or corrects a previously invalid
11 interpretation or whatever. It's not a matter of
12 informing the Council.

13 The Council is the only body with the
14 authority to change zoning for whatever reason, so
15 if they discover somebody misinterpreted a map line
16 or somebody misinterpreted whatever. I mean, I've
17 heard, you know, five or six different excuses as to
18 why zoning has been changed administratively.

19 And the last example we have, Members, is Maui
20 Meadows, which included also some parcels Upcountry
21 that were administratively changed to Urban and were
22 allowed to have design standards, build -- building
23 standards from the old building Code that hasn't
24 been in effect since we adopted the comprehensive
25 zoning ordinance, yet they were allowed to build

1 under those standards because someone in the
2 Planning Department decided that an error had been
3 made.

4 Well, the error, you know, was in existence
5 for a good 20 years, as far as the people in Maui
6 Meadows were concerned, so how come all of a sudden
7 somebody decided this was an error that needed to be
8 corrected administratively, which then put all those
9 preexisting owners at risk because they always
10 thought they were -- they had rural standards, rural
11 setbacks, rural building heights.

12 So we corrected that. The Council corrected
13 that in cooperation with the Administration in
14 adopting an ordinance to make it perfectly clear
15 that these lands are Rural, R-U-R-A-L, not RU-1 or
16 RU-.05. I mean, the excuses and the semantics that
17 are used are unbelievable.

18 So I think that it's time, here we are being
19 sued once again, that maybe we send a letter,
20 Mr. Chairman, to the Planning Department, asking
21 them to inform the Council of all those zoning
22 categories that may have been changed
23 administratively to correct an error or -- well,
24 let's just leave it at that, to correct an error or
25 to correct an invalid interpretation so that we're

1 informed at least of that and that maybe we could
2 request that all those problems be brought forward
3 to the Council so we can deal with it up front,
4 rather than waiting for it to be, you know, a crisis
5 situation.

6 Because I, myself, happen to live in Maui
7 Meadows so it's very convenient for me to go and see
8 what's happened. But lots that people have bought
9 with the idea of someday retiring that had perfectly
10 good view planes to the ocean, they now have, you
11 know, 20 foot of fill as a next door neighbor
12 because someone in the Planning Department decided
13 they needed to correct an error.

14 So, you know, that's all open in -- open to
15 interpretation and rather go back and try to find
16 who really was in error, we just corrected it.

17 But I think we need to address this in its
18 totality because as the Chair said, you know, the
19 stick 'em policy is not a valid action that -- the
20 Planning Department has no authority to change any
21 of our zoning maps in any way, shape, or form.

22 And if there's an error, bring it to the
23 Council and tell us it's an error and let us help
24 them correct it. But all this after-the-fact stuff
25 is what really gets us in trouble, gets property

1 owners in trouble, and -- and -- and really steps on
2 people who have preexisting rights. And so what do
3 they have to do, go hire an attorney? It's just not
4 a fair way to go about zoning.

5 So I would hope, Mr. Chair, that maybe we
6 could address this proactively, rather than reacting
7 individually as each one of these issues come up.
8 Because I'm sure all they have to do is look at the
9 map and see all the yellow stickers.

10 And then I had one other question.

11 Ms. D'Enbeau, do you know what the Community Plan
12 designation was of this property? And, you know,
13 maybe back then originally there wasn't Community
14 Plan designations; but once it did get designated,
15 do you know what it was?

16 MS. D'ENBEAU: For the Hanohano property?

17 COUNCILMEMBER ANDERSON: Yes, please.

18 MS. D'ENBEAU: I'm sorry, I don't have that information
19 with me. I -- I -- I'm assuming Multi-Family, but
20 that would just be an assumption.

21 I -- I don't recall that Mr. -- that the
22 Hanohano, LLC, which is Mr. Dowling's company, that
23 I -- I don't recall them coming in for a Community
24 Plan Amendment or looking at the -- the -- the
25 necessity to do that. I'm sorry, did I say

1 Multi-Family? I didn't mean that. I meant
2 Residential, excuse me.

3 COUNCILMEMBER ANDERSON: Oh, good.

4 MS. D'ENBEAU: Not Multi-Family.

5 COUNCILMEMBER ANDERSON: Yeah. Well, I think that's
6 something we should know.

7 VICE-CHAIR HOKAMA: Community Plan, it says Single-Family.
8 Show it right here.

9 COUNCILMEMBER ANDERSON: Oh, Community Plan says
10 Single-Family. Chair says it's --

11 MS. D'ENBEAU: Oh, you've got it. Okay.

12 COUNCILMEMBER ANDERSON: Okay, thank you. Thank you,
13 Chair.

14 CHAIR MATEO: Thank you, Ms. Anderson. Members, additional
15 questions for Corporation Counsel at this -- at this
16 time?

17 VICE-CHAIR HOKAMA: One question, please, Chairman?

18 CHAIR MATEO: Go ahead, Mr. Hokama.

19 VICE-CHAIR HOKAMA: Unless there's others that you wish to
20 recognize first.

21 CHAIR MATEO: Go ahead.

22 VICE-CHAIR HOKAMA: Thank you, Chairman. Corporation --
23 Ms. D'Enbeau, would you know or have information
24 that you could share with us with -- with this stick
25 'em approach, did Real Property Tax Division of the

1 Department of Finance then make a change in real
2 property assessment and under what tax category the
3 property owner was then paying taxes on because of
4 this administrative change? Or was there no change
5 in what was being asked of the property owner to pay
6 in taxes?

7 Because I'm assuming, if you follow the
8 Planning Department's attitude, he should have been
9 paying us Agricultural property tax instead of Urban
10 and Residential property tax.

11 MS. D'ENBEAU: I'm sorry, I don't know the answer to that
12 question.

13 VICE-CHAIR HOKAMA: Okay. Thank you very much.

14 CHAIR MATEO: Thank you, Mr. Hokama. Members, we have a
15 request for Executive -- Executive Session if
16 there's no more questions for Deputy Corporation
17 Counsel, Members, with reference to Policy Item No.
18 1(18), pursuant to Section 92-5(a)(4), Hawaii
19 Revised Statutes, to consult with legal counsel on
20 questions and issues pertaining to the powers,
21 duties, immunities, and liabilities of the County,
22 the Council, and the Committee.

23 The Chair now entertains a motion for
24 Executive Session.

25 COUNCILMEMBER VICTORINO: So moved.

1 COUNCILMEMBER MOLINA: Second.

2 CHAIR MATEO: Been moved by Mr. Victorino, second by

3 Mr. Molina. Additional discussion, Members? Seeing

4 --

5 COUNCILMEMBER ANDERSON: Chair?

6 CHAIR MATEO: Ms. Anderson, go ahead.

7 COUNCILMEMBER ANDERSON: Yeah, if I just could ask one

8 quick question before we go into Executive Session?

9 CHAIR MATEO: Go right ahead.

10 COUNCILMEMBER ANDERSON: Ms. D'Enbeau, I'm looking at a

11 confirmation request zoning SMA flood zone

12 confirmation request form; and as best as I can tell

13 by the writing, which I really can't tell, it looks

14 like March 24th, '08, but I -- it doesn't seem like

15 that could be right.

16 But the zoning information they say State Land

17 Use is Ag, County zoning R-3 Residential, Community

18 Plan Single-Family. State Land Use designation to

19 Urban still pending, approval expected in March '05,

20 so this date I'm reading wrong.

21 So did you say that they did get State

22 District Boundary changes to Urban?

23 MS. D'ENBEAU: Yes, they did.

24 COUNCILMEMBER ANDERSON: Okay. Thank you. Thank you,

25 Chair.

1 CHAIR MATEO: Thank you, Ms. Anderson. Members, Chair will
2 call for the question. All those in favor of the
3 motion, please signify by saying "aye."

4 COUNCIL MEMBERS: Aye.

5 CHAIR MATEO: Those opposed?

6 **VOTE: AYES:** Councilmembers Anderson, Baisa, Medeiros,
7 Molina, Pontanilla, Victorino, Vice-Chair
Hokama, and Chair Mateo.

8 **NOES:** None.

9 **ABSTAIN:** None.

10 **ABSENT:** None.

11 **EXC.:** Councilmember Johnson.

12 **MOTION CARRIED.**

13 **ACTION:** APPROVE; RECESS Open Session and CONVENE
14 Executive Session.

15 CHAIR MATEO: Thank you very much. We'll be going into
16 Executive Session.

17 Members, the Chair asks for your indulgence.
18 We have one more item on the agenda that is also
19 requesting Executive Session. The Chair would like
20 to hear that item first so we can go into Executive
21 Session altogether with -- with the next motion. If
22 there's no objection --

23 COUNCIL MEMBERS: No objections.

24 CHAIR MATEO: Thank you.

25 **ITEM NO. 1(19):** **SETTLEMENT AUTHORIZATION OF CLAIMS AND**
LAWSUITS (TROY MATTOS, ET AL. V. DARREN

1 AGARANO, ET AL., CIVIL NO. 07-00220 DAE
2 BMK)(C.C. No. 07-11)

3 CHAIR MATEO: Members, we're going to proceed. Policy Item
4 1(19), Settlement Authorization of Claims and
5 Lawsuits. This is the Troy Mattos, et al., versus
6 V. Darren Agarano, et al., Civil No. 07-00220.

7 Members, by communication dated February 28,
8 2008, Deputy Corporation Counsel Martin is
9 requesting Executive Session to consider the
10 settlement of this case.

11 As a reminder, the complaint alleges general,
12 special, and punitive damages arising out of
13 violation of Plaintiffs' rights under 42, U.S.C.,
14 1983, and the 4th, 5th, 8th, 9th, and 14th Amendment
15 of the U.S. Constitution, and the attached
16 resolution is to authorize settlement.

17 With us this afternoon we have both
18 Corporation Counsels Ms. Martin and Ms. Lutey this
19 afternoon. They will be providing us with comment
20 and additional information, and the Chair will turn
21 over this time to Ms. Martin at this point.

22 MS. MARTIN: Thank you, Chairman Mateo. On Wednesday,
23 August 23rd, 2006, Jayzel Mattos' daughter called
24 911 to report that her parents were in a physical
25 fight.

1 When the officers arrived at the residence,
2 they observed Troy Mattos outside drinking beer, and
3 he appeared intoxicated. Mr. Mattos initially
4 denied any problems at the residence; however, he
5 eventually admitted to getting into an argument with
6 his wife.

7 Police refused to leave until they could talk
8 to Jayzel. Mr. Mattos entered the residence to get
9 his wife. Concerned for the safety of Troy Mattos'
10 wife and children, as well as the police, Officer
11 Agarano opened the door and stepped into the
12 doorway.

13 Shortly after Officer Agarano opened the door,
14 Troy Mattos walked out of the hallway with Jayzel
15 behind him. Immediately upon observing Officer
16 Agarano in the doorway, Mr. Mattos began screaming,
17 get out of my house, you have no right to be in my
18 house.

19 Officer Agarano attempted to calm Mr. Mattos
20 and informed him that the police had the right to
21 enter the residence and offered to speak to Jayzel
22 outside. Mr. Mattos remained aggressive and
23 continued to scream and use profanity.

24 Mr. Mattos was then informed he was under
25 arrest. Jayzel immediately moved in front of her

1 husband and attempted to prevent the arrest of Troy.
2 Police repeatedly asked Jayzel to move out of the
3 way so that her husband could be handcuffed, but she
4 refused.

5 Officer Aikala told Jayzel to move away or --
6 or he would Tase her. Jayzel responded, go ahead
7 and Tase me. Officer Aikala attempted to pull her
8 away from her husband, and Jayzel stepped forward
9 and pushed Officer Aikala in the chest.

10 Officer Aikala then stepped away and deployed
11 his Taser. Plaintiffs allege that Jayzel never
12 tried to prevent the arrest of her husband or that
13 she was given any warning that she would be Tased.

14 Jayzel Mattos claims that although her hand
15 did touch Officer Aikala prior to being Tased, she
16 only raised her hand in order to prevent Officer
17 Aikala from bumping into her.

18 Plaintiffs also deny that they had a physical
19 fight or that things were thrown around. They
20 allege that they simply had an argument and the
21 house was messy because they were in the process of
22 moving.

23 Recently, Federal Court Judge David Ezra ruled
24 that the police lawfully entered the residence and
25 arrested the Plaintiffs; however, he reserved -- he

1 ruled that it was a question of fact for the jury as
2 to whether the use of the Taser constituted
3 excessive force.

4 Shortly after Judge Ezra issued his order,
5 Plaintiffs made a settlement offer. I -- I am
6 requesting Executive Session in order to discuss the
7 Plaintiffs' settlement offer, as well as personal
8 issues and legal strategy.

9 CHAIR MATEO: Thank you, Ms. Martin. Members, the floor
10 open for questions for Corporation Counsel.

11 VICE-CHAIR HOKAMA: Question.

12 CHAIR MATEO: Mr. Hokama?

13 VICE-CHAIR HOKAMA: Can you tell us in open session
14 whether -- who has custody of the children?

15 CHAIR MATEO: Ms. Martin?

16 MS. MARTIN: Jayzel and Troy Mattos.

17 VICE-CHAIR HOKAMA: Was the children ever put under State
18 supervision or -- or -- or outside of the immediate
19 parents?

20 MS. MARTIN: Not that I'm aware of.

21 VICE-CHAIR HOKAMA: Has there been any other issues
22 regarding the care or conditions of the seven
23 children?

24 MS. MARTIN: I believe during a prior divorce proceeding
25 there was an issue raised but not brought by the

1 State or anything like that.

2 VICE-CHAIR HOKAMA: Okay. So at this point in time, you
3 can assure us that the welfare of the seven children
4 have been appropriately addressed?

5 CHAIR MATEO: Ms. Martin?

6 MS. MARTIN: I -- I really don't have any information
7 specific to that. I -- I'm unaware of anything that
8 would say that they are not cared for.

9 VICE-CHAIR HOKAMA: Okay. Thank you very much.

10 CHAIR MATEO: Thank you, Mr. Hokama. Members, additional
11 questions for Corporation Counsel?

12 The Chair would also like to recognize the
13 attendance of Deputy Police -- Police Chief Yabuta
14 present with us this afternoon as well.

15 Members, there is the request from Corporation
16 Counsel for Executive Session with reference to
17 Policy Item No. 1(19) pursuant to Section
18 92-5(a)(4), Hawaii Revised Statutes, to consult with
19 legal counsel on questions and issues pertaining to
20 powers, duties, privileges, immunities, and
21 liabilities of the County, the Council, and the
22 Committee; and Section 92-5(a)(8), Hawaii Revised
23 Statutes, to deliberate or make a decision upon a
24 matter that requires the consideration of
25 information that must be kept confidential pursuant

1 to a State or Federal law or a court order. The
2 Chair, at this time, will entertain a motion for
3 Executive Session.

4 COUNCILMEMBER VICTORINO: So moved.

5 COUNCILMEMBER MEDEIROS: Second.

6 CHAIR MATEO: It's been moved by Mr. Victorino, second by
7 Mr. Medeiros. Additional discussion? Hearing none,
8 Members, call for the question. All those in favor
9 of the motion, signify by saying "aye."

10 COUNCIL MEMBERS: Aye.

11 CHAIR MATEO: Those opposed?

12 **VOTE: AYES:** Councilmembers Anderson, Baisa, Medeiros,
13 Molina, Pontanilla, Victorino, Vice-Chair
Hokama, and Chair Mateo.

14 **NOES:** None.

15 **ABSTAIN:** None.

16 **ABSENT:** None.

17 **EXC.:** Councilmember Johnson.

18 **MOTION CARRIED.**

19 **ACTION:** APPROVE; RECESS Open Session and CONVENE
20 Executive Session.

21 CHAIR MATEO: Motion is carried, Members. Thank you very
22 much. We will be going into Executive Session at
23 this point. The Chair will provide the afternoon
24 break so we can set up for the -- for the next
25 Executive Session. We will be convening at 25 after

1 3:00.

2 COUNCILMEMBER VICTORINO: 3:30.

3 CHAIR MATEO: Twenty-five after 3:00.

4 COUNCILMEMBER MEDEIROS: After 3:00, 3:30.

5 CHAIR MATEO: Policy Committee stands in recess.

6 ...(gavel)...

7 **RECESS: 3:22 p.m.**

8 **RECONVENE: 5:07 p.m.**

9 CHAIR MATEO: ...(gavel)... Meeting of the Policy Committee
10 for March 11, 2008, will reconvene. Members, thank
11 you for that quick break.

12 We are addressing at this point, Members,
13 Policy Item 1(18), Settlement Authorization of
14 Claims and Lawsuits...the Hanohano, LLC versus
15 County of Maui, et al., Civil Number 06-1-0148(1).

16 **ITEM NO 1(18): SETTLEMENT AUTHORIZATION OF CLAIMS AND**
17 **LAWSUITS (HANOHANO, LLC V. COUNTY OF**
18 **MAUI, ET AL., CIVIL NO.**
06-1-0148(1))(C.C. No. 07-11)

19 CHAIR MATEO: Members, are there any questions for Deputy
20 Corporation Counsel D'Enbeau at this time?

21 Hearing none, Members, the Chair would
22 recommend the adoption of the resolution, entitled
23 Authorizing Settlement of Hanohano, LLC versus
24 County of Maui, et al., Civil Number 06-1-0148(1),
25 under the terms set forth in the executive meeting

1 before the Policy Committee on March 11, 2008.

2 COUNCILMEMBER PONTANILLA: So moved.

3 COUNCILMEMBER MOLINA: Second.

4 CHAIR MATEO: Been moved by Mr. Pontanilla, second by

5 Mr. Molina. Additional discussion, Mr. Pontanilla?

6 COUNCILMEMBER PONTANILLA: No, sir.

7 CHAIR MATEO: Thank you. Members, call for the question.

8 All those in favor of the motion, please signify by

9 saying "aye."

10 COUNCIL MEMBERS: Aye.

11 CHAIR MATEO: Those opposed? Motion is carried.

12 **VOTE: AYES:** Councilmembers Anderson, Baisa, Medeiros,
13 Molina, Pontanilla, Victorino, and Chair
Mateo.

14 **NOES:** None.

15 **ABSTAIN:** None.

16 **ABSENT:** None.

17 **EXC.:** Councilmember Johnson and Vice-Chair
18 Hokama.

MOTION CARRIED.

19

ACTION: Recommending ADOPTION of resolution.

20

21 CHAIR MATEO: Thank you very much, Members. We're gonna

22 move on to the last item on the agenda. That is

23 POL-1(19)...1(19), Settlement Authorization of

24 Claims and Lawsuit, this is the Troy Mattos, et al.

25 versus Darren Agarano case.

1 **ITEM NO. 1(19): SETTLEMENT AUTHORIZATION OF CLAIMS AND**
2 **LAWSUITS (TROY MATTOS, ET AL. V. DARREN**
 AGARANO, ET AL., CIVIL NO. 07-00220 DAE
3 **BMK)(C.C. No. 07-11)**

4 CHAIR MATEO: Members, are there any questions for Deputy
5 Corporation Counsel members either Martin or Lutey?
6 Hear --

7 COUNCILMEMBER PONTANILLA: No.

8 CHAIR MATEO: Hearing none, Members, the Chair recommends
9 the adoption of the proposed resolution authorizing
10 settlement of Troy Mattos, et al. versus Darren
11 Agarano, et al., Civil Number 07-00220 under the
12 terms set forth in the executive meeting before the
13 Policy Committee on March 11, 2008.

14 COUNCILMEMBER VICTORINO: So moved.

15 COUNCILMEMBER MEDEIROS: Second.

16 CHAIR MATEO: Been moved by Mr. Victorino, second by
17 Mr. Medeiros. Mr. Victorino, any discussion?

18 COUNCILMEMBER VICTORINO: No, no discussion, Mr. Chair.

19 CHAIR MATEO: Hearing none, Members, we'll call for the
20 question. All those in favor of the motion, signify
21 by saying "aye."

22 COUNCIL MEMBERS: Aye.

23 CHAIR MATEO: Those opposed? Members, thank you very much,
24 motion is carried.

25

1 **VOTE: AYES:** Councilmembers Anderson, Baisa, Medeiros,
2 Molina, Pontanilla, Victorino, and Chair
 Mateo.

3 **NOES:** None.

4 **ABSTAIN:** None.

5 **ABSENT:** None.

6 **EXC.:** Councilmember Johnson and Vice-Chair
7 Hokama.

8 **MOTION CARRIED.**

9 **ACTION:** **Recommending ADOPTION of resolution.**

10 CHAIR MATEO: This concludes our business for this very
11 long day. I thank you all very much for your
12 patience -- especially since we had an excellent
13 meeting this morning with Mrs. Baisa's Planning
14 Committee. Members, with no announcements at this
15 point --

16 UNIDENTIFIED SPEAKER: None.

17 CHAIR MATEO: -- the Policy Committee meeting for March 11,
18 2008, is now adjourned. ...(gavel)...

19 **ADJOURNED: 5:11 p.m.**

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, Wendy M. Watanabe, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were 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 attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 27th day of March, 2008, in Honolulu, Hawaii.

Wendy M. Watanabe, CSR NO. 401
Notary Public, State of Hawaii
My Commission Expires: 04/07/2010