

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

January 22, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JANUARY 22, 2016, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning, Members. This, this meeting of the County Council of Maui please come to order.

Mr. Clerk, could you please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, there are nine Members present. You have a quorum to conduct the business of the Council.

CHAIR WHITE: Thank you very much, Mr. Clerk.

And for this morning's opening remarks, we have Vice-Chair Don Guzman.

### OPENING REMARKS

The opening remarks were offered by Vice-Chair Donald S. Guzman.

CHAIR WHITE: Thank you, Vice-Chair Guzman.

Will you all please rise and join me in the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And, just a reminder, for everyone to please turn off their cellphones or other noisemaking devices.

Mr. Clerk, may we please proceed.

COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals there who wish to offer testimony should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony on all locations is limited to the items listed on today's agenda.

And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have one individual who have signed up to testify in the chamber this morning; that person is Rosemary Robbins who will be testifying on Committee Report 16-8, 16-9, and 16-11.

CHAIR WHITE: Okay. Ms. Robbins, please proceed.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on Committee Report Nos. 16-8, 16-9, and 16-11):

Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: We're a life. Okay. Starting out with communications, excuse me, with committee reports. This morning, at the bottom of page 3 on our agenda, item 16-11, on Water Resources Committee, recommending filing of the communication relating to the repeal on the Water Availability Policy, yay.

To all the concerned citizens who came forth, stacked this room, and the other one's who stacked the binder, saying what do you mean get rid of that. We need to make sure we have safe water.

And, thereafter, shortly thereafter, the news, nationally and internationally, identifying Flint, Michigan, with what had happened. Three levels of the government, first of all the local, then the State, and then the national levels, had awareness of the fact that that water was contaminated with lead. Remember what they had done, was to abandon a safe water source in Lake Huron in order to go to a local river which had loads of lead. And deaths have occurred there by way of this. And, the reason that they had changed that source was a cost saving. Tell that to the families of the

people who died. I don't think so. And, the fact that it's receiving all of this press, means that the rest of us need to really be alert to that.

In follow through on Councilman Guzman's, this morning, to us, on Mondays, at Christ the King, where FACE addressed concerns that we have. Quoting Dr. King in here, "Injustice anywhere is a danger to justice everywhere." "Our lives begin to end the day we become silent about things that matter." Right here on Maui.

So, we need to really give thanks to the folks who came forward with that program, the people from FACE, Faith Action for Community Equity, which means nobody is getting left out if we can help it. And that it doesn't matter whether or not you belong to a faith community; you're you. You need to be heard. You need to be respected. So, thank you very much for that lead in this morning, Councilmember.

I, right on that quick topic there, there was a, last year, book out by James Dooley, here in Hawaii, about the history of growth in Hawaii. I certainly recommend.

CHAIR WHITE: Ms. Robbins, could you explain which item you're referring to with this testimony.

MS. ROBBINS: Yes, 16-11 on page 3.

CHAIR WHITE: Yea, I'm, I'm not sure, anyway, please proceed.

MS. ROBBINS: Okay. So, it's an opportunity for all of us to be able to read and grow, is why I'm putting that in on that.

CHAIR WHITE: Well, I, I allowed you to comment on, on Mr. Guzman's opening remarks. But, that's, testimony is limited to items that are on the agenda.

MS. ROBBINS: Yea, okay.

CHAIR WHITE: So, if you could, please proceed.

MS. ROBBINS: I'm . . .

CHAIR WHITE: Thank you.

MS. ROBBINS: Yea, I just appreciated the opportunity . . . that kind of providential. Okay, so the situation on lead and other contaminants is something that the Upcountry Oversight Committee, here on Maui, dealt with in the early 2000's. What happened with the H'poko Wells was not just lead that was found in the distribution system from

some of our pipes there but, also in terms of, and other contaminants. And, the EPA director that came over from, at the time, director, was very clear about that and it got reworded here within Maui County only as lead. And, it was an outfit from Florida that was hired to look at this. So, we, in that case, we had the support. It's "lead and other contaminants", and when it came out, it was re-written as only lead. That was at the time the lead and copper rule was coming in on the Federal level.

But, those of us who are Upcountry were experiencing the "and other contaminants". The Department of Health knew about that. They came over. The EPA came in from Region 9. Nothing happened here about the other contaminants until concerned citizens spoke up about it. So, yay for them.

Okay. I'm happy to go on with item 2, is that okay?

CHAIR WHITE: Yes, please proceed.

MS. ROBBINS: Okay. All right, so item 2, also on page 3, number 16-8, which is recommending adoption of resolution to authorize 300,000 in additional compensation for special counsel, the group, for appeal of a Federal decision about the fact that our water has not been dealt with the way it should have been dealt with. That was a Federal judge opinion.

(Councilmember Victorino was excused from the meeting at 9:18 a.m.)

MS. ROBBINS: And, so, when we read it, it says those three words. People who have been watching this are probably ready to say these three words on their own; not to exceed whatever the amount was. That we are going to be paying outside attorneys to come in with the work to resolve what happened with the injection wells and the distribution, including to our shore waters.

And, that was supposed to have been done for under a million. We're now up to three million fifty. Because, even though it was not to exceed that original amount, it has done so five times. Foot in the door. It sounds like the train thing over on Oahu; bid for a contract, get the contract, and then up the ante and say we can't go back now, we've already got this invested. Sounds like what happened with the real estate things in 2008. We need to learn from those experiences, and I know we're able to.

So, this morning on that particular item on 16-8, it says, in reference this item, one or more executive meetings are anticipated. Where's the transparency in that? Anybody who's here to testify has to leave while all of that gets done. And, it isn't until we can come back in and hear the Councilmembers exchanges on that that we're going to have an idea what happens, including the press doesn't get a chance

to go over that. Something's terribly wrong with secret things that go on. Another reason I mentioned that book earlier.

So, as far as I understand that the Committee of the Whole is recommending adoption of this, I would ask you to be very, very careful. That train has left the station. It's going pell-mell with the increase of money that the taxpayers are going to have to pay. So, thank you for that.

And, then on the last one, recommending, number 16-9, also on page 3 of this morning's agenda, recommending adoption of a resolution to authorize the employment of special counsel. Again, to provide independent legal advice and representation to the Council on certain matters for 2015-2017.

Last sentence in that says, Council term for a total compensation, one more time, not to exceed, \$75,000 per fiscal year.

(Councilmember Victorino returned to the meeting at 9:20 a.m.)

MS. ROBBINS: Those themes keep recurring. They're costing the taxpayers, I know they're costing you Councilmembers a lot of grief to have to face these things. You didn't initiate them. They land on your desks. They land on the desks for those of us who come in and read those binders. Loads of room for improvement. So, thank you for your stick-to-itiveness.

And, just as a last statement, 2012 Election, charter amendment proposal; should Maui function with pono? And, the answer by the voting constituency was, oh yes. So, here's to pono.

CHAIR WHITE: Thank you, Ms. Robbins.

Members, any need for clarification of her testimony? Seeing none, thank you very much for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber.

CHAIR WHITE: I think we have, we have one more who's wishing to testify.

Please identify yourself and proceed.

MR. MICHAEL COVICH (testifying on Committee Report 16-9):

I'll be extremely brief on 16-9.

CHAIR WHITE: Please state your name.

COUNCILMEMBER VICTORINO: Identify yourself.

MR. COVICH: Oh, Michael Covich, speaking for concerned American Veterans.

On 16-9, I think you guys ought to pass this. I think you ought to be ready to spend some more money. The Council has been lacking individual representation for a long time with some of the attitude of the Administration.

I was watching the Mayor speak before the rebroadcast of the community on the, I mean the Council on governance, or the Committee on Governance. And, the thing he said shocked me. And, I'm wondering what he really meant by that when he said the County Council needed to be spoon-fed. If I was you guys, I'd be a little upset about that and trying to figure out where that was coming from, and what's being hidden. So, I'd be prepared to spend more money to figure this out. Thank you.

CHAIR WHITE: Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals who have signed up to testify in the Council Chamber. If there is any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

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

COUNTY CLERK: Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. ALCON: There is no testifiers here on Molokai.

COUNTY CLERK: Mr. Chair, there is no other individual in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Have we received any written testimony?

COUNTY CLERK: Mr. Chair, we have not received any written testimony.

CHAIR WHITE: Okay, thank you very much.

Members, without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meetings of December 4, 2015, and December 18, 2015, were presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE REGULAR MINUTES OF  
DECEMBER 4, AND 18, 2015.



COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

### UNFINISHED BUSINESS

COUNTY CLERK: Mr. Chair, before proceeding with committee reports, we do have a request to move up Bills 89 and 90 (2015), posted under "Unfinished Business" in today's agenda, before we get into the committee reports.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, I make that request, that the Council consider taking out of order Bills 89 and 90 from "Unfinished Business".

CHAIR WHITE: Members, any objections to moving those two bills forward?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Do, do we need the Clerk to bring up the bills, Chairman?

CHAIR WHITE: Okay. Okay, Mr. Clerk. I'm sorry.

COUNTY CLERK: Thank you, Mr. Chair.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 89 (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER,  
WAILUKU-KAHULUI TREATMENT PLANT UPGRADES;  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 90 (2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228,  
BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF  
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI  
(WAILUKU-KAHULUI TREATMENT PLANT UPGRADES)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

MR. CHAIRMAN, I, I MOVE THAT BILLS 89 AND 90 OF 2015  
BE POSTPONED TO THE FEBRUARY 5 COUNCIL MEETING.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: I have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman and Members, this will allow your Budget Chair and staff time to make some adjustments. Basically, I'm looking at changing from GO Bonds to an SRF Loan, whereby, we'll be able to cut, potentially, the interest down to one percent.

And, I would like that savings on debt service as one of the main reasons why I'm going to ask for postponement, and a reworking of the legislation so that the County can get the benefit of revolving fund interest. And, as well as putting together not only the equipment purchase, but actual installation component so that both sections qualify under Federal guidelines. Thank you.

CHAIR WHITE: Thank you. If I'm not mistaken, that cuts the interest by more than half.

COUNCILMEMBER HOKAMA: That's correct, Chairman.

CHAIR WHITE: Members, any further discussion on this item?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: And, I want to thank Mr. Hokama, because the, the SRF Funds had been made available to Maui because of some other issues in other Counties. And, so I'm happy to see we're taking advantage of this very low interest rate. And, you know, we have not only the Water Department, but also Sewer and Wastewater. We have in the past taken advantage of these very low interest rates. So, I'm happy to support this.

Unfortunately, the February 4 meeting, I will not be here, as you well know. But, that's okay. I mean, I think this needs to be done because not only, even half the interest, but it also keeps us very active in that fund, so that in future uses or future needs, we will be right there to step into that position. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any other discussion on this item, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 16-5 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 4 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, OLD HALEAKALA HIGHWAY RECONSTRUCTION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 5 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (OLD HALEAKALA HIGHWAY RECONSTRUCTION)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Bill 6 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: That was a mouthful, Mr. Clerk.

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 16-5 WITH ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman. At this time, Members, I will make a motion to amend. We, we have passed out for you a, a amendment summary forms.

AND, SO I WILL MAKE THE MOTION TO AMEND THE PROPOSED BILL TO AMEND FISCAL YEAR 2016 BUDGET ORDINANCE, AND THE PROPOSED BILL TO AMEND FISCAL YEAR 2016 GENERAL OBLIGATION BOND AUTHORIZATION ORDINANCE, AS INDICATED ON THE MARKED-UP COPIES ATTACHED TO THIS CORRESPONDENCE DISTRIBUTED AT TODAY'S MEETING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama to amend, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. Chairman, two of the proposed bills relating to the funding of the Old Haleakala Highway Reconstruction Project anticipated the passage of Bills 89 and 90 on second and final reading today.

Bill 89 would have increased the Bond Fund in the Fiscal Year 2016 Budget ordinance by \$3.341700 million, and appropriated the funds for the Wailuku-Kahului Treatment Plant Upgrades Project, and Bill 90 would have added \$3.341700 million for the project in the 2016 General Obligation Bond Authorization ordinance.

Both bills have been postponed; will be asked to be postponed until the meeting of February 5, and therefore, the two referenced bills attached to Committee Report 16-5 has been amended to reverse adjustments associated with those bills.

And, that would be the corrective action that we're asking Council to consider this morning, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any discussion on this item? Seeing none, all those in favor of the amendment please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Members, we're back to the main motion. Any discussion on the main motion?

COUNCILMEMBER VICTORINO: As amended, right?

CHAIR WHITE: As amended.

COUNCILMEMBER VICTORINO: Yea, thank you, Chair.

CHAIR WHITE: Thank you.

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 16-6 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-2, entitled "AUTHORIZING SETTLEMENT OF DUKIE RACADIO v. COUNTY OF MAUI, ET AL., CIVIL NO. 14-1-0451(2)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-6.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 6, 2015, and January 12, 2016, to consider a request for the status update and settlement authorization in case of Dukie J. Racadio v. County of Maui, et al., Civil No. 14-10451(2). Mr. Racadio's complaint alleges disability discrimination relating to his termination as a police officer on or about December 31, 2013.

A Deputy Corporation Counsel provided a brief overview of the case. He said that the County had received a settlement offer from Mr. Racadio's attorney which has since expired. The Deputy said he would nonetheless like to discuss potential settlement authority for the case, prior to the settlement conference set for today, January 22, 2016.

Following an executive meeting, your Committee voted 6-0 to recommend adoption of the proposed resolution authorizing settlement.

I ask the Members, for their support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.



CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

CHAIR WHITE: Mr. Chair, for, for the record, Committee Report 16-5, it was BILLS 4, 5, and 6 (2016), respectively.

And for Committee Report 16-6, RESOLUTION 16-2.

COMMITTEE REPORT

NO. 16-7 - COMMITTEE OF THE WHOLE:

Recommending that the correspondence dated October 23, 2015, from the Department of the Corporation Counsel requesting consideration of the possible settlement of Claim 30153984350-0001 of Farmers Insurance Hawaii, Inc., on behalf of its insured, Veronica Gray, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-7.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 6, 2015, and January 12, 2016, to consider a proposed resolution to authorize settlement of the claim read by the Clerk, of Farmer's Insurance Hawaii Inc., on behalf of its insured, Veronica Gray, for \$11,319.14.

The Claim alleges damages to Veronica Gray's vehicle resulting from a collision with an unsecured park gate at Kanaha Beach Park on April 19, 2015.

Section 3.16.020(B) of the Maui County Code requires Council authorization for any settlement in excess of \$7,500.

Prior to the second meeting on this matter, a Deputy Corporation Counsel notified your Committee that the claim had settled within the amount authorized by Section 3.16.020(B) of the Maui County Code, therefore, the Council authority is not required and your Committee may, therefore, file the correspondence.

I ask for the Members support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak in favor of the motion this morning with reservations. I, I think we, I have vetted my concerns with how this case was handled, Chairman, in executive session.

And, again, as the public, you know, we are bound by certain responsibilities of confidential information while we are still in the stage of litigation. And, so you know, my few words on this, at this time, would be that I am happy that the Risk Management component and the people in, that are in Corporation Counsel is aware of our concerns regarding the third-party administration of this case. And, I want to thank them for making the improvements to avoid future instances such as this on this specific issue. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 16-8 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-3, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-8.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on December 11, 2015, and January 12, 2016, to consider a request relating to the case of Hawaii Wildlife Fund, et al. v. County of Maui.

The second request related to an increase in compensation for special counsel Hunton & Williams LLP for the appeal in this case. A proposed resolution would authorize 300,000 in additional compensation.

A Deputy Corporation Counsel noted that judgment was entered in Civil No. 12-00198 SOM BMK on November 17, 2015, and on December 14, 2015, the County filed a Notice of Appeal in the United States Court of Appeals for the Ninth Circuit. The Deputy noted that the County's opening brief in the appeal is due in March.

Your Committee voted 6-0 to recommend adoption of the proposed special counsel compensation resolution. I ask for the Members support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 16-9 - COMMITTEE OF THE WHOLE:

Recommending that Resolution \_\_\_\_\_, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE COUNCIL ON CERTAIN MATTERS FOR THE 2015-2017 TERM," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-9.

COUNCILMEMBER CRIVELLO:

I SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on December 18, 2015, to consider a revised proposed resolution to authorize the employment of special counsel to provide independent legal advice and representation to the Council for the 2015-2017 Council term, for a total compensation not to exceed \$75,000 per fiscal year.

Your Committee notes Charter Section 8-2.3(2) provides that the Corporation Counsel is "the chief legal advisor and legal representative of the County of Maui; the council, the mayor, all departments, and all boards and commissions; and all the officers and employees in matters relating to their official duties".

Your Committee also notes Charter Section 3-6(6) authorizes the Council, by a two-thirds vote, to retain or employ special counsel for any special matter presenting a real necessity for such employment.

The revised proposed resolution points to a real necessity for the Council to employ special counsel on questions presenting an actual or potential conflict of interests with the executive branch, and cites examples of issues or actions for which independent advice from special counsel may benefit the Council.

Your Committee emphasized the need to be disciplined about the matter for which the Council would resort to special counsel, noting the Corporation Counsel is its Charter-authorized legal represent, representative and has generally provided quality representation to the County.

Your Committee voted 6-1 to recommend adoption of the revised proposed resolution incorporating a revision made by your Committee.

I ask for the Members support of this motion.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any other discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I was the one that voted against this in the Committee, and I still strongly oppose this one.

The big one is the, one of them is number "a.", "3.a.", "That the legality of the Mayor's Employee Communication Directive and, if necessary, representation of the Council against the Administration in a declaratory action." I'm fine with the, "if necessary, representation of the Council against the Administration in a declaratory action".

The problem is, with me anyway, is this is a law that we, not this Council, but a Council passed almost word for word in the directive. So, until we resolve that law, which again, it's been in Committee for, for three years now, my effort to repeal that law, I don't see why we should hire a special counsel to tell us that we have to repeal our law. So, I'm very strongly against that.

Secondly, it hasn't been, you know, the whole thing is real necessity. Council or the Charter says that Corporation Counsel shall represent the Council, and then unless there's a conflict of interest, which there has been no request from Corporation Counsel to come up with the conflict of interest.

You know, according to the ODC, I believe, they, the attorney has to say yes, there's a conflict of interest if there's a request, and then get counsel. They haven't done that yet, and we have done that in different cases. Just recently in the last couple months, we've asked Corporation Counsel if there's a, indeed a conflict of interest.

And, to back my comments up, I do have an, a written opinion that says you have to have a conflict of interest in order to get special counsel. So, I don't see that there's a real necessity on that, on the other issues. So, I'm asking that the Members really consider, is this a prudent use of taxpayers funds? I agree, we have some difficulties with the Administration. You know, I, as Mr. Guzman mentioned in his opening remarks, I totally agree with things are getting crazy up there.

But, Corporation Counsel is hired to serve both us and the Administration. And, unless they've been asked for a conflict of interest, which they haven't, and then they declare themselves because they're ODC, Office of Disciplinary Counsel requires

them to expose a conflict of interest, I think we're jumping the gun here. So, that is why I am voting no.

And, I do have copies of that opinion if anybody is interested. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

COUNCILMEMBER VICTORINO: Mr. Chair. Could we get copies of--

CHAIR WHITE: Mr.--

COUNCILMEMBER VICTORINO: --yea, no, just could we get copies of that opinion, please?

COUNCILMEMBER COUCH: Certainly.

COUNCILMEMBER VICTORINO: That's all my question is. That's . . . for now.

CHAIR WHITE: And, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I, I speak in support of the motion. I support what Chair Guzman is proposing this morning. If you notice his willingness, he has revised the resolution, whereby, prior to any hiring of a specific special counsel, that request still needs to return to the body for consideration and approval. So, this is just step one of a required multiple step process, Chairman.

We are not hiring any special counsel today. We are just creating the legal process to allow us to move forward in that direction. And, again, we will have to take a vote to make the determination on it, the specifics of the issue when it comes before the body.

So, I have no problem supporting this request at this time. I think it's prudent for us to be prepared to take on such requirements, if need be to properly represent the people of this County. Because at times, I think there is definitely a difference of opinion what is the best for this County.

And, I think as the nine of us from nine different districts can say, there'll be times when, again, over the last five years, we have had difficulties knowing which side of the coin Corporation Counsel has been. Because, I always thought Corporation Counsel's only purpose was to serve the people of the County, not the Mayor, not the Council, but the people of the County. And, that's why for me, I think this is a good

insurance component for us, to be able to show the people that we are looking at their best interest and not a specific political interest. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, I want to apologize cause I missed the big meeting that was held on this in December. Unfortunately, I had planned vacation, was away, so really couldn't have any input on it. And, today is my opportunity to just say a few things. And, I can count, and I can see where this is going, however, I do want to express some of my concerns. And, I will not be voting in support of this.

You know, I had the opportunity, and I want to thank all of you for, to serve as Council Chair for two years. I depended heavily on Corporation Counsel to assist me in some really sticky matters. And, I want to say that I was very, always, impressed with their response, with the advice they gave me, which all proved to be correct.

And, it just makes me kind of sad that we have to feel that, you know, we have to have somebody else to come in and protect us. Cause, from my personal experience, I do not feel that. I feel we have a wonderful Corporation Counsel. They're skilled, they represent us in so many matters. And, I've sat here in executive sessions, and frankly just been amazed at how good some of them are. So, I don't have that unease.

So, I, again, it's, it's not that, you know, I think this is a bad thing or whatever, but I'm not comfortable with supporting it. Thank you.

CHAIR WHITE: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. It's a matter of great concern to us all, and I'm glad it came up in Mr. Guzman's Committee. And, I supported this the first time. However, I've had a lot of thought and I've gone over it and, aside from the testimony of my two fellow Councilmembers. And, I also was Chair of the Committee of the Whole and handled all the legal matters for the Council. And, we had this discussions before.

I would say now that I am more comfortable that, on a as need basis, because I think we, the Councilmembers, anytime that we need a special counsel, it should come



before this chamber, in this chamber, and be discussed, whether it is in open session or in an executive session, that we have and bring forth our reasons to hire this special counsel.

And, I say this because it's so important. It's really, really important. We have over here a proposal that gives us money to use for various things. And, we all have the concerns about the things mentioned in what has been distributed.

But, I think that we need to stay the way we are. I think the system we have is very effective. I think it serves the public better. I think it serves this Council better. And, I will not support the motion on the floor. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I too was not here at the discussion in Committee on this subject, so I'll be stating my, my thoughts. And, my thoughts are I, I have to disagree with my two colleagues to my right at this time. Nothing personal, you know, and, and I wholeheartedly agree with the comments that Mr. Hokama had made a little while ago.

And, I think this is just I, I have seen and have had, you know, firsthand the guidance, I guess, that have been taken. There's good, yea, there's wonderful work Corporation Counsel has done. But, there's others that I strongly really, yea, wholeheartedly disagree with their call on as, as our legal advice. And, we have some predicaments and things that we're caught in at this point due to somebody's decisions and opinions they've handed to us.

So, a many, many, many times, yes, I wish we had this in place for us to go. I know we always have that opportunity, but I'd like this placeholder here to guarantee, I guess of sorts, that we have this money and we're able to seek this special counsel when needed.

And, it will be vetted through this body. We all will have our say in it. It won't be one single person's decision, like yourself, Chair, but all of us collectively. So, I am happy to be here to support this and see where it goes. And, you know, hopefully we don't have to use it. And, at this point, I believe yes, as a whole, there's a lot of work in this County and the Corporation Counsel does do tremendous work for us. So, not to minimize that by any means.

So, with that, Chair, my, my, I'm in support of this motion. So, thank you.

CHAIR WHITE: Again, I'd, I'd like to just clarify that this allows us to get a second opinion on a, on issues that we have concerns about. It does not, in and of itself, give the Chair or any, or any individual Chair the ability to initiate litigation. This is simply for the ability for us to get opinions. And then once we have those opinions, then special counsel would come back and advise us in executive session. And, at that time only, would there be a, a further decision to take it to litigation or how we're going to deal with it.

I'm assuming that in majority of cases, if we're told that Corp. Counsel's right, that'll be the end of it. And, if we're told that Corp. Counsel is wrong, then there may be a, nothing more than just a discussion with Corp. Counsel to see which, which argument may hold the most water.

I don't see this, this is not a resolution to initiate litigation. It's simply a resolution to allow us to have a second opinion. And, I think that's terribly appropriate at this time. And, Chair certainly feels there's a, a distinct need.

So, further. I'm sorry, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you for that explanation. You know, I, I would hope that as a Councilmember I can turn to my Office of Council Service, first of all, with their legal analysis. And, and the process, what I've experienced, is that the legal analyst from OCS goes through Corporation Counsel.

So, what, what I'm hearing is then we need a third step if we don't have confidence in the Department of Corporation Counsel. And, I, I'm torn. It, it's, it's sort of torn in a way because I voted to approve Corporation Counsel; the Charter tells us what's their responsibility.

And, on, on that basis, at this time, I cannot support this resolution because it contradicts what I, I accepted as supporting the appointment of Corporation Counsel, working with my legal analyst and the process they go through themselves. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Just, just to note, the, the rationale behind this, this resolution as introduced by Chair White is that there, there is a recognized need that we do need an independent advice on, on certain matters.

And, in the resolution itself, it has indicated several justifications why we need, or the necessity for a second opinion. First of all, it's the June 18, 2014, Mayor's issue of the Employee Communication Directive. Now, doing other previous research now, I'm led to believe that there, there should have been more research done on it because of the, an opinion from OIP that such type of directive could be, is in, could be subject to a violation of the OIP. So, that's, that's one opinion.

The second opinion, not second, the second issue is October 13, 2015. The Mayor made a Uniform Information Practices Act request of this Council regarding a copy of the minutes, regarding the Old Wailuku Post Office. Now, that is, we, we need independent advice as to handle that as well.

We have several bills that have been brought to Corporation Counsel, and have come back. And, one of the rationales that they give us is that under Charter Section 3-8, Subsection 2, "Neither the Council nor its Members shall give orders to any County employee or County officers other than those appointed" blah, blah, blah. So, basically, if you look through the Code, we give, there's, there's more than 200 plus "shalls" that, that order, or not, that that by ordinance, require Departments to follow the law.

Now, is this a way of bifurcating our, our duties or our authority to pass laws? I'm not sure, but we need a, an independent Counsel to give us an opinion.

And, if you look at any physical or health issues that you may have or your family incurs, and it's a serious health issue, and the doctor, your primary physician diagnoses something, wouldn't you want a second opinion if you ever wanted to question it? Of course. It's a given.

So, these are serious matters that affect the way we, we operate as a Council under the, the guise of stepping into the shoes of our constituents, representing them. And, in terms of using taxpayers money to pay for a, a potential hire for independent counsel, it's worth it because it is allowing us to do our job on behalf of the people; to get the right answers. Not, not an answer that is skewed because their Corporation Counsel is trying to protect the Mayor or trying to protect the Council. We want a straightforward answer.

And, some of these things are so prevalent that as leadership, Chair White, and, is taking note of this. It has a lot to do with the, the inherent system, or the bias that is produced by the Charter itself, allowing the appointment of Corporation Counsel, and the, the power to fire only under the Mayor. So, we, we have no control over termination. So, it, it, it's inherently dysfunctional in that sense.

The, the other part is that as Corporation Counsel, they, they, that, that job entitles, I mean it has the, has the duty of basically determining by his or her discretion what communications go back and forth between Council and Administration. So, when we do have these conversations with Corporation Counsel, they not, they are not confidential, you know. So, when we, when we're talking about these serious issues that we want answered, some answers to, I think we, we're entitled to having a, a unbiased opinion.

And, it's been done in the past, you know, under Linda Lingle's Administration, under a few other Mayor's but I, I can't quote it right now. But, I know for sure under Linda Lingle's Administration, a special counsel was, was hired to give an opinion.

So, I am in support of this. And, it, it has been amended so that we're not replacing all the duties of the Corporation Counsel. We're only looking at when the Administration and the Council have a conflict or a potential conflict. Those are the, the issues that we would ask special counsel to give us a, an opinion on. Other than that, everything else stays status quo cause they're, they have been doing a good job. So, thank you.

CHAIR WHITE: You know, this is not a, this is not a statement that the Corp. Counsel is not doing a good job. I think all of us are very impressed with the work that they've done on litigation and other matters. This is simply in areas where we have disagreements where the legal research that has been done by our own staff is in opposition to the opinions that we are the, the readings that we're getting from the Corp. Counsel.

So, Mr. Carroll.

COUNCILMEMBER CARROLL: Speaking twice, I should get a. I appreciate all the Members and I really appreciate the discussion today. Because like I said in my first remarks, it's really very important that we do this the right way. It's disturbing that some Members have the opinion that we, the ethics of our Corporation Counsel, and the Members that are service up there, that we question their ethical stand.

We need to hire people that will give us the types of opinion that the Councilmember from Kahului had gone over. We need to have that confidence in our Corporation Counsel. We have attorneys licensed by the State of Hawaii on the seventh floor. We have hired Corporation Counsel many times for many different things, I mean excuse me, special counsel many times for many different things. And, I appreciate the rationale and the worries that have been brought forth.

But, I still feel that it is so serious, that any time we go and hire a Corporation Counsel, I mean.

CHAIR WHITE: Special counsel.

COUNCILMEMBER CARROLL: Before we get completely tongue-tied over here. Before we hire a special counsel, that it should be for a specific thing. It should come through this Council. It should be approved by the Council. I think it's that important.

Opinions, we can ask for opinion we're not satisfied with it. We have our own attorneys on the seventh floor that are very qualified. Their ethics are outstanding. Some of the Members even get upset sometimes because they are so thorough.

I would hope that we can continue the way we are. I think it is the way to go. And, again, I think it serves this Council and the public best with what we have before us. And, so again, I cannot support the motion on the floor. But, I, I'd like to thank everyone for the discussion because we do have a lot of contention between us and the Administration.

And, to the Councilmembers and the public over here, we're supposed to have tension between the Council and the Administration. That is the oversight that we have, that is how we serve the public. Yes, we have that tensions, but we need to work within the parameters that we have before us now. And, I don't think this is necessary. Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I, I appreciate all the comments. And, they're compelling, both sides. In fact, you know, on this resolution I can agree with, certainly number "3.d.". But, only it shouldn't be "if", it should be "when". So, there, there are things that I agree on, but in general, this is kind of an open-ended. So, that means there's no real necessity if it's open-ended.

But, if this were to pass, I would like to implore that either, I don't know if we can put it in the, the resolution or not, but what has been, what has happened before certainly on, when I was on the, Chair of the Board of Ethics, we had a conflict. And, instead of hiring outside counsel, we hired counsel from another County, because they know the workings of County. So, I would implore that if this passes, that we use another County because we have those agreements between the different Counties' Corporation Counsels. So, that would save a lot more money other than hiring somebody from the outside.

But, I don't, you know, I'm still imploring that it not pass because it's, you know, not open-ended. We can't have it be open-ended. And, if we have an issue and I, and I still kind of have an issue with, you know, one person's representing both sides, if that's in, what we truly want to do, let's initiate a Charter amendment to say Corp. Counsel gets to hire its own Counsel. So, those are some of my comments. Thank you.

CHAIR WHITE: Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would just say from a historic perspective, if what we say was true, then why did every time, as I understand it, Council took Administration to court and we've had taken some up to the State Supreme Court, the court has ruled with the Council? Interesting. The court has ruled on the Council's favor, which means Corp. Counsel didn't give the right advice. That is history. That is judgment by a court. So, I would say our batting average is very good when Council had to take Administration to court. And, my thing is, let's not get confused between the differences between the branches of government and special, regular civil litigation that is against the County as a, one unit.

I would agree Corporation Counsel generally performs well. But, like baseball, nobody bats a thousand. And, so for me Chairman, this is for those unique situations. And, if we look, have done this, and have kept losing, I would say maybe this is not a great idea.

But, it's interesting that the courts have ruled on the Council's favor when we've gone to court. And, that tells something about the need of the Council to exercise this option. We have history on our side. We have precedence on our side. And, that was to protect the interest of the people of this County, not the branches of government. Thank you.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Members, further discussion?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'll use my second opportunity just to say that, you know, I understand what we're discussing here. And, if we do not pass this, it doesn't take away our right to, as Chair Hokama, Mr. Hokama says, take the Mayor to court if we feel that, you know, he's out there. So, we still have that opportunity, and we can win and we can lose.

But, I, I don't feel comfortable because it just, for one thing, I think it's money we don't have to spend. And, you know, we're in this austere situation here where we're watching every penny.

And, the second thing is, I think no matter if it walks like a duck, quacks like a duck, it looks like a duck, and we can say well this is not a reflection on Corp. Counsel. I think there is some of that and that makes me unhappy. Thank you.

CHAIR WHITE: Okay. Mr. Victorino.

COUNCILMEMBER VICTORINO: I thought maybe I was not going to get recognized today. I mean, even Mr. Carroll talked twice and I haven't said a word yet.

CHAIR WHITE: Well, that is an absolutely unusual occurrence.

COUNCILMEMBER VICTORINO: I believe so. This is, this may be precedent setting. It's been an interesting discussion, and each one of my Members have brought up valid points, and what I consider important issues that need to be addressed.

After reading this opinion based on a 1983 opinion given to your father back then as Chair, to Goro Hokama, which I have a lot of respect for, just like you Riki. And, also the questions I posed to you yesterday, Mr. Chair, when we were discussing, we were just talking stories and I said I had some, some still, still some challenges in my mind. I don't think this issue should be talked about, or even indicated, or even, or even pointed towards our Corporation Counsel's integrity. I think they have a fantastic track record. The good work they done for us through the years that I've been here, and which now more than nine years, has been solid.

But, I also have experiences where I've had challenges sitting in your chair, in replacement of Mr. Carroll and Ms. Baisa. And, I had a question, and I had three attorneys come; one from Corporation Counsel, one from our legislative, and Mr. Raatz, three attorneys. And, not one, not all, none of the three could agree on anything. They all had their opinions on which, what the matter was. So, attorneys have their opinions based upon what they read and how they interpret the law. So, I don't put all the blame on Corporation Counsel. And, having an outside counsel coming in to give us advice is not a real bad thing. I don't think that's a bad issue.

I believe, right now, Mr. Guzman, you've worked very hard putting this together with your guidance, Mr. Chair. But, and I voted yes originally. But, I still have a few concerns. And, my main concern, and I'll say this again publicly. I was told the day I walked in, by then Chair Hokama, that Corporation Counsel, we need to follow what they advise us because if something goes wrong and we've gone counter to what their advice was, then we stand the chance of being left out in the cold, in other words defending ourselves. And, there's been some incidents of that also.

So, with that in mind, and all the other issues that have been discussed up and down, I will not support this today. I will ask Mr. Guzman if they can go and bring up something that's maybe more palatable. But again, I agree with you, this is not to take this issue to court, or take this. It is to get a second opinion on what Corporation Counsel has said this is what we should do, and bringing somebody else to agree or disagree.

But, then the question comes at, when that comes down, and if they're two differing opinion, then nine of us have to decide which opinion is the best opinion to take. So I, again, that, that falls right back in our lap. So, if there's reasons to go after the Administration, whatever Administration is there, then I believe this nine Members of this body can do that, if they so choose to. And, we've done in the past, Mr. Hokama, and historically that has happened.

Now, if there's a Charter amendment change that needs to be made, then by golly, let's do it. Let's make it a Charter amendment, and let the people tell us, yes, we want this.

And again, spending money, I mean, we get blasted for spending \$5 more than we should have on something that's inconsequential. Now, we're going to spend \$75, oh wait, we're putting aside.

CHAIR WHITE: Right.

COUNCILMEMBER VICTORINO: Okay, let me correct that. I apologize. But, people perceive, even set asides, as spending money. You know, the public's perception of what we do is any time we mention a figure, oh we spent it. Even though we may not, they believe we will. So, let the public understand that if this was to pass and we put, we were putting this money aside, it would not be spent unless necessary.

But today, after listening to all of this reading, really looking at a broad picture, a whole picture, I've decided that I cannot support this resolution the way it's presented now.



But, I want to thank Mr. Guzman, yourself, and others, because you've also brought to the forefront the importance of working together. I agree, we cannot have a rubber stamp in this, this chamber and the Administration; I wholeheartedly agree. And, we have to have some, some adversity, and maybe if you want to use that word, or maybe even some contention sometimes. A little is good for the, for the heart. Keep that blood pumping. I think you mentioned that about blood pumping, Mr. Guzman.

So, with that being said, that's my take on all of this. And, thank you, Mr. Chair, for allowing me this time to pontificate my point of view.

CHAIR WHITE: Thank you. We're going to, we're going to take a, a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:14 A.M., AND WAS RECONVENED AT 10:15 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBERS CARROLL AND COCHRAN, EXCUSED.)

CHAIR WHITE: Please come back to order.

Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:15 A.M., AND WAS RECONVENED AT 10:16 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER COCHRAN, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Members, without objection, Chair would like to recommend recommittal to Committee.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, I will accept that recommittal as the Chair of the Committee of the Whole, Committee of the Whole. I also would like to address a, a few comments that my Members had indicated.

(Councilmember Cochran returned at 10:16 a.m.)

VICE-CHAIR GUZMAN: First of all, if this, if this resolution didn't pass, we wouldn't be able to go forward in challenging these opinions, because you do need an independent opinion before you can go and get a declaratory judgment. So, we have these bills that are pending that, that we believe that are, that conflict with the research that our Council Services has done. So, we, we can't use their research or their opinion to bring it forth to a declaratory judgment in the courts. You have to have an independent counsel to give that opinion so that we can challenge, at least bring it forward to be heard by the judge, as we've done in the past by other Council, Councils that have challenged opinions.

And, these items that are listed in the resolution are things that we should be challenging based off of Corporation Counsel's opinion. I am not going after Mr. Wong as, or challenging his ethics. I was saying that the position itself is based off of the Charter, is inherently biased, because only the Mayor can fire. You know, I'm not challenging Mr. Wong at all. In fact, he's the Godfather of my second child. I'm saying that there, there is a issue as to legal opinions that are, that are researched from Council Services and what is researched, or given, or given the opinions from Deputy Corporation Counsels.

Mr. Wong doesn't write the opinions. He approves them, or he looks over them. We're looking at legal arguments here. A disagreement between what we perceive on the research side of Council Services. Our attorneys indicate differently, or in conflict with the opinions of Corporation Counsel on serious and necessary issues that, that we need to, to address as a body to, to do our jobs.

So, if there is issues as to the language, I, I have more, I'm more than willing to bring it back to Committee and re-work the language if that, if that is necessary. So, as the Chair of Committee of the Whole, I would accept a referral back to Committee, if this body so intends to do so. Thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER CARROLL: Chair.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I would call for the question and a roll call vote.

CHAIR WHITE: There, there's no vote necessary with a recommittal. So, the bill is recommitted, or the reso is recommitted.

Mr. Clerk, proceed.

COMMITTEE REPORT

NO. 16-10 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-4 entitled "RELATING TO THE APPOINTMENT OF WILIAMA AKUTAGAWA TO THE MOLOKAI PLANNING COMMISSION," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-10.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Ms. Crivello.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At our meeting of January 4, 2016, your Policy and Intergovernment Affairs Committee voted 5-0 to recommend the approval of Mayor's nomination of Wiliama Akutagawa to the, to the Maui Planning Commission *[sic]* for a term expiring March 31, 2018.

Your Committee noted that Mr. Akutagawa is a small business owner and is active in the community.

Your Committee appreciated Mr. Akutagawa's willingness to serve on this Commission and supports his nomination.

I respectfully request the Council support this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you. Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Mr. Victorino. I, I too ask my colleagues to support the adoption of this resolution. It's, it becomes quite challenging in a rural community like ours, to find young people to step up to the plate.

And, Mr. Akutagawa comes from a line or lineage of people who advocate for the community in more ways than, than one. So, as a young business owner, I ask that he be accepted to serve on our Molokai Planning Commission.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-4.

COMMITTEE REPORT

NO. 16-11 - WATER RESOURCES COMMITTEE:

Recommending that County Communication 15-229, from Presiding Officer Pro Tempore Michael P. Victorino, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING THE WATER AVAILABILITY POLICY" be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN  
WATER RESOURCES COMMITTEE REPORT 16-11.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion from Ms. Baisa, and second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr., thank you very much, Chair. Your Committee met on December 2, 2015, and January 6, 2016, to consider County Communication 15-229, from Presiding Officer Pro Tempore Mike Victorino, transmitting a proposed bill to repeal Chapter 14.12, Maui County Code, the County's Water Availability Policy.

The Chapter "establishes a policy that requires verification of a long-term, reliable supply of water before applicable subdivisions are approved."

Your Committee recommended the Water Availability Policy be retained, and encouraged the water, the Director of Water Supply to assist with the completion of an updated Water Use and Development Plan, to aid the Council in determining whether it is advisable to amend the Water Availability Policy.

I respectfully ask for the Members support of the motion.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with County Communications.

### COUNTY COMMUNICATION

NO. 16-9 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,  
(dated January 5, 2016)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2015.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, may I get a real brief recess?

CHAIR WHITE: Yes.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Two-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:24 A.M., AND WAS RECONVENED AT 10:26 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting with please come back to order.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, we are on County Communication 16-9.

COUNCILMEMBER COCHRAN: Yes. Thank, thank you.

CHAIR WHITE: Thank you.

Back to Ms. Cochran. Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you for that brief recess.

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 16-9.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion to file by Ms. Cochran, and a second by Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, this is an annual report from Public Works in relation to new utility poles. And this, in particular, does not require Committee discussion or work on.

The brief recess did clarify that, in the first sentence, Placement - Council permission required, but in this particular case there is an exception. And, it's for one pole. It's on Lower Honoapiilani Highway. Nothing major, intrusive, and haven't heard complaints. So, I believe it's okay to file this county communication at this time. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 16-10 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,  
(dated January 6, 2016)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2015.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO FILE THE REPORT.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Okay. We have a motion from Ms. Baisa, and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, no further discussion. Just a routine report that we file and is available for anyone who'd like to look at it. Thank you.

CHAIR WHITE: Thank you. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.



NO. 16-11 - MIKE WHITE, COUNCIL CHAIR,  
(dated January 14, 2016)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SHELLY K. ESPELETA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF SHELLY ESPELETA AS A, AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES", AND FILE THE COMMUNICATIONS.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Shelly Espeleta is an outstanding candidate for the position of Legislative Analyst. She has a Bachelor's and Master's Degree from the University of Hawaii at Manoa, as well as a broad range of professional experience.

She is currently the Employee Relations Administrator at Maui Electric Company. And, in this role, she is responsible for the recruitment and hiring process. And, she works with the organization's rules and regulations related to the collective bargaining and other employment laws.

Before going to MECO, Shelly was a Legislative Analyst for the Maui County Council for three years, from 2004-2007. As an Analyst, she, she, got tongue-tied, she served on various committees, including the Budget and Finance Committee. She also worked on special projects, including the Hawaii State Association of Counties Conference and the Council Inauguration.

Shelly will be a very positive addition to the staff, and her skills and her prior legislative experience will help her ramp up quickly.

I recommend the appointment of, of Shelly Espeleta as a Legislative Analyst in the Office of Council Services, and respectfully request the Councilmembers support of this motion, of this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Mr. Guzman for giving that background, which I have no idea. And, I'm not so much looking at who the individual is and I, you know, will support this resolution.

But, I have some questions on the process. So, my thing is, it's been nine years since the individual left our Office of Council Services. So, are we at liberty to clarify what step CR-5J equates to, what salary?

CHAIR WHITE: I don't know what that is.

COUNCILMEMBER CRIVELLO: Maybe Mr. Raatz can give us that information.

CHAIR WHITE: Mr. Raatz.

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Mr. Chair. That designation corresponds to a Maui County Code provision. I don't have it right in front of me, but I believe it's approximately \$82,000 per year.

COUNCILMEMBER CRIVELLO: Thank you. It, it's very generous of us that we can come on with this salary when others have left us and have, you know, with less salary. And then, we have analysts that have been with us for close to 10 years and have not reached that step yet.

So, you know, I, I just question how the process is, is done. And, I question the, the pay that, and at this time you can just step in and have that high salary. Because I know we have very good qualified analysts that are, are burning midnight oils to try and get the work done for us.

But, I will support your appointment at this time but, with the feeling of reservation. Nothing against the individual, but with the process. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. I will be supporting the hiring of this lady. However, I do relate to what our Councilmember from Molokai is saying.

You know, for quite a while now we've been concerned about the salaries in Council Services, and we've been talking about doing a study, and kind of revising it, and getting it in better line. And, I would hope that we will get that done so that we won't be hearing this kind of stuff on the floor. Thank you.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Salary concerns aside, I'm really happy to have her back with us. She worked with us for three years when I was on the Council the last time. And, her performance was exemplary.

And, I'll support the motion. And, I'm very happy to have her back. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

I would just like to say that all of you are more than able to take part in the interview process. And, if you would like to get involved in reviewing the, the salary setting and so forth, I'd be more than happy to have some added support there.

I'm very excited that Ms. Espeleta has chosen to apply, and then chosen to join us. I think she'll be a great addition. The reports that we've gotten have been very good. She comes highly recommended. And, I look forward to Shelly joining us. So, welcome Shelly.

With that said, any further discussion, Members? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Congratulations, Ms. Espeleta.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-5.

Mr. Chair, the following County Communications will be referred to the following Committees as noted.

NO. 16-12 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated December 29, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.

The recommended action is that County Communication No. 16-12 be referred to the Budget and Finance Committee.

NO. 16-13 - MIKE WHITE, COUNCIL CHAIR,  
(dated January 12, 2016)

Relating to a performance audit of the Solid Waste Division, Department of Environmental Management and its impact on the annual budget.

The recommended action is that County Communication No. 16-13 be referred to the Budget and Finance Committee.

NO. 16-14 - ELLE COCHRAN, COUNCILMEMBER,  
(dated January 4, 2016)

Transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE TO PROHIBIT THE SALE AND TRADE OF IVORY AND RHINOCEROS HORN IN HAWAII".

The recommended action is that County Communication No. 16-14 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 16-15 - GLADYS C. BAISA, COUNCILMEMBER,  
(dated January 14, 2016)

Relating to the County's Water Availability Policy.

The recommended action is that County Communication No. 16-15 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk. Members, are there any objections to the items as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Or, I should say the referrals. No objections. Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communications.

### GENERAL COMMUNICATIONS

NO. 16-1 - MARK ALEXANDER ROY, MUNEKIYO HIRAGA,  
(dated January 7, 2016)

Submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 6, 2016" in accordance with Condition 22 of Ordinance No. 3613.

The recommended action is that General Communication No. 16-1 be referred to the Planning Committee.

CHAIR WHITE: Members, are there any objections to this referral going to the Planning Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinances, for second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 1 (2016)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -  
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,  
CIVIL DEFENSE AGENCY (STATE HOMELAND SECURITY  
GRANT (SHSG) PROGRAM)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, sorry about that, Chairman, I was thinking about something else. Chairman, I move that Bill No. 1 of 2016, well, with no objections, Chairman, I would ask the Clerk to bring up both Bills 2 and 3 also.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objection, so ordered.

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO.  2  (2016)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO THE DEPARTMENT OF FINANCE,  
COUNTYWIDE COSTS

ORDINANCE NO. \_\_\_\_\_  
BILL NO.  3  (2016)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES -  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016,  
AFFORDABLE HOUSING FUND, 2015 HAWAII HOUSING  
PLANNING STUDY

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS 1, 2, AND 3 OF 2016 PASS  
SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Bill 1 is basically a, bring forth into the County's budget a grant, funds that was under the Civil Defense Program State Homeland Security.

Bill No. 2, also, is an adjustment regarding the Department of Finance for their fringe benefits, as well as their "B" and "C" category requirements.

Bill No. 3, Mr. Chairman, is basically regarding the, approving the Housing and Human Concerns Department to move forward with their Housing Study.

And, those are the basic purposes of those three Bills. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on this item, or these items? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, VICE-CHAIR GUZMAN, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members and--

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Point of personal privilege. Just a, an announcement that Honoapiilani Highway is closed due to the fire--

COUNCILMEMBER VICTORINO: Fire.

COUNCILMEMBER COUCH: --between Maalaea and the tunnel. So, anybody who needs to go that way has to go the other way around. Thank you.



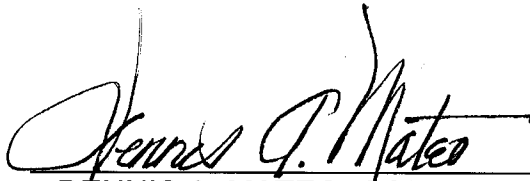
CHAIR WHITE: No, don't suggest that they go the other way around, because it's a one lane road and if you come upon another car you're in, in a difficult situation.

Members, any other discussion?

Okay, with that we will be adjourned. Mahalo.

### ADJOURNMENT

The regular meeting of January 22, 2016 was adjourned by the Chair at 10:39 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo". The signature is written in a cursive style with a horizontal line extending from the end of the name.

DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII