

# **POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**May 23, 2016**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** Councilmember Michael P. Victorino, Chair  
Councilmember Don Couch, Vice-Chair  
Councilmember Gladys C. Baisa, Member  
Councilmember Robert Carroll, Member  
Councilmember Elle Cochran, Member (in 9:16 a.m.)  
Councilmember Stacy Crivello, Member  
Councilmember Don S. Guzman, Member  
Councilmember Riki Hokama, Member (in 9:30 a.m.)  
Councilmember Mike White, Member (in 9:30 a.m.; out 11:43 a.m.)

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Clarita Balala, Substitute Committee Secretary  
  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Danilo Agsalog, Director, Department of Finance (Item PIA-36))  
David C. Thyne, Assistant Fire Chief, Department of Fire and Public Safety (Item PIA-65))  
Danny Mateo, County Clerk, Office of the County Clerk (Items PIA-10(4) & PIA-10(6))  
Josiah Nishita, Deputy County Clerk, Office of the County Clerk (Items PIA-10(4) & PIA-10(6))  
David M. Raatz, Director, Office of Council Services (Item PIA-10(5))  
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-36))  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel (Item PIA-65))  
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** David DeLeon (Items PIA-10(2), PIA-10(5), & PIA-10(7))  
Paul Kailiponi, Chair, Cost of Government Commission (Item PIA-10(2))  
Annie Alvarado (Item PIA-10(2))  
Rosemary Robbins  
Others: 2

**PRESS:** Colleen Uechi, *The Maui News*

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

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*Akaku--Maui County Community Television, Inc.*

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CHAIR VICTORINO: . . . *(gavel)*. . . Good morning. It is 9:03 a.m. Sorry about the little delay but we had some technical difficulties this morning. I would like to call the Policy and Intergovernmental Affairs Committee to order. First of all I am the Chair Michael Victorino and I will be introducing the Members in a moment. But I'd like to call upon everyone in the Chamber including the Members and that may be myself also to turn off your cell phones or noise-making devices, either put 'em on silent or turn 'em off entirely. Thank you for your cooperation. Moving right along I'd like to introduce the Committee Members that are present today. The Vice-Chair of the Committee Mr. Don Couch.

VICE-CHAIR COUCH: Good morning, Mr. Chair.

CHAIR VICTORINO: Also from East Maui Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Yeah, good morning. And Gladys Baisa from Upcountry.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Ms. Cochran will be a little bit late so we'll call upon her when she arrives. From the Island of Molokai Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR VICTORINO: And Riki Hokama from Lanai.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: And also going to be a little is the Vice-Chair and Chair of the Council Don Guzman and Mike White respectively. From the Administration today we have Mr. Danny Agsalog from the Department of Finance, David Thyne Assistant Fire Chief. Danny Mateo will be joining us from the, our County Clerk, David Raatz our Director of Council Services will also be joining us a little bit later. Right now, we have Jerrie Sheppard here, as Corporation Counsel and Mr. Kushi will be joining us as First Deputy Corporation Counsel in a little while. Our terrific Staff today, our Legislative Analyst Ms. Kim Willenbrink --

MS. WILLENBRINK: Good morning.

CHAIR VICTORINO: --and standing...substituting for Committee Secretary is Clarita Balala. Thank you, Clarita, for being here this morning. At this time, I would like to check to make sure our District Offices are connected 'cause we had some problems this morning and actually we're using our cell phones this morning. Our system is not

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

operational. So let me start with Dawn Lono from our Hana Office. Dawn, are you there?

MS. LONO: Good morning, Chair, this is Dawn Lono at the Hana Office.

CHAIR VICTORINO: Can we hear, Members, can you hear? I'm not sure how much louder we can make it. Hang on. Hang on a second. Dawn, are you there? Dawn?

MS. LONO: Yes, good morning, Chair, this is Dawn Lono at the Hana Office.

CHAIR VICTORINO: Is it okay? Yeah, okay, and 'cause I wanted to make sure that *Akaku* can also pick them up. Denise Fernandez from Lanai, Denise, are you there?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez on Lanai.

CHAIR VICTORINO: Good morning. And Ella Alcon from Molokai Office, Ella, are you there?

MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai.

CHAIR VICTORINO: Thank you. Today we have seven items on the agenda so it's a very aggressive agenda. Many of these are Charter amendments that were brought forth by various Members of the Council. And so with no further ado I'd like to start public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: No objections. Ms. Willenbrink, would you start by giving the overview of the public testimony and calling our first testifier in the Chamber.

MS. WILLENBRINK: Thank you, Chair. Testimony is limited to items on the agenda. Sign up at the desk located in the 8<sup>th</sup> floor lobby or at one of the District Offices. Testimony is limited to three minutes. At two and a half minutes the light will turn yellow and at three minutes the light will blink red. At three minutes I will kindly ask you to stop. Please state your name and who you are representing. We have established a connection to the District Offices and to be fair we will rotate. Chair, our first person in the Chamber signed up to testify is David DeLeon.

CHAIR VICTORINO: Mr. DeLeon? And who is the next testifier so they can be ready please?

MS. WILLENBRINK: The next testifier is Paul Kailiponi.

CHAIR VICTORINO: Thank you. Mr. DeLeon?

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

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MR. DeLEON: Good morning and aloha, I'm Dave DeLeon speaking as a private citizen and as a 35-year participant and observer of Maui County government. I'd like to speak to three items 10(2), 10(5), and 10(7). Two of these items seem to be premature in the sense of until we decide what to do with the County governance issue then we can't have these items on the ballot with that at the same time because they go in different directions. So that, you know, we'll have...you'll have to maybe take that under advisement and work it in a coordinated manner. No. 2 Cost of Government Commission, this looks like a solution in search of a problem. The Cost of Government Commission over 40 years that it existed started off as sort of like a show and tell on what County government is and kind of grew into its actual purpose which is, you know, how do you deal with the efficiency of government versus what it costs the government to operate. And my hats off to this Commission, I mean I actually used to do boards and commissions as a portion of the Mayor's Office and I would steer capable people away from this Commission because it was never doing anything and I thought it was a waste of their time and energy. I will not say that about this Commission in the last ten years. It has really improved and possibly because it did get good people on there that really made a difference. The report on the governance issue that just came out from the Commission you would have to pay big money to get that report. I mean that was not...that was a well done professional report so I mean wow. So now it's really working well. Let's cut it off at the knees and make it just be tied to the Auditor. I don't think so. I think that's inappropriate. It should be able to get opinions from the Council, I mean request for opinions from the Council and from the Administration and maybe even from private entities if appropriate in relationship to the government and the Auditor. When I was on the Charter Commission for the 2012 Charter we actually thought about the Cost of Government Commission as a watchdog over the Auditor in case it got politicized. That hasn't happened. The Auditor stayed away from that but this makes it...this takes away its purpose really because the Auditor is not there to be looking around for efficiencies. He's not going to spend his time and energy on that. That's not what he's doing. He's responding to audit requests. No. 5, the Charter amendment ...

CHAIR VICTORINO: One moment, Mr. DeLeon.

MR. DeLEON: That's alright.

CHAIR VICTORINO: Ms. Willenbrink, will you reset the clock? Because he's speaking on three items and things going start blinking red and I don't want that to happen. Okay, go ahead, Mr. DeLeon.

MR. DeLEON: I'll try to be expeditious.

CHAIR VICTORINO: No problem, you did fine.

MR. DeLEON: The item on attorneys in the Office of County Council [sic] this is a reoccurring issue that goes around the State. It's happened...I've seen it in Honolulu. I've seen it in the State Legislature. And this is a problem that Legislators have to bear. This is one of the points of balance that's never going to be balanced unless you

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

end up with dueling attorneys. So you'll have...I can imagine, only imagine the legal action that would have happened out of the Wailuku Post Office issue if we had dueling attorneys. Where we had equal attorneys in the Mayor's Office, well, not in the Mayor's Office, the Corporation Counsel and in the Office of Council, County Council. That would...that's just a built in structural conundrum that, that's faced the Legislators and this State at least to my knowledge. I think every Council's faced this and the Legislature has faced it. You know and it's a balance of power so you don't have that power, you don't have control over that one entity but heck, you guys have the ability to set Charter amendments. So I mean the Mayor can't do that and I've yet to see one Charter amendment that takes power away from the Council and give it to the Mayor being issued by the County Council. I mean it works out even in the end. I mean this is one of those points where you just don't want to have a situation where you want to have dueling attorneys 'cause you're one government. Should I proceed?

CHAIR VICTORINO: Yes, go ahead. Proceed.

MR. DeLEON: And the last item, I'm in support of the last item and if in fact the proposal for County Manager is rejected this is something that the Committee's heard about repeatedly where people are concerned about some of the appointments that have happened recently. We're talking structure here but I mean it's a reasonable structural change that gives more oversight of appointments and to some people's mind, not mine, that there's been inappropriate appointments and this would give chance for that to be reviewed. Now a little caution is that, you know, this is a power that can be abused as well for political or personal purposes but on balance it makes sense and it's a reasonable step in the direction to what some of the folks who are looking for a reform in our government would want.

CHAIR VICTORINO: Is that it, Mr. DeLeon?

MR. DeLEON: Yes, sir.

CHAIR VICTORINO: Thank you very much. Questions for the testifier? I'll start with Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Mr. DeLeon, for all your comments. You mentioned that you had a few that you said were a little premature. Which ones were those?

MR. DeLEON: Oh, I think the No. 5 and No. 7.

VICE-CHAIR COUCH: The attorneys are premature.

MR. DeLEON: Yeah because if you don't have a mayor then...or you don't have a mayor doing appointments then what's the point of that amendment?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

VICE-CHAIR COUCH: Okay, and seven you...let's say a situation where the governance issue gets put on the ballot and these two get put on the ballot. They are mutually...could be mutually exclusive but if the governance gets voted down do you think it would be prudent to have these available?

MR. DeLEON: What happens if all three get approved?

VICE-CHAIR COUCH: Well, we can set the wording, I believe we can set the wording that, you know, if one gets approved then the other two ...

MR. DeLEON: You set it up as an either or? Or I don't know how...I don't know it seems, well, on the question of the Council attorneys I don't believe that belongs on the ballot period.

VICE-CHAIR COUCH: Right.

MR. DeLEON: It's a structural problem.

VICE-CHAIR COUCH: Understood.

MR. DeLEON: That this should not be...it should not be creating that kind of conflict, legal conflict within the government.

VICE-CHAIR COUCH: Okay. The one...and I agree with the approval of Mayor's appointment of department directors so far from what I've heard so far. Should the governance issue not pass, you know, it goes on the ballot and doesn't get passed; I would think we would want to have this in our back pocket if ...

MR. DeLEON: There's no rush, you could do it next time.

CHAIR VICTORINO: And absolutely I agree with that.

VICE-CHAIR COUCH: Yeah, yeah. Thank you.

CHAIR VICTORINO: You know I mean I think you putting the cart before the horse, mister, and we're not talking about the governance so let's keep the governance issue out of the discussion as much as possible today. Thank you, Mr. Couch. Any other questions for the testifier? Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. DeLeon, good testimony. I'm just wondering did you turn that in in a written form?

MR. DeLEON: No, I'm sorry.

COUNCILMEMBER BAISA: There's so much good stuff in it. If you could I'd appreciate it.

MR. DeLEON: I could produce something for you.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER BAISA: Thank you very much.

MR. DeLEON: Okay.

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR VICTORINO: And that's very unusual, Mr. DeLeon, you always have it in written form.

MR. DeLEON: It's lychee season I spent my whole weekend harvesting lychee.

CHAIR VICTORINO: Okay.

MR. DeLEON: I shouldn't have said that now everybody's going to want lychee.

CHAIR VICTORINO: Okay. No, no let's not go there. Let's not go there. Thank you. Any other further questions? Okay, thank you, Mr. DeLeon.

MR. DeLEON: Mahalo.

CHAIR VICTORINO: And let the record show Ms. Cochran has arrived.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

CHAIR VICTORINO: Okay, next testifier.

MS. WILLENBRINK: Our next testifier is Paul Kailiponi.

CHAIR VICTORINO: Followed by?

MS. WILLENBRINK: Annie Alvarado.

CHAIR VICTORINO: Okay.

MS. WILLENBRINK: Wait a second. I think. Yes.

MR. KAILIPONI: Chair Victorino --

CHAIR VICTORINO: Good morning.

MR. KAILIPONI: --Members of the Committee, thank you very much for allowing me to speak with you this morning. There are two items I wanted to address here. The first being Resolution 1470 regarding the Cost of Government Commission of which I am the Chair. And the second being County Communication 15-305 regarding the appointment, approval of appointments through the County Council. In regards to Resolution 1470 I went in and spoke with our County Auditor Lance Taguchi last week

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

concerning this item and there was agreement of mild surprise on both our...from both of us that this was actually brought up within this Committee. County Auditor Taguchi and I both felt that we have a relatively good relationship that largely we work to align the investigations that we provide as the Cost of Government Commission so that there's no duplication of effort which I know was an issue that this Committee had in allowing both of those bodies to exist. I think also that another issue that was expressed was about interference from the Commission with the County Auditor. And again County Auditor Taguchi and I both agreed that there was minimal interference if any interference between the Cost of Government Commission and the County Auditor. In fact, Lance, he won't say it but I'm fairly certain he doesn't like showing up to our meetings at all and he takes very seriously his independence as the County Auditor which I highly respect. I think the last points in regards to this is that our Commission provides value to this County and I think if I couldn't say that I would be with you guys in abolishing our Commission. However, I think that given especially a look at the last report that we've done, previous reports that not only have our reports led to some changes operationally within this County but also without our Commission information, relevant information, substantive information, evidence-based objective information would not have been found or reported. This goes along with County Communication 15-305. Our item that was, which is item No. 7 on you agenda, the report that we made in last week essentially stated that a recommendation that's very similar to this item here essentially allowing the County Council to have more oversight over mayoral appointees. Now the recommendation that we provided was not to allow a right-of-refusal on the point, from the County Council but rather to give an advisory notice of whether and the ability to vet the appointees themselves. Either way the alignment and the movement towards one or the other we see as being a movement in the same direction which is to allow the County Council to have more influence or rather some say as to the appointees that the Mayor provides. In both regards we see those as being recommendations that meet a lot of the values that were expressed by a lot of the stakeholders that we interviewed. And because of that we see that as being a primary Charter amendment that could be used definitely in-lieu of a County Manager form of government which we do not recommend. It is our hope that that recommendation and the value that our Commission provides can be something that is presented before some committee as we had stated in our letter to Chair White when we had put in our report. But ultimately our hope is that the kind of objective and evidence-based analysis that we and the County Auditor try to do continue here in this County. Thank you.

CHAIR VICTORINO: Thank you, Mr. Kailiponi, I appreciate your testimony and I agree in many points that you brought up but let me ask the Members if they have specific questions for the testifier. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Mr. Kailiponi, for being here this morning. I just want to be very clear, you know, we've had so much stuff and papers and all kinds of things going over our desks. If I heard you correctly what you are thinking or recommending would be that instead of, I mean it would be good for the Council to be involved in the approval process but not to approve or



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

disapprove but essentially to review, do due diligence, and make maybe a recommendation?

MR. KAILIPONI: That's true. That is correct. So the ability for the County Council to vet those appointees and essentially what that means is that the Mayor would have to provide job descriptions, resumes, and the reasoning behind making that appointment in the first place. The County Council would then have the ability to approve or disapprove of that but without the right-of-refusal of that appointee. Essentially allowing the County Council to say we don't like this person or we do like this person and make it very clear and evident why or why not that may pass. Now, the reason why we decided to go in that direction and we debated both, I mean we looked at both was mainly due to the very same debate that occurred a year and a half ago in this very same body when a very similar resolution was being looked at concerning the Council approval of the Managing Director and other specific appointees. An argument made by many people on this very Council was that the Mayor should have the ability to choose people that he can work with for those key vital positions. Arguments made by individuals in this room. That was one of the reasons why we decided to go for a vetting process without right-of-refusal as opposed to a very strict approval process which is what we see in Kauai and City of Honolulu. Either way we applaud the recommendation. As our recommendation says we agree that a movement towards the County Council having more...a hand in that appointment process, looks at some of the values that people express which is that they fear that there are appointees aren't being put there for the right reasons. And by having the additional bodies looking at it we see that as being a solution to that as opposed to a movement towards a Council-Manager form of government.

COUNCILMEMBER BAISA: Can I take that one step farther? And that is would you also think then that maybe we ought to have some kind of qualifications in the Charter?

MR. KAILIPONI: We looked at that as well and in our Commission Report we provide incidents where we look at qualifications existing both only in job descriptions and also as part of the County Charter. In the County Charter or ordinance, County ordinances that we looked at there were very few counties that provided very specific job descriptions. And in...when we were talking to individuals about that executive search agencies that was something that was done pragmatically mostly because what if we can't find the guy that fits these descriptions what do we do then. And it allows the County Council or whoever it is that's hiring to choose the best person that fits that. There's flexibility that's allowed by doing that. And that...and you can always put in very specific job descriptions but it doesn't have to be in Charter ordinance and that was the more common thing that we saw across those counties.

COUNCILMEMBER BAISA: That's interesting 'cause, you know, always we've seen in job descriptions that catchall that says "or other experience or years of service" that, you know, might measure up to what is needed, 'cause that can be difficult. If you want a Ph.D. and you can't find one, you know, you might have to find somebody ...

MR. KAILIPONI: Not many people want Ph.D.'s.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER BAISA: Yeah.

MR. KAILIPONI: I know.

COUNCILMEMBER BAISA: You're the exception. You're the exception. Anyway thank you, Dr. Kailiponi.

MR. KAILIPONI: Thanks.

CHAIR VICTORINO: Okay, thank you. And you are the exception and I'm glad to say that well qualified. Thank you. Yes, Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Good discussion. Thank you. Shall we call you doctor?

MR. KAILIPONI: You can call me Paul.

VICE-CHAIR COUCH: Okay.

MR. KAILIPONI: That's fine. Thank you.

VICE-CHAIR COUCH: You know you mentioned that you guys recommended no right-of-refusal, okay, and in this proposed amendment there is right-of-refusal.

MR. KAILIPONI: That's correct. Yes.

VICE-CHAIR COUCH: Would a good compromise be a two-thirds vote right-of-refusal because ...

MR. KAILIPONI: Really we're looking at nuance here.

VICE-CHAIR COUCH: Okay.

MR. KAILIPONI: Yeah, I mean ultimately it's your body that would decide on that. A movement towards having more people look at it, having more transparency in the job descriptions and the appointee resumes is ultimately what we see as being the good thing.

VICE-CHAIR COUCH: Okay.

MR. KAILIPONI: If that transparency exists we see that as being in many ways sufficient to allow that kind of debate to occur. And you can always say we don't like this person for whatever reason. You already have the ability to do that.

VICE-CHAIR COUCH: Right. Alright, and you also mentioned, you know, the Cost of Government and the Auditor get along.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MR. KAILIPONI: I like to think so. Yeah, you need to ask Lance about that.

VICE-CHAIR COUCH: I understand. But there you can see, I don't know if you can see the potential that, well, that's because you've got a good group right now. If you get...something happens or whatever then that might go away.

MR. KAILIPONI: I understand completely that a big reason for this is because of past experience.

VICE-CHAIR COUCH: Right.

MR. KAILIPONI: I understand that completely. And I can't say into the future what could or could not happen. I think setting a precedent and I think an action that our body will take is to codify to some degree what our relationship is with the County Auditor. And I don't think that that's something that has to happen in the Charter amendments.

VICE-CHAIR COUCH: Okay.

MR. KAILIPONI: I think that's something that can occur in negotiations in alignment between our body and the County Auditor.

VICE-CHAIR COUCH: Okay, and last but not least right now Cost of Government and the Auditor can investigate different departments. Is that...that's correct, right?

MR. KAILIPONI: Yes.

VICE-CHAIR COUCH: What about the Cost of Government being the watchdog for the Auditor as far as auditing them if they feel something is going on 'cause right now who audits the Auditor?

MR. KAILIPONI: That's a very dangerous question, Mr. Couch.

CHAIR VICTORINO: Yeah, and I think I'm not going to ask...and I won't put you on the spot, I'm not going to ask you to answer that question because I think, Mr. Couch, that may become premature. That's some discussion we can have here but you're putting the Cost of Government Commission Chair on the spot saying what do you think and no matter which way he answers it could be misconstrued. So I'll say that at this point I think we're a little bit premature, Mr. Chair, I mean, Mr. Couch, I should say. See, I got couch, chairs, I can't get it right. I apologize, Mr. Couch.

MR. KAILIPONI: I mean let me say this about it.

CHAIR VICTORINO: Yeah.

MR. KAILIPONI: The County Council appoints the County Auditor.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

CHAIR VICTORINO: That's correct.

MR. KAILIPONI: The County Council has the review of the County Auditor. The County Council has that ability to look at what the County Auditor is doing. Until we have problems with that process I don't see any reason to add any additional requirements onto our Commission.

CHAIR VICTORINO: Good response. Mr. Couch?

VICE-CHAIR COUCH: Okay. Thank you, Chair.

CHAIR VICTORINO: Ms. Cochran, did you want to ask a question?

COUNCILMEMBER COCHRAN: No.

CHAIR VICTORINO: Oh, I thought I heard somebody else say Mr. Chair. Okay. Alright. Any other questions for the testifier? Seeing none, thank you --

MR. KAILIPONI: Thank you.

CHAIR VICTORINO: --again, Paul, for being here. Okay, next testifier please.

MS. WILLENBRINK: Yes, Chair, our next testifier is Annie Alvarado to be followed by Rosemary Robbins.

MS. ALVARADO: Good morning, everyone.

CHAIR VICTORINO: Good morning.

MS. ALVARADO: Thank so much for allowing me the privilege of speaking before you. I am here as an individual citizen but just for the record I do serve on the Cost of Government Commission as well. And I'd like to echo ...

CHAIR VICTORINO: Would you introduce yourself so we know who you are?

MS. ALVARADO: I'm Annie Alvarado.

CHAIR VICTORINO: Okay, thank you. Go ahead.

MS. ALVARADO: Here as a private resident.

CHAIR VICTORINO: Okay.

MS. ALVARADO: But just for your information I do sit on the Cost of Government Commission and I'd like to echo what the Chair has just mentioned that we do have a good working relationship with Lance and I do, you know, agree with the concerns

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

that you raise. I think the Chair addressed your concerns very nicely. We have a good group of people which of course all of you as far as I know it's the same process I went through also approved. So you got to vet all of us as we got, before we got approved. And so I thought that was a really great process. Scary for an individual like me but I think that, you know, the sunshine and the querying is a really good thing. We get along really well with Lance. And I know that leadership from Paul and myself we will always try to make sure that we don't conflict, that we communicate. We don't try to do impose. Not to do anything that's out of the boundary of what we're supposed to do. I think personally as a resident here that it's a good situation. And you guys have made changes before when you saw things going south basically and so I think that because of your leadership that we're aligned again. And I could talk to Lance, you know, I have a question, I have a lot of ideas but before I move forward I will always talk to him and ask him what is it...how does this interfere with your work; do you think it's, you know, just probing questions, am I out of line to do this, how will, will it help us, hurt us. Because my personal reason for being here, you know, before it was because I care deeply about what our government does and I want to be helpful not hurtful to the processes that we've established.

CHAIR VICTORINO: And I thank you for that clarification because I think it's important. Our Auditor is very, very new in the whole system.

MS. ALVARADO: Right.

CHAIR VICTORINO: Long overdue but very new in the system and so I think as time moves on we will see the working relationship. Again depending on the makeup of the Cost of Government Commission that could change or the auditor --

MS. ALVARADO: Exactly.

CHAIR VICTORINO: --if somebody different that could change. So, anything can change --

MS. ALVARADO: Right.

CHAIR VICTORINO: --and it's this body's purview to look at that and say hey we need some changes within the structure and maybe some changes in the way the ordinance reads. So, I think I agree with you at this point, you know, there's not a lot to be said. You know we need to work it out a little further. Past history is past history and we can learn from it but let's move forward and see how it all evolves together.

MS. ALVARADO: This body took care of the issue.

CHAIR VICTORINO: That's correct.

MS. ALVARADO: And that's what I applaud you all for doing. So again I thank you so much for your time and for all your dedicated work and it's a privilege to and an honor to serve in this capacity for Maui County.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

CHAIR VICTORINO: And I'm glad you got the memo about wearing peach today.

MS. ALVARADO: I did?

CHAIR VICTORINO: Yes, you got the memo 'cause Ms. Baisa and Ms. Sheppard wore peach today. I don't know what happened the memo didn't get to everybody. Although Ms. Crivello came close to peach. She's close. She's close. Anyhow, so thank you very much. I would like to before I ask for questions recognize the presence of Vice-Chair Guzman and Chair White

COUNCILMEMBER WHITE: Good morning, Chair.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR VICTORINO: Thank you. And so questions for the testifier? Seeing none, thank you very, very much.

MS. ALVARADO: Thank you so much.

CHAIR VICTORINO: Appreciate it. Next testifier please.

MS. WILLENBRINK: Chair, the final person signed up to testify here in the Chamber is Rosemary Robbins.

MS. ROBBINS: Good morning, everybody.

CHAIR VICTORINO: Good morning.

MS. ROBBINS: Welcome back. Rosemary Robbins, concerned citizen. We have an agenda full today of recommended amendments. One of the most basic elements in our community and on the global reality is water and we're hearing all about it in Rio. We're hearing all about it right down to our local area. It's been said a number of times at this podium by concerned citizens that if we don't have people knowledgeable in their fields they shouldn't be taking on the responsibilities and the payments to be in capacities of directors and deputy directors, government for...by the people. I'm somebody who began teaching in Kaneohe in 1962. I've had a lot of time to watch what has happened on a number of our islands, particularly here and on Oahu. Some of it has been great. Some of it has loads of room for improvement and the particular thing that we need to be addressing is about water. We're up to our eyeballs in debt for I don't know, sins of omission and commission as far as water is concerned. In all of these proposed amendments there's nothing in there about the fact that the director and/or deputy director for the Water Department should have a background in somewhere water. It's just says an engineer. We've asked here over and over again does that mean if somebody is heavily backgrounded in aeronautical engineering he/she is meant for the work? It doesn't add up. So I would ask that the recommended issues in this particular communication for the Policy and Intergovernmental Affairs Committee not be considered complete until there is, and

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

I'm talking about pretty darn quickly, the presentation of the Water Director and/or Deputy Director be a person who has a background in water and not be just an engineer. Hats off to all the people who are engineers in their fields. Applying that into a field that they're not so knowledgeable about when there are other people more knowledgeable is not acceptable. So thank you very much.

CHAIR VICTORINO: Thank you. Questions for the testifier? Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much. And thank you very much, Rosemary, for being here today.

MS. ROBBINS: You're welcome.

COUNCILMEMBER BAISA: I know you've been trying to get together and it hasn't worked but I totally understand what you're saying. You know it's interesting when you read the Charter how it says that management experience and there, I think there's a five-years management experience and that one of them has to be a registered engineer but it doesn't say what kind of engineer. So you're thinking that maybe we need to take that a step farther and mention some experience with water or training in water.

MS. ROBBINS: Yes. You're absolutely getting that correctly, an umpteen people out there in the community, concerned citizens walk into the hardware store, walk into Safeway, and get met by people in the community who say how the "blank" come if they don't have any and we don't have answers for them so we're asking.

COUNCILMEMBER BAISA: Well, I'm excited that we have this issue before us and I know there's going to be a healthy discussion. But thank you again.

MS. ROBBINS: You're welcome.

CHAIR VICTORINO: Any other questions for the testifier? Seeing none, thank you Ms. Robbins...Robinson.

MS. ROBBINS: Robbins.

CHAIR VICTORINO: And then any other question? Any other testifiers?

MS. WILLENBRINK: Not here in the Chamber.

CHAIR VICTORINO: Okay, let's check with our District Office. Hana? Dawn, do you have anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify.

CHAIR VICTORINO: Mahalo. Denise, on the Lanai Office do you have anyone wishing to testify?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR VICTORINO: Molokai, Ella, do you have anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR VICTORINO: I'll give one more chance, anyone in the Chamber who has not testified and wishes to testify please come forward. Seeing none, and with no objections, I will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very, very much.

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

**ITEM PIA-36: ALARM SYSTEM FUND (MISC)**

CHAIR VICTORINO: Again, Members, we have a very heavy agenda so let's get started right off with PIA-36, which is the Alarm System Fund. I will ask for your indulgence and to have this deferred hopefully till...according to what I received from Deputy Chief Victor Ramos, Assistant Chief Victor Ramos and Ms. Sheppard is here to verify and also Mr. Agsalog, that they still need time because they have not been able to set up their alarm system lockbox, has proven to be a bigger challenge then they had anticipated. They're still working on that. They also have some other issues in how to upgrade their iCatch...I should say their iCapture Program which has a method of tracking the alarms that went off and that, you know, that they need also some funding for that. And they believe realistically according to Assistant Chief Ramos they realistically need two to three more months to implement this system and to get it up and running. So with that being said and another factor today is they had a large meeting for which all district commanders were requested to be at. Their travel schedule, the meeting was starting at 9:00 a.m. and running to 1,600 hours or 4:00 p.m. So with those factors Assistant Chief Ramos asked if they could have this deferred and hopefully they promised that they'll do their best to be back in about two to three months with a complete program ready to be implemented. So without any objections, I will ask for deferral on Item PIA-36. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Thank you very much.

COUNCILMEMBER GUZMAN: Chair, I had one question on that.



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

CHAIR VICTORINO: I'm not going to entertain any questions because we don't have them here to answer questions.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Okay, so I prefer not getting any 'cause I have all these other issues I want to cover. Because they've requested it I'm going to grant that and hopefully in two or three months they'll be back.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: I will be pushing them to get 'em back here to get those questions or to get this completed.

COUNCILMEMBER GUZMAN: Okay.

CHAIR VICTORINO: Thank you, Mr. Guzman. Okay, Ms. Sheppard and Mr. Aagsalog, you may...I'm sorry I had to keep you waiting through testimony but I had to do what I had to do please. My apologies.

**ITEM PIA-65: INTERGOVERNMENTAL AGREEMENT WITH COWLITZ 2 FIRE AND RESCUE, WASHINGTON STATE, TO ESTABLISH A JOINT TRAINING PROGRAM (CC 16-81)**

CHAIR VICTORINO: Next is PIA-65 which is a County Communication. Our Committee is in receipt of County Communication 16-81, from the Fire Chief, transmitting a proposed bill entitled A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A JOINT TRAINING AGREEMENT BETWEEN COWLITZ 2 FIRE AND RESCUE FROM [sic] THE STATE OF WASHINGTON AND THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY. The proposed...the purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement between the two fire departments and to establish a joint training program between both departments. Today I have Assistant Chief Thyne here to explain the program to us and from what I understand it is not a cost costing...there's no cost involved in doing this if I'm correct. But I'll ask Assistant Chief Thyne to please explain the program. Also I'd like to recognize the attendance of Corporation Counsel Jeffrey Ueoka who is also present at this time. Assistant Chief, please.

MR. THYNE: Good morning, Chair and Committee Members. Dave Thyne, I'm Assistant Chief with the Department of Fire and Public Safety. As I know you folks are very busy I did want to introduce this by giving a little bit of foundation for you. As I'm sure you're all aware Maui County like many jurisdictions within our region is facing a continuing drought due to El Nino weather conditions. Albeit that is enough of a concern we are also facing the impending closure of HC&S and we certainly hope

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

that solutions are found to address the fallow fields but we do have some grave concerns with the potential for large-scale fires on those lands. While these are immediate concerns facing us in the near future, our Department has responded to over a thousand wild land fire incidences over the past five years. In an effort to continually improve our readiness to respond to emergencies within our community we are proposing the training agreement before you today. The purpose of this training agreement is to provide our personnel and potentially other assisting and cooperating agencies in the discipline of wild land firefighting consistent with national standards. These standards are set by the National Wildfire Coordinating Group and they provide national leadership to develop and maintain and communicate interagency standards, guidelines and qualifications for training, and other capabilities that enable interoperable operations among Federal, non-Federal government, and non-government entities in the wild land firefighting environment. We currently train our personnel to foundational levels in this system but are limited in our ability to provide additional levels of certification due to the cost of bringing instructors in from the mainland and also difficulty certifying our members due to the lack of large-scale fire responses to achieve and maintain certification. So as with most certifications there are demonstrated proficiencies to achieve and maintain...achieve and maintain a certification in the NWCG. Typically it's requisite knowledge which is demonstrated in the classroom and requisite skills which are typically achieved through demonstrating these skills on an incident. Both of these require you to have certified and credential instructors and/or evaluators present to sign off on those certifications. Related to funding as Chair Victorino referenced this is currently 1 of our 16 training programs in the Department so therefore the minimum cost...there will be a minimum cost as personnel will be on duty like any other mainland course, the National Fire Academy, Center for Domestic Preparedness or other training facilities that we attend on the mainland. Typically our personnel request and are placed on 40-hour week and then they go through the training there because they can't report for duty after the training, so. But it should also be noted that pursuant to this agreement we will not be required to send our personnel if this Department has any sort of response. It will merely create the avenue to take them up on the opportunity but it's not required that we send people. So it will be basically based on if we have the funding available in our budget to send people to these types of assignments. We also look to support this agreement through grant funding as fire management and suppression is one of the 32 core capabilities identified in the National Preparedness Goal and therefore qualifies us to at least apply for State Homeland Security Grant funding to support this program. So a couple of different options there that we can't promise you we'll get but we will certainly apply for it and we have in the past and it supported our efforts on Molokai at Kalamaula when we did prescribed fire training there as well as this last year in Puamana. So in summary we are proposing this agreement because it will allow us to provide our County with a department that is trained and nationally credentialed in the discipline of wild land firefighting which will then lead us to be able to provide training and certification to our members in-house at a cost savings to our Department and as well as to the County. So please consider this agreement as it will allow us to move our wild land training program forward and we appreciate your support in providing us the

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

opportunity to better serve the communities we are dedicated to protect. Thank you, Members and Chair.

CHAIR VICTORINO: Thank you, Assistant Chief, and I apologize for my statement, I had been under the assumption when we had discussed this that no additional funding but I understand what you're saying no additional funding, you'd use whatever you could get to do this training --

MR. THYNE: That's okay.

CHAIR VICTORINO: --that was available through grants. And I apologize for that mistake. I truly am sorry about that. Anyhow, and thank you and I think this is from what I've read a very good agreement that we can utilize and again it's not mandatory. It's more when available, if available you would be then sending personnel to get this extremely important training especially with the changes that are occurring here on Maui consistently.

MR. THYNE: That's correct, Chair.

CHAIR VICTORINO: Thank you. Thank you very much. I'll open the floor to questions from the Members. Yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I guess one of my first questions would be why the State of Washington? I know you've mentioned that it's a part of the Pacific Rim but there may have been other jurisdictions that are also included in the Pacific Rim that may have more similar ...

CHAIR VICTORINO: Mr. Guzman, can you go a little closer to the mic --

COUNCILMEMBER GUZMAN: Oh, sorry.

CHAIR VICTORINO: --'cause I'm having a difficult time and *Akaku* is having a difficult time picking up what you're saying.

COUNCILMEMBER GUZMAN: Sure, sure.

CHAIR VICTORINO: I'm sorry.

COUNCILMEMBER GUZMAN: No problem. There could be other jurisdictions that may have more similar I guess incidences where training programs could be more beneficial to the climates and conditions that we have here in Maui.

CHAIR VICTORINO: Assistant Chief, go ahead.

MR. THYNE: Member Guzman, yes, we do have the opportunity if others present themselves to enter into agreements but this particular chief of this department has done probably three or four years of training with us and has done the prescribed fire

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

training I mentioned on Molokai as well as the two events we did in West Maui. So he offered to work with us on this agreement. We would like to work with others as well but this is the only one that we've been able to author and get on the same page with up unto this point. They do as you probably know had a lot of large fires this past season in Washington State but we somehow, the paperwork didn't get across to you last season. However, we look forward to, you know, putting this in place this year pending the approval of this body and then look towards other places like under Region 5 of the Forest Service we're actually attached to North Ops of Region 5 of the Forest Service. However, California is a very complex governmental system and we haven't been able to really pursue anything with them. That would be the natural fit as far as how they divide our regions up in the Forest Service but they haven't moved anything along. We've tried several different times over the years to try to get into agreement. So basically I guess a long story short is this is an opportunity that was presented to us where others haven't been amicable about creating any opportunity to train with them, so.

COUNCILMEMBER GUZMAN: Okay. Thanks, Chair.

CHAIR VICTORINO: Okay, thank you. Any other questions? Go ahead, Mr. Couch.

VICE-CHAIR COUCH: Thank you. So, Chief, has Maui Fire Department done this with anybody else in the...and...on the mainland? And have they if so where and what is the agreement pretty much the same word for word?

MR. THYNE: Chair?

CHAIR VICTORINO: Go ahead, Assistant Chief.

MR. THYNE: So I'm going to make it brief because it's pretty complex but it's related to our All-Hazards Incident Management Team training that is done through the State Homeland Security Grant. There is no agreement like this, this training agreement. It is merely that we are able to use...we negotiated this with Anna Foust and the Mayor's Office primarily to allow us if the opportunities present themselves through the National Interagency Fire Center NIFC they call it. They kind of coordinate all the large fires. There's an opportunity for us to go out and work as incident management team trainees. We are able to utilize the grant funding through the All-Hazards Incident Management Team Training Program that is primarily funded through the State Homeland Security Grant as far as for situations like this. Over the past three years we have gone up and trained as incident management team trainees. This is different than that in a sense that it's related to Wildfire Coordinating Group Qualifications. So it's a bit different in that sense.

UNIDENTIFIED SPEAKER: ...*(inaudible)*...

MR. THYNE: Right, and specific to this particular agency, Cowlitz 2 Fire and Rescue they work with a lot of different departments as well and they have the State Mobilization in Washington State. So, kind of jumping back a little bit to Member Guzman's question

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

the State Mobilization Plan in Washington State creates an atmosphere that they're able to bring in all of their, not all but a majority of their fire districts into responses across the state, across the region even into Oregon as well, so.

VICE-CHAIR COUCH: Okay, thank you. A couple of technical things, one that the...this was signed over, just about a year ago by the mainland department. Is that still valid as far as, yeah I don't know how long this signature would be valid. Just a technical.

MR. THYNE: Yeah, it is. Member Couch, it is valid. He actually called me. We talked last week.

VICE-CHAIR COUCH: Oh, okay.

MR. THYNE: And I said we finally were able to get it in front of this body. I believe it was a paperwork issue on our part. I think we sent it up last year to the wrong or through the wrong process in talking with Corporation Counsel. So we resubmitted it and we appreciate the opportunity to have it heard. So it is still valid, sir.

VICE-CHAIR COUCH: Okay. And the other is usually a termination is 30 days' notice, written notice and this one is 90 any reason for the difference?

MR. THYNE: No, I just checked with Corporation...he was side by side with me on this working with their attorneys, so.

VICE-CHAIR COUCH: And you're okay with 90 days as far as usually if you want to get out of an agreement it's 30 days and let's go so.

MR. THYNE: Yeah, that's fine. That's fine with us, yeah.

VICE-CHAIR COUCH: But that's ...

MR. THYNE: If you're asking me. I'm sorry.

VICE-CHAIR COUCH: Okay.

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. This basically follows their form. They do these joint training agreements, a lot of the parties the 90 days was in there. We didn't see a problem with it. Thank you.

VICE-CHAIR COUCH: Okay. Thank you, Chair.

CHAIR VICTORINO: Okay, thank you. Any other questions for the Department?  
Mr. Hokama?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER HOKAMA: Chairman, thank you. So out of the 220,000 we budgeted for the new year for training, how much of that is being proposed for this potential interstate training program?

MR. THYNE: Well, as I referenced in my opening comments basically it's...we're not duty bound to attend any of the opportunities. It will merely allow us to take the opportunities and based on what...I'm not sure exactly at this time what Chief is going to plan to cut back on. This may be one of the programs but I think with again the concerns with the fallow fields and what's happening with HC&S this will probably be a priority. However, a lot of our programs are a priority so but the main thing is and when we first started discussing this agreement with our counterpart on the mainland was that neither department should feel the obligation. It would be merely the opportunity to attend and participate. So same thing for them, if they can't come down when we do prescribed fire training or any of our training they're not obligated to come down. It merely creates the avenue to provide that opportunity, so.

COUNCILMEMBER HOKAMA: So none of the budgeted money is for this. You are going to try and secure grant monies to assist the training. Is that right?

MR. THYNE: We are currently in a grant and we would reapply. As you know with grants they term out and then you reapply. And so we are currently in the State Homeland Security Grant and that wasn't a program because we didn't have this agreement. It wasn't a program that was applied for but we will be applying for it because it's a way to support it and it's justified again with the national preparedness goal, so.

COUNCILMEMBER HOKAMA: So within the State all the counties have a mutual aid agreement currently that if Kauai has a need and Maui will send firefighters to support?

MR. THYNE: You know it's very interesting that you bring that up because I've been proposing to iron that out specifically what that means. Because I sit on a committee ...

COUNCILMEMBER HOKAMA: So tell us what is the current status, there is no agreement?

MR. THYNE: I believe that it's an agreement amongst the fire chiefs but I can't say that I've ever seen that in writing so I wouldn't want to throw that out to you and say that I know something is in writing. But I believe that that's what I've been told is there's agreement amongst the fire chiefs. Having worked with this particular agency on what exists for Washington State, I proposed a agreement to our counterparts at my level, at the operations chief level, and had got some welcome comments back and forth but I am unaware of an actual agreement that I can present to you or have sent to you but perhaps the Fire Chief would have more information on that. But I've been told that they will support one another as far as that goes on need.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER HOKAMA: So, from our financial side if you, let's say, you agree to do a training, what are you looking at in your expenses? How many firefighters? You said 40-hour weeks --

MR. THYNE: Right.

COUNCILMEMBER HOKAMA: --so that means for certain firefighters they what still qualify for the BOBI pay and everything else? Rank for rank?

MR. THYNE: That would all be ironed out but I think what we looked at is there's six potential instructor positions and I have basically presented Chief a draft improvement to our existing Wild Land Training Program. Like I mentioned we already have a Wild Land Training Program. We train to foundational skills. We'd like to provide the opportunity to get more advanced skills in the sense of...for instance there's a Single Resource Boss it's called in the system. One is an engine boss, another is a crew boss. So you run a crew of people or you run a crew of engines like if you're a...so there's different levels ...

COUNCILMEMBER HOKAMA: So at this time you cannot tell us how much potentially it's going to cost us to do a training with this Washington State?

MR. THYNE: Well ...

COUNCILMEMBER HOKAMA: Not even a range between 20,000 and 50,000?

MR. THYNE: Well, no, because like I said it would come down to the opportunity if it's available in the budget which as the budget is still going through its process so I'm not exactly...we haven't had the meetings on where we're going to cut back and where we're going to trim. However, the only cost incurred in support of this program would typically be the travel to and from the incident because again they would be on 40-hour week. So they would work a Monday through Friday with the weekends off. So if it is a ranked person under the current plan rank for rank would be available up unto a certain amount of hours based on the rank-for-rank program. If it is an unranked person then it would be a position that could be filled if it's a shortage on overtime potentially or if manpower permitting they would relocate people to cover those positions. At this point like I said we're looking at basically about six people to put through the various levels so that would be a round figure as far as number of people, so.

COUNCILMEMBER HOKAMA: So this can be expensive then for us?

MR. THYNE: Again based on funding is the opportunity to either take the opportunity or to say we're going to send one person or two people or we don't have the funding available so at this time we're not going to go out on this assignment. Maybe in a month ...

COUNCILMEMBER HOKAMA: Or vice versa right they could fly here --

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MR. THYNE: Yeah, yes, correct.

COUNCILMEMBER HOKAMA: --and provide you with training on site?

MR. THYNE: Correct. And that would be along the prescribed fire like I said they would come here with their credential so we would be able to bring in the classes like I said requisite knowledge for certification and then the requisite skills could be demonstrated. Prescribed fire is considered an incident; however, with the concerns of the community with putting smoke in the air and stuff like that I know this body is well aware of those type of arguments and things. When we do prescribed fire we have to be very cognizant of the air quality monitoring that we do and so, you know, we typically keep it away from communities that are going to be impacted obviously for their sake and ours. And so, you know, we typically do prescribed fire once a year. So this would allow them to come down and work with us as well and they'd be justified on their end on sending their personnel here to work with us 'cause they can train in the off season as well. So typically that's what their benefit is 'cause when it's rainy up there they can come down, so.

COUNCILMEMBER HOKAMA: Yeah, I got no problem with your narrative, Chief. I think your objective is, you know, I can be very supportive of the objective knowing the future of some of our 30,000 acres of ag land but I'm still concerned about the money and how much it's going to cost us. 'Cause I think this training is critical training but I just think you need to help us tighten up the numbers and give us better estimates on your range of potential expenses and costs. Thank you, Chairman.

CHAIR VICTORINO: Thank you. Any other questions? Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for being here. I thought I recalled some type of discussion you folks have done this type of training previously. Have you been doing training with Washington State already?

MR. THYNE: Yeah, as I mentioned to Member Couch we have been going up there primarily to Washington and Oregon, also to California on incidents on Homeland Security Grant funding for the All-Hazards Team, that's correct.

COUNCILMEMBER COCHRAN: Okay, but I'm just in relation to this agreement though.

MR. THYNE: Yeah.

COUNCILMEMBER COCHRAN: So this you don't have an agreement and yet you've been going and doing training with these different states.

MR. THYNE: Yeah, that and that's through the All-Hazards Incident Management Team Training Program so that's a different discipline if you will. It is typically wild land fire because that's when they have these big type of incidents right. We have on occasion had the opportunity to go up to Oklahoma for instance for tornado response but by



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

the time you start working through those different entities if you will it's difficult to get the permissions. The system in support...the Forest Service in support of the All-Hazards Program has allowed teams to come up like us and Honolulu as well to go up and just basically shadow the large teams on incidents. So this is different in the sense that you'll be working with the firefighters at that level and not only these large fires it would typically be even smaller fires that we would typically deal with, 1,000-acre fires, 1,500-acre fires. Again pursuant to the opportunities presented to us and the funding available, we're not required to go like it said, it's just the opportunity for us to go.

COUNCILMEMBER COCHRAN: Okay. And the Cowlitz is that the name of the department?

MR. THYNE: That's, it's actually a fire district, yeah, it's in Kelso, Washington.

COUNCILMEMBER COCHRAN: Okay.

MR. THYNE: So, it's small fire district so.

COUNCILMEMBER COCHRAN: Okay. I didn't know if it was a fire term or something.

MR. THYNE: Yeah, it's a fire district.

COUNCILMEMBER COCHRAN: But it's a name. Okay, that's all. Chair, thank you.

CHAIR VICTORINO: Thank you. Any other questions for the Department? Seeing none, I would like to make my recommendation.

VICE-CHAIR COUCH: Recommendation.

CHAIR VICTORINO: Thank you. I would like to recommend and entertain a motion for passage on first reading a bill entitled A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A JOINT TRAINING AGREEMENT BETWEEN THE COWLITZ 2 FIRE AND RESCUE FROM [sic] THE STATE OF WASHINGTON AND THE COUNTY OF MAUI DEPARTMENT OF FIRE AND PUBLIC SAFETY.

VICE-CHAIR COUCH: Mr. Chair, so moved. Do you include and filing the communication?

CHAIR VICTORINO: And the filing of communication.

VICE-CHAIR COUCH: So moved.

COUNCILMEMBER COCHRAN: Second

CHAIR VICTORINO: It's been moved by Mr. Couch, seconded by Ms. Cochran. Any further discussion? Yes, Mr. Hokama?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER HOKAMA: Just one for Mr. Ueoka. Since Council giving approval to enter into IGA, Council can also then move to terminate the agreement?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I've never actually thought about it that way. The agreement itself will stay in effect until terminated by the parties. I don't see it specifically in the agreement where Council can vote to terminate it but ...

COUNCILMEMBER HOKAMA: Aren't we the authorizing party? So if we take away authorization?

MR. UEOKA: The Council authorizes but it doesn't...the Code is silent on the Council's authority to terminate the agreement.

COUNCILMEMBER HOKAMA: Which means what, Mr. Ueoka? We are not prohibited from doing it.

MR. UEOKA: You could look at it that way. I'm not sure how that would functionally work but I'm sure the Fire Department if the Council strongly opposed this or put probably in budgetary provisions control participation in these types of events through provisos but I'm sure they would cancel if the Council strongly opposed this process later date. But there's nothing in this agreement saying the Council can terminate through a vote. Thank you, Chair.

CHAIR VICTORINO: Thank you, Mr. Ueoka. Other questions? Mr. Guzman?

COUNCILMEMBER GUZMAN: I may not have heard but was there...are there cross training programs with...not really cross training but on these type of I guess shared department training programs with the Police Department? Do they have... 'cause I haven't heard of anything like that either.

CHAIR VICTORINO: Assistant Chief?

MR. THYNE: I'm not sure. I wouldn't know that for sure. I believe they do some training, you know, obviously with the departments in the State and potentially the Sheriffs and Federal folks but I'm not really sure, I can't speak for them.

COUNCILMEMBER GUZMAN: So, Corp. Counsel, would you have any knowledge as to whether there was like what is this an agreement, joint training agreement that MPD has with another jurisdiction on file?

CHAIR VICTORINO: Mr. Ueoka?

MR. UEOKA: Chair, I'm not familiar with what the Police Department does, I apologize. Thank you.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER GUZMAN: So technically this could possibly be the only one that we have in public safety.

CHAIR VICTORINO: At this point in time?

COUNCILMEMBER GUZMAN: Yeah.

CHAIR VICTORINO: Would you say this is the only agreement, a formal agreement? Because I know you mentioned about the other agreement the Homeland Security agreement but that encumbers, oh, encompasses, excuse me, a lot of different incidents just not wild fire. This one is specifically joint training for wild fires if I'm correct. So, if Mr. Ueoka or the Assistant Chief would like to address that question, please. Yes, go ahead, Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I think one of the differences here is for the one Chief Thyne was talking about for the All-Hazards Team that's a grant we received as part of a program. So it's grant funded. It's not necessarily a direct agreement. This intergovernmental agreement is a direct agreement with another governmental entity, that's why we need to come through the intergovernmental agreement process. So it's a little different where we are specifically signing on to train and well to have reciprocal training with another department in another state. So that's where it's a little different. I'm not sure if...how the other ones work. I know MPD like Chief Thyne said they do train with other organizations but it might be under grant funding or, you know, like HIDTA funding or something those types of things. So this is...those are differently funded and through grants. This is just a direct agreement where we want to work with another entity. Thank you, Chair.

COUNCILMEMBER GUZMAN: Yeah, Chair. Chair, I just...I can't wrap my mind around why we need this. I understand if it's triggered...if this triggers or allows us the capability to apply for grants then that's one thing, I get that but it appears it doesn't. Does it? Is this attached to...do we have to enter into this type of an agreement in order to apply and I guess apply or be...have the ability to get Federal grant money or any other grants?

CHAIR VICTORINO: Assistant Chief, go ahead.

MR. THYNE: No, Member Guzman, it does not trigger us the ability to apply for these grants. Like I said we have applied and utilized the grants for the State Homeland Security Grant in the past in support of the prescribed fire. But what it allows us the opportunity, so the purpose, the main purpose and reason for it is again we have the ability now to have our members train to a national level because we won't be able to achieve certification in the wild land firefighting coordinating group which is the national standard unless we demonstrate these proficient skills on an incident typically. It can be done with prescribed fire but you have to renew every year. So basically unless we do a lot more prescribed fire or training, live fire training in the wild land environment it's almost impossible. So what this will allow us to do is be able to have our people credentialed primarily in the beginning and also allow us now

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

to become instructors within the program to teach this internally as opposed to bringing firefighters from the mainland that are certified to that capacity to teach us and instruct. So it will save us money in that area as well. So it's centered on qualification and certification but it also is a cost saving measure in the long run because we will be able to train and certify our people to national standards in NWCG here on-island as opposed to either not being able to or bringing in people from the mainland to credential us. So that's the two reasons primarily that it is that we're proposing the agreement. Thank you, Chair.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER GUZMAN: So I guess the advantage is that the State of Washington has disciplines that are I guess more proficient than we are in Maui. So you're going to send some of our personnel to Washington to learn some of those skills. Is that what you're saying? And then the --

CHAIR VICTORINO: Assistant Chief?

COUNCILMEMBER GUZMAN: --reciprocity there would be Washington would send some of their personnel here to train for proficiency or certification under some of the disciplines that they are weak in or need more training in. So what is the...what's the quid pro quo here? I mean are they getting a free trip here to Maui to vacation. I mean what is the proficiency that they want to learn from us?

MR. THYNE: Well, primarily it provides them the opportunity to train in the off season 'cause as you know Washington State gets rainy from about I'm not even sure when but they have limited amount of training time for wild land fire because they go from rainy to dry and now they're in fire season. So they have a limited amount of training opportunity in Washington State and that's why again this chief that we started talking about this agreement with it was his idea because he said you guys can train almost all year round here. And we all know that that's dependent on where you're looking at. I mean obviously in Haiku where I live it's almost as rainy as Washington State sometimes. But when you talk about West Maui and other places there's a lot of opportunity to train year round. So they have the ability to come down and train in their off season with us which is typically when we train because like them our busy season for wild fires is typically in the summer time. So it's...and as far as proficiency it is a different fuel type typically but they also have the high desert which I never knew about till I started going on these big incidents. And they have grass fires and buffalo grass and fuel types that we have similar to fallow fields basically. And then they also of course have the big evergreens and whatnot, so. But we fought a Polipoli fire a few years back and that was in the big timber. So I mean it's not every day that's going to happen but at least we have...we will have training and knowledge of that type of fire setting as well, so.

COUNCILMEMBER GUZMAN: You know, Chair, I just, I understand where the Department is coming from from that statement, I guess my concern is of this being used later down the road in budget saying okay, well, now since you've agreed to this now it's

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

within the Fire Department budget and we are obligated to fund whatever it may be they need to complete this training or at least this training agreement that they've executed. So that's my concern, you know, just being able to have that flexibility to say no we don't have the funds and if you need the funds you're going to have to go out and get it, the department needs to get it on their own basis, you know, Federal grants or what may....they have resources to do it in. So that's my concern.

CHAIR VICTORINO: Thank you.

COUNCILMEMBER GUZMAN: And the other concern is if this is going to be the only I guess known agreement that we're entering into I'd like to at least have that information on MPD, do they do similar agreements. That's...that would make me a lot comfortable if I knew the other department was also entering into these type of agreements. 'Cause I haven't seen anything I guess specifically mentioned in the budget in MPD about these jurisdictional type joint training. So I think I would feel comfortable if there was a full on, you know, information gathering from MPD to see whether they do it as well. 'Cause this could be something that could open up the door for a lot of these training ...

CHAIR VICTORINO: Mr. Guzman, I want to stop you here and I got your point.

COUNCILMEMBER GUZMAN: Yeah.

CHAIR VICTORINO: I'm still going to vote on it. You vote the way you want to vote on it and I'm going to say it this way, they've waited for a year and again because of the snafu it went to the wrong places and didn't come to us which they thought it was here. And when they came to me and I said okay but I don't have anything, we had to go through a whole redo of the Corporation Counsel. I feel there's two things that are very important and, Assistant Chief, correct me if I'm wrong, first of all, this is not a required training. It is an agreement that we have available to us if and when it's...funding can be made available whether it's through grant or other means. And secondly, this is something that because of the way Maui is changing and the prevalent fallow land that we have all over this County and will continue to grow in the near future you feel that this would be something very important to have this aspect, to have this kind of training, to have our personnel certified so that we need now not bring in somebody but we can do it here as a program locally instituted and have our people certified to do the training here in Maui County.

MR. THYNE: That's correct, Chair, and I think, you know, there are some valid concerns here that we would come back to you and say, well, we need money now to support. I understand that. And that, you know, you represent your communities and if we end up having some major fires and we need to, you know, upsize the training program and we justify that to you folks and that's addressed there, there's no underhanded on my part and the Department's part trying to say that this is part of a program now, you got to support it. We all understand, we just want the opportunity to take the opportunities if they present themselves. That's really all that it is. And there's no promise of staffing their engines or we're sending 20 people there's, none of that's on

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

the table. It's just creating us that conduit and them coming our way as well because they've supported it out of their department without even having the agreement up until this point the one time that we've done it and it was a huge cost for them and without an agreement the fire chief on his end had to go before a commission like you folks and say that no we're proposing an agreement and we want to show you the benefits of it type of thing. So we appreciate it and you're right, Chair, and thank you for giving us finally the opportunity to talk about it, so.

CHAIR VICTORINO: Thank you. Other questions from the Members?

COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: And so you folks do joint training with airport's Fire. Is there...not I mean word for word but you folks have this type of agreement with them?

MR. THYNE: Well, that is...there's an MOU with them, Haleakala National Park, I believe there's a variation of it with the Coast Guard as well as Department of Forestry and Wildlife. So we invite them when we do the training like for instance prescribed fire, we invite them to come out. Obviously the crash rescue guys don't always deal with that but on their airport property they may and so they've taken us up on the opportunity. But it's a portion of the overall MOU, I should put it that way, the Memorandum of Understanding to support one another on incidents. So that would be more correct in saying it that way. It's not specifically a training agreement.

COUNCILMEMBER COCHRAN: Okay, got it.

MR. THYNE: It's a clause within the MOU or MOA.

COUNCILMEMBER COCHRAN: Okay. Alright, very good. Thank you, Chair.

CHAIR VICTORINO: Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you.

CHAIR VICTORINO: One moment, Mr. Hokama. Ms. Baisa then you. Go ahead.

COUNCILMEMBER BAISA: Thank you very much, Chair. It's very serendipitous that I got an e-mail over the weekend from a lady called Elizabeth Pickett and she's the executive director of the Hawaii Wildfire Management Organization. And she's trying to look for info, you know, some plan that they're creating and their deadline is June 3<sup>rd</sup>. Are you folks working with her? Are you part of this plan? Because this is related.

MR. THYNE: Yes, Member Baisa, we've worked with Elizabeth over the years. Starting off on Molokai with their wildfire. They do wildfire protection plans. We did one in

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

West Maui I believe it was two years ago we finalized it. Molokai has been a little bit longer, maybe three or four, Member Crivello. And now we're looking at doing other parts of the island and what it does is identify hazard areas and I'm sorry not only the island the County, Member Hokama. But that's what Elizabeth is...she may have been talking to you regarding Kahikinui because that's...we just had a meeting this past Saturday out at Ulupalakua Ranch regarding Kahikinui and measures that they can take to increase their safety on their properties out there.

COUNCILMEMBER BAISA: It would seem to me that this kind of training is relevant to our being able to implement a plan if something happens. So I was just wondering if you were signing off or they're signing off on your plan or putting input or whatever.

CHAIR VICTORINO: Go ahead, Assistant Chief.

MR. THYNE: Any time, you know, we can increase the proficiency in dealing with wild land fires and it isn't a prerequisite or absolute need for this plan to be done. What they basically come in and look at a community and identify the assets, the critical infrastructure, they look at the type of fire resources or...and/or the training available and they also then identify that this is the plan. They sometimes make recommendations but oftentimes it's not centered around what level you currently have. It's more you meet up to NWCG standards which again it won't say that they won't do a plan for you if you don't have that but it will also increase the effectiveness of your fire response organization, so.

COUNCILMEMBER BAISA: Well, you know, I'm looking further on down the road and it's been mentioned on the floor already that we might want to look for grants. And you know when you're looking for grants, grantors are looking for agreements and certifications and training before they want to give you money. So that's the reason I brought it up but thank you.

CHAIR VICTORINO: And I have been a part of that. I've gone to a few of the meetings that this was done and I've seen the participation of various agencies that are a part of this implementation of the various plans for West Maui and other areas. So I can say that it's very intense and part of it is training and having qualified training available for these various incidents. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I speak in support of your motion and I would just ask you to consider in your Committee Report that you consider language that maybe in one year they come back with a status report regarding if they expended any monies, if they had any trainings, and report back to your Committee for a status of how they proceeded with this initiative. Thank you.

CHAIR VICTORINO: Thank you, Mr. Hokama, and we'll add that and put that as part of the Committee Report. And I would think that an annual status report and I would like to put it in a manner of, you know, an annual 'cause whoever the Chair is of this Committee it should come back every year. I think that's so very important to see what they're doing and if any money is being expended and what results are we getting

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

from it. So I have no qualms with that. Thank you very much. Any other discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Opposed? Okay, I thought I heard a no. So, okay, so let the record show nine "ayes," no "noes," and thank you very much.

**VOTE:**        **AYES:**        **Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Hokama, and White.**

**NOES:**        **None.**

**EXC.:**        **None.**

**ABSENT:**      **None.**

**ABSTAIN:**     **None.**

**MOTION CARRIED**

**ACTION:**      **Recommending FIRST READING of bill and FILING of communication.**

CHAIR VICTORINO: Chief, sorry took little bit longer than we expected, but I think you brought, you know, a lot of good discussion was brought up and so now you understand how we think and we hope you nothing but continued success and that we don't have any fires to prove your point. How's that sound? Thank you very much.

MR. THYNE: Thank you, Chair, and thank you, Committee Members.

CHAIR VICTORINO: Okay. Moving right along. Thank you, Mr. Ueoka, for being here again. We move on to PIA-10(2). Yes?

VICE-CHAIR COUCH: . . .*(motioning for a break)*. . .

CHAIR VICTORINO: Why? Mr. Couch is asking for...you know we got a lot of things to do so, you know, the problem with a break is that I don't get everybody back. But if everybody promises to be back by 10:30...I mean I, you know, I really...we gotta get moving on some of these issues or we're gonna be stuck in the mud for a long time. So I will break 'till 10:30, please everyone be back by 10:30, that's 7 minutes from now. I would really appreciate it. This Committee stands in recess. . . .*(gavel)*. . .



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

**RECESS: 10:23 a.m.**

**RECONVENE: 10:31 a.m.**

CHAIR VICTORINO: . . .*(gavel)*. . . This meeting is now called back to order.

**ITEM PIA-10(2): PROPOSED CHARTER AMENDMENTS (COST OF GOVERNMENT COMMISSION)** (CC 09-229, Resolution 14-70)

CHAIR VICTORINO: Our next item, Item No. 3 is a Charter amendment. The Committee is in receipt of Resolution 14-70 recommitted, entitled PROPOSING AN AMENDMENT TO REVISE THE CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED TO CLARIFY THE DUTIES OF THE COST OF GOVERNMENT COMMISSION. The purpose of the Resolution 14-70 is to place on the next General Election ballot the question whether Charter Section 3-9.3 should be amended to state that the Cost of Government Commission acts only upon the request of the County Auditor to whom it would be advisory. The Charter amendment to abolish the Cost of Government was passed and rejected by the Charter Commission in 2012. In 2014, this particular resolution was recommitted on second and final reading. We are now two years later the Auditor's Office is in full swing and I scheduled to hear this where the body stands at this time on this issue. Mr. Hokama, you are the proposer of this Charter amendment change so I will give you the first opportunity to speak on this...on your rationale for this amendment or this Charter change I should say, excuse me. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. For me the Cost of Government Commission served a very useful purpose prior to the enactment of a County Auditor by the revised Charter of the County of Maui and also in one of the components of our Charter it says eliminating duplicating and overlapping of services, activities, and functions. I find this to be exactly that, Chairman, with the establishment of the County Auditor. If the Mayor would like to appoint continued administrative bodies for specific purposes I think the Mayor is still allowed to do so but yet, you know, for me it's very clear now with the people's decision that it is within the Office of the Auditor to assist in the oversight and accountability of County government. And so for me it's just what I believe is continued housekeeping and adjustments to the Charter as we continue to move forward this form of governance, Chairman. Thank you.

CHAIR VICTORINO: Thank you. And so if I am correct in understanding what you just said, Mr. Hokama, then areas such as Salary Commission, I mean, Cost of Government salary adjustments and I mean other areas where they've looked into cost effectiveness, sorry salary, it's the wrong commission, sorry, that have done other areas of advisement to this Council and to the Mayor's Office. And you feel that the Auditor should be the one to be able to conduct all of those same issues or that the Mayor set up another whatever he wants to call it or she wants to call it commission to handle areas of that nature. These are not investigative. These are more areas of what I'm calling proficiency, looking for efficiency, and coming back with recommendations to the departments as they have while I've sat here in this Chamber over the last ten years.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER HOKAMA: For me, Chairman, I at this time where we are in our governance moving from a Board of Supervisors to a Mayoral-Council format, where we are now I think, you know, we have sufficient boards and commissions for various requirements. Salary Commission deals with the salaries component. Police Commission, Civil Service Commission, Public Works Commission, Fire Commission. I mean we have a lot of commissions that take...if they take the responsibilities as established by Charter there's a lot things we wouldn't need to be doing. If the commissions follow their Charter responsibility in the review of the departments that they have oversight on prior to budget submittal I always wonder what would then be the submittal before Council. You know for me, Chairman, one, I appreciate this discussion because I think it's worthy to have a discussion especially with the question of the governance issue that may come forward. I myself I am disturbed that the panel choose to go beyond what Council had requested them to provide back to Council. I didn't think we asked them to prepare a Charter question, that was not to me my understanding of their task. And yet, you know, by their approach they've created some issues for me that to me could have been avoided by staying within parameter of responsibility that they were supposed to respond to and not exceed what was requested of them.

CHAIR VICTORINO: Mr. Hokama, as I said earlier I don't want to really get into that, yeah.

COUNCILMEMBER HOKAMA: I get it, you know, and I get it yeah.

CHAIR VICTORINO: Okay, please and I'd like to stick with the subject matter at hand and this is what you're bringing forward and ...

COUNCILMEMBER HOKAMA: Yeah, so for me, Chairman --

CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: --as part of the current form of government that I support, a Mayoral form that I support I believe that this is just another tweaking of housekeeping measure that the Charter ask us to review because it is in the Charter regarding duplicative services.

CHAIR VICTORINO: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR VICTORINO: Thank you. Other...yes, Ms. Baisa? And then Ms. Crivello.

COUNCILMEMBER BAISA: Thank you very much, Chair. This is a very, very good question for us to be looking at because I really value the work of the Cost of Government Commission. From when I got on the Council I have been impressed with their annual report, the quality of it, the depth of it, and what they do. And being that they are volunteers I think it's very amazing the kind of work they do and the effort that's put

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

in it and we've been very fortunate to have very high-quality commissioners. I see their work not as duplicative but as supplemental to what the Auditor does. You know the Auditor has really big work to do. He has major financial things to take a look at whereas to me this body looks more in-depth at operational things and where they see pockets of maybe some possibility of saving money. I bring up the idea that we got from them and it has turned out to be wonderful when they looked at the use of cars, County cars and as it...as a result of that we have a wonderful policy that I know works because the other day I heard on TV one of the County employees say, oh, I can't rush because they're going to get me with the GPS in my car. Which is wonderful, you know, it not only is saving money but it's also keeping people safe because now we can check if you're a speeder in a County vehicle. And this is the kind of work that the Cost of Government does. You know the Auditor will do an audit plan and he'll bring it to us for approval and he selects of course what he wants to audit and I think that keeps him busy enough. But I have no objection to the idea of having a citizen body that is looking at depth, in-depth on things and I think I'm really impressed with the quality of the work they do. So that's my opinion.

CHAIR VICTORINO: Okay, thank you, Ms. Baisa. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I guess what I'm hearing from or what I'm reading for this proposal is really to just what it already says in the Charter the Commission shall be advisory to the County Auditor. So perhaps I'm trying to understand do we just cut it short there. I think in recent years the Cost of Government has stepped up quite impressively in more ways than one and yet they still...the Charter does say the Commission shall be advisory to the County Auditor. So I think there's that kind of collaboration or working together that does come about. I don't know if there's any kind of duplication as stated by my colleague but an audit is very, very specific if it's management or financial I believe to improve. I think I'm hoping that the Cost of Government Commission makes recommendations that...how we can...how it can affect us in making determinations for our budget process too. Thank you, Chair.

CHAIR VICTORINO: Thank you. Other discussion? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I tend to agree with Ms. Crivello and Ms. Baisa. I see it more as a can fill-in if the Auditor is working down one path and these folks can work a different set of departments. And one thing that is here in the current language in the Charter it says that the Commission shall have the power and study...the power and duty to study and investigate the organizations and methods of operations of all departments, commissions, boards, offices, and other instrumentality of all branches of the County government. It's not as specific in the powers and duties and functions of the County Auditor and I think the vision of the constituents thought that, you know, the County Auditor does the financial audits and a process audit of the big departments whereas these folks can do the boards and commissions if there's an issue with them. You know these guys can fill in the pukas that the Auditor either doesn't have time to do or mainly time or staff to do. So I think it's a good adjunct to the County Auditor. I think...I understand where Mr. Hokama is coming from as far

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

as duplication of service. I don't know that this is truly a duplication of services. I mean and I've been very impressed with what they've come up with in recent years as well. Thank you.

CHAIR VICTORINO: Thank you. Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. And thank you, my colleagues, 'cause this is good discussion. I appreciate everyone's comments and point of view. One, for me a lot of things that I've heard regarding potential benefits of the Commission is what I feel is already direct responsibilities of the Council and the Legislative Branch. That's our job to do the audits. That's our job to do those assessments and budgetary analysis requirements. It's our job as the Councilors upon our fiduciary and accountability portion which is we review after the money is spent, after the budget is put into place and monies are spent and expended then we take into account our fiduciary responsibilities on the accountability portion. That is the Council's job. Not Cost of Government. Not the Auditor per se. That is our job as the nine Councilors of the Legislative Branch and that's where I talk about duplicate. It shouldn't be an appointed commission. We are elected to do this job on behalf of the people, not as appointees but as elected officials and we should remember that is our key responsibility on the accountability of public financing the role of the Legislative Branch. And so, for me it's very black and white, Mr. Chairman. There's not much gray in how I look at governance and that's why for me it's not hard to make certain decisions. But I appreciate you allowing this discussion this morning. Thank you.

CHAIR VICTORINO: Thank you. Any other discussion from Members? Seeing none, and...you wanted to add something?

COUNCILMEMBER GUZMAN: Okay, yeah, you're going to call for the question?

CHAIR VICTORINO: I was going to call for the question but go ahead.

COUNCILMEMBER GUZMAN: Okay. You know there could be a different perspective in looking at this. If the Cost of Government Commission would be subsidiary to the Auditor, if that were the case then we could actually leave in their applied duties and powers but change the language of the first sentence and possibly have it read, upon the approval of the Auditor, the Commission shall have the power and duty to one, two, three. So basically if they wanted to do an investigation they would have to get the approval of the Auditor and if the Auditor approved it then they would have the powers and duties under one, two, and three. That's an option I'm proposing.

CHAIR VICTORINO: Okay. And again I think...let me think about that but before I commit to one change or another or even any kind of change we haven't even gotten to a point of making a motion. So that's the first thing I want to, you know. I believe like my colleagues have said this is more supplemental than duplication so I tend to go with that as far as what this Cost of Government Commission has been doing. Again the County Auditor is what, three years old and really just getting its wings under them. And I believe this Cost of Government Commission has done yeoman's work in many

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

areas in many different aspects. You know not only investigation but also recommendations, you know. And I don't know if the County Auditor, and unfortunately, he cannot be here today. I did request him to come but he was unavailable at this time. And so, I'm not really keen on making any sizeable change at this time; however, what I would say is this and with your approval I would like to defer this matter so that the County Auditor can be here at our next meeting. I will request to have him here at our next meeting. If you have any proposals, Mr. Guzman, then I want it in writing, okay, and that if you have any other ideas. And again, Paul, I'm sorry I had to make you wait to get to this point but I think more information needs to be gathered and I think the County Auditor must be a part of this. I think this is key to what we're going to decide on. Again I agree with Mr. Hokama, you know, we are the Legislative body, we make those decisions but I think we need all the facts on the table and before we make a decision of this nature. So without no objections, I would --

COUNCILMEMBER GUZMAN: Chair?

CHAIR VICTORINO: --like to defer this matter.

COUNCILMEMBER GUZMAN: Yeah, before you defer I just wanted to just point out that if we're...I agree with you it should be supplemental and in doing so if you had language in here that if the, if the Commission ...

CHAIR VICTORINO: Well, bring it forward, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yeah, if the Commission wanted to do a specific study --

CHAIR VICTORINO: Yeah.

COUNCILMEMBER GUZMAN: --then it needed to be approved by the Auditor so that there wouldn't be a conflict of both of them studying the same aspect. So the Commission would serve as supplemental by receiving an approval by the Auditor so that whatever the Auditor is working on he can either approve or disapprove the request of the Commission and so that there would be no conflict...a duplicate type of study. So if we're talking supplemental that would be good language in there. But that's just for food for thought for, you know, later on. Thank you.

CHAIR VICTORINO: Yeah, the only reason I disagree with that totally is that I don't want the County Auditor to be able to say no to something that may be important and use the guise of we're going to work on it later, you know. And I think that's my concern, okay, and I'm going to be very upfront with you, I want a very transparent and ability to have this group work on things that are needed and not always just an audit but other efficiencies that they have brought forward to this Council in the past. So anyhow so bring that forward and any other ideas anybody else has and I will try to schedule this at our next meeting because I think this is very important. And with no objections, I'd like to defer this matter.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Thank you very much for the discussion and thank you. And, Paul, thank you very much for being here and at our next meeting hopefully you'll be able to attend. Thank you, and thank you all. Moving right along, I would like with your permission to defer Item No. 5 and that would be the proposal...Item No. 5 was the Charter amendment, proposed Charter amendment for attorneys within the Office of Council Services because I'd like to bring up Item 4 and Item 6 which deals directly with the County Clerk. If I could bring those two items together so that we can complete those two and release the County Clerk and the Deputy County Clerk so they can get back to their duties with no objections.

COUNCILMEMBERS: No objections.

CHAIR VICTORINO: Thank you very much.

MS. WILLENBRINK: Excuse me, Chair? Are you ...

CHAIR VICTORINO: So, we will still do No. 5 but we're going to go 4 and 6 together and then after that we will bring up item No. 5, okay.

**ITEM PIA-10(4): PROPOSED CHARTER AMENDMENTS (INITIATIVE) (CC 09-229, CC 15-185)**

CHAIR VICTORINO: So let me start with Item No. 4 and I think our Deputy Director...Clerk and our County Clerk are both here. I will introduce them in a moment. Item No. 5 is a proposed Charter amendment initiative PIA-10(4). The Committee is in receipt of County Communication 15-185, from Council Chair Mike White, transmitting a proposed resolution entitled PROPOSING AN AMENDMENT TO REVISE THE CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED RELATING TO ARTICLE 11 INITIATIVE. The purpose of the proposed resolution is to place on the next General Election ballot the question on whether Charter Section 11-4 and 11-5 should be amended to require individuals wishing to withdraw their signature from a supplemental petition to file a written notice of withdrawal to the County Clerk within three days of the receipt of the supplemental signatures by the County Clerk, and make nonsubstantive revisions. I have the Clerk Mr. Danny Mateo present and Deputy County Clerk Josiah Nishita here. And I will open the floor to them to discuss this matter and then turn it over to you, Mr. White, since you were the proposer of this resolution.

COUNCILMEMBER WHITE: Actually, if you don't mind the Clerk and Deputy Clerk were actually the ones that made the request so ...

CHAIR VICTORINO: You just forwarding it for them. Okay.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER WHITE: I'm just forwarding it. Thanks.

CHAIR VICTORINO: Well, I just didn't want to leave you out of the process. Thank you, sir.

COUNCILMEMBER WHITE: No, I won't feel left out. Thanks.

CHAIR VICTORINO: Go ahead, Mr. Mateo.

MR. MATEO: Mr. Chairman, thank you. And, Members, good morning. Thank you for this opportunity. The resolutions in front of you that request both Charter changes are pretty straightforward in text. Essentially the focus of these proposed amendments is to provide clarity to the existing language of the Charter. Section 11-4 relative to the initiative process is one that our office has experienced more directly. We dealt with an initiative in the last General Election and we are currently dealing with another initiative currently. The issues that come up in the review of those initiatives does in fact warrant clarity in Charter language. In Section 11-4 for example one of the more minor changes in Item 1 under 11-4 towards the end of that paragraph it does in fact reference the written notice of a withdrawal of one signature must be filed with the County Clerk within 15 days after the filing of the affidavit described in Section 11-2. However, 11-2 refers to the formation of the petitioners committee. The correct citation should be 11-3 for the sake of clarity we're asking that that particular item be corrected. In addition to that for the supplemental petition. The supplemental petition does not provide for any individual who have signed the petition to request that their name be withdrawn should they choose to. Clarity for us would be the amendment that would now put language into the Charter that would provide and recognize that process where they can in fact request the Clerk's Office to remove their name from the signature list. The biggest problem we're experiencing relative to this is the initiative process has been initially setup so that there's two submission processes. The first submission is usually or we anticipated it to be the largest submission of signatures or on the petition. In actuality it is not. We receive in the supplemental submission almost as much signatures, as many signatures that was submitted on the original submission if not more. So for us it becomes really pressing for us to include the kind of language that we are requesting for...of the Charter. The other reference that we're dealing with is the need...this, I'm referring to PIA-10(6).

CHAIR VICTORINO: Mr. Mateo, I know we're going take 'em together but I like one item at a time if you don't mind.

MR. MATEO: Okay.

CHAIR VICTORINO: That's why I just brought that one up. Let's get that one completed and then we move to the PIA-6 [sic] if you don't mind, please, Mr. Mateo.

MR. MATEO: Yeah, thank you, Mr. Chair.

CHAIR VICTORINO: Thank you. Anything you want to add, Josiah?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MR. MATEO: No.

CHAIR VICTORINO: Okay, thank you. Members, I will open the floor for questions to the Clerk and the Deputy Clerk. Oh, seeing none, oh okay. Alright, if not then I will make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR VICTORINO: I recommend that...I move to pass on first reading the proposed resolution entitled...what was that?

VICE-CHAIR COUCH: Make a recommendation, you can't make a motion.

CHAIR VICTORINO: Oh, okay. I entertain a motion, okay, to pass on first reading the proposed resolution entitled PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED RELATING TO ARTICLE 11 INITIATIVE; and the filing of the Communication.

VICE-CHAIR COUCH: So moved, Mr. Chair. And that's filing of County Communication 15-185 is that correct?

CHAIR VICTORINO: Yes, that's correct, Mr. Couch.

COUNCILMEMBER CRIVELLO: Second, Chair.

CHAIR VICTORINO: Okay. It's been moved by Mr. Couch, seconded by Ms. Crivello. Any other discussion? Seeing none, all those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: All opposed? Let the record show nine "ayes," no "noes." Thank you very much.



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

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**VOTE:**       **AYES:**       **Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Hokama, and White.**

**NOES:**       **None.**

**EXC.:**       **None.**

**ABSENT:**   **None.**

**ABSTAIN:** **None.**

**MOTION CARRIED**

**ACTION:**   **Recommending FIRST READING of resolution and FILING of communication.**

**ITEM PIA-10(6): PROPOSED CHARTER AMENDMENTS (TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES) (CC 09-229, CC 15-197)**

CHAIR VICTORINO: Moving on to Item 6 which is a proposed Charter amendment, time frame to review supplemental petition signatures. This is PIA-10(6). The Committee is in receipt of County Communication 15-197, from Council Chair Mike White, transmitting a proposed resolution entitled PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED RELATING TO ARTICLE 11 INITIATIVE REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES. The purpose of the proposed resolution is to place on the next General Election ballot the question whether chapter...Charter Section, excuse me, 11-5 should be amended to allow the County Clerk 20 days instead of 10 days to review supplemental petitions. Mr. Clerk, go ahead.

MR. NISHITA: Mr. Chair, thank you for letting us present to you guys today. The Clerk pretty much summed up this amendment as well regarding the amount of signatures that we receive on the supplemental side. So what this amendment does is change it from 10 days to 20 days. We did draft this up and worked with Corporation Counsel roughly the ending of 2014, beginning of 2015. We believe the intent of this whole process, the initiative process with...in regards to the supplemental petition was that groups would use the full 180 days on the initiative petition portion of that submission and collect a significant amount of signatures and submit it to the County Clerk's Office. What we've been experiencing in 2014 and this year is that the groups are using, you know, a very relative short time period of the 180 days so I believe they use probably about 45 to 60 days of their time period this go around. And then in 2014 it was somewhere around 60 days as well. So they're not collecting a huge overage of signatures needed and thus when they turn in the supplemental to make up the difference they're turning in just as much if not more signatures on the backend. And this provision in the Charter, you know, it's, you know, we believe the intent was just

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

to collect a few additional signatures to make up the difference and not to have a second full submission of signatures to the office. With regards to the 10 days right now our staff in 2014 will work every day of those 10 days including on the weekends or holidays if it runs over that and typically they'll be leaving here about 10 o'clock at night on each of those days. So we are incurring significant amounts of overtime as well as on the Saturdays and Sundays. We feel that extending the time frame given what we've experienced in 2014 and 2016 would help reduce those overtime costs as well as help us to ensure that we have enough time to accurately review the petition submitted. That would essentially sum up our overview of that.

CHAIR VICTORINO: Thank you, Deputy Clerk Nishita. Questions for the Clerk or the Deputy Clerk? Okay, seeing none, I'll make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR VICTORINO: I will entertain a motion to pass on first reading the proposed resolution entitled PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED RELATING TO ARTICLE 11 INITIATIVE REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES; and the filing of County Communication 15-197.

VICE-CHAIR COUCH: So moved, Mr. Chair.

COUNCILMEMBER CRIVELLO: Second.

CHAIR VICTORINO: Okay. We have a question from Corporation Counsel so I'll ask Mr. Kushi...hang on, everyone. Okay, it's been moved by Mr. Couch and seconded by Ms. Crivello. Corporation Counsel, you have anything specific you wanted to add?

MR. KUSHI: No. Mr. Chair, I just had a concern about if this thing goes through there will be two questions, and if one 'em passes and the other one doesn't, can they stand together separately and the Clerk said yes.

CHAIR VICTORINO: Okay. So we had that clarification, okay. I don't see any more discussion. All those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show nine "ayes," no "noes." The bill passes, moves on to the full Council.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

**VOTE:**       **AYES:**       **Chair Victorino, Vice-Chair Couch, and Councilmembers Baisa, Carroll, Cochran, Crivello, Guzman, Hokama, and White.**

**NOES:**       **None.**

**EXC.:**       **None.**

**ABSENT:**   **None.**

**ABSTAIN:**   **None.**

**MOTION CARRIED**

**ACTION:**   **Recommending FIRST READING of resolution and FILING of communication.**

**ITEM PIA-10(5): PROPOSED CHARTER AMENDMENTS (ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES) (CC 09-229, CC 14-165)**

CHAIR VICTORINO: Now, going back to No. 5, Item No. 5. Thank you, gentlemen. Mr. Mateo and Mr. Nishita, for being here. Okay, this is in regards to attorneys within the Office of Council Services PIA-10(5). The Committee is in receipt of County Communication 14-165, from Councilmember Don S. Guzman, transmitting a proposed resolution entitled PROPOSING AN AMENDMENT TO REVISE THE CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES. The purpose of the proposed resolution is to place on the next General Election ballot the question whether Charter Section 3-5 and 8-2.3 should be amended to allow the Office of Council Services' attorney to serve as legal advisors to and legal representatives of the Council and the Members in addition to the Department of Corporation Counsel attorneys. We have Mr. Raatz if you would come forward. He will join us at the Administration desk. And, Mr. Guzman, you were the one that put forth this resolution so I would like to ask you to begin the discussion. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm not sure if the Members remember when this item was brought up in PIA I believe when Mr. Hokama was the chair. In addition to this resolution there was another resolution that I had proposed prior to this one and that resolution was regarding the Corporation Counsel and allowing the...our Council, the County Council to have the ability to terminate. I brought those two items, this and the one that I just mentioned subsequently purely because I was hoping that the first resolution on having the ability of the Council to terminate the Corporation Counsel would be considered first. So I don't know where that item is at and alternatively I proposed this resolution which has the same language as Honolulu's County Council in their ability to utilize their Council Services' attorneys to be able to give legal advice and to sign off on some of our ordinances as to form and

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

legality. So this language here in this resolution is very similar and follows the Honolulu language. And apparently they don't have to...they don't seem to have an issue with allowing their attorneys the ability to sign off on ordinances and to give legal opinions. This has a little bit of a language difference in that Corporation Counsel would still serve as the County representative or the County attorney but this would allow our attorneys to work in conjunction or supplement with the ability of Corporation Counsel to serve as representatives of this Council. So I know that Mr. Raatz has done extensive research on this issue and there are other jurisdictions that utilize their legal services as legal advisors and legal representatives for their Legislative body.

CHAIR VICTORINO: Thank you, Mr. Guzman. Mr. Raatz?

MR. RAATZ: Thank you, Mr. Chair. If you'd like I do have some brief comments, provide a little bit of history and background on this proposal.

CHAIR VICTORINO: Please go ahead.

MR. RAATZ: First, OCS doesn't have a position on the matter before you. It is a policy question. We do appreciate the concerns raised by the current and former Corporation Counsel but our research and analysis show the proposal before you that again would authorize OCS attorneys to provide legal advice and representation is defensible and workable if the Council chooses to submit it to the electorate and it gets approved. And as Councilmember Guzman mentioned it's not a novel proposal. It's new to Maui County but it does...this type of framework does exist in some of the jurisdictions. And the proposal wouldn't have been processed by OCS if we didn't think it was legally defensible. Some of the concerns raised by Corporation Counsel if this were to move forward probably could be resolved by ordinance or by OCS management directives. Some of the other concerns seem to raise policy questions which again, it's the function of the Council to be the policy-making body for the County. Ironically, I can't say that it's our office's opinion that the proposal is workable because OCS attorneys aren't currently recognized in the Charter and therefore can't provide legal opinions, just research and analysis. Whether that's a problem is for the Council and ultimately the electorate to decide. I do note that our attorneys and other personnel in OCS are trained to work with Corporation Counsel to reach common ground when there are potential differences of opinions on legal issues. And I commend the Corporation Counsel and his staff for being open and willing to take a look at our research and analysis on most issues. We do work very closely with Corp. Counsel attorneys on a daily basis on legislative drafting and other matters of common interest. And we've been invited by Corp. Counsel to a Statewide municipal law conference in Hawaii County this summer and we look forward to sending OCS staff to that event and fostering an even greater level of partnership. There are times of course when differences can't be resolved. During the past couple of Council terms there have been a few bills and resolutions that OCS has prepared for Councilmembers that Corp. Counsel didn't feel comfortable signing, including the resolutions that's before you under this item. When differences reach a critical level, Executive versus Legislative Branch, litigation is possible. As one example 20 years

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

ago the Executive Branch hired outside counsel without County Council approval. Corp. Counsel at that time opined that it was the Mayor's inherit authority to do so. An OCS staff attorney conducted research that tended to show Council approval was required based on the express Charter language. So the Council ended up hiring special counsel to file a lawsuit and the Council lost in Second Circuit Court and there was a lot of pressure on the Council to not appeal the case further. But with the assistance of research and analysis from the OCS attorney, the special counsel convinced the County Council to take the case up to the Supreme Court where the Council won in a unanimous opinion. So that's some of the history and context relating to underlying issues for this proposal. Finally, I would note that Corporation Counsel stated if the Council has a compelling need for a second legal opinion special counsel can be retained. Of course that can be a time consuming and expensive option. In recognizing the difficulty with hiring outside counsel a proposal was floated by a Councilmember years ago to simply adopt a resolution and designate OCS attorneys as "special counsel" under the Charter. That's a creative option but our office raised concerns that such an action could be seen as an end run around the Charter. If the Council wants that status for OCS attorneys we would recommend that a Charter amendment be pursued as the more direct approach. So thank you, Mr. Chair, for that time and I'd be happy to answer any questions.

CHAIR VICTORINO: Thank you. Questions from the Members? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. Thank you, Mr. Raatz, for your comments. You read the, I guess it's termed the "Moto Memo" that Corporation Counsel presented to us?

MR. RAATZ: Yes, I have.

VICE-CHAIR COUCH: And you said some of this stuff can be mitigated by passing ordinances if the Charter amendment passes.

MR. RAATZ: I think so. Some of the concerns were about the structure of OCS and that doesn't all have to be contained in the Charter. We can suggest ordinances to the Council consistent with the Charter that would set up a workable framework or in some cases we might be able to work with whoever the Council Chair at the time and just have OCS management directives that adjust our framework and structure as necessary.

VICE-CHAIR COUCH: Okay, because and I don't know what the HRPC rule 7.5 specifically states although he says in Item 9 Page 6 of his response that under HRPC rule 7.5 the name or designation of Office of Council Services and it's Legislative attorneys would have to change. And No. 10 Legislative attorneys acting as legal advisors and legal representatives must be supervised if at all by an attorney admitted to the practice and in good standing in Hawaii. Therefore the Charter amendment would require changes in the role and qualifications of the Director of Council Services. Do you agree with that?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

MR. RAATZ: I agree with some of it, not all of it. Based on what we've seen with the City and County of Honolulu OCS and other jurisdictions on the mainland that the name of the central staff, the Legislative body isn't critical. The supervision by an attorney, having licensed attorneys supervised by another attorney is probably a point well taken. Honolulu OCS for instance in their most recent hire of a Director of Council Services they hired a non-attorney for the first time in many years but at the same time they hired a new position of Deputy Director of OCS who is an attorney and has the ability to supervise the staff attorneys in their office.

VICE-CHAIR COUCH: So they had to add another position.

MR. RAATZ: As I understand it that's correct, yes.

VICE-CHAIR COUCH: Okay. And it's my understanding that the City and County Charter basically it only allows them to represent Council in court. The way I read the portion it says the Council may authorize attorneys within the Office of Council Services to represent in-court litigation where the dispute is with the Executive Branch and where the...Corporation Counsel may represent the Mayor or officers of the Executive Branch. In the event that the attorneys within the Office of Council Services should be authorized to represent the City Council those staff attorneys shall be deemed to have the status of special counsel. So it sounds like if there's a disagreement then they can hire staff as special counsel, at least in the City and County. Is that your reading of it as well?

MR. RAATZ: Yeah, thank you for pointing that out. That is interesting language that they don't have the status of "special counsel" unless and until there is an Executive versus Legislative dispute that goes to litigation. But they have assumed that because they have that status in the Charter and that potential ability to go into court that allows their attorneys to offer full-fledged legal opinions, give legal advice which again as I mentioned in my comments we don't feel comfortable in OCS because our attorneys are not recognized in the Charter. The Corporation Counsel is the sole legal advisor unless outside counsel is hired.

VICE-CHAIR COUCH: And lastly, Mr. Chair, if I may? How would you or how would you envision a committee meeting such as this happening? Would it no longer be staffed by Corporation Counsel? We would now have to have our OCS attorney here, sitting where Mr. Kushi is sitting right now?

CHAIR VICTORINO: Mr. Raatz?

MR. RAATZ: Thank you, Mr. Chair. That could really be decided on the basis of the Council as a body or individual committee chairs. I mean our current structure right now if who's sitting here in the Chamber for committee meetings could be changed without changing the Charter at the will of the committee chair or Council Chair or the full body. But as I understand the Honolulu City Council's committee structure they function a different way than us in that most of the staff is not actually on the floor with the body. The OCS attorney, OCS analyst, Corporation Counsel they're typically

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

in a side room a few feet away but watching the meetings on TV or sometimes out in the gallery if they think they're going to be needing to speak. Whereas in their kind of horseshoe table they have the Council Chair is in the center or excuse me the committee chair is in the center and the analyst is sitting to one side and the secretary is sitting to the other and that's the full complement of staffing.

VICE-CHAIR COUCH: Okay. I don't know, Mr. Chair, it sounds like we would have to hire more attorneys and have a supervising attorney and I don't know. We're already having a hard time with our current budget so increasing it...I think it would be cheaper in the long run to if we needed special counsel then get special counsel and move on for a second opinion. I understand where Mr. Guzman is coming from there are times we do need a second opinion. I think it would be cheaper to hire at that time somebody to give us a second opinion. Thank you, Chair.

CHAIR VICTORINO: Well, that's why this is being discussed today. You know I mean you all have your opinions and so I will listen to everyone and come up with some recommendation. So going right down the line starting with you, Mr. Carroll, do you have anything you'd like to add?

COUNCILMEMBER CARROLL: Very simply I support what's before us today. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Chair, this has been a dilemma for me since I got involved and as, you know, Council Chair, during my term as Council Chair I found this kind of a frustrating situation. Because of course the first person that you want to talk to is the folks in Council Services 'cause they're there, they're handy, and they're wonderful attorneys. We have great attorneys and so of course you want to talk to them. But you're always given some caution that there are limits on what they can and what they do for us. So, I'm kind of fascinated with the idea of having them, you know, be able to advise us like our Corporation Counsel does but then I see all of the conflict and mix up that comes up with that. So, I'm okay with the situation as it is because we do have the avenue if we want to hire and if we need to hire special counsel to give us another opinion. So I don't know. I don't ever want to do change to try to solve one problem and maybe create another one. Thank you.

CHAIR VICTORINO: Thank you, Ms. Baisa. Ms. Cochran?

COUNCILMEMBER COCHRAN: And this is to put on the upcoming ballot pretty much to put forward to the community for a vote?

CHAIR VICTORINO: That is correct.

COUNCILMEMBER COCHRAN: Is this what this is asking also though?

CHAIR VICTORINO: Uh-huh.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER COCHRAN: Okay. And I'm okay with that to see what the general consensus is of this community but sitting here and in reference to our legal advisors there's many, many times, numerous times that I would wish there was someone here giving legal advice other than the existing Corporation Counsel. And so I kind of like this idea and I don't know if it's going to be...put a burden, as Mr. Couch is saying hire more and build OCS even bigger than it is could be problematic budgetary wise. And then it seems to be adding more, I guess it could add more responsibility and work to existing so it's, yeah, kind of a hard one to call. But I do recall many times as I stated earlier that I would wish that there was another type of avenue for us to get advice and not have to go and seek special counsel of this whole entirely new, you know, person step into the scene but have our existing people who I hold in high regard and know they do their due diligence and give unbiased opinions, and what have you through their knowledge and skills as attorneys. So, I'm okay in seeing what this community thinks about this also. Thank you, Chair.

CHAIR VICTORINO: Thank you, Ms. Baisa [sic]. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. You know I've had situations where I've wanted some sort of interpretation legally from our Office of Council Services but they walk on a very fine line as to how they interpret their role and how Corporation Counsel would have to be such. So I would like to see something entertained where they can have...be more responsive when it comes to some of the legal questions that we...that I as a Councilmember has for them. I don't know where to go right now but I think I will wait for your recommendation, Mr. Chair.

CHAIR VICTORINO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, for me I would say I don't have a problem with the discussion, my problem has always been with Charter amendments is that we don't tend to do the full due diligence of saying what is the potential impact if this moves forward including the money, including positions, including operational adjustments on how is this to work if we move it forward. So I'm not there yet, Chairman, so I can wait. Thank you.

CHAIR VICTORINO: Okay, thank you, Mr. Hokama. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know it's important for us to take a look at how often this option would be utilized because I think for the most part it makes a lot of sense for all of our legal questions to go through Corp. Counsel and they do a great job as everyone on this floor has stated over and over. You know we're very well served by Corporation Counsel. My view of this is this is something that would, if passed, would allow us a little bit of flexibility when we question or have a difference of opinion with Corp. Counsel. And in the five years or so that I've been here it doesn't happen more than maybe once every six months or so. But when it does happen it's nice to have the ability to depend on our own staff for, you know, for an opinion. So I see a benefit to it. I don't see an added cost to it. I don't see a need for additional staffing because I think it's something that the current staffing would be able to



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

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handle at least to the degree where we get the answer that we feel we need. Then if it's decided that we need to go a step further that's when we would take the step of hiring special counsel. But I think this is an idea very much worth considering and so I would be supportive of it. If you want to defer it for another meeting I'm fine with that but I'm...I think it's a good move. Thank you, Chair.

CHAIR VICTORINO: Thank you. And I still have my concerns and some have been expressed by others so I'm not going to repeat that. But I can point out that I've had the occasions to sit here when I had Corporation Counsel, legal analyst, Mr. Raatz here, and I couldn't get the same answer once from all three of them and talking about the same issue. I have said this many times and I will put this on record attorneys, tend to give you what they feel is their best opinion or their best resolve on the law or ordinance or whatever issue you're discussing based upon their opinion; based upon how they interpret what they've read. And last night I was at a dinner and I had an attorney and I challenged her and she says you're right. She didn't argue. I didn't say if she was right or wrong in what we were discussing but they all have their opinions. Will this add another layer of opinions in this Chamber? I'm afraid it may. But I agree with you, Mr. White, it doesn't happen very often so do we really need this? I agree with you, Mr. Guzman, when it does happen it's nice to have and maybe someday along the line it's necessitated. You know but I agree with you, Ms. Baisa, you know they work wonderfully. I mean I've worked with Corporation Counsel. I never agreed with every attorney. I've also had my opinion which is non-binding and not legal so that went out the door real fast. So I really believe at this point something like this, you know, and I guess the other angst I have with this is you put it out there as a Charter amendment and how will people interpret this? How will people feel about this? You know I got to be honest I brought this subject up last night on the table with this attorney and others and the others on the table all looked at me like why is that so important, you know. Again, you know, do we need and we have more Charter amendments that we're going to be looking at in the next couple of months. And so I'm afraid to say that I don't know if this is so urgent or not and I not saying, Mr. Guzman, you didn't bring forward a very strong proposal. I'm not saying anything to the contrary. But is this necessitated right now or can we continue to work on the way we have worked in the past? And again you brought it up, Mr. White, and I agree I've only had in the ten years I've been here a half a dozen times that I recall that it's been really a strong challenge between what Corporation Counsel and the Council itself and the Chair were talking about and that's ten years. You know so I don't see that as being a major...if it was happening every other month or four-five times a year maybe then I would say yeah this is something that's really, really needed. So with that being said I'm going to allow Mr. Guzman just to be fair, he had another proposal that he wanted or had brought forward and I don't know what you're referring to 'cause I try to go through the docket and try to pull out everything. But I'm going to defer this matter so that that other proposal that you had made, Mr. Guzman, can be brought forward so that we can in conjunction work on both of 'em. And if there's no objections, that is my recommendation to defer this matter, again, to our next meeting so that we can bring the other aspect or the other proposal that Mr. Guzman is speaking, speaking towards. Is there any objections?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

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**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR VICTORINO: Thank you very much. So we'll do that and again at our next meeting these are the two I'll bring forward first because I believe it's fresh on people's mind and I'd like to get them completed. We have one more item and I'd like to finish this today if I can and we still have time. And thank you, Mr. Raatz, for being here.

MR. RAATZ: Thank you.

CHAIR VICTORINO: And I appreciate you stepping down here and helping us out.

**ITEM PIA-10(7): PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF MAYOR'S APPOINTMENT OF DEPARTMENT DIRECTORS) (CC 09-229, CC 15-305)**

CHAIR VICTORINO: The last one is Item No. 7 is to, excuse me, I flipped my page before I should have. Oh, sorry, I was on the right page, okay. The proposed Charter amendment is to have the Council approve, approval of Mayor's appointments to department directors. This is PIA-10(7). The Committee is in receipt of correspondence dated April 21, 2016, from the Department of Corporation Counsel, transmitting a revised proposed resolution entitled PROPOSING AN AMENDMENT TO REVISE THE CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED TO REQUIRE COUNCIL APPROVAL OF MAYOR'S APPOINTMENTS OF DEPARTMENT DIRECTORS. The purpose of the revised proposed resolution is to place on the next election ballot the question on whether Charter Section 6-2, 8-1.2, 8-4.2, 8-5.2, 8-6.2, 8-8.2--that's a lot of numbers over here--8-2.10 [sic], and 8-14.2, and 8-15.2 should be amended to require the Council's approval of Mayor's appointments of the department directors. We met on this item earlier in the year and began our discussion on this Charter amendment. It is my understanding that the Special Committee on County Government has voted on recommendations relating to the management form of governance. Council does not yet have that recommendation. I wanted to place this on today's agenda because I think it's very important that we fully vent the Charter amendment prior to the receipt of the recommendation. Mr. Hokama, this amendment was introduced by yourself so I would like to open the discussion with you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. Once again and you are correct you were gracious to have this discussion held earlier. We also had this discussion four-plus years ago. It is my position still yet, Mr. Chairman, and I support the mayoral form of governance of this Council, this County whereby I still believe that it is appropriate for the Council to review, vet, advise, and give its final consent on department head nominations. I say this in my experience of especially the last I would say three mayoral terms of the comments from community regarding the ability of directors to, one, manage the department; two, direct its employees and the mission

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

that the department has as well as to also instill confidence in the ability of those that take these high responsible positions to perform on the public's benefit and not a political benefit. I still believe this is a proper way. You know it works for our other sister entities. It works for the State. It's part of how the Federal government works where the Legislative Branch is given the opportunity in its review, its vetment to ask the appropriate questions to see if the person has the ability to fulfill the responsibilities of the office. Then I would say in hindsight certain positions while it would be nice to have specific degrees and I can tell you especially if you look at the State Department of Transportation. We've had had directors with engineering requirements. They were the worst administrators and managers of people. Okay, so it didn't work. Although well versed in the subject matter. You know, I mean just look at our own Fire Department. We hire them as firefighters initially, not to manage departments. You look at DOT now they have a director who knows how to manage, administer. Went through a grueling vetment process with the State Senate. Came from the visitor industry but if you look at DOT today it is a department that is on hum control. It's humming along because you have someone who knows how to administer, manage, and direct personnel to achieve the objectives of the responsibilities. That is part of a vetment process of confirmation, Chairman, and I believe this Council has done its part regarding Corporation Counsel, Prosecuting Attorney, and when appropriate also the Water Director. The two key positions for me that should be on the confirmation review is two positions that eventually by Charter takes the responsibility of the Mayor's Office in absentia. That I think needs to be vetted and allow the people to have the confidence in a government that should certain situations arise that the next people in succession are duly qualified to handle those responsibilities and perform on behalf of the County and its citizenry. That is part of our job as the Legislative Branch, doing vetment [sic] of confirmation and advise and consent. So I propose this again, you know, I've made my position clear where I stand on governance. I support a elected mayoral form. I believe our people are smart enough, matured enough to be able to make this important decision on who to lead governance on their behalf and not be dictated by an appointee. So I present this consideration and I would hope that the Members can see enough merit to move it forward. Thank you, Chairman.

CHAIR VICTORINO: Thank you, Mr. Hokama. And you do that so eloquently and well...so well that I think the only thing you left out is just so that the public understand the two positions you were referring to that you really feel should be --

COUNCILMEMBER HOKAMA: Oh, thank you for that, Mr. Chair.

CHAIR VICTORINO: --Managing Director and Director of Finance if I'm correct.

COUNCILMEMBER HOKAMA: Thank you so much. Thankyou so much.

CHAIR VICTORINO: I know you said it but you didn't mention the specific position so that the people out there understand those two are --

COUNCILMEMBER HOKAMA: Yes.

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

CHAIR VICTORINO: --critical positions that you're referencing to at this point, yeah.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR VICTORINO: And I thank you. You know so I will start and I'll go down the row but this time, Mr. Carroll, sorry I know you when raise your hand but I going start from Mr. White to be fair. You want to talk? He doesn't raise his hand very often so, Mr. White, would you allow him to start, and then I'll come to you?

COUNCILMEMBER WHITE: Absolutely.

CHAIR VICTORINO: You know he doesn't raise his hand very often --

COUNCILMEMBER WHITE: I don't want him to feel left --

CHAIR VICTORINO: --so I got to recognize that fact.

COUNCILMEMBER WHITE: -- left out.

CHAIR VICTORINO: Yeah, okay, you don't want to feel...okay, there we go. Mr. Carroll?

COUNCILMEMBER CARROLL: Well my heart is not broken now. Thank you, Chair. I've gone over what has been before us and this has been a matter of discussion for a long time. And thank you, Mr. Hokama, for bringing it up. Several things, we were concerned of course if the other Charter amendment we approve it, the one coming down for a Managing Director or whatever we might accept, it would seem to conflict with this. The only thing I'd like to change in here is to take out one word "mayor." Just one word. Everything else can stay exactly the same that way no matter if it's a managing director, if it's a mayor, it doesn't matter, and it doesn't change the intent at all just by removing that one word. Because who else is going to be coming before us with recommendations for department heads or managing director or anybody else? No one. So if we take out that one word it will not conflict with anything else that might come before us later. Thank you, Chair.

CHAIR VICTORINO: And we'll consider that I mean and again I don't know if we'll make that decision today but, you know, if that's the case and the feeling of the body is very strong in that respect we can put some kind of language, whichever entity recommends these department heads, you know, something like that. I'm not a legal beagle so I won't get into the legal terminologies. We can turn to our Corporation Counsel for that. Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know I think the important thing that the public wants is to have department managers that are qualified and are going to do the hard work on behalf of the people. I think this is one way of approaching it. The other way is what has been discussed by the Special Governance Committee and I...my recollection is that the way that is set up is that the managing director would be

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

the one that would be doing the hiring and be responsible for terminating if the person was not doing the right job. And I believe that the way that this should move forward is that we have a vetting process that is not just left up to the Mayor through the appointment process but one that is done by evaluating somebody's prior work, evaluating their educational background. And so that we're coming up with directors who...and everyone on this list has significant responsibilities, so we're coming up with directors that have significant experience and are going to be able to hit the road running. I think the other thing that I feel is a bit of a challenge with the changeover every four years or every eight years depending on whether the Mayor is in place for four or eight is that when there's a turnover of staffing we lose a significant amount of knowledge that just walks out the door. And this is...this first came to me a couple of years ago when we had the two hurricanes coming at us and part of our standard operating procedures is we called, we leave a message in all the guest rooms asking that if you're a medical professional that you will please call this number if you're willing to help out in the emergency. Well, during that process I got a call from a deputy manager from a coastal community in Maryland with a population of about 500,000 people and he said, you know, I'm not a medical professional but I'm more than happy to assist because my job is hurricane preparedness. And after participating with him, he came down and took part in our meetings and helped with some suggestions on how to prepare. And it was very valuable but it struck me that here's a gentleman who has been doing this for a number of years and when the Mayor changes his level of understanding and his work doesn't simply leave with the Mayor only to find a new person that may not have the same level of training, may not have the same level of experience who then begins the learning process all over again. So that's one aspect. The other aspect is that we have a lot of people in the...in various positions that have significant experience in the various departments but whom have no ability to move up into the director or deputy positions because they're appointed. And I know that that happens from time to time and they have return rights but there's no clear path for these folks to gain by having the ability to continue to move up in each of the departments. So I'm open to Mr. Hokama's suggestion to some degree but I agree with Mr. Carroll that maybe we need to work on the wording just on the chance that this may, you know, the form of government may change. We don't know. So thank you, Chair.

CHAIR VICTORINO: Thank you. And I agree but I also think that I would like to see something like that stay there. I don't give darn what kind of form of governance we have, sir, I think the Council should have that right and so that the public has a chance to see who these people are, what they're all about. I think that's very important that there's a vetting process that these appointees whether it's by a managing director or whether it's by the Mayor, I don't care who that the public gets a chance to hear from. Because we're going to bring them forward like we do with Corporation Counsel, like we do with Prosecuting Attorney, and like we do with the Water Director. And have that so that the people understand a little bit more about that individual and what their capabilities are. So I don't know, I really don't care what form of government we have but I think something like this is necessitated. I think the Council should be involved. Mr. Guzman?

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**

**Council of the County of Maui**

**May 23, 2016**

---

COUNCILMEMBER GUZMAN: Thank you, Chair. Yeah, I believe that there could be issues if we bring both of these items on the Charter amendment at the ballot. Two issues, this one and the form of government both on the same ballot might cause confusion. But just narrowly speaking on what is before us I would agree with Mr. Hokama, until the Charter is changed regarding the order of succession from Mayor to Managing Director to Finance Director. Until that is changed I would like to see that we have this language in for those specific positions because those are the, I guess the personnel that's going to be in the Mayor's position if in fact he's gone. So I would like to have added additional language which would have been by the Mayor with the approval of the Council and may be removed by the Mayor or the Council by a two-thirds vote and that would have been for Managing Director and Finance Director only. Because those are the real, I guess, important positions that if in fact let's say the Managing Director is gone and then the Finance Director is the Mayor and he may be doing all kinds of stuff and we need to act swiftly and quickly to rectify some issues that may come up. So the ability to terminate is important for those positions. I might add also that it's, although it's not in this resolution the other positions I would like to have that language in is for Corporation Counsel due to the fact that he serves both the Administration and the Council and we still do not have the ability to terminate his position. As well as the prosecuting position which we are the only jurisdiction in the entire State that still appoints. The other jurisdictions elect that position so we as representatives of the people should have the ability to remove the head Prosecutor by two-thirds vote. And so those are my justifications for those positions being able to have the authority to remove. Other than that I'm okay with the other language presented. Thank you.

CHAIR VICTORINO: Thank you. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Based on what's before us this morning I do support the approach that we confirm if that's the right word the appointments of the different department directors as we already do with Water Director, the Prosecutor, and Corporation Counsel. So we can just expand it. We don't have yet what may be before us as far as the other form of proposal for the County governance I guess. So I'm just basing on what's before us. I believe that this approach cements the voter's confidence, you know, confidence of balance and the Mayor has the right and the opportunity to appoint his department heads but I believe we should vet it further. As the Council who has to work directly with the department as well as with their budgets and, you know, I've observed and we have some pretty good people that stepped up to the plate to serve and that's basically what they do because you can't compare the kind of salary with what the private sector offers. So again, Chair, with relation to this particular proposal from Councilmember Riki Hokama, I do support the intent of it. Thank you.

CHAIR VICTORINO: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, Mr. Chair. I think this is potentially a good compromise to what may be out there, what other forms of governance may be out there. I do recall the discussion we had, what, three or four years ago, Mr. Hokama, about...at

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

that time when I think it was just the Managing Director and Finance Director comments. Now being here a few more years taking a look at it, yes, it's the Mayor's prerogative to see who he or she would like to be their assistant, you know, their Managing Director and their Finance Director as well as all the other directors. However, we do appoint or confirm the appointment of the Prosecuting Attorney, the Corporation Counsel, and the Water Director per Charter. So adding the other departments is not, I don't think is that bad of an idea. I think it's a fairly decent idea. The only caveat I would have on that is that potentially because it is again the Mayor wanting to have his or her philosophy known, I think the Council would have the right-of-refusal as opposed to what the Cost of Government thought. But I think it might be a...it might be better to have a two-thirds right-of-refusal kind of thing on the more important...well they're all very important departments. So I think a good compromise here might be a two-thirds vote to refuse, not confirm I guess. But other than that I believe...and if you take out the Mayor then, out of all this language then what happens to the, you know, Fire Chief, Police Chief and the Director of Personnel Services? Now we're getting into...those are appointed positions, do we also have the ability to ...

CHAIR VICTORINO: But they're not appointed by the Mayor.

VICE-CHAIR COUCH: But that's...the suggestion was to take the word "mayor" out of the language and then all of sudden that may or may not open up to those others. And lastly, you know, you've seen how we've been on the three positions that we're looking at. I don't know how many people might be scared off a little bit from our...from coming in and taking a lower paying job and wanting to serve the people if we...if they have to go through that trial by fire if you will potentially. I don't know. There are some people who have told me man if I had to go through that I wouldn't even think about saying yeah. So that's something to consider. I'm not saying it's a deal breaker but I think Mr. Hokama's suggestions are with what else is out there potentially a good compromise at this point. Thank you.

CHAIR VICTORINO: And again I repeat that those three that you mentioned has specific language in the Charter who does appoint them and who does hiring and firing of them. So and I'm not even going to worry about that issue, Mr. Couch, because it is specifically put in Charter for Police, Fire Safety, and as well as the...those various commissions do the hiring and firing of those particular directors. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I got to say I agree with my fellow Members' comments thus far and I'm very open to this proposal but also the discussion in a different type of governance is on the table also. So what's in front of me as written for me I like the language and thank Mr. Hokama for bringing this back and that's it. Thank you.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Again, everything is a matter of timing and I think it's difficult for us to try to make a decision on this because we know that there is another proposal

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

---

out there which we have to deal with. And again it's looking at the two possibilities and saying well if that other one doesn't exist well then this may be a good alternative, and as Mr. Couch keeps mentioning a compromise. I do have some concerns. I like the idea of the vetting. I think it's great that we would have the opportunity to meet the candidates and, you know, question them, and talk about them. I'm not sure that approval is our role but I think definitely it would be nice if we could meet them and ask them questions. The public could see what's going on. And I think if that process were open to, you know, with the TV and everybody else watching I think we'd be a little careful about who we recommend. But I do like the idea of if I was Mayor I'd be wanting to hire my team. So I think that, you know, like I said it would be nice if we would be able to solve the other issue and then if it's a choice between that and this I vote for this. Thank you.

CHAIR VICTORINO: Okay. Thank you. And in closing, I'll say that I will defer this matter and looking forward to some suggestions again. You know you've all brought valid points. I tend to agree that we have other issues that are around us at this point in time and so that makes it very difficult. But also the fact is that, you know, we've been very proactive through the years in looking for different alternatives to make our government especially in the Administration side a lot more palatal [sic] and transparent to the public itself. Not that they haven't tried and not that they haven't done a good job. I really believe that overall this is why Maui County stands as a beacon in this State, we do things the right way. Financially and otherwise we do things the right way and I'll challenge anybody that tell me differently, any time any place. However, with that being said we need to vent a little more. In the near future we have...I think I have like another...how many, 10, 15 Charter amendments left that we need to bring forward or that Councilmembers and others have been throwing at us?

MS. WILLENBRINK: We think we have 13 altogether.

CHAIR VICTORINO: Thirteen. Thirteen, ladies and gentleman. And I'll tell you what if it took us this long to get through this much guess what's going to happen? I may have to look for a full day and have a day when we just sit here and vent everything. And, you know, so, you know, look forward to that because I'm going to look for a full day where we can go through the next 13 or so of amendments that are being proposed. Many of 'em which I don't agree with and I will do my utmost not to support it but others that I agree it. But that's not my place, it's your place. You, nine of us that make the decision. And Mr. Hokama has said that in the Budget Session many time. It's not my budget, it's our budget. Well this is not my Committee, it's our Committee so we need to work on all of this. So with no objections, I'm going to defer this matter. And this one I'm not going to bring immediately back to the next meeting. The last two I said I'd bring back. This one I will not. And I want more time to look into all the areas, yeah, and bring in the other 13 that we have to be working on in the next month, month and a half if we're going to put it on the Charter. Okay. So, with no objection, I'm going to defer this matter.



**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

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**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: MW)

**ACTION: DEFER pending further discussion.**

MS. WILLENBRINK: Chair?

CHAIR VICTORINO: Yes?

MS. WILLENBRINK: Before you adjourn the meeting may I just give the first and second reading dates so we know the timeline we have to work with to get this to the Clerk's Office.

CHAIR VICTORINO: Yeah, okay, you can give them the reading date so that they know the specific timeline that we're working on as far as Charter amendments and being placed on the General Election.

MS. WILLENBRINK: Thank you, Chair. I sat with the County Clerk and the Deputy County Clerk and they have a counting backward sequence to get to a certain date. So you're Charter amendments would have to pass first reading on July 15<sup>th</sup> and second reading on August 5<sup>th</sup>.

CHAIR VICTORINO: Okay. So now we know what the timeline is so anything that we're going to propose we'd have to get it out of this Committee and into the full Council by July 15 would be the first reading and then the second reading August, August 5<sup>th</sup> you said, yeah? You said August 5<sup>th</sup>? I'm sorry. You said it and I missed it.

MS. WILLENBRINK: Yes, Chair.

CHAIR VICTORINO: August 5<sup>th</sup>. Okay, I just wanted to make sure I was correct. And so we know we're gonna have some crunch time, and ladies and gentlemen, be prepared for a full day, if not more, as far as this Charter amendments are concerned with 13 on the docket and 3 still hanging in there. We've got a lot to work on. So if no objections, I will adjourn the meeting and thank you all for being here. Thank you, Staff. Thank you, Corporation Counsel. Everyone for being a part of this. I think we've had some very healthy discussion and look forward to more healthy discussion. This meeting of the Policy and Intergovernmental Affairs Committee will now adjourn. . . .(gavel). . .

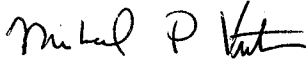
**ADJOURN: 11:55 a.m.**

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 23, 2016**

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APPROVED:



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MICHAEL P. VICTORINO, Chair  
Policy and Intergovernmental Affairs Committee

pia:min:160523:cs

Transcribed by: Cathy Simmons

**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE MINUTES**  
**Council of the County of Maui**

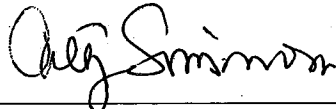
**May 23, 2016**

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**CERTIFICATE**

I, Cathy Simmons, 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 9<sup>th</sup> day of June 2016, in Wailuku, Hawaii.

A handwritten signature in cursive script, appearing to read "Cathy Simmons", written over a horizontal line.

Cathy Simmons