

POLICY COMMITTEE

Council of the County of Maui

MINUTES

October 28, 2008

Council Chamber, 8th Floor

CONVENE: 1:40 p.m.

PRESENT: Councilmember Danny A. Mateo, Chair
Councilmember G. Riki Hokama, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael J. Molina, Member (Out 3:55 p.m.)
Councilmember Joseph Pontanilla, Member

EXCUSED: Councilmember Michelle Anderson, Member
Councilmember Michael P. Victorino, Member

STAFF: Gayle Revels, Legislative Analyst
Camille Sakamoto, Committee Secretary

ADMIN.: Marian Feenstra, Executive Assistant, Office of the Mayor
Kimberly A. Sloper, Deputy Corporation Counsel, Department of the
Corporation Counsel (substituting for First Deputy Traci Fujita Villarosa)

OTHERS: Norm Bezane (Item No. 3(5))
Tom Talbot (Item No. 3(5))
Keiko Bonk, Hawaii Program Director, Marine Conservation Biology Institute
(Item No. 55)
Robert Wintner (Item No. 55)
Antoinette Polancy (Item No. 3(5))
Irene Bowie, Executive Director, Maui Tomorrow Foundation (Item Nos. 55 and 3(5))
Mike Moran, Founder, Pump Don't Dump (Item Nos. 55 and 3(5))
Linda Puppolo, *Akaku: Maui Community Television* (Item No. 3(5))
Jay April, President and CEO, *Akaku: Maui Community Television* (Item No. 3(5))
Michael Duberstein (Item No. 3(5))
Tia Christensen (Item No. 3(5))
Lance D. Collins (Item No. 3(5))
Paul Kramer (Item No. 3(5))
Noel "Chivo" Ching-Johnson, Owner, Video Images Maui (Item No. 3(5))
Jacob Mau (Item No. 55 and 3(5))
Nik Nikhilananda (Item No. 3(5))
David Kapaku (Item No. 3(5))
Diane Morgan (Item No. 3(5))
Jace Hobbs (Item No. 3(5))

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Seven (7) additional unidentified attendees

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

CHAIR MATEO: . . .(gavel). . . Policy Committee meeting for October 28, 2008 will come to order. The Members present this afternoon, we have the Committee Vice-Chair, Council Chair...Hokama. Also with us we have Ms. Baisa, Ms. Johnson, Mr. Medeiros, Mr. Molina and Mr. Pontanilla. Excused this afternoon are both Members Anderson and Member Victorino.

Members, we have three items on our agenda this afternoon. But before getting into those items, we have many individuals signed up to testify this afternoon so we will start with our public testimony. And just as...so we can set the ground rules, those individuals who have signed up to testify will be given three minutes to testify and a minute to conclude. When you come up to the podium, please recognize yourself. State your name and advise us whether or not you represent a group, organization or yourself as an individual. Once again, three minutes and a minute to conclude. And having said that, this is a real good time for all of us to take out our cell phones and/or our pagers and put them either on the "silent" or the "off" position. And we'll start the public testimony and we'll call up Mr. Norm Bezane. And Norm will be followed by Tom Talbot.

...BEGIN PUBLIC TESTIMONY...

MR. BEZANE: Aloha, everyone. I'm Norm Bezane. I'm representing myself here as a member of the Maui community who spends a great deal of time paying attention to the local issues and...advocating what I think is...is right. First of all—and I...and I'm gonna be testifying on the...the issue of *Akaku*. And I wanna say that I have no connection whatsoever with *Akaku* other than being a faithful viewer. Needless to say, I am a huge fan of *Akaku*. *Akaku* is a tremendous resource not only for its live broadcasts but as an important resource of community information. Anyone can go to the *Akaku* website as I did just this week, call up a program on a topic of interest. And a few minutes later, see it be played on your own TV screen. To be frank, special interest in this community continue to put up barriers to prevent *Akaku* from doing its job. A lot of this has to do with restricting funding, channeling money away from *Akaku* to other organizations. And this is...this is basically historically.

Our democracy and our government flourish when people are...are well-informed. *Akaku* was a cornerstone of that effort going beyond what can be covered in newspaper columns and articles to provide full record of the issues before the Council. In the various actions the Council takes, I urge you to fully support *Akaku* in every way especially with regard to its financing and its funding. With your continuing support of *Akaku*, you will be demonstrating support for the needs and interests of all of the people you are elected to serve. Thank you.

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CHAIR MATEO: Thank you very much, Mr. Bezane. Members, questions for the testifier? Seeing none, thank you very much. Mr. Tom Talbot? And Mr. Talbot will be followed by Keiko Bonk.

MR. TALBOT: Good afternoon, Members of the Council. My name is Tom Talbot. I've been a Maui resident for almost seven years now. I'm a farmer and a gardener and I've been a gardening teacher as well at one of our private schools. My interest in *Akaku*—I'm here to speak on the same issue, the PEG access money. And my interest in *Akaku* is just...recently been completely overwhelmingly peaked, because I went to the orientation class to learn about how to become a producer, a filmer and an editor of my own materials. I've done a lot of filming over the years of gardening, farming, all kinds of activities related to that on Maui. I really...am so excited about starting a program, hopefully a weekly series about farming on Maui and about the...opportunities we have here to provide our own food.

But let me back up a little because I...I wanna say I'm shaking. It's nerve-racking 'cause I've...I've been watching you all on TV for six years. I mean, the only thing I watch is *Akaku*. And the government channel always seems to have stuff on that I'm interested in whereas some of the other channels do not. I'm not only interested in the...biology course or some guy ranting and raving about water issues but what I see and hear is what gets done on Maui. And it's really interesting to watch. I feel like I know you all. I've run into Jo Anne in the parking lot at Mana and we ended up having an hour conversation about it all. I had to drag myself away from her. Today, Gladys walked right over to me like we were old friends. And I felt like I was an old friend 'cause I've seen her so much here. I really...I...I know it's hard to believe but I seriously watch three or four hours a day. It helps me go to sleep at night sometimes, too. ...*(Laughter)*... I have to admit. It's nice to have the re-runs, you know.

But it takes me to my point. Like, I called Charmaine Tavares on the phone three and a half years ago when I was looking at jumpstarting the community gardens on the island, and specifically the one in Maalaea. And she answered her own phone. I couldn't believe it. I've lived in much smaller towns, smaller county councils than this. And they don't answer their own phones. And she gave me in three minutes who to talk to, how to do it, why...you know, why it's important and please help us. I mean, it was incredible to get this back directly from a Council Member, now the Mayor. So I've...I've always felt welcomed and like I have access to government here.

And I think that's what *Akaku* really gives us. It's that access to what's going on in the Council chambers 'cause that's really what counts, what's happening locally, especially when it comes to farming. You know, I think the thing we need right now to pull our community together is to get more communication, whether it's one way or not. Someone staring at TV and learning or me talking to one of you in person. It...it brings us all together as a community. It keeps us strong, keeps the communication moving through the whole community. And, you know, it spreads like wildfire. I...I can't wait

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to get stuff on *Akaku* and then get the feedback from the community and find how to do it better. Just like you do through letting us watch you here. Thank you.

CHAIR MATEO: Thank you, Mr. Talbot. Members, questions for the testifier? Seeing none, thank you. Keiko Bonk, and she will be followed by Robert Wintner *[sic]*.

MS. BONK: Good afternoon, Mr. Chair. I did bring some packets with me. Should I...

CHAIR MATEO: Leave it with...Staff will get it from you.

MS. BONK: Okay. Aloha, Chair Mateo, Council Chair Hokama and all the Council Members of the Policy Committee. Thank you for giving me this opportunity to speak. My name is Keiko Bonk. I'm here today representing the Marine Conservation Biology Institute, a non-governmental, non-profit geared towards protecting our oceans through sound science.

I'm here today to talk to you about the Hawaiian Monk Seal, or ilio holo ikauaua, dog running through rough waters. Our seal this year was named the State mammal. It's just one of two endemic mammals in Hawaii. It's a 13 million year old species. And to put that into context, this species is older than Maui and the Big Island. Now that's old. ...*(chuckles)*... And it's one of our treasures. The Hawaiian Monk Seal, as many of you know, is now in critical danger of becoming extinct. There are only 1,200 left. Actually, I just heard from a scientist recently, it's down to a little over 1,100. And throughout the main Hawaiian islands, there are only about a hundred seals. Maui, you should be aware of, has about 20 or so, give or take. And that's a lot for the main Hawaiian islands. So you are now, Maui County in particular, is now becoming a hot spot for seals. Molokai at Kalaupapa is actually becoming one of the most successful birthing places in the whole State because it's isolated and protected from people. And it's a haven now for these seals that are looking for a place to live and...and have some sanctuary in our archipelago.

The seals in the northwest Hawaiian islands are dying. That's where the largest population is. And it's a very complex issue why they are dying. And I couldn't tell you in detail right now. However, some of the reasons—actually most of the reasons—are human...impacts. They include climate change, and therefore, loss of habitat with sea...levels rising. Overfishing on our part. Disease, marine debris, alien species—it goes on and on. And we have come to the point in this species' decline where we have to do things pretty rapidly in order to save this animal. So I'm here today to ask you to help support this resolution that Chair Hokama has put in to adequately—to call for the adequate funding, both at the Federal level through NOAA and the...at the State, to adequately fund their response teams on every island and to come into compliance with the endangered species laws and the marine mammal laws that have been...in effect for many years.

MS. REVELS: Three minutes.

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MS. BONK: Oh, I'm sorry. I do have a little bit more, then maybe somebody will give me their time later. But I'm...I'm here today to urge you to pass this resolution up to full Council and fully endorse. Thank you very much. Aloha.

CHAIR MATEO: Thank you, Ms. Bonk. Members, questions for the testifier? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Ms. Bonk, I gonna give you an opportunity to move forward again. Where on Maui do we see these monk seals?

MS. BONK: On Maui, it's south, Hookipa. There's one that's become quite familiar to many of you, called Makena, I believe. And I know that area of...Hookipa, there's been several seals sighted. Also...

UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Hamoa.

MS. BONK: Where else?

UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Hamoa. ...*(Inaudible)*...

MS. BONK: Right. I think they're scattered throughout this island in particular. But, you know, you're starting to have your local Lanai seals and then even Kahoolawe now has a little place called—nicknamed—Seal Beach. And it being so isolated the...the Commission is starting to really consider that island becoming eventually a haven as well. But as I mentioned before, Molokai has taken the...the Maui...mamas are going to Molokai and...and to Kalaupapa in particular, giving birth there and then coming back to Maui which they consider their home. But their...their...their children are considering Molokai their home. So that's how it's scattered through...really throughout your...your County.

COUNCILMEMBER PONTANILLA: Thank you. In your packet, do you identify these locations?

MS. BONK: Pardon me? Do I...

COUNCILMEMBER PONTANILLA: Your packet—yeah, you know, the information that you wanna pass out, does it show the...note the locations of where these...these seals are habitating?

MS. BONK: Not in my packet. But I have the numbers for NOAA and your local representative on this island, her name is Nicole Davis. And she just recently did the seal count for this island. And she probably be able to give you a more accurate accounting of where those seals are...right now. You know, they do move around. So your seals do travel within a certain geography of your County. And...and it...the Big Island doesn't have too many

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seals, maybe five, six, a handful. But they've been...one of 'em has recently come to your county.

COUNCILMEMBER PONTANILLA: Yeah, thank you. And...and, you know, you and I had some conversation regarding signage and that's the reason why I ask you that question. Thank you.

MS. BONK: I would love to talk to you further about signage because it's a big issue. And that's why, you know, I actually came to further discuss with you what the counties could do without spending money and how you could cooperate with the Feds and State. And make it a partnership relationship in terms of seal recovery.

COUNCILMEMBER PONTANILLA: Thank you.

MS. BONK: So I'd really like to talk to you more about that at a later date. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Ms...Ms. Johnson, followed by Mr. Medeiros.

COUNCILMEMBER JOHNSON: Thank you for coming, Keiko. I really appreciate your work and I...I know that it's really important to all of us. One of the things that I noticed that wasn't in your resolution, because earlier—in fact, I think it was maybe six years, seven years ago—we passed low-frequency sonar resolution of...from this Council. And because the impacts, of course, in the ocean on marine life as well as our mammals is really something that we don't know all of the effects about, do you have any statistics that would be available as to what low-frequency sonar does in terms of disrupting the habitat for the seals?

MS. BONK: I don't know. And that question has come up in some of the discussions with the scientists that I have been working with. But I couldn't...I couldn't answer that. I know a woman, a graduate student out at the University of Hawaii and her name is Laura Reeves(?). She might be able to address that and I can get you in touch with her. And she might be able to give you that information.

COUNCILMEMBER JOHNSON: And...and the reason I suggest this is because we've already passed a resolution, you know --

MS. BONK: Uh-huh.

COUNCILMEMBER JOHNSON: --passed by this Council many years ago that may actually help to support some of the things that may be viewed as hazards to the seal population so...

MS. BONK: Well, I appreciate that innovative...legislation years ago. And, you know, Maui has become known for its good initiatives for...for marine mammals especially...the environment in particular, especially the oceans right now. So I knew coming today

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I'd...I'd probably learn more from you...(chuckles)...than I already know so, thank you. I appreciate that. Thank you.

COUNCILMEMBER JOHNSON: Yeah. Thanks very much and thank you for your work.

MS. BONK: Thank you.

CHAIR MATEO: Thank you, Ms. Johnson. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chair. Thank you for your presence and your testimony. Yeah, I was...on Kalaupapa a few weeks ago and...and witnessed the seals there on the beach. And they seem to be very happy and un-intimidated there. I wanted to ask you because I know someone that works with the National Parks in Kalaupapa. And they were doing a lot of studies of the reefs, the...fishes, the seaweed and so forth. Do you folks share information with that Federal agency on Kalaupapa?

MS. BONK: You're talking about the Department of Interior, right?

COUNCILMEMBER MEDEIROS: Yeah. They're...they're...yeah...

MS. BONK: They're working in partnership...Fish and Wildlife is working in partnership—and all of the Department of Interior—with NOAA and the recovery team that's under NMFS that's under the National Marine Fisheries Service. In fact, everyone's formed a partnership for this particular species, including the newly formed Papahānaumokuākea(?) Tri...Tripartite agencies. So everybody's trying to collaborate but, you know, counties can do so much because they're at the...you know, on the grassroots level dealing with, not just residents, but tourists alike. And I think where we're lacking right now is the awareness amongst basic...people interacting with seals on a day to day basis. And that's where you and the rest of your Council Members...I think can do a lot to train everyone in Parks and Recreation and the police and your firemen and your lifeguards and get more signage out. If we can get the Feds and the State to fund the signs, I'm sure the counties could get 'em up. That would be my guess. ...*(Chuckles)*...

COUNCILMEMBER MEDEIROS: Okay. And...*(clears throat)*...and you...you are correct. You know, in East Maui we have a lot of sightings of the seals coming on the beaches and the rocks and so forth. But your group is a private, non-profit? Is that correct?

MS. BONK: We're a non-profit, non-government.

COUNCILMEMBER MEDEIROS: So does your group make any trips to, say, Kalaupapa which is very restricted about going there?

MS. BONK: We don't. We...we pretty much try to build...coalitions of policymakers and leaders. And then NOAA itself goes out in the field with its scientist and then other

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volunteers—there's some volunteers here today. But we don't have a huge response team in government. So it really depends of every island on their volunteer network. And that's why it's so important that we actually fund the volunteers a little bit, because we're not expecting tons of money to come to help in this regard. So those volunteers are out there on the beaches counting and to responding to calls.

COUNCILMEMBER MEDEIROS: Okay, good. And finally, you know, you're here to, you know, ask the County to be a partner or to assist in this but you...you realize that for Kalaupapa, it has to be an effort with the Federal government because Kalaupapa is a county in itself, and doesn't belong to the Maui County?

MS. BONK: Right.

COUNCILMEMBER MEDEIROS: Okay.

MS. BONK: Absolutely.

COUNCILMEMBER MEDEIROS: Right. Okay, thank you for your information. Appreciate it. Mahalo, Mr. Chair.

MS. BONK: Thank you. Thank you.

CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional questions for Ms. Bonk? Thank you very much, ma'am.

MS. BONK: If you do --

CHAIR MATEO: The--

MS. BONK: --my calling card...if you have any...any other questions, my calling card's in here.

CHAIR MATEO: Thank you very much.

MS. BONK: Thank you so much. Mahalo.

CHAIR MATEO: Mr. Robert Wintner? And Mr. Wintner will again be testifying also, Members, on Policy 55. And he will be followed by Antoinette Polancy.

MR. WINTNER: Aloha, Council Members. Thanks for taking this monk seal issue up today. I...I don't want to put Keiko on the spot or embarrass her. But for those of you who don't know, she's the former chair of the Big Island County Council. And she's currently, in my humble opinion, among the very most effective conservationists in Hawaii today. Her love and dedication for all the critters in Hawaii is unmatched.

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I ask Keiko the...the tough questions and they're also the easy questions. One is, how many dollars is this gonna cost Maui County? And the answer is zero on this resolution. I have personally been to the Capitol many, many times in the last two years on different conservation issues. I have my own focus. In fact, the first year Keiko pretty much held my hand and introduced me to the process. And I can tell you that Maui County has a reputation at the Capitol. We are considered "different" and that's a polite word. Because we do things that other counties don't do, they're afraid to do. As you know, everything in Hawaii has political ramifications. We're the only island that has no gill nets. Now the other islands are envious. I promise you this.

Recently I've heard...you know, when I'm explaining how things work in Maui...on my understanding, I'm told, well, we're not as far along as Maui County. And so I'm proud of this, for one. If we look at the recovery of the...the honu. I'm often, you know, forced to play the economic card because I represent Snorkel Bob's across Hawaii and also the Snorkel Bob Foundation. And so I'm often perceived as an economic interest, a special interest. And I am. My heartfelt love is also for the critters. And I can tell you that the...there's a new wave of tourism. We're seeing a downturn now because the whole economy is turning down but I think we will rebound. And when we do, what we've already seen is tourism is changing. It's no longer the hail, fellow, alo-o-ha! That's still here but visitors to Hawaii are coming because of our wildlife, of our nature. They are hungry to know. They wanna know what to do. They wanna know what not to do. They wanna know what's here.

One of the big challenges with the monk seals, they're not nearly as visible as the green sea turtles. The question earlier on where are we seeing these monk seals, my understanding is they come to a place because they like it. And they might go someplace else. It's not that they set up a permanent home. And so whatever we can do here to help these seals, it's a zero dollar cost to Maui County. And I know that you're all inclined to do the right thing and it's my opinion that this is the right thing to do. And thanks again for your time.

CHAIR MATEO: Thank you, Mr. Wintner. Members, questions for the testifier? Seeing none, thank you very much. Antoinette Polancy, she'll be talking on Policy Item 3(5). And she will be followed by Irene Bowie.

MS. POLANCY: Hi, my name is Toni Polancy. I've been a Maui resident for 17 years. I'm a writer and I have a book out that goes all over the nation. It's called "So You Want to Live in Hawaii". And I was a journalist for 50 years before I retired. I'm managing editor of a newspaper in Erie, Pennsylvania. When I came to Maui 17 years ago, one of things that really astounded me along with the beauty of Maui was the easy access with *Akaku*. I had never quite experienced that before where anybody could go in, take a class, produce something. I'm here on behalf of myself because I haven't had time to do that yet. I will be doing something for the homeless shelter here and producing a video soon, my first one with their help.

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But as a journalist I just wanna tell you how important it is to keep—no offense—but government out of...out of...publishing, out of television as much as possible. This is just a truly wonderful thing you have here. And it's constantly facing obstacles. You know, you have to help us help them. Not me yet, but hopefully . . . *(inaudible)*. . . But, you know, it's just wonderful. And...and...and over the years, 50 years in journalism, I've seen public access. I've seen free speech. I've seen free unbiased reporting becoming less and less. And I think it's great that we have this. And I hope you'll help maintain it and save it. Thanks.

CHAIR MATEO: Thank you. Members, questions for the testifier? Seeing none, thank you. Irene Bowie will be speaking on Policy Item 55. And Irene will be followed by Mike Moran.

MS. BOWIE: Good afternoon, Council Members. My name is Irene Bowie. I'm the Executive Director of Maui Tomorrow Foundation. Thank you, Council Chair Hokama, for introducing this resolution to urge Federal and...Federal government and the State of Hawaii to adequately fund Hawaiian Monk Seal recovery program to save Hawaii's only pinniped and one of only two endemic Hawaii species, the other being the Hoary bat. Partnering with Federal and State agencies to build the awareness needed for humans to share habitat with monk seals through Statewide education efforts will do much to help assist in the monk seal response efforts and will hopefully result in rebuilding of a healthy population of seals.

I would respectfully ask our elected officials to be mindful that monk seals are a valuable indicator species whose health reflects the health of the entire marine environment in which they live. If we're concerned about monk seals, then we need to provide for the health of the complete habitat, not just the creatures themselves. If we truly cherish these animals and want to preserve them, we need to look at our entire ecosystem and make wiser choices not only within our County but also for our State, our nation and ultimately for the world community. We must remember that extinction does happen in a vacuum. And make planning decisions for our communities based not only on economic factors but also, and equally, on areas of social and environmental concern. Thank you.

And if I have just a minute, I'd also just like to speak for *Akaku*. *Akaku* has just been an invaluable friend to Maui Tomorrow Foundation. We've been able to put...put information out on so many different issues that affect our community. And I think it's just vital to have this resource continue in our community. I think it's especially important for all the people that don't have the time to attend Council meetings, to attend Planning Commission meetings that they really can see the information in the evenings or whenever they...they have the time to watch the TV. So again I'd just like to give all my support and encouragement to continue *Akaku* as...as we have it today. Thank you.

CHAIR MATEO: Thank you, Ms. Bowie. Members, questions for the testifier? Thank you very much. Mike Moran, speaking on Policy Item 55; and Mr. Moran will be followed by Linda Puppolo.

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MR. MORAN: Aloha. I, too, want to echo what Irene said. I wanna thank Chairman Mateo for putting this resolution forward. It's something that we certainly wanna do to support the...the overall environment. And that's the key—or at least the oceans environment—that we...if we can't really segregate the creatures, we wanna try and help them all which helps us. Helps the humans. I try and come forward when there's an issue for some of the animals because as many of my friends tell me, I do much better with animals than I do with...our human species in getting things done.

I'm speaking today for our grassroots group, Pump Don't Dump, which I know the Council has been hammered with for...for several years. And fortunately has shown us support where some State and Federal agencies have not. And they're the ones with power that could do something about the issue of boats dumping sewage into the ocean. One of the concerns is when our group went to the whale sanctuary and asked for support to stop the dumping in the whale sanctuary. One of the reasons I was given informally why they couldn't do much about it is there's no scientific proof that sewage is harmful to whales. There's no scientific proof that it's *not* harmful either but that's just the way they have chosen to go on it. And when I pursued it further, I was told, well, if you wanna go after creatures that are probably harmed, the one that's most likely being harmed by the sewage is our...our monk seal. So I wanted to bring that up. I'm certainly not a scientist but I rely on people that have the knowledge. And then I try and pass it along.

It was mentioned earlier that Nicole Davis has a monk seal watch which she's been conducting for several years. It's done on a twice a year basis. And they pick a date, usually a Saturday, pick out a three-hour period, and try and cover as much of Maui County as they can with volunteers. I have participated in every one except the last one. Unfortunately, I couldn't do the last one. And I usually do somewhere in North Kihei. And we know pretty much if you're gonna be on the beach for three hours at one point. In North Kihei the chances of you spotting a monk seal are...are pretty slim but that's part of the whole scientific process. Well, then you can say after you've looked for three hours there were none there.

I, as part of my own recreation, I walk on the beach with...with my three dogs looking every day. We do this one hour a day and we look for these...the dogs that run in rough water as our other land-based dogs are running on...on...on the sand on leashes, doing it legally. And I have been about ten years of doing this pretty much on a daily basis. I have one day spotted one monk seal. So that shows us how infrequently they are around. And I do try and diligently look for them. So that gives us a layman's point of view of how rare they are in—and particularly we know in the more built up areas there are less likely to...to be seen.

MS. REVELS: Three minutes.

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MR. MORAN: Okay. And I, too, will just say I support...*Akaku*. I wish had more time to talk on that issue as well, but I give them my full support. Thank you very much.

CHAIR MATEO: Thank you, Mr. Moran. Members, questions for the testifier? Thank you very much. Linda Popolo [*sic*]?

MS. PUPPOLO, FROM THE AUDIENCE: Pup-polo.

CHAIR MATEO: Puppolo.

MS. PUPPOLO, FROM THE AUDIENCE: Pup-polo.

CHAIR MATEO: Puppolo.

MS. PUPPOLO: It's a tough one.

CHAIR MATEO: Puppolo. And Linda will be ...(*change tape, start 1B*)... followed by Jay April.

MS. PUPPOLO: Hi. I know all of you because I see you come to *Akaku*. I wanna—first of all before I start, I'd like to point out on your meeting agenda it says, "to learn more about Council-related issues, tune in to *Akaku: Maui Community Television*."

UNIDENTIFIED SPEAKER IN AUDIENCE: Amen.

MS. PUPPOLO: Hey, I'm gonna start off, in June of 1990—oh, by the way, I'm the Administrative Director of *Akaku, Maui Community Television*. In June of 1997, a report was prepared for cable television division of the DCCA and it was entitled, "Disputes Over PEG Resources, Splitting the Baby". Is not the solution. The letters P, E, and G...are symbolized sectors serve the...public, education and government and they were never...conceptualized as funding categories to be split. It should've just been called community television in the beginning because it really is all about us in localized communities. That being said, *Akaku* received \$989,108 in franchised fees in Fiscal Year 2008 in which \$285,424 of that was sent directly to the educational sector after the educational agreement was reached in 2005. Half of that money goes to UH and half of that money goes to DOE and that leaves *Akaku* with \$703...\$703,682 in franchise fees to facilitate 24/7 programming for three channels.

The Council and Boards Commission contract yielded \$218,766.69 with *Akaku* coming in under budget by \$555,681.31 for both contracts. *Akaku* adds 6,077 hours of government programming in Fiscal Year 2008 and three...another 3,947 hours in bulletin board programming for community events as per our County Council service contract. Just counting that 6,700...6,077 hours of government programming that the subsidy that the County gives *Akaku* to run the Council meetings and...is...is that we're collected is about \$36 an hour.

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Now, I know that this is not all original...filming, but *Akaku* also incurs fees from programming, personnel, administration and technical work is needed. And we also offer a...service of re-broadcasting these meetings on Channel 54 which has a sort of video-in-demand feature that allows the community to view a meeting in their own time frame when they cannot attend the meetings in the middle of a work day. When you are considering this resolution, I hope that you consider the whole picture on how the stations work together. The technical skills and experience required to perform all the duties that make these broadcasts happen and mostly that Hawaii PEGs adopted and put into effect a best practice integrated PEG model, whereas we were set up as independent non-profits created for the specific purpose, by providing channel space, unbiased gavel to gavel meeting coverage and non-discriminatory access in low cost video training to the public. It also serves native Hawaiian governments, private and public educational entities.

MS. REVELS: Three minutes.

MS. PUPPOLO: What I wanna say, I have a whole bunch more and I'll go ahead and submit this as written testimony today. But I also brought, the DCCA proposed hearings meeting is transcribed and I brought it today. Seventy-five people testified at this meeting and it's very endearing. We can provide you with a DVD also. But this is the testimony of 75 people. Seventy-four people in your community came out in the middle of the work day to testify for *Akaku* to say that we're a public resource that's respected and loved in this community. So I'm asking you to work with us. Let's make the funding work and don't make us go away because taking this money away—as the bookkeeper of *Akaku*—you diminish the resource to the point where I don't know whether we can go on. Thank you so much for your time.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you very much. Jay April? Jay will be—Jay will be speaking on Policy Item 3(5). And he will be followed by Michael Duberstein.

MR. APRIL: I'm not used to testifying before a movie star so...Riki [*sic*], was great to see you on Primary night, Skyping in from Molokai. Then we read, I think, in the Dispatch a couple of days later that the first TV broadcast from Molokai in 2008. How about that?

In 1993, as Linda mentioned—I don't know if Linda mentioned the study—but the Legislative Reference Bureau at the State issued a report. It was called "Cable Access: Unscrambling the Signals." And in that report it made a lot of recommendations that made sense then and they still make sense today. And that basically...they basically said do not split the baby.

I was in Minneapolis in July, excuse me, in June of this year. I happened to have the great privilege to talk to Dr. George Stoney from NYU and Nicholas Johnson. Dr. Stoney...Dr. Stoney started the access concept in 1972. And he's in his '90s now, still sharp as a tack. And Nichols Johnson, if you remember, was the FCC Commissioner

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in '72 who saw what was gonna...happen with cable. That cable would become a huge monopoly. And they conceptualized community television. And George said his heart sank when they heard it being called PEG, public, educational, government television. Because in some people's minds that means, oh, gee, if there's three letters, if it's Sesame Street, let's...let's split the funding. It just doesn't work to split the funding. And...and the best practice across the United States is that the integrated model really works really well.

The services that *Akaku* delivers I think you're aware of those. One of our...couple of our community producers without any urging showed up here today. And the community producers provide a lot of services, for instance, that the County, if they were providing, would probably cost a lot of money. And as we head into hard times, I...I think you'll see more survival information television coming out of *Akaku* as we learn how to educate ourselves. I don't think the government can do that. I'm not against the government having its own channel. But it's not an access channel. I think Linda alluded to the idea of...of the word...operative word being "access." It's about access to government, as like CSPAN, gavel to gavel coverage. It's about access to education. It's about access to each other. It...it's not about government pontificating to the people or even educational institutions pontificating to the people. It's about people having access. It's about all of us. It's community television.

Think of it as a park. The park is the green space where everybody comes to meet and to talk. The TV channels are the buildings. And do we want the government building or the education building—for all the good things that they do—do we want those buildings to pave over two-thirds of the park? Well, that's the trend that's happening all across the country right now. To do that in Maui, I think, would be devastating for our community.

Where's the money? Well, there is money. The Federal government allows 5 percent of cable revenue to go to this resource. One percent currently in Hawaii goes to KHET in Oahu. That's \$200,000 of Maui subscribers' money.

MS. REVELS: Three minutes.

MR. APRIL: It goes to Oahu. It doesn't come back to us. Excuse me?

MS. REVELS: Three minutes.

MR. APRIL: Okay. There's a lot I can talk about. I did submit written...testimony. The split creates no economy of scale. And if you follow the money, there's a lot of other money available that can be made available. We will have a new administration in Washington, there will be more money coming down for community media. And one of the things I think that we...we forget is that *Akaku* is also a resource for you and for our community in terms of where we're going in telecommunications particularly in the area of broadband and the internet. Hawaii is 42nd in the nation in internet speed. We're not doing very well. For the same service, for streaming media that I would like to give you,

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costs me \$3,000 a month. In Seattle, that same service from Time Warner costs \$139 a month. These are some of the issues that we have to talk about. *Akaku* is ready and willing to talk and work with you to make us the best possible public, educational, and government access organization in the United States.

MS. REVELS: Four minutes.

MR. APRIL: Thank you.

CHAIR MATEO: Thank you, Mr. April. Member...Members, questions for the testifier?
Thank you very much, Mr. April.

MR. APRIL: Thanks.

CHAIR MATEO: Michael Duberstein, followed by Tia Christensen.

MR. DUBERSTEIN: Mr. Chairman, Members, aloha ka ku [*sic*]. I am Michael J. Duberstein of 34 Iliwai Loop in Kihei and I proudly serve as a publicly appointed board member of *Akaku, Maui Community Television*. And next year I...I will be serving as the treasurer but you see how good a job Linda does already to...to help me.

This past July I represented *Akaku* at the 2008 meeting of the Alliance for Community Media, a national voice for hundreds of community access programs. At that meeting, *Akaku* was hailed, both as one of the country's best PEG access programs and one that serves as a model...encompassing every aspect of the broader term culture throughout our County.

All right, now what's the old saw that we hear? If it ain't broke, don't fix it. And you're gonna hear that a lot today. And it applies here in Maui County as well as on Oahu, on Kauai and on Hawaii. There ain't nothing broke about community access. And so, if not, where's the call for this resolution coming from? And the answer is simple, unambiguous and undeniable. And it's five words. Political control over free speech. Dig deep and you'll recognize this ploy as a Lingle administration attempt to politicize PEG access in Hawaii via—what on the surface appears to be a simple and innocuous switch to an RFP process. But you don't have to fall for that, not one bit. Nor should you think that...what's proposed for Hawaii is an isolated instance. It's happening also in several other states where proposed legislation would move franchising from the local level to the statewide level.

Now you're gonna hear more from other *Akaku* members, the very detailed technical reasons why a resolution to switch to an RFP process is wrong. That alone should be proof to you why...you should respond with a resounding "no" to this resolution. And even if the technical features aren't convincing by themselves, ask yourself this. What quality would you expect from an organization which is the result of the lowest bid? Or

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just as importantly, what price is exacted on a community when media access gets awarded to the highest bidder? What becomes the price of free speech?

Now you'll notice that I tend to recycle everything and on the other side of my testimony turns out is a resolution--

MS. REVELS: Three minutes.

MR. DUBERSTEIN: --thank you...is a resolution that was passed unanimously by the Democratic party of the state of Hawaii that I introduced at the State Convention this year on the Superferry. Believe me, the RFP process that's being asked for by the Lingle administration is nothing more than a...another Superferry. And you were very wise at this Council to reject unanimously the Superferry and you should turn down the RFP process just as well. Malama pono.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you very much. Tia Christensen, and Tia will be...also speaking on Policy Item 3(5) and will be followed by Lance Collins.

MS. CHRISTENSEN: Aloha, Council Members. I also recognize you from seeing you every day at work. And I want to say that I did see a monk seal yesterday that was enormous on the beach. So I'm here for you, too...the monk seals.

I came today to speak for *Akaku*. And I'm kind of shocked to actually to be here. It seems like kind of a bad *déjà vu*. I was just speaking out for *Akaku* a few weeks ago. And here we are again and I just want to say to you, to implore you to please support us. Our plate is so full as it is. It's seriously bent in half and it's...it's not a paper plate. It's very fragile. It's made up of community members. It's...I've been there for two years now. And the people that I've met in this community, I can honestly say that when I leave *Akaku* and someone says to me, "what was your favorite part of your job?" I will honestly say that it was the producers and the members of this community. It's...it's a very rewarding job. When I took it I was told to be patient. That was over two years ago. I'm apparently very patient. I didn't know that about me.

But I've had opportunities there that I never in a million years would have imagined it. This could be something that I would be doing that I would have a show on sustainability. I did have a sustainable business. I thought that was really cool. But when...when that ended, it was kind of...late in life to go into a fetal position. So I went to work at *Akaku*. In fact, I volunteered for elections. And it was one of the first times that I actually met you all. And I know how involved you've been with community producers, especially this particular election season with the Cooking with the Candidates with Ron Sambrano. I...I mean, we have some really amazing producers. And the producers that we have are all from the community. And, I mean, just...just as a marker, look at the elections from two years and look at the great job we just did. And if I may say so, we're gonna rock it really hard on November 4th so I...I hope to see you all there.

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And coming, we've been planning, planning through and working very hard. And I think that that's something that you can truly measure by. But I think my voice gets a little shaky because I'm...I'm very emotional about this. I mean, I...we go to work every day and I have a lot of personal things going on in my life with relatives and what not, but boy, I can walk through the front doors and I don't think about that until I leave because there's constantly, constantly—aside from just the work that we do on a daily basis. Like this, with hands tied behind backs. I watch my...my managers and the CEO of *Akaku* every single day. It is so sad to see these people work so hard to fight for what should just be a given, really. And this is...this is for the community. *Akaku's* for the community so please don't take that away from the community. Mahalo.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you. Lance Collins, also speaking on Policy Item 3(5). And Lance will be followed by Paul Kaner [*sic*]? Kaner [*sic*]? Okay.

MR. COLLINS: Aloha, good afternoon, Policy Committee, Chair Mateo and Members. My name is Lance D. Collins. I'm the attorney for *Akaku Maui Community Television*. And I come today to testify in opposition to Policy Item 3(5), number 6. This is a concurrent...a proposed concurrent resolution to have the Legislature urge the DCCA to assist the Counties in taking a cut of franchise fees that are supposed to go to access organizations. First, I think the first problem is that the franchise fees are for television access, not television production. And the monies that the County use...uses, expends in paying *Akaku* to shoot video of these meetings and boards and commissions, are for production, not for access. And so the first problem is that the funding as it's been set up through State legislation does not actually provide the franchise fees to be used for the purpose as this resolution is suggesting. And to think of it in a different way, it would be like urging...having Congress urge the Federal administration to raid the FDA's budget to pay for school lunches. They both involve food but they have nothing to do with one another. And although it seems easy to think of them as being the same because *Akaku* provides both of those services, they are separate and franchise fees monies is not necessarily supposed to go to production, especially not government production or educational production.

Second, *Akaku* has always felt that it has been in a collaborative process and...and in a partnership with the County government. And, of course, I believe this particular HSAC resolution was proposed by a...a Honolulu City Council member. And I'm not sure what their relationship is with Olelo. But this sort of way of sort of not dealing directly with *Akaku* to describe ways of getting more funding or coming up with the solution that everybody can live with, but instead going this route is very adversarial. And it...it eliminates the idea of a partnership and tries to create a domination control based, unequal power play where instead of coming to *Akaku* to figure how can we come up with a different way to fund or more funding, instead going to the DCCA to try to get it done sort of behind *Akaku's* back. And so, that would be very unfortunate if this Council were to pass this particular resolution because it would be...it would jeopardize the

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collaborative approach that Maui has always enjoyed between County government...and access.

Proper...if cable...the cable regulation was done in a proper manner, there would be no questions over funding issues. Federal law does allow up to 5 percent franchise fees to go to access...

MS. REVELS: Three minutes.

MR. COLLINS: Thank you. Go to access organizations and access purposes. Currently 3 percent is being used. One percent is going to public television which violates the law but that a separate issue. And...and one...1 percent is not collected. In Honolulu, which I think, Nestor Garcia's resolution really...I think it hits the point. In Honolulu, a million dollars is refunded back to the cable television company. And it...it...they're using less than 3 percent...of...of the 5 percent that's allowed. Now if regulation was...was properly done, this wouldn't be an issue. We wouldn't be fighting over bones. Everybody would have what they need. The problem is...is it's not a let's just take a cut of what's been given. Why don't we look at the whole picture and insure that regulation meets all of the needs...needs of our community. And we do it in a collaborative, inclusive and partnering way instead of an adversarial kind of way or the sort of around the back door, control method --

MS. REVELS: Four minutes.

MR. COLLINS: --that's being proposed by Councilmember Garcia. Thank you.

CHAIR MATEO: Thank you, Mr. Collins. Members, questions for the testifier? Thank you very much.

MR. COLLINS: Thank you.

CHAIR MATEO: Paul Kaner [*sic*]?? And he will be followed by Jacob Mau. Excuse me, he will be followed by Noel Ching-Johnson.

MR. KRAMER: Aloha, Council Members and ladies and gentlemen. I'm speaking today in behalf of *Akaku*. This public hearing as well as others like it afford a wonderful opportunity for citizens like myself to voice their opinions on important matters that affect our community. It gives people a voice to say what they feel and express their beliefs. Unfortunately, the mass majority of our Maui citizens cannot be here today because they are at work supporting themselves and their families. So unfortunately, their voice cannot be heard today. But if they had a vote on limiting or reducing the quality of free access to high quality public television in the County of Maui versus more government control with less public access and with limited expertise, they would definitely vote to keep it as is. Government need not control and distribute private monies that were paid to the cable company by the cable company subscribers. These

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funds were not and are not tax funds. They are set aside to provide funding so there would not be dominance or monopoly of control of the airwaves by the main cable company. That was and is the purpose of the funds set aside by the cable companies. Without the expertise, the existing expertise, and the experience that *Akaku* has demonstrated year after year providing free public television access, government intervention can bring us another Fannie Mae and Freddie Mac of tomorrow on a smaller basis. I also feel strongly that if it's not broken, if it works well and it is cost-effective, let's not ruin it. Thank you very much.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you very much. Noel Ching-Johnson, and will be followed by Jacob Mau.

MR. CHING-JOHNSON: Hi, you guys. How are you? Chairman Mateo and all of you public servants that have to listen to all of this testimony, this is going to be relatively painless. I'm testifying on behalf of myself, Video Images Maui on behalf of myself as an eager employee of *Akaku* and about four or five thousand people that don't know I'm testifying of their behalf. But I'm sure that they would want me to. The whole thing that I would like to mention is, the language on this, a concurrent resolution. Concurrent with what? We know that the DCCA which I—silly me, I thought it was the Department of Commerce and Consumer Affairs, an agency to protect consumers, to protect commerce. You know, to protect us. But instead they have taken a very adversarial position. And I know times are tight. But this resolution is to urge the DCCA to assist the Counties in negotiating agreements with us when basically the DCCA is trying to set *Akaku* up for procurement which is not even what they're allowed to be doing. And...and you know all that. We've...we've all taken all of this information a million times over. And you don't need to hear a million people get up hear and say, "Protect *Akaku*." But the reason that there are all of us constantly saying that is because apparently it's falling on deaf ears higher up. And we need you to help. This is a community resource.

I'm really puzzled by this language. I'm also puzzled why an access organization such as *Akaku* that is model nationwide would come under attack. This money is not to be viewed with greedy eyes. This is not government money. This is not DCCA money. This is money that the Federal government says a monopoly has to give back to the community, period. And it's really, really pretty much that simple. If the County Council would love to...to negotiate with *Akaku* for more money, we'd be glad to have you come along in...in partnership and have the cable companies give more money. By law, they're allowed to. By rights, they should. So we'd, you know, love a silent partner if you'd like to come along and get the maximum. We'll split some of it with you in the form of good quality government programming. But you know that I worked for the County. And I've worked in the private sector. And I personally wouldn't want my government TV produced by an employee who, say, may have retirement—

MS. REVELS: Three minutes.

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MR. CHING-JOHNSON: --in...in mind rather than doing a good job. You know, I mean a great medical plan but that's—government shouldn't run government TV. And if...the government wants to, maybe *Akaku* could run government and you could run the TV. ...*(Laughter)*... But I...really, we really need your help. And...and I ask you to party with us to stay on the side of what is right. And as Jiminy Cricket would say, let your conscience be your guide. Thanks.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you very much. Jacob Mau, and Jacob will be followed by Nikhilananda.

MR. MAU: Aloha.

CHAIR MATEO: Aloha.

MR. MAU: Council Members, the Staff, and the public, my name is Jacob Mau. I was born here over 70 years ago. My genealogy goes back to the first group of people that came here, 400 A.D. The reason why I'm saying that, when you folks was talking about the Hawaiian Monk Seal, I was born in the old Paia Hospital but raised in Kaupo by my grandparents. And it was customary that you get raised by the kupuna so that you can learn all the knowledge, the history, the culture from our kupuna. Anyway, we respected the monk seal and we were told, "No go kolohe the monk seal and the honu." Although we had turtle to eat until it became a commercial market for the industry and it became a violation, a rule which we could not take the Hawaiian sea turtle.

Anyway, I am here in behalf of *Akaku*. I...I listen to the program and I wish they would cut up all the other television stations. It's very informational, educational. They have public forums. And they always have the kupuna, the elders, have a time period where they can share about the past history of wherever they came from. And so, anyway, I am really in support that you Council Members think about it. And let that program continue because the future depends on *Akaku* for the kama'aina, the locals and also for the visitors. I appreciate this time and mahalo nui loa.

If you guys get any...any questions you folks want to come to Keanae and help the water people. They have a big meeting within the water issue in the Keanae, Nahiku and the Hana District. So, mahalo nui loa. Any questions?

CHAIR MATEO: Thank you. Members? Ms. Baisa.

MR. MAU: Uh-oh...

COUNCILMEMBER BAISA: Hi, Jacob.

MR. MAU: Hi.

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COUNCILMEMBER BAISA: No, just a quick question. You mentioned the water meeting. Do you know when and where?

MR. MAU: It's gonna be in Keanae School at 7:00 tonight.

COUNCILMEMBER BAISA: Oh, my gosh. Okay, thank you. . . .*(change tape, start 2A)*. . .

MR. MAU: Important meeting.

CHAIR MATEO: Thank you, Mr. Mau. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chair. And aloha, Mr. Mau.

MR. MAU: Aloha.

COUNCILMEMBER MEDEIROS: I...I just was wondering, do you participate in any activities at *Akaku*? I mean, do you have a—the reason I ask if you have a show or something, it's because you...you have a lot of knowledge to share about the culture and stuff.

MR. MAU: Yeah, I been asked to share my mana'o being that I'm in touch with them from time to time. They have been very supportive and giving me information. And when I need any videos or tapes of the meetings, we work it out where I come in and pick up the tapes. However, I think it's vitally important for the kupuna to share the knowledge and the wisdom that we've learned from our ancestors because it's coming to a time when we will be gone. I probably get another 20 more years before the man above going take me. But I have so much to share. If you talk about all the surrounding areas, my ancestors, like I said, came here 400 A.D. All the first people, I think we came in the second canoe. All the original people around the entire of Maui and the other islands were all related to the Kauauapiana(?) ohana. And that's the line of Kamehameha. And I have the entire genealogy all to the...right up to the present time from Liloa who was the person—I don't know if you folks know where we come from. We come from the Marquesas. But I have all that information which I'd like to share. And my children and my ohana understand all my genealogy which is so valuable and it's important for all of us, yeah?

COUNCILMEMBER MEDEIROS: Yeah. Okay, mahalo, Mr. Mau. But I would...I would suggest you get together with *Akaku* and maybe produce a show to share that mana'o and that knowledge. Mahalo.

MR. MAU: Mahalo.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

CHAIR MATEO: Thank you. Members, additional questions? Thank you very much, Mr. Mau. Kahu David—excuse me, Nikhilananda, to be followed by Kahu David Kapaku.

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COUNCILMEMBER BAISA: Kapaku.

CHAIR MATEO: Kapaku. Kapaku.

MR. KAPAKU, FROM THE AUDIENCE: Ho, only cold in here. Just like Haleakala.

MR. NIKHILANANDA: Good afternoon, Chairman Mateo and members of the Policy Committee of the Maui County Council. My name is Nikhilananda. I'm a 22 res...22 year resident of Maui County and currently reside in Huelo. I would first like to incorporate all the earlier testimony of everybody who spoke on *Akaku*. I decided to pull some things out and take...and add a couple of little points. But a good place to start is Councilmember Medeiros' comment to Jacob about having a program. And in a way, that's what this is all about.

It's easy for someone to say, hey, why don't you have a program and *Akaku* to help produce it but where does the money come? And this proposal is suggesting that more money gets siphoned away from PEG access. Now, most of you on this Council are privy to the fact that monies already been siphoned off by the DOE and MCC without any oversight as to where the money goes. How it is spent nor what criteria is used for educational access. And the thing to realize is that we're talking about educational access, government access and public access. We're not talking about educational TV. Now I wanna underline again what has been mentioned today that money is given to public TV and people think TV is great as I do. But nowhere in the country does 1 percent of the money from cable franchise fees go to public TV. If you want to do something constructive, let's get that money back and give it to public access in the State.

Now you've also heard the figure that the Federal government requires up to 5 percent of franchise fees. Remember this is a private monopoly that runs the cable system in Hawaii. That's why you have this law. So they're using the public airwaves. They're using public resources and as a result take 5 percent. But I wanna point out that Montgomery County, Maryland demands Comcast give 8 percent of their money to the public access facilities. And you can check on that. So we're only giving 3 percent and already that money is being doled away.

Now, I wanna get back to the idea of DOE and MCC taking 25 percent 'cause now you're taking about...talking about taking another 25 percent. It's been eloquently stated already today that PEG, public, education, government, was never meant to be the way it's looked on today. It was just an idea of where it's coming from. And, for example—I guess I should point out some of those asked earlier—I currently do have a show on *Akaku*. It's the longest running show, continuous running show on *Akaku*. It's been on for a little over six years. That is funded exclusively by me and it...and *Akaku* allows me to do that show. And so does everybody else. Now...now people have mentioned to me that that show is also an educational type show. But we're already taking 25 percent of our money and giving it to DOE and MCC.

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So again, I wanna underline if you wanna do something constructive, let's do an investigation as to where that money's going with DOE and MCC and let's get it back. Because where it goes, it goes into their general fund. It doesn't go to educational access. Now another point that you're probably aware of but I just wanna underline that, is that their \$10 million state-of-the-art facility at MCC is off-limits to everybody else in this community yet they're taking cable franchise fees...fees to...to run their educational access and educational TV. No one else can use that unless you're a student at MCC. And yet they're taking money for people who are paying their cable franchise fees. Again, it's been spoken about earlier. To differentiate, these are not legislative money, it's not --

MS. REVELS: Three minutes.

MR. NIKHILANANDA: --tax money. It's cable franchise fees. Thank you. Now, I do wanna incorporate one paragraph and because I'm running out of time, I'll get into my typical New York speed. Educational access in its pure sense was never intended to entitle one or two specific state institutions access to cable subscribers. A similar analogy is government access. The thinking was that if citizens could observe the workings of government action, they would be more likely to engage more fully and you all know all of you who have been on the Council since we've had *Akaku* but some of us are old enough to remember the days before *Akaku*. And how things went on behind closed doors and not out in the public so everybody could see that.

MS. REVELS: Four minutes.

MR. NIKHILANANDA: So a pure G model, government model in Hawaii would be inclusive of State, County, local and native government voices and would be inclusive of those who have an interest in civic issues raised in a healthy public domain. And finally --

MS. REVELS: Four minutes.

MR. NIKHILANANDA: --what seems to be a better proposal would be, this body support a State resolution that demands that the DCCA looks at...gets back the money that was stolen by DOE and MCC and siphoned off by DOE and MCC, and immediately investigate as to where the money that DOE and MCC has gotten and where it is gone. Thank you very much for your time.

CHAIR MATEO: Thank you, Nikhilananda. Members, questions for the testifier? Thank you very much.

MR. NIKHILANANDA: Thank you.

CHAIR MATEO: Kahu David? And Kahu will be followed by Diane Morgan.

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MR. KAPUKU: Aloha.

COUNCILMEMBER BAISA: Aloha.

MR. KAPAKU: Kahu David Kapaku out of Honokohau Valley. Just the idea that Kaanapali Beach was voted the number one beach in the world. I think that's an amazing thing that here on the island of Maui, Kaanapali Beach is number one in the world. It beats every single beach in Mexico, South America, Australia. We have the number one beach in the world. And there are two words that come to me when I think of Kaanapali Beach. It's the word, "beach access." Beach access meaning that people from all over the world get to stay in these beautiful resorts along Kaanapali Beach Hotel. But yet those two words, beach access, allows a local boy from Honokohau Valley to have access to the number one beach in the world. That to me is like *Akaku*. The word "access". Because of this word, access, it allows everyone in the community to be a part of Maui. I thank *Akaku*.

Because of the coalition, Save Honolua, we have access to provide to the community our passion to save the last open spaces on Maui. *Akaku* allows us that vehicle to communicate our latest one plan, one pulse to the community to help us move forward into saving this area. I don't know of any other vehicle right now that would allow us to do that without charging us an arm and a leg. So the two...the key word, whether it's Kaanapali Beach or it's *Akaku*, it is the word "access". And we local people have access. Mahalo.

CHAIR MATEO: Thank you, Kahu. Members, questions? Seeing none, thank you very much. Diane Morgan? And Diane will be followed by Jace Hobbs.

MS. MORGAN: Aloha. It's hard to follow those eloquent speeches that we just heard. And I wanna echo, as a private citizen and as a citizen correspondence for *Akaku*, public access. And I became a certified producer in 2002 and worked a lot in that election. And after that time, *Akaku* went through some rough times and it was hard to produce programs. And when you speak about wanting to hear about the kupuna and the kahuna(?) and all these things that are out in Kaupo, I can think of tons of programs but...like, Gladys Kaunoa, her taro fields that I've been out to visit with the master gardeners. And these East Maui Watersheds that want to highlight some of the work they're doing. And the Maui Invasive Species Committee that's asked for some help with some of their projects to put them on. And whether they're broadcast on *Akaku* or whether they're then put streaming video on the internet, or whether they're put on Channel 16, on...on Time Warner, the thing that *Akaku* can provide that I can't produce a program without is that whole set up. So I can have a camera and I can do my own editing. But as I helped work for the primary election, I met a really good camera person that we really clicked together. We...we complement each other, our skills. That isn't something I would've found randomly.

So if this is just about money, I think that that problem can be solved. And I think that if it were just about money for me, I could get grants to film things in Keanae. I really

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believe that. But what I can't get are the people to assist me, to even talk to them and say, "What do I do about this? I have this problem. Or can you help me with this?" So it is the access to those kinds of things that *Akaku* which is why I made the time today to leave dry weather in Haiku. ...*(Laughs.)*... And leave my nursery there to come down and testify for them because I think that Maui is such a unique place. And nobody ever really gets to see that. Even people that live here. There's so much they don't ever get to see. And when you are able to experience that treasure it would be so wonderful to share that with not only the people here but with everyone. And to...and to record it forever, to put it down in a way that you would always know that.

So I appreciate your time and I pray that you would just find a solution to this, whatever it is. Get it away from legal and resolutions and let's...let's get some stability with *Akaku* so that we can all do what we all wanna do anyway, is...is show the beauty, represent our views and provide what should be provided since we're in this great country where we have all this freedom. Thank you.

CHAIR MATEO: Thank you very much, Ms. Morgan. Members, questions? Seeing none, thank you very much. Jace Hobbs?

MR. HOBBS: I think I may have the privilege of speaking last. And there's been some good speakers today, I think everyone would know. So thank you for hearing us all. I'm Jace Hobbs. And I'm not going to reiterate points that have already been made by. But I'm gonna make a point that I think will sort of maybe cap this. And that is, if you remember recently there was a news item in which a director of elections...supervisor of elections, perhaps, had been going around a mid-western town removing one of the candidates' signs because this supervisor of elections was so sure that this candidate was unfit for the job and unacceptable for the job that he was running for. That they would remove—he was removing these signs himself. Now, I think that the point is this. If we think that there isn't a long-standing tradition I would say, but maybe a infamy, of government reaching out and having a squelching aspect to dissent to people who have varying opinions, then we are gravely mistaken. Government generally finds a way to create a status quo which is very uncomfortable to move against. But dissent is very important.

My family, Quakers, were very against the Vietnam War in the early '60s. My family suffered repercussions from that. It was very difficult to get newspaper access, to get not vilified, to not be...have...have, you know, public actions against one. It's difficult to not accept this...this dissent in a very, very important aspect. Even when it goes against every fiber of your thinking, you have to support dissent. *Akaku* is an example of a vehicle for dissent. We have to make sure that this does not fall under the aegis of government intervention.

And that is the bed of the point that I would like to make. Simply this—maybe I should reiterate one more time. It's impossible for dissent to have a free and open forum...under the aegis of government funding. It will always, always rear its ugly head in the allocation process even when you don't even...you trust those...those people at the...in

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the government. Even when they're the seemingly really well-meaning people, it will affect that. Do not allow this to fall into that category. Thank you.

CHAIR MATEO: Thank you, Mr. Hobbs. Members, questions for Mr. Hobbs? Thank you. And as he did indicate, Mr. Hobbs is the last individual signed up to testify this afternoon. The Chair will offer anyone in the gallery the opportunity to come forward and provide testimony at this time. Members, seeing no one coming forward, with no objections, we will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you.

...END OF PUBLIC TESTIMONY...

CHAIR MATEO: Members, I...I...I'm aware of the time. We will take our afternoon break at this point. The Chair will ask that it be a very short break. We will be losing quorum later in this afternoon. So I think if we take a five-minute break at this point, come back at a little—well, about five after 3, we'd be able to complete our agenda for the afternoon. Committee stands in recess. ...*(gavel)*...

RECESS: 3:00 p.m.

RECONVENE: 3:09 p.m.

CHAIR MATEO: ...*(gavel)*... Policy Committee meeting for October 28, 2008 will come to order.

ITEM NO. 2(15): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS) (C.C. No. 07-7)

CHAIR MATEO: Members, we can continue on our agenda. Before going into the first item, Policy 2(15), Nominations to Boards, Committees, and Commissions, the Chair would also like to recognize the presence from Administration. We have both our Corporation Counsel, Ms. Sloper; as well as the Executive Assistant to the Mayor, Marian Feenstra. And also from our own Committee Staff, we have both Ms. Revels and Ms. Sakamoto. Members, the first item on our agenda, the Administration is requesting consideration of the following nominees to the various boards, committees and commissions that requires Council approval or disapproval by December 1, 2008.

And Members, for your information, no nominee to any of the following boards and committees and commissions were asked to be present at today's Committee meeting. Only one member had requested an interview and in order for that to occur, three Members needed to have requested the same.

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Therefore, the nominees are: to the Hana Advisory Committee, Marilyn Tau‘a, replacing Melissa Mauliola, for a term expiring on March 31, 2010. To the Maui County Commission on Persons with Disabilities, Felicia...no, Feliciano Sales. And she is replacing Mr. Warren Gouveia, for a term expiring March 31, 2009. To the Maui County Grants Review Committee, Gene Abbott, replacing Kenneth Rothman, for a term expiring on March 31, 2012. And to the Maui County Outdoor Lighting Standards Committee, Fern Duvall II, replacing Sye Vasquez, for a term expiring on March 31, 2010.

These are the nominees that Administration is recommending. The Chair will allow Ms. Feenstra to provide additional comment on these nominees. Ms. Feenstra?

MS. FEENSTRA: Thank you, Chair, and hello, Council. Mayor—first, I would like to thank those commission members that have had to resign but did serve. And she would also like to say that she hopes that all of these nominees are approved. And wants to thank each and every one of them for coming forward and volunteering because this is quite a commitment for the members of our community to make. And it is a voluntary commitment and times are very difficult right now with gas prices and the...economy in the situation it is, so we thank you for your consideration. And do hope that the nominees are suitable to your liking.

CHAIR MATEO: Thank you, Ms. Feenstra. Members, questions for the Department? Ms. Baisa, go ahead.

COUNCILMEMBER BAISA: Thank you, Chair. Just one quick question for Ms. Feenstra. I'm the Member that asked to have one of the...appointees, or potential appointees appear today. And the reason was that I don't know the gentleman and I had hoped to have the opportunity to at least have a real conversation with him. But I notice that in the résumé of Mr. Gene Abbott, that he mentions he's a Board Member of NDPA. Can somebody tell me what that is? It looks like ND or could be NO.

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

COUNCILMEMBER BAISA: I was looking for...experience with grants or non-profits.

MS. FEENSTRA: You know, I'm not sure what NWDPA represents.

COUNCILMEMBER BAISA: Okay. Thank you very much.

CHAIR MATEO: Thank you, Ms. Baisa, and I am sure Ms. Feenstra will be contacting your office at her earliest convenience in providing you with that information.

MS. FEENSTRA: Yes.

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CHAIR MATEO: Yes. Thank you very much. Members, any additional questions for Ms. Feenstra on any of the nominees being recommended by the Administration? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chair. I just wanna ask you that...I'm sure there's, besides the application and kind of a résumé, that there...there's some kind of interview of the applicants? Is that part of the process at the Mayor's office?

CHAIR MATEO: Ms. Feenstra?

MS. FEENSTRA: Mayor does interview applicants. I do the review, provide the application, and she does interview applicants.

COUNCILMEMBER MEDEIROS: And so, since you do the application, and I wanted to ask—because on the Hana Advisory Committee, there's been a problem with having a quorum. And the nominee, who I certainly support, lives in Keanae. I was wondering if the question was posed to her about her commitment to drive to Hana for meetings?

CHAIR MATEO: Ms. Feenstra?

MS. FEENSTRA: Yes, the...the nominees are well aware of where the meetings are held and that there is commute that need to be made, prior to nomination.

COUNCILMEMBER MEDEIROS: And so do you have a verbal commitment that, yes, I can and will attend the meetings?

MS. FEENSTRA: Yes.

COUNCILMEMBER MEDEIROS: Okay. All right. Thank you for that. Mahalo, Mr. Chairman.

CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional questions for Ms. Feenstra? Seeing none, Members, with no more discussion, the Chair would like to recommend the approval of the nominees as follow: to the Hana Advisory Committee, Marilyn Tau'a, replacing Melissa Mauiola, for a term expiring March 31, 2010; to the Maui County Commission on Person with Disabilities, Feliciano Sales, replacing Warren Gouveia, for a term expiring on March 31, 2009; to the Maui County Grants Review Committee, Gene Abbott, replacing Kenneth Rothman, for a term expiring on March 31, 2012; to the Maui County Outdoor Lighting Standards Committee, Fern Duval II, replacing Sye Vasquez, for a term expiring on March 31, 2010. That's the Chairman's recommendation.

COUNCILMEMBER MOLINA: So moved.

COUNCILMEMBER MEDEIROS: Second.

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CHAIR MATEO: Moved by Mr. Molina, second by Mr. Victorino *[sic]*. Members, any additional--

COUNCILMEMBER MOLINA: Medeiros.

COUNCILMEMBER PONTANILLA: . . .*(inaudible)*. . . Chair.

CHAIR MATEO: --discussion? Excuse me--

COUNCILMEMBER BAISA: . . .*(laughter)*. . .

CHAIR MATEO: Mr. Medeiros, excuse me. Any additional discussion?

NOTE: Silence.

CHAIR MATEO: . . .*(laughter)*. . .

COUNCILMEMBER MOLINA: Yes, Chair...*(chuckles)*...

CHAIR MATEO: . . .*(laughter)*. . .

COUNCILMEMBER MOLINA: I'd like to thank all of the nominees for volunteering their time to serve our community in the various capacities. Thank you, Mr. Chair.

CHAIR MATEO: Thank you very much, Mr. Molina.

COUNCILMEMBER MEDEIROS: Mr. Chair?

CHAIR MATEO: Go ahead.

COUNCILMEMBER MEDEIROS: Yeah, I...I just would like to also say that, yeah, it is gratifying to see that we have citizens come forward to serve on these boards and commissions. And I would like to ask my colleagues to support Marilyn Tau'a. I've known her, but I've known her husband even better. By talking to members of our community who know her well, they have very complimentary remarks about her ability to serve. So, mahalo, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Medeiros. Members, we'll call for the question--all those in favor, signify by saying "aye."

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Those oppose? Motion is carried. We have seven "ayes" and two "excused", Ms. Anderson and Mr. Victorino.

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VOTE: AYES: Councilmembers Baisa, Johnson, Medeiros, Molina, Pontanilla, Vice-Chair Hokama, and Chair Mateo.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Anderson and Victorino.

MOTION CARRIED.

ACTION: Recommending APPROVAL of all nominees and TRANSMITTAL of copy of committee report to the Mayor.

ITEM NO. 3(5): HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2009 HSAC LEGISLATIVE PACKAGE) (C.C. No. 07-10)

CHAIR MATEO: Members, moving on to the second item on the agenda, it's Policy 3(5), the Hawaii State Association of Counties. It's the HSAC 2009 Legislative...Legislative Package. Councilmember Pontanilla, our HSAC Treasurer, has transmitted correspondence from Mel Rapoza, HSAC President, requesting consideration of the proposals for inclusion to the 2009 HSAC Legislative Package. We have eight proposed bills that are up for consideration. I'm sure that each of you had the opportunity to review the bills that are before us today. Also note that three of these bills are actually Maui submissions. I will recognize each of the bills and ask Member Pontanilla to provide comment on the bills as we go...we go along. And let's start. Let's jump right into it and let's just get into the first bill in the package.

It's a proposed State bill entitled "A Bill for An Act Relating to Product Branding and Labeling." And the purpose of the proposed bill is to provide information to consumers on product labels that indicate regions of Hawaii where produce is grown to indicate countries of origin and percentages of each country's portion of the product in the package and establish a minimum of 100 percent Hawaii grown product for a label to say "100% Hawaiian" and to increase the minimum percentage of Kona-grown coffee from 10 percent to 75 percent for any coffee blends using the label "Kona Coffee." Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chairman. You just read the purpose. Two years ago, the same item came before this body. And because it was island-specific, we voted it down. Thank you.

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CHAIR MATEO: Thank you. Members, additional comments on this particular ill...bill before we move on to the next? Seeing none, the second bill before us, "A Bill for an Act Relating to Public Utilities Commission." And, Mr. Pontanilla, the Chair will ask you to just go ahead and provide the proposed . . . (*inaudible*) . . .

COUNCILMEMBER PONTANILLA: Thank you. The purpose of the proposed bill is to increase the renewable energy portfolio standard of each electric utility company to 10 percent by 2010, 20 percent by 2015, 30 percent by 2020, and 60 percent by 2030; and to decouple compensation rates. And it's just moving a higher percentage of renewable by the different years. In regards to this, I think we moved it up by five to ten years in some cases.

CHAIR MATEO: Okay. Thank you, Mr. Pontanilla. Members, additional discussion on this bill? We will be returning to it, as a matter of fact. Go ahead, Mr. Hokama.

VICE-CHAIR HOKAMA: Chairman, again, I'm not too supportive of this consideration. I believe that each County has...is currently on their own. . .efforts to recognize their unique situation. Of course, for our County, while we are under one utility, each island has its own unique challenges, its unique differences regarding the basic island clientele and the methods of how we try and provide electrical power to those different districts of a multi-island County. I would ask that—while the Big Island feels that for them this may be the route to go, I would ask this Committee this afternoon to allow our County to progress in a manner that is comfortable and fits our desire as we would like to approach a tri-isle County policy. We are well aware as...as you know, Mr. Chairman, that for your island, you are considering variable alternative options regarding energy production. On the island of Lanai, we have one moving forward on the solar and, of course, we also have the large wind . . . (*end of tape, change to 2B*) . . . to go through a very lengthy public process.

Also, in my discussions with Ms. Baisa as Chair of our Planning Committee, we are going to see if we can help expedite moving forward a proposed legislation to be current with the Revised Statutes regarding solar energy production and permitted uses within this County. So I believe what we're doing on our own fits our unique characteristics and...and requirements. And I would ask that at this point in time allow each county to make those decisions that best fit their needs and not try and do a one-size-fits-all approach. Thank you.

CHAIR MATEO: Thank you very much, Mr. Hokama.

COUNCILMEMBER PONTANILLA: Chair?

CHAIR MATEO: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Just added comment to what Mr. Hokama had just talked about. I'd just like to say that the island of Lanai, once the photovoltaic farm is

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completed and in operation by year 2009, it will provide 30 percent of that island's needs. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Additional comments? Ms. Johnson?

COUNCILMEMBER JOHNSON: Yes. And when you read through the bill, it has some penalty sections which I really think are inappropriate because there may be situations where we cannot meet those standards. And basically, I think when you're looking at the language, it usually, you know, it's a public utility issue. So, for me, I don't...I don't think it's something I would particularly choose to support, even though I support, you know, at least getting off fossil fuel. I'm not sure that this is the way to go. Thank you.

CHAIR MATEO: Thank you, Ms. Johnson. Additional--Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Just one quick question. You...you gonna point out which proposals came from Maui?

CHAIR MATEO: Yes. We're --

COUNCILMEMBER MEDEIROS: Okay. Thank you.

CHAIR MATEO: --getting right to it. Moving on. The third bill, this is from Maui. The third bill is "A Bill For an Act Relating to Housing." Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chairman. And this bill has been through the process. I think this gonna be the fourth time? And the purpose of the proposed bill is to extend the 45-day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project under Section 201H-38, HRS., to 90 days. I...I thought we was gonna get it the last session, but for some unforeseen issues, it...it didn't pass the Senate. So I...I'm very hopeful that the upcoming Legislator...Legislative process on Oahu next year, I'm sure, hopefully, this bill will go through.

CHAIR MATEO: Thank you, Mr. Pontanilla. And that term was called "derailment". ...*(Laughter)*... Thank you very much.

COUNCILMEMBER PONTANILLA: Really.

CHAIR MATEO: The fourth bill that we are looking at is, "A Bill for An Act Relating to Procurement." This is also a Maui bill. As a matter of fact, this bill was proposed by Chairman Hokama when we first reviewed it. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. As you said, this bill was proposed by Chairman Hokama. And the purpose of the proposed bill is to remove the requirement for local governments to comply with rules adopted by the policy board to place a

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decision-making power to use cooperative contracts within the discretion of local governments. Now, I gotta say that the, through our NACo affiliates, you know, one of the biggest benefactor is...Kam Schools. They purchase through...the NACo people that we have in, you know, the National Association on Counties.

CHAIR MATEO: Okay, thank you, Mr. Pontanilla—and for Mr. Medeiros' sake, it's "Kamehameha". He just reminded me. Thank you very much. Additional...Mr. Hokama, would you like to provide comment on the procurement bill?

COUNCILMEMBER HOKAMA: Chairman, Hawaii has based many of its laws through model legislation and it's gone through most of the other 49 sister states, and...and part of the current Hawaii State procurement law is part of that national model procurement model that years ago the State Legislature adopted through Chapter 103 of Hawaii Revised Statutes. What our bill is proposing to allow Counties is another source of...of...cooperative purchasing agreements or contracts that went through an open procurement process by a sister government entity and allows us just to have another ability to find the best cost-effective savings for our taxpayers for the products that we need to utilize--whether it be for schools or this building, whether it's chairs, equipment, computers, vehicles, anything that the government procures. It just allows another source of receiving bids for services or bids for products.

And what I'm asking this Committee today is to support what we have supported last year. And hopefully we can convince the State that what we do at the national level, and that we are a member of, as part of the benefits, is to try and receive those nationally weighted cooperative agreements because it's a national agreement that we can even be able to take the advantage of even lower costs for those products and put those savings back to either additional services, additional projects or the ability to make appropriate adjustments within the tax rates in the County budget.

This, by no means, deletes the need of this County to comply with procurement. It just will allow us to utilize other publicly procured contracts as a consideration of how we base cost savings and whether or not we wish to procure from those agreements. And as we have always allowed through our national agreements with all our other 2,000 plus sister counties that are part of this agreement, we welcome, and in other states, state governments have utilized our contracts for their benefit by getting those additional cost savings from the strength of a national contract. Thank you, Mr. Chairman.

CHAIR MATEO: Thank you, Mr. Hokama. Members, additional comments on...on this bill? Hearing none, we're gonna move on to No. 5. Once again, No. 5 is a Maui bill. This is "A Bill For An Act Relating to Traffic Infractions." The Chair will ask Mr. Pontanilla to provide additional comments on...on this bill. And this bill kinda mirrors Bill No. 8.

COUNCILMEMBER PONTANILLA: Thank you. Yeah, Item No. 5 and No. 8, basically it's the same thing. And the purpose of the proposed bill is to require the State to transfer a portion of the fines and forfeitures collected for uncontested traffic infractions to the

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County which the violation occurred. Just to add, you know...you know, while we're responsible for enforcement, you know, revenues are occurring from violations of Statewide traffic code are paid solely to the State. All we're asking for is, you know, traffic violations that remain uncontested, there's no need to resort to the State courts. So the burden on the State-funded personnel and resource is, therefore, minimized. The bill seeks solely to have those fines and forfeitures paid by "offenders without contest" transferred to the County which the infraction occurred. Authorizing the counties to collect...such fines and forfeitures would provide the counties a dedicated revenue source and diversify the counties' revenue base. Again, you know, our Police Department does the enforcement here on Maui County. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, once again, just for clarification purposes, Bill No. 5 mirrors No. 8. The difference between the two was there was some typos on Bill 5. In addition to those typos, the implementation date on Bill 5 read "2008", whereas the implementation on Bill No. 8 references the 2009 period.

Okay. We'll move to Bill [*sic*] No. 6, "A Concurrent Resolution Urging the Department of Commerce and Consumer Affairs to Assist the Counties in Negotiating Agreements with PEG Access Organizations for a Portion of Cable Franchise Fees." Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. The purpose of the proposed resolution is to urge the Department of Commerce and Consumer Affairs to assist the counties in negotiating agreements with public, educational and government (PEG) access organizations for a portion of cable franchise fees. And, Mr. Chairman, we heard a lot of testimony this afternoon in regards to the impact on *Akaku*. Again, based on attorney Collins, yes, this bill was brought forth by Councilman...Councilperson Nestor Garcia of the City and County of Honolulu. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, additional comments? Mr. Hokama?

VICE-CHAIR HOKAMA: Chairman, for those that may not be aware, a concurrent resolution in the State Legislature means that it must be passed by both houses. So if it's a House Concurrent Resolution, it's originated in the State House of Representatives. If it does pass that body, it is moved to the Senate. Now, unless the Senate concurs, the resolution does not move forward to...for final adoption. And therefore, for those entities that are part of the receiving side of the...the resolution or the directive of the resolution in the resolve clause, it would not move forward. And that's the basic of a "concurrent". It's the strength that both Houses have agreed to the direction of its policy with the resolution clauses that are being proposed.

One of the things that caught my interest, Mr. Chairman and Members--and I was very happy to hear Mr. April's comments and I received his testimony as well as Linda's. . .and, and again my apology, I forgot Linda's last name, but who was part of the financial...someone who has financial responsibility for *Akaku*--was the City and County's concern that our residents, our taxpayers are being possibly paying twice. One,

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through their payments of cable franchise fees and that how a portion of that is re-routed back to the PEGs—or for Maui County, *Akaku*—to provide those various channels for community use. And then second, of course, our line item appropriation that we also use County's real property tax monies to provide the Council's and boards and commissions' ability to provide televised programming to the tri-isle communities.

That is what caught my eye, Members, because if it is true, then I would hope that with Mr. April's assistance, we can find ways to reduce or eliminate the need of the real property tax appropriation. I would hopefully—if that is possible either through the additional increase of the percent that is being...that we would ask the cable provider to...to pay to this program, would then free up those hundreds of thousands of dollars that the County appropriates for specific Council meetings and boards and commissions to be re-appropriated to other areas that the Council deems of higher priority in very difficult times. And you've heard my mantra, Members, you're gonna suffer for two more years in this economic situation. And that half million dollars is something you will need as a cushion to provide for mandated Charter-required services and programs to the community.

While I think maybe this may not be the appropriate vehicle, Mr. Chairman, I think that we need to take the comments of our community producers, *Akaku* as an entity, and work towards how we can resolve this. I believe Mr. April has shown, to me, a willingness to continue to have a cooperative working arrangement with the Council. And I am confident, if I may use that term, that we can maybe hopefully put forward a proposal that our sister counties can support and hopefully convince the Legislature that maybe the more appropriate way is to adjust the percentage that the cable company provides to this program. And instead of 3 percent or...or that I think we've heard this afternoon, that we may wanna consider a higher percentage to be provided from the cable provider. So thank you for my opportunity to share some comments, Chairman.

CHAIR MATEO: Thank you, Mr. Hokama. Ms. Johnson?

COUNCILMEMBER JOHNSON: Yes, too, I'd...I'd rather go that way. And, you know, with...with any government involvement, I guess, in capturing a portion of the revenue, there's always that issue which was raised by Mr. Hobbs which is, it does not look right. It just...there's...there's always that arm's length. And I don't really think we should be going there, just from a principle of non-involvement in the part of government in, I guess, either limiting through siphoning off a portion of the revenues from *Akaku* or any other entity. Taking that and...and thereby, you know, having fewer programs produced and, in essence, the access really cut off to our constituents because everyone wants to have open government and transparency. And the areas where you see government involvement and government intervention in these areas, mostly I...I've solely seen that in communist countries. And this is a democracy. So I just don't think it sends the right message. So I would not be supporting this. I support any increase or lobbying or doing whatever we have to do. And perhaps if we do have a lobbyist this next time, we can encourage that there be a greater percentage because we all—every one of us when we

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pay our cable bills, when we pay our telephone bills, what...whatever it is—we are providing a portion of that money. So I really think that we need to continue to be vigilant about where our money is going, 'cause there's a lot of those little fees that add up to a whole lot of change. Thank you.

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

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. I, too, would like to speak in support of the great work that's done at *Akaku*. You know, somebody had mentioned earlier that it should be the only television station. And I probably could live with that person. How we've solved it in our house is we have many TVs so that I can have *Akaku* on everywhere and my husband can watch sports on the big TV.

But, I mean, you know, all joking aside, we really all of us depend on this station to know what's going on in Maui County. And they serve a real need here. And it distresses me that this has been going on for so many years now, this fight about what *Akaku* should have and what portion of it it should have. And I think this is the people's voice and that it has to be taken care of. And I will not be supporting the resolution but...this particular Legislative proposal. But I also would like to join the Chair and Ms. Johnson in supporting some kind of new law that will provide an adequate funding source to *Akaku* to do the work they do. It just makes sense. It's what a democracy is all about. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa. Members, additional questions? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. You know, we have an opportunity--probably not this session, upcoming session, but the session geared for 2010--to create a resolution in regards to increasing the percentage that these utilize for PEG. So we could do that from...as a proposal from this Council if we need to do that. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, additional comments? Seeing none, Members, we're gonna move to Bill 7. Bill 7 is "A Bill For An Act Relating to Criminal History Records Checks by Counties." Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. This bill comes from the City and County of Honolulu. And the purpose of the proposed bill is to allow the counties to conduct criminal history record checks in taxicab drivers...on taxi...taxicab drivers and applicants for taxicab drivers'...certificates. I think this is to provide some safety in regards to people that will be catching taxicabs throughout the State of Hawaii.

CHAIR MATEO: Thank you, Mr. Pontanilla. Go ahead, Mr. Hokama.

VICE-CHAIR HOKAMA: Chair, I have a question, please, for Corporation Counsel. The County is currently responsible for the administration of the meters to the various

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applicants in this County, Corporation Counsel. And I was wondering if, within our jurisdiction, there is somewhere for us to insure the safety of those that utilize this service that those that drive this business has...has gone through a fair review or a profile that is fair and consistent to insure the safety of those passengers and clients? Or is this really a necessary option or...or requirement through a statute revision, State statute revision?

CHAIR MATEO: Ms. Sloper?

MS. SLOPER: Thank you, Chair. Chair Hokama, I'm not sure if you're asking whether there already is another statutory provision that would—no, you're asking whether...

VICE-CHAIR HOKAMA: I'm asking—you know, we have...again, we set the rates.

MS. SLOPER: Correct.

VICE-CHAIR HOKAMA: We set the amount of meters that the County allows...

MS. SLOPER: To be in operation.

VICE-CHAIR HOKAMA: To be in operation, you know, throughout the County. And I think each island has a...a number that we've assigned, one, to insure that there is sufficient capacity as well as enough to provide the service of a...of a community, various community sizes. And so since we have that responsibility currently, or we do the administration of the rates, the meters and what not, do we have enough authority within the existing parameters of law that we can consider a profile? Something like, if you don't pass the Department of Motor Vehicles' requirements which would be part of a driver's profile and we can get it through Maui Police Department, whatever, you will not receive a meter.

MS. SLOPER: A meter. There are statutes that require...or that, I guess, provide guidelines for when you are issuing licenses which would be akin to issuing the meters. Whether you can inquire into people's criminal histories, I can try to quickly look that up for you to...to see if that is. Right off the top of my head, I don't believe that this would be included within that...the parameters that would be allowable. There are certain requirements. Usually it's...as is kind of alluded to in the justification, usually it's for instances where people are going to be working with the elderly or with children. You know, protected classes of individuals. So, you know, without having the opportunity to look that up for you right now, my feeling is that it probably wouldn't be part of that.

VICE-CHAIR HOKAMA: Wouldn't be allowed within --

MS. SLOPER: Within that...

VICE-CHAIR HOKAMA: --the current parameters of jurisdiction for this County?

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MS. SLOPER: Correct.

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

CHAIR MATEO: Thank you, Mr. Hokama. Additional questions, Members? Seeing none, Members, we're gonna move to the...the final bill. And this is Bill No. 8. This is the bill that mirrors No. 5 which was a Maui bill for consideration. It's "A Bill for An Act Relating to Traffic Infractions", which I'll again ask Member Pontanilla to provide additional information.

COUNCILMEMBER PONTANILLA: Chairman, no additional information. As I had said on Item No. 5, basically the...the purpose of the proposed bill is to require the State to transfer a portion of the fines and forfeitures collected for uncontested traffic infractions to the County in which the violation occurred. And the proposal is from both County of Maui as well as City and County of Honolulu.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, those are the eight bills that we have before this Committee today. The directive is HSAC needs each county to come up with their recommendations based on the bills that had been forwarded to us so we can, in fact, our representative to HSAC, Mr. Pontanilla, can go back to the Statewide organization to recognize those bills that this County will...is willing to support in the upcoming Legislative session.

Let's start with the...the first bill, "A Bill for An Act Relating to Product Branding and Labeling." Based on the discussion that we have had briefly, just in a couple of minutes ago, this seems to be more of an island-related, or island-specific issue that is relevant to the Big Island in terms of being sure that the label is specific in recognizing the product and the percentage that goes into a product as well as the notification by using the largest font possible on your packaging to recognize the origin, et cetera. This seems to be more of a Big Island issue at this point. As is, I believe, the second item.

The second item, as stated by Mr. Hokama who has reservations with this particular bill, as well as Mr. Pontanilla who also had reservations with this bill, I...I would not be inclined to support it myself for the...for the same reasons as cited.

The third bill and the fourth bill obviously are both Maui submissions. The third bill definitely...definitely will be an advantage to us in our reviews of the 201H-38 process by extending the review time from 45 days to 90 days, which is a lot more appropriate.

Bill No. 4, "A Bill for An Act Relating to Procurement" this, again, our submission for consideration.

Bill No. 5, which was our bill. Bill No. 5 is mirrored on Bill No. 8. However, Bill No. 5 had some language difficulties as well as an inappropriate effective date of 2008 that should read "2009", of which is corrected in Bill No. 8.

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Bill *[sic]* No. 6...Bill *[sic]* No. 6 provides a lot of difficulty for the Chair. I do not support Bill *[sic]* No. 6. This is the call of the body. I will not...influence you in any way. We have had ample discussions on the bill. We have heard numerous testifiers on the bill. The Chair will leave Bill *[sic]* No. 6 up to the body, discussion that we will enter in a few minutes.

Bill No. 7, the Chair has no problem with this bill as it merely provides...additional information on criminal history records and checks for taxicab drivers, et cetera.

And these are the eight bills, Members, that's before this body. The floor is open for discussion on all of the eight bills—actually seven bills.

COUNCILMEMBER MOLINA: Chairman?

CHAIR MATEO: Go ahead.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman.

CHAIR MATEO: Go ahead, Member Molina.

COUNCILMEMBER MOLINA: Yeah, just taking...so your...your...your recommendations for moving on the bills would be Bill 7 and also Bill 3?

CHAIR MATEO: The Chair's...the Chair would be looking at Bills No. 3, 4, 7 and 8.

COUNCILMEMBER MOLINA: Three, 4, 7 and 8. Thank you.

VICE-CHAIR HOKAMA: Chairman?

CHAIR MATEO: Go ahead, Mr. Hokama.

VICE-CHAIR HOKAMA: Would you accept a motion from me at this time, Chairman? Or would you care to wait? I'm happy to make a motion at this time.

CHAIR MATEO: Okay. Go ahead and make a motion.

VICE-CHAIR HOKAMA: Thank you. I would...I move that we move forward back to HSAC the Maui County support of Items 3, 4, 7 and 8 under Policy 3(5).

COUNCILMEMBER PONTANILLA: Second.

CHAIR MATEO: It's been moved by Mr. Hokama, second by Mr. Pontanilla. Members, additional discussion? Hearing none, Chair will call for the question. All those in favor, signify by saying "Aye".

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COUNCIL MEMBERS: Aye.

CHAIR MATEO: Opposed? Motion is carried. Seven “ayes”; two “excused”, Members Anderson and Victorino.

VOTE: AYES: Councilmembers Baisa, Johnson, Medeiros, Molina, Pontanilla, Vice-Chair Hokama, and Chair Mateo.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Anderson and Victorino.

MOTION CARRIED.

ACTION: Recommending APPROVAL of the following proposed State bills and justification sheets for inclusion in the 2009 HSAC Legislative Package: “A BILL FOR AN ACT RELATING TO HOUSING” (#3), “A BILL FOR AN ACT RELATING TO PROCUREMENT”(#4), “A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS BY COUNTIES” (#7), “A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS” (#8); and TRANSMITTAL of a copy of the committee report to the HSAC Executive Committee.

CHAIR MATEO: Members, thank you very much for your support in those items.

ITEM NO. 55: SUPPORTING THE RECOVERY OF THE HAWAII STATE MAMMAL, THE HAWAIIAN MONK SEAL (C.C. No. 08-226)

CHAIR MATEO: We’re gonna move on to our last item on the agenda for today. The last item on today’s agenda is Policy Item 55, Supporting the Recovery of the Hawaii State Mammal, the Hawaiian Monk Seal. Members, County Communication 08-226 was received by...from Chairman Hokama, transmitting the proposed resolution supporting the recovery of the Hawaii State Mammal, the critically endangered endemic Hawaiian Monk Seal. The purpose of the proposed resolution is to support that very recovery of the State Mammal. And at this time, the Chair will be happy to relinquish the...or turn over the floor to Mr. Hokama so he may be able to provide the comments on the resolution that he had submitted for consideration. Mr. Hokama?

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VICE-CHAIR HOKAMA: Thank you very much, Mr. Chairman. And just one quick second, let me pull up the item. As our Committee can see, we have a lot of items under this Committee's jurisdiction. You've heard the comments, Mr. Chairman and Members of the Policy Committee, of Ms. Keiko Bonk who has been an advocate for a group of mammals that may not be...doesn't have the ability to speak for themselves. But obviously, as mammals . . .(end of tape, change to Tape 3A). . . as to Hawaii, is very important in our culture and in our history. What this resolution is asking is that the State and Federal governments provide what I would consider a very responsible and fair amount of resources, including financial resources for the protection of a species that we are all well aware is in a very critical population stage. And it is interesting, and...and as I have stated in the third "Whereas" clause, we have already lost its cousin, the Mediterranean Monk Seal. It is extinct. And my fear, Mr. Chairman, is that one word, extinction. It is finality. It is gone forever. And it is something that for us who love and protect what is unique and special to us regarding Hawaii Nei, I think this is a very appropriate time.

We are, as mammals, brothers and sisters to one another, in my point of view. And I believe that the Federal government has shown a willingness to protect other critically endangered species elsewhere. And, you know, for example, the amount of financial resources—not that I wanna reduce their appropriation—but the amount of monies that have been able to be passed on to Alaska for their unique endangered species, I'm just asking that this Committee support the ability for us to continue to advocate and speak for the Hawaiian Monk Seal to the Federal and State governments that it is of a critical time for us to put appropriate resources to avoid that finality of extinction. And I think it is only responsible of us to advocate for this species within this treatment of—and for us in Hawaii Nei, Mr. Chairman, and for our County—how we treat one another, how we treat our fellow brethren in the mammal species is an indication of who we are as a people, who we are as a community, and who we are as a County.

I would like us to join our sister counties that have already taken that step in stepping up and being to advocate and fight for what is special to Hawaii Nei--and that is the Hawaiian Monk Seal. Thank you, Mr. Chairman.

CHAIR MATEO: Thank you, Mr. Hokama. Ms. Johnson?

COUNCILMEMBER JOHNSON: I speak in full support of this resolution. I think that Maui County and Members of this Council have really shown their strength and support of the environment. I...you know, when I was listening to some of the things that, you know, happened to the monk seals, I thought of Mr. Molina's plastic bag ban. I...I mean, he's not here right now but I think it's really important. I think of the low-frequency sonar resolution that we passed. I think of the prohibition of the exhibition of Cetaceans in Maui County that we passed many years ago. We really have spoken for the environment. I mean, even conserving nu'u and looking at the things that we've done in our watersheds partnerships. All of those things collectively really support our

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environment. And people many times in a very trite way, they'll say, "Oh, the economy is the environment." And yet, what do...what do they do to really help support that?

But I think this Council has really shown through our land conservation measures through our protection of our near shore environment. Even when we establish our shoreline setback rules, we have really supported the environment. And I think it's one more thing that will never be seen again. And having lived in the Caribbean, I...I never got to see a Caribbean Monk Seal. But for me, they're extinct also. They were many species that have gone extinct in another regions. And Hawaii and the Northwest Hawaiian Islands Sanctuary should be that, a sanctuary.

So I thank Chair Hokama for bringing this forward on our behalf. And for Keiko Bonk and all the people that really do their best to bring awareness to the wonderful creatures that surround us. Because as I was just talking with Member Baisa, we'll be the next one on the endangered species list. And I don't think we wanna go there. And we want to leave something for future generations. So I think this is very wise. And I do hope that they put the money towards this. And hopefully with a new administration, we will be able to restore the faith and the trust in the general public for our environmental protection laws. And stop trying to gut them. This is just...the last years have not been kind to our endangered species. And I just wanna see a different direction so we can always hope for better things. Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Ms. Johnson. Members, additional comments? The Chair would just like to provide my two cents worth. I believe Mr. Hokama so eloquently shared, you know, enough of a justification or rationale as to why we should. Because it is more than just a responsibility. It comes down to our obligation to protect this most endangered species of all seals. So I'm really thankful that Mr. Hokama did bring this resolution forward at this time. Members, if there's no more discussion, it is the recommendation of the Chair to...that this propose...that we approve or we adopt this proposed resolution entitled, "Supporting the Recovery of the Hawaii State Mammal, the Critically endangered endemic Hawaiian Monk Seal", as well as the filing of this communication.

COUNCILMEMBER HOKAMA: So moved.

MR. PONTILLA: Second.

Chair MATEO: Been moved by Mr...Hokama, and it's been second by Mr. Pontanilla. Additional discussion, Members? Hearing none, all those in favor, signify by saying, "Aye."

COUNCIL MEMBERS: Aye.

CHAIR MATEO: Those opposed? Motion is carried. There are six "ayes"; three excused, Members Anderson, Molina and Mr. Victorino.

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VOTE: AYES: Councilmembers Baisa, Johnson, Medeiros, Pontanilla, Vice-Chair Hokama, and Chair Mateo.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Anderson, Molina, and Victorino.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution and FILING of communication.

CHAIR MATEO: Members, that concludes the agenda...business on our agenda for this afternoon. Any announcements? Hearing none, Members, the Policy Committee meeting for October 28, 2008 stands adjourned. . . .(gavel). . .

ADJOURN: 4:00 p.m.

APPROVED:


DANNY A. MATEO, Chair
Policy Committee

pol:min:081028

Transcribed by: Reinette Kutz

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CERTIFICATE

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

DATED this 24th day of November 2008, in Wailuku, Hawaii.


Reinette L. Kutz