

The departmental budget decision making reconvened on May 14, 2012 at 9:15 a.m., and proceeded as follows:

Honorable Dickie Chang (*present 10:00 a.m.*)

Chair Furfaro: I am calling back from recess our budgetary reviews and accordingly we have four items to continue with on our wish list that we are going to start the discussion with this morning, if I can ask you to come up, Ernie. I also want to share with the members... remind everybody that Mr. Chang is running about thirty minutes late, he will be here shortly but also I wanted to take the time and remind everybody what is operationally on the wish list, we will act on and clean up going forward then we will go in and look at the CIP budget of which a couple items here did appear on as CIP items. Where we left off Ernie is on an item called Parks and Recreation Volunteer Appreciation Event and I am not sure who made that motion... okay, I would give you the floor Councilmember.

Ms. Nakamura: This was a request to... in discussion with Parks and Recreation because there are so many community volunteers who help to make improvements at our park, maintain our parks, the thought was to do some volunteer appreciation event similar to the RSVP event where volunteers are recognized and I think the volunteers in our community saves our County millions of dollars, so this is a token of appreciation and continue support for these types of activities. The number that we came up with... Lenny Rapozo came up with that number.

Chair Furfaro: Any more discussion on this item but I would like to have a second.

Ms. Yukimura: Seconded.

Mr. Kualif'i: I just have a quick question, do we know what the budget funding is for the appreciation for the seniors with Elderly Affairs?

Ms. Nakamura: Yes, we also tried to get that number and gave that number to Lenny, so he had something to compare with. I think it was in the fourteen thousand dollar range. And because it would not be at a hotel, it would be at a County facility, the number was reduced.

Mr. Rapozo: I definitely support the concept. I just wanted to make sure, like the RSVP there is some pretty stringent structure to that program as far as keeping track of hours and there is really awesome oversight in my opinion by the RSVP office that would be my only caveat would be that a similar structure be created so that we keep track of the volunteer hours and that the proper people get recognized and appreciated. Because there are so many volunteers on this island and the return on investment obviously is ridiculous, we could never get the things done without the volunteer effort both at RSVP as well as Parks. I will definitely support it but the only concern is that we create a structure, the Parks Department create a structure, copy what RSVP has – sign in sheets and so forth and there is some kind of structure but I will definitely support the effort.

Mr. Bynum: I definitely have support for this – just as history when I worked in the Mayor's Office, we worked on Adopt-a-Park kind of program, we funded it and part of that was this kind of recognition. Also for parks volunteers and part of it was also acknowledgment in the Parks like on the Parks signs like this is adopted by these folks, those things never happened even though we funded them. I am assuming that there is a commitment to actually do those if we give them the funding and I am totally in support of that.

Ms. Nakamura: One thing that Mr. Lenny Rapozo mentioned would be the concern of leaving anyone out and that is a concern but I think you need to start somewhere and get it going.

Chair Furfaro: So you are saying in his discussion he would build a volunteer list so that we are making sure we are inviting people that were actually were volunteers.

Ms. Nakamura: And working with the leaders those representatives for each of the groups to make sure that the list is complete.

Mr. Bynum: I would hope that that exist because there has been an Adopt-a-park program and somebody identified to coordinate it and part of it is making tools available and that kind of thing. I know in the park I volunteer in, we keep really accurate records of all the volunteer hours and who is involved and so I concur that with Mel's... but I would hope that it is already in place because we put it in place, we fund it and I have not followed up with what the current status but maybe we can do that in a Parks Committee going forward.

Mr. Rapozo: I know there are a few individuals on this island that spend a lot of time at County cemetery's and they do not do it for recognition, and I know they are not identified on any County list, it is just what they do. I just ran into one of them at Kekaha over the weekend and it was storming over Kekaha but he had come stopped at Menehune Food Mart and he has been doing it for... and this is Angie's brother and he does it. He does not just do one grave site, he does the entire cemetery and that is what he dedicated his life to nobody knows that... again I do not think he shows up on the list so the first priority would be to try to identify this list, like you said Mr. Bynum. We need to create this list because there are many non-organized volunteers I think we would like to capture like the gentleman that takes care... and there is many of those people. Maryann Kusaka is another one, former Mayor Maryann Kusaka spends a lot of time, her and her husband working on County parcels that do not show up on any list. I think the challenge is to... how do you capture this information? I have faith that it can be done and this is a very good start.

Ms. Yukimura: This is a good discussion and I am thinking that there is not the kind of infrastructure the Elderly has right now and that the first year of funding might be used to sort of do that setting up of infrastructure so that everybody can be included and then... so it may not result in an event even the first year but the second year, they will be ready to go. Something like that. I see RSVP programs, recognition days is fourteen thousand and then RSVP program is thirty-four thousand, I do not know if that is the infrastructure or how they manage it all. It is great that we have a template in another Department.

Chair Furfaro: I have to say that granted that this is funding for Parks and Recreation County cemetery's appreciation piece, this is not to be confused with Adopt-a-highway which is a State program and so forth but I would think if we are going to move forward with this our first year, we would probably want this to be twice the month that we put in here. That is my feeling. I would like to support it but I just think that RSVP is probably about fifteen and the kind of work that we have going on all over Kekaha to Hanalei to Lydgate; this might not be enough money if we want to do it.

Ms. Yukimura: I think you are right that when we do a final inventory of all the volunteers that there is in Parks and as Councilmember Rapozo has pointed out – cemetery's and who knows what else there might be, we might want to give a year for them to actually set up the program and make it clear that that money actually could be... I do not even know what it will take but to set it up and come back to us and say this is what we have. We do not know exactly what they will find out.

Chair Furfaro: I just wanted to throw that out.

Ms. Yukimura: I think you are right. I think they are going to come back and say we found this out and this is what we need in order to recognize people but until we know.

Mr. Bynum: There is a history here again, when we did this with Kaleo o Kaua'i this controversial thing that I thought was wonderful; I worked on it so I am bias. When we did a annual recognition and it was not just park volunteers, it was volunteers that worked on a variety of things, there were hundreds of people involved and hundreds of examples and it was structured and part of that effort turned into this Adopt-a-park concept. We had volunteers who would say I would volunteer more but do I have to bring my own rake, can I get a rake, can we get some tools and so the last time I checked there was that structure. Eddie Sorita is kind of focusing on it but it never reached the level that Kaleo did, the Mayor did not continue that program but I believe there is still elements intact so I am agreeing with all of this but I think for now, this is sufficient amount of funds to get on track because I think there are some other funds. I would have to research it but if it is not sufficient, we should come back and support those volunteers because it is amazing the... as Mel said the return on investment we get from volunteerism. There were other concerns for liability concerns and make sure that our volunteers are safe when they volunteer in our parks.

The motion to set up a Volunteer Appreciation Event in the amount of ten thousand dollars was then put, and unanimously carried

Chair Furfaro: Next item is the CEDS, "k", "p", "a", "a", line item for twenty thousand.

Ms. Yukimura: This is actually part of the Keiki to Career Program that we funded in another part under this CEDS or County Economic Development Strategy and this part is for the facilitation of the meetings that will be needed. This is part of that really important County leadership element for developing a system that supports our young people from cradle to grave essentially. Actually cradle to career.

Mr. Bynum: Seconded.

Chair Furfaro: Any discussion on this item. Roll call will not be necessary on this item.

The motion to for Keiki to Career Program was then put, and unanimously carried.

Ms. Yukimura: The last one is...

Chair Furfaro: "K", "E", "D", "B".

Ms. Yukimura: That is also for the facilitation of KEDB's programs that they are going to be doing for the County to implement the Comprehensive Economic Development Strategy.

Mr. Rapozo: Seconded.

Chair Furfaro: Discussion members?

Mr. Bynum: I am in support of the CEDS efforts and appreciate the leadership that has come from several Councilmembers, primarily Councilmember Nakamura because this is targeted investment for Economic Development. It is not a commitment for ongoing operational funds. It is about trying to structure and do what we all have said is important diversifying our economy and identifying industries for the public. We have talked about that for years but now we are actually putting some resources behind it and so I am very much in support of this.

Chair Furfaro: Further discussion, members? We will go ahead with an overall call out.

The motion to support the KEDB programs was then put, and unanimously carried.

Chair Furfaro: The last item dealing with operating at this point is the twenty thousand for the Planning Department to support other services and that was made by Councilmember Nakamura.

Ms. Nakamura: This is for the Planning Department; there is a line item under other services. It covers contested case hearings, transcripts, hearing officer, mediation services as it relates to the work of the Planning Commission. Originally, there was a request for something... fifty something thousand and it got reduced to twenty-one thousand. There is a difference of thirty-nine and I just wanted to give them a little more resources in order to do their work that would mean adding additional twenty thousand dollars just so they have the capacity to conduct their work.

Chair Furfaro: What line item is that on?

Ms. Nakamura: This is under "other services" on page sixty-nine.

Mr. Rapozo: Seconded.

Chair Furfaro: Discussion?

Mr. Rapozo: I believe some of the discussion when we had the Planning Department here was that they had felt that the contested case hearings were kind of on the down swing that there was not going to be a real need to have as much money but we just approved another twenty-five thousand dollars or twenty thousand, I guess it was.

Ms. Nakamura: Twenty-five.

Mr. Rapozo: Twenty-five thousand for investigations on the TVR, I would anticipate a few more contested case hearings as we move forward. Those are not cheap but it is the necessary evil that we have to deal with so I am going to support it. It is restricted funds although we know it can be moved but I would again, I support it for that intent that it is used specifically for what is stated in that line item in the text column. I will be supporting that as well.

Ms. Yukimura: I will be supporting this too because I do believe that contested cases may be coming up this year but also because it allows for facilitation and my experience with the transient vacation rental bill was that... and we had a facilitation using Elizabeth Kent and her assistant. It was extremely valuable in actually develop problem solving and policy building and developing a proposal for a bill or for a law. I think actually we have to move more and more into that arena that Planning is a lot about facilitating, diverse and often polarized interest in coming up to a common ground of solution. I am in favor of adding capacity in this area.

Chair Furfaro: Any further discussion?

The motion to support “other services” in the Planning Department was then put, and unanimously carried.

Chair Furfaro: Now, ladies and gentlemen, Mr. Bynum wanted to have a few minutes because during this process he indicated that there were two items that he had discussed on this wish list that did not get in. I am going to go back to that and that is it folks, we cannot go through the rest of the agendas and not realize what we are sharing.

Mr. Bynum: Just to clarify, one of these I am certain I discussed during that discussion and the other one, I do not recall if I did or not but it is something I would like to address at this time because...

Chair Furfaro: But you do understand what I am saying. We got to move forward, so this is the time.

Mr. Bynum: The first one that I know I discussed during this discussion was in the Public Works repair and maintenance budget is a line item every year for fencing materials and this year it was cut fifteen thousand and in my discussions with them, most of this are done in house. Our guys repair the fencing and this is primarily for materials and I would hate to see us get behind on keeping up those park facilities that require fencing repairs. Cars run into them and that kind of thing happen and so that one item is the fifteen thousand for fencing, that was in the...on the list for Building Division.

Chair Furfaro: Do we have a line item for new fencing in the CIP budget? Make sure we are not duplicating something here. It would be in the Parks section.

Mr. Rapozo: Mr. Chair.

Chair Furfaro: Because if it is new fencing, it is a new item not a repair and maintenance.

Mr. Rapozo: Mr. Bynum mentioned Buildings Division.

Mr. Bynum: They run the repair and maintenance under Bryan Inouye.

Mr. Rapozo: They do the fencing, not Parks?

Mr. Bynum: They do the fencing is my understanding.

Mr. Rapozo: I was under the impression that Parks does that.

Mr. Bynum: You can look in the budget and you will see there is this list of R&M items that got zero out but the item is still there, it just does not have an amount. It is the true of the KPD building as well.

Chair Furfaro: Wally.

Mr. Rezendes: I believe what Councilmember Bynum is referring to is the R&M budget within the Building Division of Public Works.

Chair Furfaro: Not Parks.

Mr. Rezendes: More than likely if it is in the Building Division of Public Works, it is relative to a Public Works management property. Usually if it is in Parks, Parks does their own or contracts out fencing on their own for various parks across the island.

Mr. Rapozo: You are probably not the right person to ask, I guess it would be Doug but what was the reason it was removed, was it because they do not foresee any projects or was it to remove to balance the budget?

Mr. Rezendes: They have a laundry list of projects that is prioritized every year and we get to a certain sum and part of the reason we go to a certain sum of the projects is past performance when in the past I recall funding numerous projects within the Building Division and they get to fifty, sixty percent of them. This is a small amount relatively simple to bid out, so it is...

Mr. Rapozo: Wally, we get plenty small amounts.

Mr. Rezendes: I know.

Mr. Rapozo: And I want to make sure that it is something that they can do. What does that line item look like over the last five years, have they touched it at all?

Mr. Rezendes: The R&M account? They do touch it every year. They do repair and maintenance projects every year, some are more complicate than others some are formal bid reconstruction or reroof say of a large facility kind of project. This one is a small amount.

Mr. Rapozo: More specific to fencing and maybe Mr. Bynum knows, do you have any plans for some fencing projects this year?

Mr. Bynum: I think my understanding of this I have been following is that fencing stuff happens all the time.

Mr. Rapozo: Okay.

Mr. Bynum: Up in Homesteads, everybody who lives in Homesteads, cars run into the park fence once every two years and it is like forty feet.

Mr. Rapozo: Okay, got it.

Mr. Bynum: And they need the materials to do it.

Mr. Rapozo: I got it, thank you.

Mr. Bynum: And if I may make just one other comment, this is not a criticism of the Administration at all because what Wally just said was accurate. They are tasked with saying what are your R&M things, I am not objecting that a lot of those were cut because that is just... that is a normal budget thing. There were two items that I thought we should look at – one was fencing materials, it was small and the other was the KPD roof that we dealt with last week. This is not a big deal but I do not want to come across that I am saying, you guys cut all the R&M, you do that normally, that is part of prioritizing available resources.

Chair Furfaro: I am just going to move on here because we are spending time on items... remember we still have to write provisos tomorrow. Page 161 is blank on R&M for

Chair Furfaro: Further discussion, members? Where we are at right now is we do not have clarity from IT as I was instructed, so I do not have a problem putting this fifteen thousand in. I would hope Mr. Bynum would get together with IT and write a more specific summary for us and also identify what the appropriate protocol is for who would actually get the wider screens.

Mr. Bynum: The response I got from IT was put it in the budget and staff did some research about the cost of those and so I would be looking to our Clerk and our Deputy Clerk to determine specifically but I know two or three people that would benefit... it is important to give, like I said people that spend all day staring at a computer screen are working with these things having a high resolution monitor, it increases productivity and also just with worker safety issues are logged at some level too and then identify where those needs are the greatest.

Chair Furfaro: I would like to call for a vote on this.

The motion to support fifteen thousand dollars for Council Services Office was then put, and unanimously carried.

Chair Furfaro: That is the close of this for now, members, what I would like to do is give ourselves ten minutes, no more than ten minutes to get us caught up on what started at one million, three, sixty-five... I think it is down somewhere, Dickie will be happy to hear this, somewhere in the four hundred thousand dollar range. It is about one, third of what it started with. We are going to take a ten minute recess to give the staff some time to give us a much firmer number.

There being no objections, the Council recessed at 10:00 a.m.

The Council reconvened at 10:03 a.m., and proceeded as follows:

Chair Furfaro: We are back in session and we have a couple Personnel items to revisit on the list and for all of your information for those of you keeping plus and minus here, of the million, three that I spoke about we added plus eight hundred, four thousand, zero, fifty-four. We are going to be going into the CIP next but in the CIP we took out net one hundred, forty-seven, five hundred for the plus's on the wish list to date of six, fifty-six... "five," "five," "four". Now, we have some unfinished business before we move into the rest of the CIP and they deal with an item that was presented by Mr. Rapozo and that item and I am going to give you the floor in a minute but I want to go over those three items. That would be the legal advisor that you proposed for the Police Department, some discussion on the Engineering Aid that should have been removed and then the law office assistant, it looks like our pieces were crossing over and remember we are going to go back and revisit Engineering, the Police Department and so forth but quite frankly what crosses over on the law office assistant on March 14, we had approved that position five to two. It went in the current budget, they hired for that position, so I will be getting to a point where I am going to ask for a reconsideration on that vote and when we get to the Prosecutor's Office, we can have further discussion but it looks like on the 14 we send it over the add and on the 15 the Mayor's Office sent over that it was still a new position. There were I guess I cannot make that motion but maybe who voted to remove with me at that time would have been Mr. Chang, if you would like to make a motion to reconsider the...

Mr. Chang: Chair, thank you. My understanding is that we did hire a warm body that is already in place and I actually questioned this because I thought back then it was actually a typo, so I would like to make a motion to reconsider my vote because we do actually have a warm body in place. This position was approved as you mentioned and I am not sure if my dates are wrong but I think the body actually was there since April?

Chair Furfaro: The vacancy was filled in April and I will second the motion for reconsideration.

Mr. Rapozo: Second.

Chair Furfaro: I can second, I checked. I was looking at the votes but you were not present or were you?

Mr. Rapozo: I was not present but the motion to reconsider requires just the willing party to make the motion but I believe anyone can make the second.

Chair Furfaro: Oh, I did not understand it that way so then I will take your second. I thought it had to be somebody who voted accordingly. Again, I have the backup and again as I said we will be visiting the Departments but on March 14, we did vote five to two to fill that position. I am going to call for a vote on the reconsideration.

The motion for reconsideration of the law clerk was then put, and unanimously carried.

Chair Furfaro: I guess we need a vote that we are reconsidering the removal, we need to vote on the actual activity.

Ms. Yukimura: I have a question first of the Administration, is it true that there is a warm body there?

Mr. Barreira: I did not seek confirmation, I can do so if that is the Council's request.

Ms. Yukimura: Yes, I would like that since that has been given as the rationale.

Chair Furfaro: I have confirmation, I called. I called the Prosecutor's Office.

Ms. Yukimura: Can you check... (inaudible)

There being no objections, the Council recessed at 10:16 a.m.

The Council reconvened at 10:18 a.m., and proceeded as follows:

Chair Furfaro: We are back in session and can I get a confirmation that reconfirms what I found out?

Mr. Barreira: Yes, Chair, the position has been hired.

Chair Furfaro: So, the information that I brought to the table is correct?

Mr. Barreira: It is accurate.

Chair Furfaro: And that will do on that one because reality is the reconsideration did not remove it, so it is there and then when we get into discussions about these other Departments that will be fine.

Ms. Yukimura: Mr. Chair procedurally I think the vote was to remove it so we now need to vote on it if we are reconsidering it.

Chair Furfaro: I just talked to the staff and the reconsideration was okay... it is different information than I got from the Clerk but can I get a motion to reinstate it? Can I get a motion from somebody?

Mr. Rapozo: So moved.

Mr. Kualii: Seconded.

Chair Furfaro: All those in favor for reinstating the position that was...

Mr. Bynum: ...

Chair Furfaro: I want to make sure everybody understands that the position was believed at the time to have been a new position, unfilled and the reality of tracing everything, we had taken action in March and that position was filled in April. It was not reflected accordingly as a vacancy in the May 8 presentation, it was incorrect, that vacancy did not exist. When we go into the Department's we will have an opportunity to review all positions, the exercises we were going through were about new positions. We have a motion and a seconded although the Clerk indicated to me we did not have to do this, we are going to do it and Mr. Bynum has the floor.

Mr. Bynum: I will save my comments when we get to the departmental.

Mr. Rapozo: I just want to make sure we... and I understand what you are trying to do but this position on the sheet that was voted on was not a new position.

Chair Furfaro: Understood and I think you understand what I am saying, it was on the list as a new position. The reality is we approved it on the 14 and the position was filled in April and I just asked for a motion to reconsider that position existed, now I am not going to recognize anybody else, I want to move on... you just gave me your answer Mr. Bynum, that you were going to wait until we get to the department.

Mr. Bynum: But a different topic came up.

Mr. Rapozo: I just want to say and this is just procedurally the motion on the floor was to remove, so that motion was reconsidered so we are back to that motion, so that motion is actually to remove, it is not to replace. It should be to remove. That is my only comment.

Mr. Kualii: I remove my seconded. I make a new motion...

Ms. Yukimura: It is there already.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: I think Wally, did the County Council create any new positions since the last budget other than this budget?

Mr. Rezentes: I believe this is the only position that was approved in the course of the fiscal year.

Mr. Bynum: So in...

Mr. Rezendes: Other than the budget ordinance.

Mr. Bynum: In my mind it showed up on the list because it is a new position that was not there in the last budget, correct?

Mr. Rezendes: Again, I am sorry Councilmember Bynum, I am not sure what document you are referring to but when I look at page twenty-five of the Prosecutor's budget, we indicate there on the bottom that with a double asterisk that the council approved the position in communication 2012-76 in fiscal year 12. I think in the budget ordinance we identified correctly.

Mr. Bynum: In the May submittal.

Mr. Rezendes: It could have not been in the March because it was not approved till April.

Chair Furfaro: It was not approved till April. That is the end of the conversation. I'm going to call for the vote because we're going to revisit this department. Motion and second. All those in favor, please signify by saying aye?

Mr. Bynum: What are we voting on?

Ms. Yukimura: Motion to remove.

Chair Furfaro: Okay, the motion is to remove. Does the staff understand nobody voted on that to remove?

Mr. Watanabe: Chair?

Chair Furfaro: Yes, to the clerk I recognize.

Mr. Watanabe: Given council rules, silent vote when all members are present at the meeting, silent vote means it goes with the motion. However, you should ask for any no's?

Chair Furfaro: Are there any no's?

Councilmembers: No.

Chair Furfaro: Let's go forward here and talk about the engineering aide, was it, in fact, removed bit administration?

Mr. Barreira: Yes, Council. We do not wish it be included in the May submission and it was.

Chair Furfaro: And it was?

Mr. Barreira: Yes. Our worksheet did not reflect it, but I think the confusion it was in the March incorrectly and it got populated by staff in the May.

Chair Furfaro: Will the clerk please come up and speak to all of us if there is still confusion. Come up to the mic, Ricky. I want everybody's attention when we're talking about staff positions that we're on to another Engineering Aide position in the discussion.

Mr. Watanabe: Vice Chair asked me for some clarification.

Chair Furfaro: Clarify it for the public as well what we just did.

Mr. Watanabe: Vice Chair, if you could repeat the question.

Ms. Yukimura: I thought I didn't want to bother everybody.

Chair Furfaro: We were onto engineering.

Ms. Yukimura: Thank you, I am sorry. I had asked if there were no votes, then are the silent votes? Are they yay or nay? And you want to give your answer, Rick?

Mr. Watanabe: The silent vote would go with the majority of the motion.

Ms. Yukimura: It would go with the majority? I mean I heard three nos.

Mr. Watanabe: I'm not sure what the final tally was on the votes.

Chair Furfaro: Explain to everybody and I will do a roll call vote here, okay?
We'll do a roll call vote. Rick, explain it to the members?

Mr. Watanabe: Wait, let me get the rules.

Chair Furfaro: Don't leave your chairs. Three-minute recess.

There being no objections, the Council recessed at 10:40 a.m.

The Council reconvened at 10:48 a.m., and proceeded as follows:

Chair Furfaro: Rick, the motion on the floor was to keep the person that has recently been hired in the budget, right?

Mr. Watanabe: Correct. According to the rules, Silent vote – unless the member is absent from voting the member's silence shall be recorded as an affirmative vote fort motion and record in the journal or reported to the presiding officer, who shall announce the result to the council or commitment. In this case what happened was there was a motion and a second made to leave the position in the budget. Or to remove the position from the budget and the motion on the vote, all those in favor of removing the position, was 0.

Chair Furfaro: Mr. Rapozo state your motion again very clearly for everyone.

Mr. Rapozo: The motion is not my motion. It was the motion on the floor on the day the vote was taken, which was to remove. That is what is on the table and the silent vote would count towards the motion. So it would be to remove. Mr. Chair, I would ask for a roll call vote.

The motion to remove the position was then put, and carried by the following vote:

FOR REMOVAL: None	TOTAL – 0,
AGAINST REMOVAL: Chang, Kualii, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 6,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: Bynum	TOTAL – 1.

Chair Furfaro: Gentlemen from the Administration, can we come back up to talk about the Engineering Aide and Ernie if you could you make it as clear as a bell for us. Make my head ring. What are we doing with the Engineering Aide?

Mr. Barreira: The Engineering Aide was not included in the May submittal and Council staff with all good intentions thought we forget it because it was in the March submittal. It was in the worksheets that you were working off, but never included in our May submittal.

Chair Furfaro: So what was our action to that point? It was to include it; right? So you are asking us to not remove it?

Mr. Barreira: Yes. From your worksheet.

Chair Furfaro: Everybody is clear?

Mr. Rapozo: Clear.

Ms. Nakamura moved to remove Engineering Aide position, seconded by Mr. Rapozo.

Mr. Bynum: So this is the fourth one on our list called Engineering Aide 1. Okay, that answers, thank you.

Chair Furfaro: Could you restate the motion, please, Councilmember Nakamura?

Ms. Nakamura: Yes, the motion is to remove Engineering Aide 1 from the budget.

The motion to remove Engineering Aide 1 from the budget was then put, and unanimously carried.

Chair Furfaro: Now we are in a discussion about the Law Assistant for the Police Department. And I am going to make note that that was a suggestion from Mr. Rapozo, if I am correct?

Mr. Rapozo: That is correct.

Chair Furfaro: On the Legal Advisor. So I would like to give you a few minutes to revisit that discussion before I ask for a motion.

Mr. Rapozo: Thank you. I had asked Ricky to redefine or restate the responsibilities of this position because there was the perception that this position would be in conflict with the County Attorney's role as Chief Legal Advisor of all departments. So the attempt is to reclassify this as a Senior Police Legal analyst and that person would in no way, shape or form be in a position to offer any type of legal opinions to the Kaua'i Police Department. In fact, this position would be acting as a liaison between the various agencies that the Police Department deals with. More specifically, the attempt here is to provide a resource to the Police Chief, two things – number one is to focus on accreditation, as I discussed at last week's meeting. They have over the years and we have seen it back when Assistant Chief Clay Arnaga was here. They keep putting police officers in the role of accreditations officers and those people keep rotating out and go to another department and get remoted and so forth. This would bring in continuity to the effort and be in the capacity of a legal analyst. And also to bring the department up to speed in conjunction with the accreditation effort to bring the Police Department up to speed with their outdated policies, procedures. They have and I do not have the number with me, but it is hundreds and hundreds of polices/procedures that

require updating and it needs to be done in a legal fashion. The attempt here is to provide that much like we have access to two legal analysts here at Council Services. They do not replace the County Attorney. They do not provide us with legal opinions, but what they do is keep us on track as we create legislation or as we start to work on projects going forward. And in our little office here we have two legal analysts. Again, they do not circumvent the office of the County Attorney. They simply provide us the legal advice that we need as we move forward on our day. So I think that the Kaua'i Police Department should be entitled to that similar type of assistance. That is why I have asked Ricky to restate it for it to be more in line with what our legal analyst provides this department. That we would offer that same type of assistance to the Police Department in this very important time. As we have seen in recent years lawsuits and some of the things that have occurred. Obviously the shootings and things that we're not really present in the years past, but as the Chief is trying to achieve accreditation and update the department, I think this is a very wise investment for the Chief to be able to appoint a legal analyst and the by product of this would be accreditation. So I am hoping for the support and not sure if the Police Chief is available to answer questions, if anybody has. I did have discussions with him and he is very supportive of the position as far as a senior legal police analyst. I would ask your favorable support and make that motion to include the senior police legal analyst and again Ricky will have the information for anyone who wants to see it.

Mr. Rapozo moved to include the Senior Police Legal Analyst in the budget, seconded by Mr. Kualii.

Ms. Yukimura: This would be a person that is part of the bar and an Attorney?

Mr. Rapozo: May I? Yes, the requirements would be obviously a legal person, an attorney, licensed to practice law in Hawai'i, with the necessary background in law enforcement.

Ms. Yukimura: And my understanding was that we had provided an attorney through the County Attorney's Office and that he has been working on accreditation and attending meetings and doing all of that already. So it seems like there is an ongoing support in that area.

Mr. Rapozo: I guess I would ask you Councilmember Yukimura would you feel comfortable with the County Attorney appointing our legal analyst? That is the best way I can respond to it.

Ms. Yukimura: So the Chief is not present with the current County Attorney providing?

Mr. Rapozo: He is not comfortable because of the lack of experience in law enforcement. You know, it is a different animal. It is not general law. It is specific law and the Chief wants an opportunity to appoint someone that has the abilities and the training and the experience in law enforcement.

Ms. Yukimura: What is this additional information that Rick has that we should see?

Mr. Rapozo: A redescription of what was originally presented to you?

Ms. Yukimura: Can we see that?

Mr. Rapozo: I am not sure if Ricky is done. He is almost done. In Oahu, the senior legal advisor actually acts in the capacity of an advisor and actually represents the Chief of Police in certain hearings. I have asked Ricky to remove all of that, so there is no conflict with the

County Attorney's Office and the county attorney will, in fact, be the sole representative of the Kaua'i Police Department. However, the Chief would have an opportunity, like we do. We appoint our own legal advisors, people we feel are best fit for what we do, he wants that similar type of support, and as a former member of Kaua'i Police Department, I believe it is very important. And I think accreditation should be the priority at this point. Based on what we have seen in, again, in officer-involved incidents that I think needs to be clarified through an update of all the polices and procedures.

Ms. Yukimura: There is a difference though, and that is that we're a legislative body and there is an administrative body and I know we have this ongoing question about what the powers of the Mayor are vis-a-vis the Chief and the Police Commission but they still are all in the Administrative branch. That is a really big difference. We have our own procurement officer for the whole administration. So in that respect, the Police Department is not in the same category structurally as the Council is.

Mr. Rapozo: I agree. I'm just trying to provide the resources to get the accreditation as soon as possible. It has not happened and we have talked about it and the big problem is that has been no do you continuity on the effort. I have talk to the officers who have been assigned to accreditation, but every single one of them has some other job and when they have time they work on accreditation. The effort with the Deputy County Attorney now was supposed to be a priority it has not been. That was manipulated out of department and replaced way Deputy County Attorney and this is. I am note arguing with that. If the Deputy Chief County Attorney remains, that is fine. This is an additional position to assist the Chief, must like we do in much of these new positions. This is an opportunity for the Chief to be able to appoint someone to help him reach accreditation.

Chair Furfaro: Hold on members, who had the floor?

Ms. Yukimura: I did, he was asking the question of the maker?

Chair Furfaro: And he answered the question. You still have the floor.

Ms. Yukimura: So what we are looking at is that the Police Department is going to have an advisor from the County Attorney's Office assigned and is going to have a legal analyst position as well. And where does the line drawn between the work that they do? So that the senior legal analyst does not provide advice to the police, but the County Attorney does? I am just not clear about the lines.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Go ahead.

Mr. Rapozo: The charter draws the line, the same way the charter draws the line for this department, we cannot ask our legal analyst for an opinion. We cannot ask our legal analyst to do the County Attorney's work. The charter draws the line. It is perfectly clear and, in fact if you read the Honolulu description, it talks about the legal advisor and again, we are changing it to "legal analyst." But the legal advisor act as the liaison with the County Attorney's office in the request for opinions and so forth. It is still the function of the County Attorney. That is what Honolulu does and again, we are changing it up a little, because I, too, am concerned about that possible cross. We are going to remove any reference to the legal advising as it relates to law. But give the Chief the resources that he needs, so we can go ahead and achieve accreditation, which I think is sorely needed in this County.

Ms. Yukimura: So one other question is what exactly is meant by “law enforcement experience?” Are you meaning that this person will have had to have been a police officer? What if they were a public defender or Prosecuting Attorney?

Mr. Rapozo: That is going to be up to the Chief. It is his call who he wants to appoint. Much like how we operate. We operate with people with legislative assistance. Does it mean they have to be a Councilmember or Legislator at the state? That is up to the appointing body.

Ms. Yukimura: Chair, I want to ask a further follow-up question.

Chair Furfaro: Go ahead.

Ms. Yukimura: It is a distinction you have made between this position and the County Attorney position that they would have law enforcement experience. So I am just wondering what is how do you measure that? I mean the present County Attorney and maybe even Deputy County Attorney assigned was a Prosecuting Attorney and maybe even a criminal defense attorney.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Go ahead.

Mr. Rapozo: If you read the minimum qualifications, which would not change as far as the job description, except for an amendment that... and it is not even an amendment because it is not our description. It is a combination of education and experience, substantially equivalent to grocery from an accredited college or law and five years of experience as a practicing attorney in criminal law. That is how the description will be made. It could be a public defender, it could be a prosecutor, however that five years of experience. Again, that is up to the Chief. He is at the appointing authority and I would leave that up to the Chief's discretion?

Chair Furfaro: Vice Chair, would you yield the floor for Mr. Bynum?

Ms. Yukimura: Yes.

Chair Furfaro: Mr. Bynum, you have the floor.

Mr. Bynum: I think this is an important discussion to have but it happens in the context of budget. Mr. Rapozo says the County Clerk is working the description now and we are working on creating a position that I do not believe has ever existed in the County of Kaua'i and Mr. Rapozo spoke about it being manipulated. That is not my memory of what came down a few years ago, if he is referring to the same thing. This will take me a few minutes, to be able to vote and speak the truth of what is happening in the County right now. A few years-ago ago, this is my memory and it's on the public record. That there was would be a position in the County Attorney's Office assigned to the Police Department. At the time I spoke with the Chief who said I might prefer to have it in the department. When that vote came, that is not what came and nobody made a motion to change it. What came is that we are going to approve this Attorney. That person is going to be assigned to the Police Department and will be physically housed at the Police Department. All of that happened and that attorney is at the Police Department now they are working on accreditation now. The Chief's email says, “if the County Attorney decided to pull that person.” Well that has not happened. But besides all of that, I think the arguments that Mel is making are worthy of our discussion, but it should not happen now in budget in a truncated form. I will have questions of the County Attorney about creating this position and I will want a lot of discussion and clarity about the job description to make sure that it is consistent with the charter and not having the County Clerk

lining it out as we speak, as I am speaking right now. And then this happens in context. And this is the bottom line was everything was fine a few months ago, and then the Mayor and the Chief got into a dispute about who had authority to hire and fire and to make personnel moves. My position about that is that the Council should not inject themselves into that discussion and I have tried not to do that. But we have seen opinions that were written by the county attorney, which are the source of the controversial right now. People who do not accept those opinions, and now I have a long history on this council saying let us release these opinions to the public so that they know what we are talking about. That one has not been released yet, but it is in the context that this discussion is happening. What I did support as a Councilmember along with my colleagues was funds for Special Counsel for the Planning Commission to take this question before the courts.

Mr. Rapozo: I'm just saying we have drifted.
Mr. Chair, point of order? I have the right to make a point.

Chair Furfaro: Rapozo?
He is calling for a point. He gets the floor. Point of order, Mr.

Mr. Rapozo: The discussion is on a position and now we are in a Police Commission/Police Chief and that is not the discussion and if the record will show clearly that this request from mine did not start a few months ago. As long as I have been on this Council I have been advocating for this Council and to say it was caused because of the recent.

Mr. Bynum: Can we stick with the point of order.

Mr. Rapozo: I am making my point that, in fact, we have drifted and I would like to get back to the merits of the position and if Mr. Bynum does not want to support it, he can simply vote no. Let me make another point, well that is not appropriate further point. That is my point of order.

Chair Furfaro: I am going to take a short recess on the point of order.

There being no objections, the Council recessed at 10:51 a.m.

The Council reconvened at 10:56 a.m., and proceeded as follows:

Chair Furfaro: We are back from that recess and I want to ask all the members to know that how to this budget process what we should be talking about is the tangible benefits of the potential of this new position. What value the new position brings to us, brings to KPD in particular and what kind of functional issues surface with this new position? We should steer away from arguments that deal with past perception of issues that the Council really should not be involved in between the Police Commission, the Mayor and the County Attorney. So I would like us to stay in the frame of talking about tangible measurements and the benefits of this position going forward. If somebody brings up comments that were brought up in the email that you have gotten that references past problems from the Chief, that would probably be irregular, too. So that is my decision. Mr. Bynum, you have the floor.

Mr. Bynum: I do not think I understand your decision.

Chair Furfaro: Stay back from going back to issues that deal with past practices and so forth and focus on the tangible benefits of this position going forward and if you cannot, I suggest you vote the way you feel you want to go. Okay, we are going to go on a recess here because I am making a judgment and I want to get further clarifications on the role of the Chair, not what I just stated, the role of the Chair.

There being no objections, the Council recessed at 11:04 a.m.

The Council reconvened at 11:21 a.m., and proceeded as follows:

Chair Furfaro: We are back from recess. Again, a point of order was called. I made my interpretation about discussing this on what could be perceived as the tangible benefits of having a legal advisor in the Police Department as a new position. That it is for the benefit of KPD going forward on finance functional issues and it is a key part of accreditation, all of those particular pieces are in the discussions. I made a ruling that was the point of order of the Chair and I would like to ask Peter Morimoto to come up, and I would like to reference particular rules.

PETER MORIMOTO: Good morning, Councilmembers, Peter Morimoto, analyst for the Council. The rule that the Chair was six "J" Point of order a point of order may be raised at any point other than the call of the roll when the ayes and nos are called for. When any member things that the rules are violated thereby calling upon the vary and such callings shall be decided by the chair without debate, subject to an appeal by the council. In addition, the Chair may call for the sense of body on any question of order. Whenever any person is called to order while speaking that person shall be in possession of floor after the question of order is decided an may proceed with the matter under discussion within the ruling made on the question of order.

Chair Furfaro: Thank you. Peter, also, as it relates to calling a recess. Those are the privilege of chair at any time?

Mr. Morimoto: That is correct.

Chair Furfaro: If I would like to ask member if they would like to debate the decision I made, to get a sense of the interpretation I made on the order of the body, it would be entertained at this time?

Mr. Morimoto: That is correct. Although generally speaking there is no debate. The ruling that you make is subject to an appeal to the members, but there is generally no discussion.

Chair Furfaro: I used the wrong terminology, there would be no debate, but there could be a call for an affirmation of my interpretation?

Mr. Morimoto: I guess that would be one way of putting it, yes.

Chair Furfaro: So I would like to go there at this point.

Ms. Yukimura: Question?

Chair Furfaro: Could you instruct me how the measure should be made? Should it be made by Mr. Bynum? By Mr. Rapozo? To have a sense of the body?

Mr. Morimoto: Depending upon your ruling the party against whom the ruling is made can make the appeal to the body.

Chair Furfaro: So that would be Mr. Bynum in this interpretation?

Mr. Morimoto: Pardon my ignorance.

Chair Furfaro: You were not.

Mr. Morimoto: I was not watching the proceedings.

Chair Furfaro: So I could recognize Mr. Bynum, if he wants to have a vote for the sense of the body?

Mr. Morimoto: That is correct.

Chair Furfaro: Okay. Mr. Bynum, do you wish to call for a vote?

Mr. Bynum: I do I have the floor?

Chair Furfaro: I gave you the floor, Vice Chair, please let me get the order of sequence here together. The first thing I have done is that I have asked one of our legal personnel to give us the rule.

Ms. Yukimura: I have a question about his advice to us.

Chair Furfaro: Let me find out what Mr. Bynum wants to do first. Mr. Bynum.

Mr. Bynum: Chair, at this point I am just trying to understand your ruling, so I can determine if I want to challenge it or not. To me, I am just trying to put my vote on this issue in context and explain my reasoning. You know, Mr. Rapozo made a point of order and he said why he did it. I was not able to respond to that. And I just want to understand.

Chair Furfaro: You were not able to respond, because when a member calls for a point of order, it is my jurisdiction to ask to either acknowledge that, get an interpretation on the order, which I did and now I have one of our legal analysts confirming that. Now I am talking again and I will say it, going forward on the merits of the item that are on the discussion is about the tangible benefits that could be made available going forward with this position, its support of KPD, its accreditation benefits. This is not about bringing up the history of what transpired between the Mayor and the Police Commission and the Police Chief and so forth. That is my ruling. Would you like to ask to survey the sense of the body?

Mr. Bynum: I am at a loss. I just want to complete the statement he was trying to make. I am not going to intentionally not follow your ruling, but I am just not clear what that ruling is. If the ruling is that you cansay this and not that, I guess I need more clarity what I cannot say, what I am not allowed to say in the public quorum.

Ms. Yukimura: Mr. Chair, my question will help?

Chair Furfaro: I did not recognize you?

Ms. Yukimura: I know.

Chair Furfaro: I did not recognize you. That is a rule. Mr. Bynum, I will respond. I do not want this body to bring up issues that have past transpired between the Police Commission, the Mayor and the Police Chief and so forth. I want to discussion the merits of the position, what was given to us as a job description, whether I believe it is premature or so forth. I do not that I do not want to talk about the challenges between the Mayor, the Police Commission and

the Police Chief. I want to talk about the merits and the tangible benefits of the position that is being posed.

Mr. Bynum: Then I will attempt to complete my statement within the bonds of your ruling and if I stray, I would encourage you to interrupt me, which I would rarely encourage someone to interrupt me.

Chair Furfaro: I have been known to interrupt members when I think they have gone outside of the bounds. I will give you the floor back when that time comes. Vice Chair Yukimura?

Ms. Yukimura: I have a question for the attorney. Is it not the point of order appropriate when there is a breach of rules?

Mr. Morimoto: That is correct.

Ms. Yukimura: And so doesn't the person making the point of order have to state the rule that is being breached?

Mr. Morimoto: Yes.

Ms. Yukimura: So what is not clear to me is what rule was being breached.

Mr. Morimoto: Again, I apologize, I was not paying attention.

Chair Furfaro: I will answer your question by going into another recess. Let us make it 15 minutes and let us plan to make it a very late-night tonight.

There being no objections, the Council recessed at 12:16 p.m.

The Council reconvened at 12:10 p.m., and proceeded as follows:

Chair Furfaro: I think when we left we summarized my ruling and we referenced our own rules and the right from a member to survey the Council, if need be. But I also understood from Mr. Bynum he wanted to finish his piece as a long as he stayed within that guideline, I would be fine with that. So you have the floor.

Mr. Bynum: Thank you, sir. All I was trying to say is that - well, first of all, decisions that we make here have implications in other departments and other places. But all I was saying that this is... I could see where I could support this proposal, but I do not think we should make this kind of fundamental decision that has implications with other departments, and in the current context, I would like to see this be a money bill, that I can make sure that the job description is consistent with the charter. Where we can ask those questions back and forth. I would want to put some questions in writing to the county attorney and get an opinion that the council could share. And this could all happen as soon as some member wants to introduce it. I am just not prepared to vote on this particular one because of the complexities right now in budget. But I could see me, after I have all of the questions answered and I understand it fully, voting to support this in the very near future, depending on the outcome of those questions. I just do not think we have time to give this ample consideration right now.

Mr. Chang: Chair, I was going ask, I just noticed that the Chief... is it appropriate to see if we can ask him questions?

Chair Furfaro: I would not have a problem asking the Chief to come up, but I want to make sure you folks understand, my ruling has not changed. I want to talk about the tangible benefits of this going forward and the use of this new position for KPD's needs, and also the importance of this position dealing where accreditation. As long as we do not go backwards about the history of how things happened and issues with the Police Commission, I would call up the Police Chief.

Mr. Rapozo: Mr. Chair, May I, before we bring up the Chief. I have to use the remainder of my time, I would do that as well. There was some question about what this person would be and staff has prepared the position description and it is a senior legal analyst, and it is broken down. And I do not think the Chief has seen this, assist the Chief of Police for accreditation 30%, research laws, prepares drafts and compiles information requested on legal issues associated with the Police Department and conducts meetings with the Chief of Police upon such, 25% of the time, serves as liaison to the Police Chief. The focus is on the accreditation and updates to the policies and procedures.

Chair Furfaro: Could I call the County Attorney forward. Could someone from the staff make those arrangements? Chief, thank you for coming over. I would like to go ahead and give you the floor to talk about this proposal to add at the very beginning of the budget some legal assistance for your office, specifically as an advisor. I think you heard six months into the new year there are other members that would be willing to perhaps do a money bill to start this six months into the new year or with the new year, it does not seem to be a lot of understanding right now of questions that have not been surfaced and that is why I am calling over for the County Attorney but I wanted to give you the floor now, if I could to talk about the pros and cons of this position.

DARRYL PERRY, Police Chief: Darryl Perry, Chief of the Police for the County of Kaua'i. Again, it was already stated the benefits of the position, and the individual that we select, as you know, would be in keeping with our mission statement. I have explained that before, and you received an email on that. What we are looking for is someone who can direct the Chief or assist the Chief in all legal matters concerning policies and procedures, and as we move towards the accreditation process. We need someone in there that will be able to liaison on the outside without any influence, influence from other entities at all levels of government. This person needs to be an independent thinker. Somebody that represents the Chief of Police, that does not serve other individuals that may have contrary agendas and I will not go into the past, but may not be actually best serving the Police Department. I do not want to go into great detail, but what was stated by Councilmember Rapozo is basically the kind of position that we need within the department. Somebody who is not influenced by outside entities that would give an objective opinion when requested by the Chief of Police.

Chair Furfaro: Okay. Questions for the Chief?

Mr. Chang: Chief, thank you for being here. You know, I want to ask a question. How long does it take to get accreditation? Like we have the best person out there to assist you with accreditation and updating procedures and related to the Police Department. Researches the laws and drafts and he is the best person and he is hired right now. He is working right now. How long would it take to get the accreditation that we are looking for?

Mr. Perry: Let us use KPD as an example. We already started this process about a year and a half ago and we are well within the accreditation process. It is not so much getting the accreditation that is important, but maintaining the accreditation. Getting the accreditation is the easy part, but for us to maintain our accreditation by providing proof of standards and the rest, it is much more difficult. And that is why the other agencies such as Maui

and the Honolulu Police Departments, they must provide all of the documentation that says we have these rules and we are following these rules. So if we had the best person available, we have already done our basic background work. We are about a year and a half out. I would say within a year and a half KPD, Kaua'i Police Department should be accredited. Well, let us just say two years given the best scenario. But that is the easy part as I said. Maintaining your accreditation is much more difficult and at one point the Honolulu Police Department was having some issues with that. Fortunately, it was fixed and they were able to continue to maintain their accreditation.

Mr. Chang: So the current assigned attorney that you have has been doing the job to try to get us to the point, but we need to push it above and beyond?

Mr. Perry: He has been assisting us in the accreditation process, yes he has.

Mr. Chang: So if we did have somebody who came into the position, I would imagine it would probably be someone neutral that is maybe not even from Kaua'i. Wouldn't that be the most neutral person that does not have any history or contact with the island issues of the past? Would that person be best off from being outside of Kaua'i?

Mr. Perry: No, it would be the best qualified person. That is who we would be looking for. Based on the qualifications and based on the criteria that we set for KPD, by that I mean you can have somebody who has the greatest qualifications, but the character might be in question and that is a kind of person we cannot have within the department because of the sensitivity of the work we do. So it has to be a variety of qualifications, including your basic knowledge on how to go about helping us with accreditation. Looking at policies and procedures and other liability issues that KPD faces on a daily basis.

Mr. Chang: So who would ultimately be the decision-maker for who would be hired?

Mr. Perry: It would be the Chief of Police because I am the appointing authority for the Kaua'i Police Department.

Mr. Chang: Okay.

Mr. Perry: On recommendation, of course.

Mr. Chang: Correct. Because I am thinking if it was a perfect world and we could do it in two years, would that be something that we might be able to find a consultant that has pushed Police Departments into that accreditation and more so follow-up to maintain that accreditation.

Mr. Perry: By consultant you mean someone you hire on a part-time basis that comes in only when you need it? It will not work. We need somebody there on a daily basis, because the department is fluid. It is dynamic. Things could happen a minute from now and I could get a call saying something is going on and Chief we need to address that. I do not have time to look for a consultant when something like that happens. They have to respond now, when the need is there.

Mr. Chang: Could the consultant work with the Deputy Attorney that is already in your office? Somebody that is always there anyways, would the consultant be able to work with that attorney?

Mr. Perry: I do not know. What I am trying to do, as I mentioned, I am trying to get somebody there that has institutional knowledge. Right now it is a precarious situation because the position is not with the Police Department. It is with the County Attorney's office. At any time regardless of who is there, that position might be gone tomorrow. Or they might put something else in there. We need somebody there who has institutional knowledge of the way that the Police Department works, how it works, the reason why we do the things that we do, and all of the other sensitive things that happen. This person would go through a screening process, unlike any other screening process that this county puts its employees through. We may even... I am looking at working with the feds, so this person will need to get secret clearance. That is the level of competency that we need in this position.

Mr. Chang: Thank you.

Mr. Perry: Excuse me, sir. Right now we are having somebody just assigned to us and saying here you go, this is your position, take it or leave it. If you do not like it, that is the way it goes. And that in my opinion not the way it should be.

Mr. Chang: Thank you, thank you Chairman.

Chair Furfaro: Chief, how long has this assigned attorney been with you? Is it two years?

Mr. Perry: I believe it is a little bit over two years. Prior to that, it was Mrs. Lani Nakazawa before she moved to the Auditor's side.

Chair Furfaro: I want to tell you my feelings right now. I understand what we need. I just do not think we all understand the components right now to rush it into this budget. But I am very much pledged to within the next six months to begin some discussion on some of the criteria, the logistical support, the quick response for officers and so forth. And I would certainly be supportive of a money bill for the later six months of the term. Because I think there is a lot more that we need to know about your expectations of this support person and the tangible benefits that they bring to the Police Department. So I just wanted to say, for me at this point, I would almost immediately begin discussions on that in a public safety committee and I could with the right outcomes of understanding the measurable benefits be willing to support a money bill, but for me, Chief, I need to start that discussion. And I could say to you, I would pledge getting that on the agenda relatively quickly in the Public Safety Committee but right now there is just too many unknowns about what the tangible benefits are. How the interaction will be? The conduits between the County Attorney's Office, the support for the officers? I would like to get some input from SHOPO. There are many items, but you have my pledge to put it on the agenda.

Mr. Bynum: I do not know if you see my comments before you came in today, that is exactly where I was going. I want to support this, but it has charter implications that I do not think we have time to work out today. Any member can put a money bill on and we can go through the process. So the question is this something that needs to be decided today or you can wait what might be a one or two-month delay in terms of getting the funding? Even if we approved it today, it would be July 1st the soonest we could make the funding available. The money bill might come in August or September and then we will have the time to have the dialogue back and forth and make sure that we have the right job description. That it is consistent with our charter, not the Honolulu charter, but our charter. And that is the position that is similar to the Chair that I was taking prior to you coming in. That I would like to have this dialogue, but I think it is premature to make the decision today. The question is, sorry, can you wait a couple of extra months or is this a decision you need today?

Mr. Perry: If I had an option, I would want it done today. That is my option. But I am a realist and if council feels that that is the position you take, I have to deal with that. We will address those issues, and make sure that as long as there is a discussion and perhaps you may not make a decision against it, but you understand my position. And I think what is really difficult for me is the fact that I am... not only myself, but the deputy and the officers on the front line, we have to deal on a daily basis what happens within the department. And you have to be comfortable that there is someone that lack of a better term that has got your back. I am not saying I do not feel that way, but there are times. There are times when I do feel that there are issues there. And so if I had my position, my option, I would want the decision made today, so July 1st we can move forward. But I will take your recommendation.

Chair Furfaro: And chief, from now until July, could you start some conversations with my office? Because I would like to make sure when we get this on the agenda for July, we are covering all of the verbiage that needs to be considered. Now the vote could come out different today and you do not need to do that, but if it does not come out that way, you have my feelings that I want to get some critical points discussed and we will do that starting in July which is had 45 days away. Mr. Rapozo, you have the floor?

Mr. Rapozo: Thank you, Chief how long did HPD take to get accredited and if you do not know, that is fine.

Mr. Perry: Well I was there and we were working on it for about three years, maybe a little bit over three years about. It took a while.

Mr. Rapozo: As I rule it was about five years. You were not here when I started this discussion years ago. Maui took seven years. They had dedicated staff to accreditation. They did not have the part-time additional duty personnel to help with accreditation. They had people assigned full-time to accreditation and even with that, they took 5-7 years. And we started this process back, probably over 10 years ago, way before you came. But it goes and it stops. It goes and then it stops. And you know, I guess I will apologize upfront, I have not made my argument convincingly because I can see it is not going to pass. As the Public Safety Chair I have had this discussion with you and your predecessors for many years now. And you know, I had hoped that my colleagues would trust my judgment and say he is the committee chair and probably been in discussions, but how long have we been talking about, you and I?

Mr. Perry: Way back even. In fact, I believe we were discussing that prior when we first got the position taken away from us.

Mr. Rapozo: Right and I guess we had this discussion as well at the budget session, when you were here for your budget session, you talked about it and we had a discussion and Mr. Bynum may not have been here for that discussion. So the rest of us were. So I think we had some discussion and maybe not enough to satisfy some of the members, but this is not something that I just dropped last week, which I'm beginning to feel like that is the perception. But this is years long. And I kind of hoped that this year would be the year that we could have actually said yes. Again, I respect whatever happens here happens here. I am instructing staff right now to submit a money bill now, because there may be an opportunity to get it done before the end of this fiscal year. I mean, if is that important, why wait? If I cannot get it in in budget we'll do it through our normal channels. I guess I wanted you to understand and your men and women to understand, that I see it as a very high priority, a lot more high priority than a lot of positions we already approved, but that is the democratic process and I will live with the results. Let us live with the results at this point, however it comes out.

Chair Furfaro: I think you know you made a strong statement, but it is not typical for me to bring department heads back. You are the second one I have brought back. We need to get a decision by the end of tomorrow. Chief, I am going to ask you now, however the vote comes out, begin that dialogue, begin it with Mr. Rapozo, so we can get something on the Council floor as soon as possible. I have questions from other Councilmembers for you, Councilmember Nakamura?

Ms. Nakamura: Thank you, Chief for being here and stating your views. I guess I am a little confused, because when we received your responses to the questions during our budget your budget presentation. And unfortunately I just got it this morning, so I really did not have the time to digest it all, but one of the questions that I posed was what positions do you need to meet accreditation? And the response that I got was, "to ensure that we can meet our three-year deadline we need a full-time sergeant, officer and clerk assigned to accreditation." And I think that where I wanted to go with that was to move in that direction. But now I am hearing that you also in addition to that are looking for a legal analyst. Is that correct?

Mr. Perry: Yes.

Ms. Nakamura: So it is not stated in your response that you needed a legal analyst, is that correct?

Mr. Perry: It is not in that report that I sent to you.

Ms. Nakamura: But you think you would need the three positions, and a legal analyst to get us there?

Mr. Perry: Yes. Actually we would need more than that.

Ms. Nakamura: And so I think I would agree with the chair that I think this is an important discussion to have. If we are all working towards that goal, we want to make sure that you have the positions that you need to get there. And I am not sure of these three positions here that you need, what is actually in the budget.

Mr. Perry: And I will be frank with you, and the other Councilmembers, what we need and what we put in there is two separate things. What we need realistically is all of the positions that are put in there from the beginning to my beat expansion to the internal affairs, to the kpal program, to even labor relations specialist. We need all of those things, but realistically speaking I have to put in there what the possibility of us getting. And so if you wanted me to put everything in that there that I really need, I will go ahead and do that, but it is never happened. It's never happened and the positions that we put in there are consequently taken away by the Mayor's Office. Now if we are going to be truthful about the way the positions are coming to KPD, then I will put it in there and I will leave it up to the council to approve those positions. But realistically, it is not going to happen. It never happens and when we did get the positions, they were taken away. So I am not sure where we are going with this and excuse my emotions, but we have been down this path before, and the Committee Chair Rapozo, I did not think we would get it that is why we did not put it in there. Committee Chair Rapozo, excuse me, put it in there and he did it because there is a fled, but I did not think we were going to get it. I didn't even think that anybody here understood what we were trying to do, except for Mr. Rapozo. I apologize for that. It is frustrating for me.

Chair Furfaro: I accept your apologies Chief, but we are going to go in two parts to answer her question number 1, you can work directly with Mr. Rapozo, because we will be having something come up in his committee about your legal support. Now for me, I would like to see a five-year plan. And if you want to make it at the Police Commission, I will come and attend, but we

have got to have a starting point and 36 hours before the budget is due is not going to work for us. It just is not. Okay? Council Vice Chair?

Ms. Yukimura: Hi Chief, I have similar questions, like are you expecting the legal analyst to take the lead on accreditation? That sort of thing. How it would all work, but I think we are looking at a subsequent one. So I am not going to go into those questions right now and I think a good discussion will be helpful to actually moving in the direction that you want to move in. But our problem is that we have to look at the whole county and so we can't give any department everything that they need.

Mr. Perry: I understand.

Ms. Yukimura: And so we have to prioritize amongst departments, as well as you have to prioritize within. But I think we will have more time out of this context in a more regular course rather than budget. I thank you for keeping us focused on the accreditation track, because we know that is something that is going to improve the services to the department and hopefully the quality of work for your employees, too.

Mr. Perry: I understand your need to balance. You have only so much money in the pot and you can only allow for so much. I understand that. The positions that I asked for and the positions that are put in are not something that are frivolous. They are not. They are needed. Other agencies, other law enforcement departments have this. It is been in place for a long, long time and I am trying to bring KPD up to speed where we should have been ten years ago. And that is why I am frustrated. So I hope you understand. The Council has always been supportive of KPD and I do appreciate that. And so please forgive me for my emotional outburst. I will always thank you.

Chair Furfaro: That has already been accepted. Chief, I want to make sure we are very clear, the urgent pieces for Mr. Rapozo's Committee are about the need for the legal support. The piece that I am asking you for, I would like to see over the next five years. And obviously, then I would like to engage in some discussion with the police commission. So if you can get those to us, I would appreciate it.

Mr. Perry: I will do one better than that, I will give you one for 20 years.

Chair Furfaro: That is wonderful. You do realize I have term limits? We will leave it at that. I am going to ask the County Attorney to come up. Amy, this is going to be very short. He wanted somebody from the County Attorney's office to hear where we are going with this, what the Chief's needs are for public safety and so forth and I want to make sure that you can allow me an opportunity with one of your attorneys to have dialogue about the long-range plan for the department and I would like to get that information. So when I start to interact with the five-year plan, I can participate with some knowledge with the Police Commission. Is that possible can do that for us? I do not have any more questions for you. I just wanted to make sure that that statement is made. I appreciate you coming over and hearing the Police Chief. Members we have a motion on the floor, and we have had quite a bit of dialogue that deals with this position that Mr. Rapozo has indicated. We have to give some immediate attention to, it short-term attention to, and then some long-term attention. I think it has been suggested that we initiate in his Committee more dialogue on these items, but I am going to defy you give you the floor before I call for the vote.

Mr. Rapozo: And I will try one more last-ditch effort because there is a possibility to provide six-month funding for this position. We could provide 6-month funding. I do not like money bills because we do not know if the money exist, money bills is taken them out of surplus. Chief, I saw your emotion and we approved positions last week that was not approved by the

administration. We did that last week, so I do not think it is that uncommon that sometimes Committee Chairs may have a different relationship and more information than the other members of the Council. That happens to be the case here and although we have never had that opportunity, but I would ask this council to consider 6-month funding of this position. So we could get to work immediately. And you will have six months to work with the County Attorney's Office to get this position hired. So Mr. Chair I will amend my motion to amend the funding of this senior legal analyst, remember analyst and I want you to understand it is the same relationship that our legal analyst in our council has as would be to the chief. I would make the motion to include that at a 6-month funding rate to give us six months from July 1st to secure the person in that position. That would be my amended motion. If I could get a second.

Chair Furfaro: So we have an amendment which would bring an additional \$76 thousand, one, forty-seven into the Police Department starting January 1st for the purpose... I will reference this title here senior legal analyst Police Department.

Mr. Chang: So, what we want to do is a money bill for six months but the position...

Chair Furfaro: No, no. What we want to do is...

Mr. Chang: Not the money bill... I am sorry... but the position would not start until January?

Chair Furfaro: We would start to talk about the position in Mr. Rapozo's Committee but the money would not be there to hire anybody until January 1.

Mr. Chang: Just for clarification, if we wait until July, from what I am hearing is that we are supportive to the idea of having discussion in Public Safety?

Chair Furfaro: We are open to this discussion on the motion as amended.

Mr. Chang: I am hoping that people will be supportive of a money bill, I would like to wait until July.

Ms. Yukimura: To pass six months funding, it would be to assume that we have gone through all the discussions that I think we want to go through and that it is a given and I do not think we are there yet. I think we really have to have the discussion that the Chair has envisioned and so I am not voting for the amendment.

Mr. Bynum: My motivation coming in this morning was to explain the reasons why I would like to have this to appear as a money bill as oppose voting today. I think I was able to do that eventually and it could happen before January 1. My motive was to say I cannot vote for this right now in the budget but I want to set this up to do this soon and have this discussion to support this position and go through the process and I think that will be the outcome.

Mr. Kualii: I really appreciate what Councilmember Rapozo is trying to do because he did say that if we do the money bill than at that time we are going to have to go and find the money. By at least putting in place six months forth of funding, that started in July, in the budget, we would be at least be up front of the commitment and knowing that at least half of the money would be there. We could still go right to work with the Public Safety Committee in a matter of weeks when it can next get on the agenda. If we determine at that time that we would like it to start earlier than our quest for a money bill and the amounts of funding that we would have to find would be only from the period that it would start. Whether it be July 1 or August 1 or September 1

until January 1 where we would already have funding in place. It is just so odd to hear different qualifications of what applies to this position that we are trying to make a decision about and what applies to another position that we already approved in the Real Property Tax Division. We did not see no job description, there was not the same kind of vetting of what we need before we can approve. All I need is to hear from the Chief and I know the importance of this and from our Public Safety Chair. Of course, I am ready to support this today. The amendment... if not a six month funding from the budget and then going to the money bill and making decisions and finding out however much more money we have to find even the full amount in an contingency, I do not know what the options are but I can supporting this.

Chair Furfaro: Any further discussion before I call for the vote on the amended version? That being a funding of seventy-six thousand, one, four, seven starting January 1 for a legal analyst in the Police Department.

The motion to approve as amended a 6-month funding for a legal analyst for the Kaua'i Police Department, seconded by Mr. Kualii, was then put and carried by the following vote:

FOR APPROVAL: Kualii, Nakamura, Rapozo, Furfaro	TOTAL – 4,
AGAINST APPROVAL: Bynum, Chang, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Chair Furfaro: It does not pass. Chief, you have my pledge to put this in July's piece.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Now, we are going to vote for the full funding as submitted by Mr. Rapozo but I kept very little narrative, I just wanted to make sure you heard me on the fact that I am supportive of getting this in the Committee. Mr. Rapozo, the amendment fails but you have the floor again to speak on the original submission.

Mr. Rapozo: I guess it is the way the chips fall. It is what it is. I would have really liked to have offered that commitment to the Police Department that... I heard that in the dialogue. I heard the commitment and I heard the support, I just did not hear the votes. So that is the way the cookie crumbles. Obviously, if the amendment did not pass, I don't anticipate the full funding that will pass and I am not going to belabor this, because I could make another amended motion for a dollar-funded position with no money except for a dollar. So I understand the feeling of council. I will not belabor it and I will call for the question.

The motion to approve full funding for a senior legal analyst for the Kaua'i Police Department, was then put and carried by the following vote:

FOR APPROVAL: Kualii, Nakamura, Rapozo	TOTAL – 3,
AGAINST APPROVAL: Bynum, Chang, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: Furfaro	TOTAL – 1.

Chair Furfaro: Only that note, look forward to your documentation from the Police Chief and we'll go from there. Thank you for coming over, Chief. Now we need to move on and you want you at lunch hour to call your spouses and let them know you are going to be here all night. Now we are going to go to the CIP. Does everybody have their CIP worksheet? Now we are going to the CIP as submitted. I want to remind everyone that earlier we took a couple CIP items and we had identified \$588,500 in our wish-list, but when the vote fell, \$500,000 came out. And we have about

85,000 acknowledged, which was made up of \$35,000 in CEDS additional funds, and \$50,000 for East Kaua'i Development Plan. I would like to see, since this has been part of the discussion already, I would like to see us only surfacing items that can be challenged, because you feel it needs to come out. It needs to come out. And I am going to take it by sections. First and foremost, there is the list on bond funds. I am sorry, the first one is bikeway funds. Any discussion there? None? Next item I want to talk about is bond fund. The next item I would like is to take the development fund. No discussion? The highway fund? There was previous discussion on the northern leg of the Kōloa bypass, but that stayed in, I believe. Okay, we are in Highway Fund. Sewer fund? Okay. We are going down to the General Fund.

Ms. Yukimura: We have already taken \$300,000 out of the Adolescent Drug Treatment Center.

Chair Furfaro: Yes.

Ms. Yukimura: I have a proposal to move that to the Operating Budget. I would like to bring that up right after lunch, if that is okay?

Chair Furfaro: Okay, we have 25 minutes after lunch, so whatever time I told you to plan tonight, add another 25 minutes to that. Okay? I am moving right along.

Mr. Rapozo: Mr. Chair? I apologize, I am waiting for a copy of my CIP thing. Go ahead, thank you.

Chair Furfaro: Just to let you know where we are at. We are through the other funds, except we are now in General Fund. Questions?

Ms. Yukimura: Yes. I believe I am looking at... yes, because it has \$3 million or \$2 million plus more than the March 15th Capital Budget.

Chair Furfaro: You should be looking at one that had a hand written note May 8th on it. That is the one I am working off of.

Ms. Yukimura: I have the huge one that came in a huge stack on May 8th.

Chair Furfaro: Let us take a five-minute recess to make sure we are all reading from the same pages. Staff, would you take a look at what people have.

There being no objections, the Council recessed at 12:17 p.m.

The Council reconvened at 12:18 p.m., and proceeded as follows:

Chair Furfaro: Are we okay? Everybody on the right pages? Staff, you ready? Everybody has the May 8th piece? For those members who weren't here, we have no changes to the Bike Fund. We have no changes to the Bond Fund.

Ms. Yukimura: Chair, on the bond fund?

Chair Furfaro: No, I am not going back. I have two members who left more than 12 minutes and started to go through it. Development funds, Sewer Trust Fund and we are now on the General Fund and you have the floor. You have the floor.

Ms. Yukimura: I asked already for some time right after lunch, and maybe if we can end earlier before lunch we will not need time after lunch. And I did ask about the materials recycling facility, which is dollar-funded in the General Fund, but it is been pointed out to me there is the \$200,000 mentioned in the Mayor's May 8th message and it is on page 4.

Chair Furfaro: Page 4.

Ms. Yukimura: Thank you.

Chair Furfaro: Okay. Other members wanting to talk about the General Fund on CIP? Okay we are moving right along. Speak up.

Mr. Bynum: I just have a question and I know this probably should have been asked during hearings, but the hardy street is zeroed out. Is that because it is pau already? Thank you.

Chair Furfaro: Let the tv audience that Mr. Barrera shook his head and affirmed Mr. Bynum's question. Okay. Going over to Special Trust Funds for parks and playgrounds. Kōloa district, Līhu'e district, Kawaihau district.

Ms. Yukimura: Chair, there is Waimea on the previous page 5.

Chair Furfaro: I am sorry, thank you very much. Waimea. Kawaihau. Hanalei. Okay. May we start your discussion now, Councilmember Yukimura.

Ms. Yukimura: I noticed Kīlauea Park Playground resurface is twenty but I think the total is supposed to be \$60,000 for completion of that. Page 6 at the bottom.

Chair Furfaro: In the Hanalei district trust?

Ms. Yukimura: Actually I think we had an email from the department about that.

Chair Furfaro: I think we did as well. Because I sent them some photographs after a site visit.

Ms. Yukimura: I just want to make sure there is enough money in there.

Chair Furfaro: Does anybody recall that? Okay. So those are the two items we are going to begin the dialogue on for the members.

Ms. Yukimura: After lunch?

Chair Furfaro: You are hungry today, huh?

Ms. Yukimura: Yes, sir.

Mr. Rapozo: The Veteran's Cemetery Renovation, I understand that they moved \$100,000 back over into the bond. I believe it went... let me see. Yes, it went to the bond, \$100,000. And I am just wondering if that is enough because I go there quite often and that building is just terribly eaten by termites. And the wood damage and I just question if, in fact, that is even enough. We talk about it every year. It was this Council years ago that put the original money in

there to even get the extra worker, but I really want to see that done. I want to see that Veteran's Cemetery, that area and I do not know what \$100,000 will get us based on what the project cost.

Ms. Yukimura: There is \$350,000 right below it.

Mr. Rapozo: That is \$350,000 for the improvements, additional urn space. I have not seen that the plans or what the intent is. I believe they are expanding the Veteran's Cemetery as well.

Chair Furfaro: Ernie, can you help us with any of those questions about the money being moved to Bond?

Mr. Barreira: Chair, the PID would include the details of what is intended for the amount of money allocated. I would be remiss to comment without looking at the PID.

Chair Furfaro: Can we ask you to do that during the lunch hour?

Mr. Barreira: Yes, sir.

Mr. Rapozo: I believe we may have it but the confirmation would be good, thank you, Mr. Chair.

Chair Furfaro: We are going to finish CIP first thing after lunch. These are the items we are going to concentrate on Adolescent Drug Treatment Center. There is a query about moving \$300,000 to operations. We are going to talk about the dollar-funded in the materials recycling facility and get more specific as the new \$200,000 MRF dollars came over. We are looking at Kilauea park and playground area, and an understanding that we had that number was going to be bumped from \$20,000 to \$60,000 on repairs. And then the detail on the \$100,000 moved into Bond regarding the Veterans Cemetery. That is what we're talking about when we come back from lunch. Okay? So we are going to be gone for 1 hour and 15 minutes, because we do not want to interrupt your lunch. We are giving you an extra 15 minutes to do that research, okay?

There being no objections, the Council recessed at 12:30 p.m.

The Council reconvened at 1:39 p.m., and proceeded as follows:

Chair Furfaro: Okay we are back from our lunch recess. We are trying to finalize the CIP. Mr. Bynum, I thought I saw him around the building. Mr. Rapozo gave me a call about five minutes ago, he is running ten minutes late five minutes ago, but we need to start.

Ms. Yukimura: Did staff call Mr. Bynum?

Chair Furfaro: I think they did. I think Eddie did. If you could do it again.

Ms. Yukimura: Thank you. If he is in the building.

Chair Furfaro: Come on folks, we said 1:30 and we had an hour and 15 minutes and now we are taking an hour and a half and let continue. Now the first item I listed to you what I am going to entertain. The first one I will start the parks district at resurfacing of the Kilauea playground, the cost would be \$60,000 and what we got in the budget was \$20,000. So I want to say - I want people to be realizing, too, that at this point we are over \$1 million already, folks. And you better start coming up with your ideas, which also should include where you found the money, okay? Because if you remember the piece I told you I was comfortable with about \$1.5 million difference in

my PowerPoint from the past on reconciling what has been spent. But we are at that point. And so what I am thinking, if you want to do that for Kilauea, one of the things we could do is we have a project contingency in the CIP of \$81,000. I would suggest if we consider bumping that by \$40,000 and take some of that money out of that contingency. That is what I wanted to say, because I want to support it. The email that I made reference to, and Vice Chair Yukimura, we did find it and it was communicated via the Administration. But I want to make sure we understand that we are at that point now. So if you want to make that motion and indicate that in the \$40,000 would come out of contingency, than the money is there, as well as the addition.

Ms. Yukimura: Chair, it would take four votes to reduce it and five votes to add it.

Chair Furfaro: Yes.

Ms. Yukimura moved to reduce the line item in the contingency fund by \$40,000 and increase it in the Kilauea playground equipment line parks fund by \$40,000, seconded by Mr. Chang.

Mr. Chang: Vice Chair, for the benefit of Councilmember Rapozo who just walked in, can you just recap.

Chair Furfaro: Why don't I recap what we are doing. Mel, before you got here, I had mentioned you were running a little late, but I reminded members we need to start... if we are adding something we need to find a place where we are finding it from. So I made a suggestion to Vice Chair Yukimura who was looking for the moneys to increase that amount by and I indicate there had is \$81,000 in the Capital Contingency Plan. We found the email from the Administration on moving the playground pieces at Kilauea to \$60,000. But they only put \$20,000 in the line item. So I am suggesting that the motion is a dual motion to increase the resurfacing for the Kilauea park playground by \$40,000 and reducing the contingency of \$81,000 down to \$41,000 and that is where we are at and is that what I indicated I would support. So Vice Chair Yukimura made that motion. Mr. Chang seconded it. And now we are open for discussion and since its your motion, Vice Chair, you have the floor.

Chair Furfaro: Actually at our last budget last year, this issue was brought to our attention by a petition. And the Administration said that they could handle it with the monies that they had, which is why we did not put it in the budget. However, the project has not been addressed for a year. And parks did analyze the situation, did come back with a memo, and I can circulate copies, if you want to. It is a memo dated February 7, 2012 showing that, in fact, it says, "parks is proposing in our budget \$60,000, which would include replacement of the current surface with a surface of solid rubber or one with astro turf." So that really does we just want to make sure there is enough money to address this problem this year. And not go another year and not go another year. The community... it is a highly used park just like many of our parks. Young children come and play whenever there are soccer games going on the main field or baseball or the numerous events and things that happen at the Kilauea gym and Neighborhood Center. So it is a worthy project, and parks is familiar with it and I think by supporting them with the proper amounts, we'll get that job done.

Chair Furfaro: Okay. And I want to know I have visited the park, as I have given in testimony and it is really way overdue on this resurfacing and I will certainly be supporting this increase for the playground area with a decrease in the contingency. Any further dialogue? If not, may I have a roll call, please.

The motion to reduce the line item in the contingency fund by \$40,000 and increase it in the Kilauea playground equipment line parks fund by \$40,000 was then put, and carried by the following vote:

FOR APPROVAL: Bynum, Chang, Kualii, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: None	TOTAL – 0.

Chair Furfaro: I would like to get some clarity, Vice Chair Yukimura, and the Administration did put \$200,000 in for the MRF and Vice Chair Yukimura wanted to revisit this dollar funding?

Ms. Yukimura: No.

Chair Furfaro: I was just making sure that there was money for the MRF and there is in another fund and so I am quite delighted actually to see money's there. The Administration did affirm that it is going to be owned by the County but operated and built and designed possibly privately, which makes sense in many ways. So I think I am good about that.

Chair Furfaro: Very good. I, too, got clarification that the intent is to have the MRF operated by an outside party. Mr. Rapozo?

Mr. Rapozo: Mr. Chair, that is not what I have been told. From what I have been told these monies will be used for a feasibility study that would explore the potential... the differences in ownership, whether it is private or county. That is what I was told. That is what the feasibility study would be done for and if that has changed I would like to have confirmation. Because I do not want to support a sum of that much money if the outcome has already been predetermined. I was under the impression these moneys were soft cost moneys to do a feasibility, to determine what kind of ownership would work for this County and I am not sure who is able to give that clarification but I was operating under that assumption and if that has changed I would have to change my position.

Chair Furfaro: The written response I got is that the \$200,000 that Mr. Dill indicated to us in the Engineering Department will primarily be used for number 1, an environmental assessment and two very preliminary design work. Now I did not indicate anything more than the use of the money, but I was told that we would be having this operated by an outside party.

Mr. Barreira: That is correct, Chair. That is assumed county ownership and contracted out to a private entity?

Chair Furfaro: For the operation?

Mr. Barreira: Yes.

Mr. Rapozo: So then I was informed wrong that this is not for a feasibility study?

Mr. Barreira: No, the \$200,000, Councilmember Rapozo, is intended for two purposes, an environmental assessment, feasibility study, as well as a... I am drawing a blank on the final component conceptual design. Thank you.

Mr. Rapozo: Which is fine, but how are you able to determine that it is going to be county-owned prior to a feasibility study is my question, similar to the question on the adolescent drug treatment center. Why would we fund this money when we do not know it is feasible. That is the question.

There being no objections, the Council recessed at 1:50 p.m.

The Council reconvened at 1:52 p.m., and proceeded as follows:

Chair Furfaro: We are back in session and the note I have is about the CIP money, but let us look for the explanation in the PID. Do we have a copy of the PID that you can share with Mr. Barrera? Ernie, you heard what I read from? When I raised the question? You heard that earlier, right?

Mr. Barreira: I do not think I did, Chair.

Chair Furfaro: That Mr. Dill indicated to me that the \$200,000 would primarily be used for environmental assessment and preliminary design work. What does the PID say? Let's all take our time and let him read.

Mr. Barreira: The first two objectives, Chair. The project scope is to conduct well, I am reading from item 5 and the only perspective I don't have is current date in terms of where we are. What you had stated earlier, Chair, what you just read was the last information that I received before we submitted the budget. The project scope makes reference to a feasibility study, but what I cannot speak to from this point is what has already been achieved. That information is accurate as far as I know.

Chair Furfaro: The information that I read from?

Mr. Barreira: That is the information that I received?

Chair Furfaro: Let Vice Chair Yukimura pose a question and I will give Mr. Rapozo the floor again.

Ms. Yukimura: I believe we got that PID at the time of briefing on the March 15th budget, right? The PID? I mean the problem with the PID is that it doesn't get updated.

Mr. Barreira: I had thought this PID was updated after our discussions to include it. It still makes reference to the feasibility study.

Ms. Yukimura: And it is \$200,000 is the figure there? Because there was nothing in the first budget and they were still in the process of decision-making, as I understood it. So I thought this Mayor's supplemental was a new development between March 15th and May 5th or 4th. Can you talk to your Public Works people? We need the latest.

Mr. Rezentes: Yes, I believe there was an updated PID. I just got off the phone with Mr. Dill and he did indicate what he said to the chair was the intended purpose.

Ms. Yukimura: Repeat that.

Chair Furfaro: What he said to me was an EA, and very preliminary design. What the PID says is begun to conduct a feasibility study to determine the most efficient way to proceed on mixed stream recyclables on Kaua'i and generate a facility or contract based on outcomes.

Mr. Barreira: Chair I received the communication that the PID was not updated.

Chair Furfaro: This was not updated?

Mr. Barreira: Not for the May submission.

Chair Furfaro: Before I give the floor to Mr. Rapozo, the information I gave to you is where we are at?

Mr. Barreira: Yes.

Mr. Rapozo: Thanks to Councilmember Nakamura, because I did not get this. Apparently it just came in today although it is dated May 4th from Larry Dill. It is a question that was sent over that says please provide us a status report on the Administration's plans for the MRF and this is May 4th. Currently the Division of Solid Waste Management is completing a feasibility assessment on various options for the MRF addressing issues related to ownership, site, design, construction and operations. I got to believe that is the most current. How is the determine made if the feasibility study is not done and I am not sure if you are the right person to answer these questions, because you would not know. I hate to go back into budget discussions.

Chair Furfaro: We are not.

Mr. Rapozo: Good. Because I can only respond to the information I have been provided and again, as the landfill and Environmental Services Chair I have the opportunity to meet with Mr. Dill. What I am hearing from Councilmember Yukimura is not what I have heard from Larry Dill and so I am concerned. I was ready to support it until I heard the comment about the ownership. Because that cannot be determined until the feasibility study is done. Mr. Chair, that is all I have.

Chair Furfaro: Mr. Dill is going to come over. We can come back to this. I believe what we want to make sure and I'm going to tell you as an operations person, I sure as heck do not think we are going to do a better job operating a MRF that could be cost-effective. So I am of the impression it is not something that we would operate. How we got there, I do not know. What I got, the piece I shared with you and it doesn't talk about inclusive of us operating the facility. We will hold on this item until we come with Mr. Dill. I do not want to have a long, drawn out discussion, folks, because we have a long ways to go tonight.

Mr. Barreira: Chair, if I may, according to your Manager Director Heu, who sent me a message it looks like the decision in terms of how to proceed was made just before the May submission which is the communication that I received that you have related, the good news is that Mr. Dill is on his way.

Chair Furfaro: Let us hold that until Mr. Dill get here.

Mr. Rapozo: Just a request that maybe Mr. Dill can bring over the feasibility study that justifies County ownership.

Chair Furfaro: If it exist.

Mr. Barreira: I will try to catch him.

Chair Furfaro: I am going into one of the other four items that was there and that was the conversation about the Adolescent Drug Treatment Center. There was a question about transferring monies to operations from this CIP piece. I will turn over the floor to Vice Chair Yukimura.

Ms. Yukimura: Chair, it is not so much about the Adolescent Drug Treatment Center, because we have already made a decision about that. There is money's right now in this year's budget that is going to be used for a feasibility study to the tune of \$50,000 and then another \$250,000 in this year's budget that we told are soon to be encumbered for design, architecture, building plans and an environmental assessment, which I question the expenditure of, because we have not completed the... we have not even he encumbered the consultant to do the feasibility study. So that decision has been made, but my proposal was to take the monies we have taken out of the line item for the Adolescent Drug Treatment Center and to put it into the operating budget and I have circulated a proposal, which was stimulated by our discussions last Friday about a proposed afterschool program. We choose not to fund it, I think, not because we did not appreciate how wonderful the program is, but because we were not clear how we were going to get applications and process what could be a lot of applications from many worthy programs. So over the weekend I developed this proposal, and I wanted to put forward. It is a bold proposal, but I think it is aligned with our goals and objectives as a county and as a Council. But we will have discussions to see whether it is. This proposal is to appropriate \$300,000 as a pilot project for one-time competitive awards to high-quality preschool – do you have a copy? To high-quality Pre-School and afterschool programs in the context of anti-drug or actually it should be “in the context of drug prevention.” And it is youth drug prevention. And the mission of this project would be to build immunity to drugs and other problem adolescent behaviors by providing skill-building, recognition and opportunities for children and youth in a way that builds character, and positive connection to community. Those words come from the theory of social development, which says if we want our young people to be drug-free, we have to have high, clear standards in the four groups that influence them. Family, school, peer groups, and community at-large and in order to have those standards adopted by young people, we have to have them bonded and feel like they are part of the community and we have to have them care about the community. And so, these grants shall be supported by the Life Choices Office, our former Anti-Drug Office and the committee shall consist of five people from the community, with their background in children and youth development. Who shall be chosen by the Mayor from a list provided by the County Council, which is a relatively new structure, but I wanted to see what you thought of it. The grant shall be awarded on the following criteria for the first year: grants can be of any size, but no greater than \$15,000. Preference shall be based on numbers of young people served, quality of the programs based on such factors as training of staff and volunteers, and I say, for example, positive coaching. Because you know, if our coaches aren't well-trained, it is almost better not to have the program than to have really bad coaches and such other factors as how families are involved in the program and preference should be based on number of low-income children served and how well the applicant programs meet the mission of this grant program, which is stated above. No grant money shall be used to pay salaries or benefits, because this is not meant an ongoing program. It is meant as a one-shot deal and we do not want agencies to become dependent on county monies as a in perpetuity kind of funding. I'm suggesting \$150,000 of the \$300,000 be used for k-12 afterschool programs and \$150,000 be granted to preschool programs. And then prior to March 15th, I should say of 2013. That would be next year, the grants committee shall submit a report to the Mayor and Council summarizing the insights and lessons from the first year and recommending modifications, continuation, or discontinuation as the case may be. So this is the proposal. I just want to say that prevention is really the focus, I think, of county anti-drug work. And enforcement to the extent that we have our police officers. Treatment has been traditionally a State kuleana. I think some of us recognize the need for a treatment center and we were willing to

think of maybe the County starting it, but I never thought of the County continually funding or administering a treatment center. And we do not even know, even if the State could do it, whether it is feasible based on many other factors. And if we were willing to spend money on treatment to the tune of at least \$1 million, that would benefit about 60 young people a year. This program at about \$300,000 would benefit hundreds of children a year in a way that prevents them from even beginning to take on drugs. And so it is cost-effective, and it's preventative. And in that way, it is worthy of consideration this may be premature, and in our discussions that come forward, we could look at next year, but as a starter I thought maybe I would like to put it on the table.

Chair Furfaro: Mr. Dill is here right now. I want to just say to you that I do not think a pilot program like this should start with \$300,000 in it. I think it should start with maybe \$150,000. That being said and the caps on the grants are \$15,000, because you know, we are getting situations in our County that State agencies and others are really starting to depend on us for social programs or even invasive species we do not get money from state on. So I just want to say where we are at financially, and this is a pilot program, I would certainly entertain something like \$150,000, but at this point, Mr. Dill, welcome back. I want to tell you that we are looking over your project initiation document proposal and we are trying to get some clarity. The question came up who would be in the end result operating this MRF and yet, I think we thought we had some agreement "we" we are talking as a body that the actual operation would be contracted out. What will the \$200,000 cover in this proposal that I understood to be environmental assessment and preliminary design work? Knowing that I vocalized that I do not think this is something that the staff, the payroll and other operating costs should be borne by the County, but rather a tenant. But we are trying to get some clarity what the intent is here? And on that note, I will let Mr. Rapozo expand the question as he sees it. If you could just refer back to the PID.

Mr. Rapozo: Larry, the simple question is has a determination been made that this facility will be County-owned?

LARRY DILL, County Engineer: As I have been stating, we have been doing feasibility work on MRF, three basic scenarios, County-own/County operated, County-owned privately operated. We had decided and one hundred percent nothing is firm of course until we get further down the road but the leading candidate is for a County owned/privately operated facility.

Mr. Rapozo: And that was based on a study that was done?

Mr. Dill: Based on our in-house work.

Mr. Rapozo: And are we privy to that study or work?

Mr. Dill: There is no document that summarizes the information.

Mr. Rapozo: The analysis, can I see the analysis?

Mr. Dill: I can share with you the work we have done, I have to put something together because it is not in a presentable format. But we can get something to you.

Mr. Rapozo: We need it today because we are voting today.

Mr. Dill: The intent for us to move forward with a MRF. Like I said the leading candidate is for a County owned/privately operated MRF. I cannot tell you a hundred percent that we have decided and that is how it is going to be. The money that we requested for next year and I apologize if you just getting the PID before you...

- Mr. Rapozo: We just got it right now.
- Mr. Dill: Under number four, we are requesting funding for planning, engineering, design and permitting. Under the planning we would revisit and either confirm or justify the assumptions and decisions – the results that we have made in our own feasibility study before moving on and finalizing the other parts there. That would be part of the effort would be to confirm the conclusions that we have reached.
- Mr. Rapozo: Okay, well that is fine. Thank you, Larry. That does not satisfy my question on the feasibility study but thank you for your answer.
- Chair Furfaro: I appreciate you coming over, we are not going to dwell on this because it is a Council Meeting. Engineering is your favoring CPO which is a County built, privately operated.
- Mr. Dill: That is correct.
- Chair Furfaro: But a PPO is still in the mix and a CCO is still in the mix.
- Mr. Dill: Correct.
- Chair Furfaro: That is all we needed to know.
- Ms. Yukimura: Actually one of your options is that it might be privately built, right?
- Mr. Dill: Correct.
- Ms. Yukimura: You might do a design, build, operate – is that...
- Mr. Dill: That is one of the options we looked at. We are leaning towards the design-build and then separately an operating contract.
- Ms. Yukimura: Actually based on what I know, I think that is probably the best. But at some point we will get your analysis and that will show how you got to that conclusion?
- Mr. Dill: Yes.
- Ms. Yukimura: Okay.
- Chair Furfaro: So Larry, that was covered in the privately built/privately operated. For now, county-built/privately operated is the choice?
- Mr. Dill: Yes.
- Chair Furfaro: Thank you very much. Members, can we continue on this CIP item for discussion before we call for the vote?
- Ms. Yukimura: I do not think any vote is necessary because we are not suggesting any changes.
- Chair Furfaro: Absolutely correct. We are not proposing any changes. Somewhere that got lost into the dialogue of what we are doing. So there is no change.

Mr. Rapozo moved to remove the \$200,000.

Chair Furfaro: For a lack of a second, that fails and we will leave this the way it is. Jade, did I cover all four of those items? I did, did I not? I am sorry. The Veterans Cemetery getting some more details over here. Shall I give you the floor, Mr. Rapozo?

Mr. Rapozo: I did get a copy of the PID and I am not going to ask any questions. The PID works. Just at the facility assessment is due or according to this is due in June. I just want to see that facility get done that is all. And this PID seems to have it covered. So we will just monitor and make sure it gets done. Thank you.

Chair Furfaro: And then one new item is from Mr. Bynum, and I am going to give Mr. Bynum the floor. I want to make sure there are no other items out there, folks, because we are going to close this after we take action on this next item. Go ahead, Mr. Bynum, you have the floor.

Mr. Bynum: Hopefully you all recall discussions during budget about the 12 acres that the County has acquired in Kapa'a, with the intention to do sports facility there. The County has already acquired the land from the State. They have already done the environmental permitting and it is tied directly to being able to redo the Kapa'a town park into a passive park but Kapa'a Business Association has had this that they did not want to deny the one soccer field that was there until there were alternatives for the kids. And so this project had legs. It was moving and we spent money and we have environmental studies done. And it got stalled since the new Mayor has been here. Last year he said they were going to see it as part of the whole Kapa'a new town park, which it is adjacent, across the canal. But it is just stalled. So I am asking for \$125,000 for design or design-build procurement for the 12-acre Kapa'a facility. The County has acquired the land and done the environmental permitting and the community association was here and showed us this was part of the plan 40 years ago and they have been waiting patiently and they came here to testify. Also here was Cathy Cowan, who is a new business owner in Kapa'a, a group of people that I have met there that have started the second Saturday event. That is putting focus on Kapa'a town, and she spoke about the desire to have a passive park that would support the business and the community and so I just think we could acquire a consultant to begin the procurement this year. Then next year, visit with that information, which would include cost estimates of whether it could be in a future CIP. So I hope there would be support to listen to the Kapa'a business folks, who have been asking for this for... on one level 40 years and on another level the last 10. So I would like to add this as a CIP item.

Mr. Bynum moved to add \$125,000 for design or design-build procurement for the 12 acre Kapa'a facility to the CIP item, seconded Ms. Yukimura.

Chair Furfaro: And I just want to be very cautious here as we go along spending here. This might fit into my comment earlier about the proposal, which we are going to get back to for Council Vice Yukimura about setting up this Special Grants in the amount of \$150,000 and I also want to just for everybody's knowledge in the late 80s and early 90s, I was President Of the Coconut Coast and President of the Kapa'a Business Association, so I know this has been an agenda item for a number of years. May I ask if there is no other discussion along that line, I have to step out but before we go into that discussion, Mr. Bynum, you did not come in and I was saying if we are going to change things from the CIP, where would you take the money from? This is a question and I just gave you an answer.

Mr. Bynum: I will accept that answer.

Chair Furfaro: I think we need to be consistent on finding money now and Mr. Rapozo, I hope you do not mind, but I will let you run the meeting while I step out to return a phone call and I would appreciate if you acknowledge yourself last.

Chair Furfaro, the presiding officer, relinquished Chairmanship to Mr. Rapozo.

Mr. Rapozo: Any other discussion? i

Ms. Yukimura: I support everything to move the project ahead, but I'm concerned about the capacity of the Parks Department to do the kind of procurement you are asking for. So I would like to ask Councilmember Bynum how he sees that aspect of moving this project ahead? I think they had said it was coming later because they were going to do some things in the main park first.

Mr. Bynum: That is the answer I have heard for three years, well we are doing to focus on Kapa'a new town and I keep saying why does it have to be one or the other? To put out a design or a design-build and that would be their choice, which way procurement is not a cumbersome process. The Parks Department, we created has a Planning Division with positions in it. There is a full time Park Planner, there is a boss of that division which is currently vacant and there is... I forgot the title but basically we have Dave and William now and the place vacated by Mel Nishihara, they have a Planning Division and this is a project that Kapa'a Business has been pressing us. The idea that we have a 12' fence along the highway separating that park from the public in order to facilitate the sports and this is tied directly to Economic Development.

Mr. Rapozo: Mr. Bynum the question was does parks have the capacity?

Mr. Bynum: I have faith that Parks has the capacity. I would be interested if they would say no, we cannot, given that we have three full-time positions in the Planning Department.

Ms. Yukimura: That is interesting if in the top position is vacant in the Planning Division of Parks? Because he was the one who for several years introduced the park planner position, because we knew how important that was and I have to say that I have not seen the level of performance that I had been anticipating.

Mr. Rapozo: Well, I understand. I do not want to get into a debate on...

Mr. Bynum: I would just like to respond to that, may I?

Mr. Rapozo: Sure, but just keep it to that.

Mr. Bynum: I will keep it to the point.

Mr. Rapozo: Not to that point. Keep it to the point of how... do we have the concurrence of the parks department that they can make it happen, that is the real question. I do not think we are going to ask Lenny. The chair can bring them back later. These are the things that should have been done prior to today. If you have additions, it should be attached to concurrence from the department heads. Thank you for coming back, Mr. Chair.

Mr. Bynum: I meet with Lenny on a regular basis and that position is vacant. They went out, they got a list. Lenny said, none of the none of the applicants we got had the level of expertise I wanted. So I want to support him in taking his time to get the right applicant

for that position. It is not that he has been sitting on it or anything. So I loved that answer. He said, look, we interviewed people.

Mr. Rapozo: Mr. Bynum, again you are going back.

Mr. Bynum: That answers the question.

Mr. Rapozo: She is not asking the question. The question is there an assurance that the Parks can get it done? And you said you have faith.

Mr. Bynum: I have faith.

Mr. Rapozo: Any other comments, Mr. Chair, before I bring it back to you?

Mr. Rapozo returned the Chairmanship to Chair Furfaro.

Chair Furfaro: Yes.

Mr. Rapozo: I am very hesitant to approve these kind of large expenditures for Departments that we have no concurrence and Councilmember Yukimura that goes to your earlier one with Life Choices. We have plans on the book for a five thousand seat at Vidinha Stadium that goes back thirty years, forty years... Since the last time with the Kapa'a beach park, from the soccer folks saying do not touch that. We need that for soccer. I do not see any assurances from the Parks Department and Mr. Chair, I am not asking for them to come. They came and went. I will just not support any expenditures that we really don't have any assurance from the Administration that he can get it done. I remember last year Mayor Bernard slamming the table and saying what you trying to do, set me up to fail? So I respect that, but I would have much rather seen some kind of justification and assurance from the administration that they can. This is a huge project. It is not just as simple as getting a consultant because the procurement process does take time that. Is my comments. Thank you.

Ms. Yukimura: When I heard the citizens, I was thinking perhaps a \$50,000 grant to begin the master planning of the town park which would be ready when the soccer... this 12-acre sports facility was completed and the move could be made as a way that maybe could be done. But I did have problems as to who exactly would do that. But I feel like there is a lot of energy around developing plans for the town park or the beach park and maybe that could be ongoing.

Chair Furfaro: Anyone else?

Ms. Yukimura: So like \$50,000 instead of the 12-acre sports facility. Because I am not sure that parks will move on it and otherwise that money will just sit there.

Ms. Nakamura: In recent discussions with Lenny Rapozo and discussions around the stadium park, you know I think there is a recognition that yes, this has been on the books for a long time. And the focus just for this year was to get the locker room, the field conditions at the stadium side addressed. The acknowledgment that this was the next year plan of action and I do not know the history of all of this and I know there is a lot of history, but that was the tone of the discussion with the Park Department. So that sounded like a reasonable approach, but I know it is frustrating that it has been on the back burner for a long time.

Mr. Bynum: I would like to make one closing comment and take the vote. 40 years, we heard him read from the Kapa'a – Wailua Development Plan, 40 years ago and what Councilmember Rapozo says that is exactly the point. We do not want to take the soccer one field

that is there in our town park away until there is an alternative. We this vibrant community -- business community out there that has come and asked and you are right, the frame was oh, we are going to focus on this first and then get to that next year. I have heard that four years in a row. We'll get to it next year. This is a rear view relatively simple thing to put out and begin the design-build process and that will set us up for next year to have construction money. If we do not do it this year and the funds are not available, it will be at least three years we will have the fence up at Kapa'a. That is why we have a planning division in the park department with three full-time employees. I think they could do that community engagement for conceptual design for the beach park in-house. If you cannot do that with three people, so yes, I am frustrated. Because I think this is an important economic development move for Kapa'a, and we have already spent a bunch of money and boom, four or five years dead in the water. So I think this is not a difficult kind of next-step. This is the next step, I have been assured and I do not think putting out a design or design-build procurement contracting is that cumbersome when you have employees. When you have Ernie Barreira running the procurement, so I made my pitch and I will keep making it until it is successful some day.

Chair Furfaro: Is there any more discussion before I share a few comments? I will go ahead and share a few comments then. I want you folks to know that I have been privileged to be part of the parks planning discussion with Councilmember Nakamura and I think the \$50,000 exception that has been made for preliminary with Vice Chair Yukimura is nice to hear that kind of support is out there. But I want you to know in my meeting we had school principals, we had athletic directors, we had football coaches and we talked about Kapa'a in general. And the first two priorities, which we... I walked away from that meeting knowing that we were going to focus our attention on the field, for football. We were going focus our attention on locker facilities. And even maybe even moving one of the pavilions so that we could reset the bleachers. In that discussion, in a phase 2 was discussion about this park plan. And I think that is what I had committed to the group that I had met with and it will be on next year's processing list to get done. Okay. May I call for a vote.

Ms. Yukimura: May I say one more thing?

Chair Furfaro: Sure, good right head.

Ms. Yukimura: I think I am not going to vote for this, because what I hope I have heard is a commitment that it will be in next year's budget. And with that, hopefully Mr. Bynum's dreams will come to fruition as all of us who want to see that. Because I think we all want to stop this 40 years plus of talk and no action. But I do think we need the Parks Division or Parks Department's support in order to actually get it done. I appreciate the constant advocacy that Councilmember Bynum is showing and also the support from everyone else. If we can make it a commitment for next year, then I think that might make it happen.

Chair Furfaro: Well, again I think we all appreciate this focus. I have been on the council for 10 years and I am 40 percent more anxious that Mr. Bynum, but it is phase 2 for me and I want him to know he has my commitment for next year. The focus is on the field, the bleachers and maybe even move one of the pole pavilions at this time. May I have a roll call vote, please.

The motion to add \$125,000 for design or design-build procurement for the 12 acre Kapa'a facility to the CIP item, seconded Ms. Yukimura.

FOR APPROVAL: Bynum	TOTAL – 1,
AGAINST APPROVAL: Chang, Kualii, Nakamura, Rapozo, Yukimura,	
Furfaro	TOTAL – 6,
EXCUSED & NOT VOTING: None	TOTAL – 0,

Chair Furfaro: I want to make sure we all understand, we are making a commitment here for next year when we talk around the table here. Next year, let us walk the talk.

Ms. Yukimura: I presume that is a message to Parks as well.

Chair Furfaro: Yes, and like I said with the cooperation of Councilmember Nakamura and coordinated Ashley was part of our team that went out to the Kapa'a field and like I said, we had educators, athletic directors, parks people all in attendance, it was a very good meeting. So we are moving on here. You want to say one more thing? I just wanted to reassure you have my support next year.

Mr. Bynum: I appreciate that and I am sure that for the athletic people they set their priorities. This is the business community and economic development and it is been their priority for 40 years. Thank you.

Chair Furfaro: I understand that as well. I am committed to what I said and we are going to move on here. Vice Chair Yukimura, I want to come back to the last item on Capital, so we can move on to Operating Departments and it was your proposal on the \$300,000 that was outlined in the CIP and you have the action plan to be reallocated to a grant process and activities that fight drug abuse.

Ms. Yukimura: I do not think there is a motion and I will make a motion and hope for a second and have some discussion, so I can hear other thoughts about this, Chair.

Chair Furfaro: Do I have a second?

Ms. Yukimura moved to \$300,000 that was outlined in the CIP and have the action plan to be reallocated to a grant process and activities that fight drug abuse, second by Mr. Chang.

Chair Furfaro: Further discussion? I have already said my peace, folks. I am fine with moving it into Operations at no more than a hundred and fifty thousand dollars but to start a pilot program with that kind of money and not know the outcome. As I said, I do not want it to become something that becomes dependent on. That is where I am at. I will not support anything more than a hundred and fifty thousand dollars.

Mr. Rapozo: I tried to make contact with the Life Choices Office during lunch and was unsuccessful. Again, what I think I talked about Councilmember Bynum's proposal, I have the same feeling as far as the Life Choices Office. I believe this is a good direction to head in, but again, I am not sure that the office is in concurrence and I am sure she would like \$300,000, but the mechanics is something and also the other question would be after I read this during the lunch break, if the council even has the authority to establish the way that the monies are allocated. I think that is a concern for me and might be a legal issue as far as the separation of powers but I definitely think \$40,000 is what we give to the Anti-Drug Office as a County. I think that is embarrassing for a County that talks so much about Anti-Drug, but again, without hearing from the Life Choices Office, it is very difficult to support that kind of money and even at \$150,000, I am hesitant and again, I am not asking for them to be here because it is too late for that. Two things, the concurrence or their acceptance and second, are we allowed to dictate and be part of that process of the grant? Those are my two concerns.

Chair Furfaro: Mr. Rapozo, in fairness, I intend if this were approved to send over the questions to the county attorney before we do anything about it its legalities as processing grants. Very good question.

Mr. Chang: Vice Chair, just for clarification, was the monies requested by the Life Choices Office? I just wanted to clarification that was not a request?

Ms. Yukimura: No. This is something that came out of our discussions last Friday and also from the work I have been doing since 2002 as part of the Anti-Drug effort, which I think all of us have been participating in one way or the other. And I guess I initially thought that this was something we could work on in the next year, but then I thought, over the weekend, just partly because of Councilmember Nakamura's passion about afterschool programs and I was reflecting on that and the fact that afterschool programs are well-done. I mean programs that are well-done are very much drug -prevention programs so that is why all of this kind of came up during the weekend, and I just put it down on paper today.

Ms. Nakamura: Thank you, Councilwoman Yukimura.

Mr. Kualii: Mr. Chair, I have a personal privilege?

Chair Furfaro: Yes.

Mr. Kualii: I am just putting two and two together and it seems like if this fund is created, much like the specific fund that the drug prevention life choices program has for prevention work at the YMCA we have a youth program that does prevention and they may be entitled to apply for this and I want to recuse myself?

Chair Furfaro: Okay.

Ms. Yukimura: It is not necessary.

Chair Furfaro: Well what you think and what the Councilmember wants to do is the Councilmember's choice.

Ms. Nakamura: I just wanted to thank you for putting this proposal together. It is a bold proposal and I wanted to let you know after last year's budget process I sat down with Theresa Koki to talk about the possibility of putting some kind of funding like this together and the number I was tossing around in my head was \$250,000 for something similar to what you are proposing. I would be very comfortable with the Chair's proposal of \$150,000 as a pilot program and pending County Attorney's advice about the structure. This might be a proposal, but it could be worked out through the Anti-Drug Office to come up with an actual program. But I think this is a great start. I would added that it would be matching funds, you know? The amount could be, if you are going to do \$150,000, it could go down to \$10,000 as a maximum amount. I do not think we should say how much should be used for this or that, but give them the flexibility and that prior to March 15, 2013, no matter where they are in the program that we would get some kind of response back. But what I wanted to say is that this county spends about \$26 million on our Police Department's budget. We spend \$3.8 million, this is budgeted for our Prosecutor's Office. If we only take a fraction of that amount towards prevention, hopefully those long-term costs that keep on escalating can come down. Because our youth will be steered in a positive direction. And so I think this is a fraction of what we spend once the crime is done, and if we can refocus our policy on the front-end, this community and this island will benefit. So I would support this as a pilot project with the lower amount suggested by the Chair.

Mr. Bynum: I am glad we're having this discussion. I did not expect it today and I know I have talked with Councilmember Nakamura and my background is social services and I love prevention and I love these programs. I have talked with Councilmember Nakamura about my caution as a Councilmember because as a policy subdivision that the state

generally funds these items. My concern about the kind of... so when the Dolphin Club came here, you immediately want to say yes, you do such wonderful work, but then the Sunshine Club at Kalāheo School and so if we are moving in this direction, I have three thoughts. One is that it is precedent-setting. We are setting a precedent. On the other hand I agree with what Councilmember Nakamura just said, if we do not go crazy with huge amounts of money, these kind of small grants to those community-based programs go a huge, long way, because they are already so efficient at spending every penny. And if we are going to do it, it needs to be in this kind of mechanism, where it is not individual grantees coming to the County Council and asking for this project. But that they are there is a process. And so if we're moving in this direction, this is the way I would like to see it happen and my other thought would be that the anti-drug program started a lot with earmarked money. They have done a lot of this kind of procurement, and set these kind of parameters, the speeding quickness clinics and shattered dreams. I have forgotten all of the names of the programs, but they have that expertise. They have that talent and my guess is that if Theresa was listening on-line right now, she would be going yes, yes, yes, because of the passion to do it and this is the right way to do it. They know how to do it and I would be supportive of the \$150,000 as let us start it this way. But I also agree with the Chair that we should say based on standards that are set by the Department and they can let us know what their procurement and how they would like to do it. Enough said. I think if we are going to do it, this is the right way to do it.

Mr. Rapozo: Mr. Chair, I will support \$150,000, but I will support \$150,000 as it relates to special projects on page 8, that it goes under the "special projects lines for Boards and Commissions." I do not think we should be approving funds today and asking for a legal opinion. We just went through that with the police deal and I would expect that same type of caution. I do not believe first of all that we can set these parameters of them. I believe it is a violation of the separation, but I would definitely support the \$150,000 going to special projects, their anti-drug programs.

Chair Furfaro: We are going to have on more recusal as Councilmember Nakamura's husband does work for Boards and Commissions. She is going to step out. That is the call, but what I am hearing from you, I want to remind all of you, to add this it has to be a perfect five votes. Anybody else going to speak before I speak?

Ms. Yukimura: Yes. I mean I am on the advisory board of directors of the boys and girls club, but I do not feel there is a conflict of interest because we are setting up system where everybody is going to be treated equally. So it is not where we are making decisions for one group versus another group. If it were, I would be stepping out. I do not see that it is a conflict at this point. And I will make a request to affirm that or find out if I am wrong, but I am pretty sure it is not.

Mr. Rapozo: I want to make sure that the motion is?

Chair Furfaro: You can go ahead and make the motion.

Mr. Rapozo: I think JoAnn may have made the motion. I am not sure because it does not specify where it's going to go.

Chair Furfaro: You can specify where it is going to go and amend the amount.

Ms. Yukimura: I did intend it to be in the Life Choices budget.

Chair Furfaro: Which is Boards and Commissions.

Ms. Yukimura: Right. In fact, I will accept it as a friendly amendment and we do not have to even vote on it.

Mr. Rapozo: That is fine. That is all. I just wanted to clarify the motion that the \$150,000 would be added to page 8.

Ms. Yukimura: But I do want to say that it is for afterschool and preschool programs.

Mr. Rapozo: Again, I am not sure how much flexibility we have with that.

Ms. Yukimura: We can specify that.

Chair Furfaro: We will send it over as a question. I want to make sure by putting it in Boards and Commissions the fact that the application process, the critique needed in the applications and so forth, by being in Boards and Commissions we are pretty much assured that Life Choices would be involved in setting up this process.

Ms. Yukimura: Mr. Chair, my motion is for afterschool and preschool programs, because that is the crux of the anti-drug evidence-based work. And Kpal, if you give to Kpal, we are specifying a program. This is a little bit more generic, but I am sure we can make that specification and for me, we would have to do that, because otherwise, you know? Some of our anti-drug monies for example went for a youth magazine. You know? It could go all over the place. We want this focused on the kinds of programs that actually make a difference in our young people saying yes or no to drugs.

Chair Furfaro: I think we have a friendly confirmation from Mr. Rapozo on that. So we are going need all five votes and this would transfer \$150,000 into an operating account under Boards and Commissions. You folks are all in agreement with the motion as I just summarized it and now we'll do a roll call vote, please.

The motion to transfer \$150,000 into an operating account under Boards and Commission, was then put and carried by the following vote:

FOR APPROVAL: Bynum, Chang, Rapozo, Yukimura, Furfaro	TOTAL – 5,
AGAINST APPROVAL: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
RECUSED & NOT VOTING: Kualii, Nakamura	TOTAL – 2.

Chair Furfaro: Now let us bring in the members back. Go ahead, Mr. Bynum.

Mr. Bynum: Just while they are coming back, I just wanted to say that I appreciate the caution that Councilmembers are taking regarding conflicts, but it is different than in the instance of the “Y” here, this was not to put anything into their budget.

Chair Furfaro: I have to ask them to step out if we are going to have dialog because you are talking about “Y,” I am going to send them out again.

Mr. Bynum: In both of these instances, this was not direct funding to the “Y” and I am not clear exactly what Councilmember Nakamura – her husband provides legal work but I do not see that as being a conflict when we are adding something to that budget. I appreciate the caution but if you are a direct beneficiary then do it, you have a contract directly or the agency

you working for is getting funded directly but when there is this many layers of distance. Because eventually and if one more person would have recused themselves, we could not do it.

Chair Furfaro: That is right and I had that argument before, let us not go there. People are cautious at their choice. I do not know if they would agree to have you defend them but they are being cautious is their choice. Vice Chair Yukimura is on the Boys and Girls Club and unless her daughter is a beneficiary, I do not think she should recuse herself. I was on the Board of Habitat and unless is my daughter was getting a house... I do not understand the real particular with some of these pieces but that is not what we are discussing here. We have two members that recused themselves and now I'm going to ask them to come back in.

Ms. Yukimura: Can I say one quick thing? This issue of conflict of interest is very important for us. It affects whether we can do our work or not and the credibility of our work.

Chair Furfaro: Sure.

Ms. Yukimura: It is not only if my daughter gets...

Chair Furfaro: I just used that example.

Ms. Yukimura: If the organization on which I sit is getting money I think I need to recuse myself, but it is also in another organization could get the money had a my organization is getting, I feel like I am not supposed to vote on that organization either. In this case, we are just setting up a system, we are not making the choices and I do not think there is conflict.

Chair Furfaro: I do not want to have any more conversation on that. I have resigned on three Boards and the question was but you received County money? Well, I will just recuse myself from the vote. Ethics told me no, I cannot. So end of story, let us bring the other members back in. I don't want to talk about anything. I just want to go forward.

Mr. Chang: Vice Chair on number 4, on your proposal, it says k-12 and we are having discussion about preschool. So just the sake of it we are going to do preschoolers.

Ms. Yukimura: \$75,000 to preschool and \$75,000 to k-12.

Mr. Chang: Vice Chair thank you for putting this together, because it shows the human elements. We are talking about CIP and talking about all of this other funding, but this is really about the people and the future for Kaua'i.

Chair Furfaro: Okay, in the future if you have questions about proposals and so forth, state them before we vote to get clarification after we vote is not appropriate, I think. Ask it before we vote, okay? So you folks have that change? CIP is finished. Close the book on that. Now I am going to take and go into departmental reviews, next Ernie, but I need to get my order of reviews and I need a break for myself. The Mayor's Office we have covered already. Risk management, half of the piece we have covered. Personnel Department, we have covered. Okay? Now I am going to go through some of the simpler items in various departments that I have not heard any changes to, and this is not about adding, although we can talk about deleting. This is about coming to concurrence, for example, we are all happy with CIP? Yes, because we just closed the books on it. So it is off the list. Next one, Department of Liquor Control. Any changes in what we have been briefed on, what we saw on the budget? I am working off of this sheet here. Okay? And since we finished CIP, I am going backwards. Is there any discussion on Liquor Controls? Hearing none. Transportation? We had a pretty thorough presentation. We covered a lot of those and got some grant money for shelters. Okay? Go ahead?

Mr. Bynum: Can I just make a comment? I am not trying to propose anything. I would just encourage the Administration to look at the transportation and the elderly affairs director's position. I cannot figure out why they are lower than other agencies that are similar. So I am not prepared to make any motion on that, but I would like those two positioned to be followed up on. I do not understand. So thank you.

Chair Furfaro: Thank you for your comment on that. Transportation Agency? We are going to move on? Housing Agency? We made some changes earlier. This is the Operating Department for Housing.

Mr. Rapozo: Mr. Chair, I apologize. I had a question and last week when we were here, Leilani from UPW had a concern and Mr. Kualii, I am not sure if you followed up on that. It was the transfer of a position and I believe it is the mechanical repair... I cannot remember which one it was. Maybe Mr. Kualii can help refresh my recollection. Do you recall that discussion?

Mr. Kualii: It was the mechanic and they were moving over... what is it? Position from the repair shop and small equipment repair.

Mr. Rapozo: My memory tells me what she was talking about was that they did not concur or confer with the union and I wanted to follow-up on that and to be honest, Mr. Chair, he completely forget.

Chair Furfaro: Ernie, are you aware of what we are talking about here?

Mr. Barreira: Yes, sir.

Chair Furfaro: Could you enlighten us another time here on what that discussion about the mechanic and small equipment repairs?

Mr. Barreira: Yes, sir. I believe, I cannot tell you the outcome of the discussions, but there were discussions that were spearheaded by Transportation Director with the UPW. I cannot speak to the outcome of those discussions, but there was dialogue.

Chair Furfaro: Could Wally? Take a moment and brief him on the question.

Mr. Rapozo: Mr. Chair, just because I want to avoid a grievance, if, in fact, this transfer could be done at a later time I would be more comfortable and I apologize I did not follow-up and I should have.

Chair Furfaro: Is the Administration copacetic with UPW on a particular position?

Mr. Barreira: My understanding is that if consultation is required, I believe that has been achieved. I cannot say for certain there is concurrence or agreement. I am not sure that is a required element in the contract. I believe that consultation is required and as you know from the Mayor's message, this initiative is critical in terms of facilitating timely and effective small equipment repair.

Chair Furfaro: We will accept that for now, but please note the concern. We are going to move out of Transportation now. Go to the Housing Agency. Any additional queries and if not, we will put that behind us and go to Elderly Affairs. I am going to draw a line through Elderly

affairs and I am going to take a ten-minute break so you can look through your notes because I need to move through here, getting back up to the top.

There being no objections, the Council recessed at 2:59 p.m.

The Council reconvened at 3:11 p.m., and proceeded as follows:

Chair Furfaro: We are back from the last recess. I do want to make a footnote as we passed over the Transportation Agency, the mechanic issue that is still in what they call a "105 review" of which there is an issue with one of the mechanics, that its placement on this. So I am making sure that we know there is still a negotiated item over there and that came up with the Administration just on May 11th. For the record I want to make that special note.

Mr. Rapozo: I just want to add to that, there has been no meeting yet.

Chair Furfaro: Yes.

Mr. Rapozo: The letter was sent... the UPW received the letter of the interest to transfer on May 11th, like you stated, but there has been no meeting and, in fact the union is not in agreement, but that has yet to be worked out.

Chair Furfaro: There will be that footnote for us on this May 11th letter for the Transportation concern with UPW. Okay? Now we are going to go to the Department of Parks and Recreation. Which is broken down in several areas. Did somebody try to call Mr. Bynum? You did? Okay. We will just move ahead. Question on administrative items with Parks?

Mr. Kualii'i: It has to do with proposed new leases and I have two, three items. I do not know if I should do them one at a time?

Chair Furfaro: Let us go through them one at a time and when you say "leases," you are talking about leases for equipment or office space or all of the above?

Mr. Kualii'i: That is correct. Number one is the new area lift truck \$185,000. I am assuming that is the full amount. So if it is a five-year lease, than the part that would apply to this year is 1/5th of \$185,000. My proposal would be to defer it for one year. It is a new lease and justification in the narrative from the Parks was that the Parks are growing and the urban forest for which we are responsible is also growing. It's difficult to utilize the equipment from Public Works as far as scheduling. I think this is a high-cost item and I would ask if perhaps we could defer it one year and in that one year, track the scheduling of the seriousness of the inability to share the existing equipment and also just to provide more... instead of just a narrative which is one sentence that says, "the urban forest is growing and there is more to take care of." Show us some numbers, what was our inventory ten years ago, five years ago and today? What was our scheduling request to public works when it was denied? I know the Parks Director talking about the Lydgate Pond mentioned a piece of equipment that they needed and that public works had it in Hanalei at the time. So they hired it out, so if, in fact, the ability to share the equipment is possible, but there are times when it is not and more cost effective to hire it out on those few occasions, you know what I mean? We just get any of that kind of information.

Chair Furfaro: Let us see if Ernie has anything to add for you.

Mr. Barreira: Only what Councilmember Kualii'i has articulated, there is quite a bit of work to do in terms of maintenance and they are not able to get to it because of the

height issues and the equipment is simply not available on that unless on weekends, which encumbers higher overtime costs. That was the crux of the matter on that piece of equipment.

Chair Furfaro: Could you restate what you wanted to do there?

Mr. Kualii moved to defer this new lease for one year and the value is \$37,000, seconded by Mr. Rapozo.

Chair Furfaro: For the purposes of discussion, could somebody describe that piece of equipment to us.

Mr. Kualii: In the narrative I see new area lift truck with chipper. Ernie, might have something more.

Mr. Barreira: The specifications for that type of equipment is due August 26th, prior to the procurement process. I am sure there are specifications, but I do not have that with necessity with me here.

Chair Furfaro: Do I understand this to be... is that a \$185,000 is the total amount?

Mr. Kualii: A hundred and eighty-five thousand is the total amount and I am assuming that is for the total lease and if it is a five year lease which... then I am assuming because they saying... no. I asked for the information and that is how I got it. There was no detail.

Mr. Rezentes: In the text, the numbers indicate the estimated purchase price and then the new lease – I believe it is 186 in the budget for Parks and Recreation. So the list of prices that correspond to each piece of equipment is the estimated purchase price, and then the lease amount \$87,342 relates to the annual lease payment estimate for those respective vehicles.

Mr. Kualii: During the budget presentation I remembered I had asked how it breaks down per piece of equipment and we never got that information. Basically you are saying that the \$87,000 is for those four vehicles, the area lift truck, a forklift and a tractor loader?

Mr. Rezentes: Correct.

Chair Furfaro: Wally, the lift truck being the most expensive items of those?

Mr. Rezentes: Yes.

Chair Furfaro: It has one of those buckets on it?

Mr. Rezentes: Yes, to carry the individual.

Mr. Bynum: And the chipper?

Mr. Kualii: I think it would be, if you just went by percentages, you could say that of the \$87,342, nearly half or maybe \$40,000 would be the amount for the lift truck. That is the expensive piece of equipment?

Chair Furfaro: Yes, that is \$185,000.

Mr. Kualii: Okay. So maybe instead of \$37,000 savings by deferring one year, maybe even \$40,000.

Mr. Bynum: These are lease-to-own, right? Thank you.

Mr. Rapozo: I would not suppose you folks have the information as to how many times that lift is used? I believe we have another lift in the County. We had that discussion back and forth between Parks and Public Works that it is an issue of who can operate it and Mr. Kualii referred to one case they rented a lift truck and the question is do we really need a new aerial lift at \$185,000? Is it justified to get a second lift truck for this island? I do not know that we use the truck everyday and it may be just cheaper to rent on the days there is conflict between Parks and Public Works. That is the question, I think he was asking and never got a response to and I did not either.

Mr. Kualii: I was basically deferring we defer one year and in the next year, you track and bring us back that information and provide us the detail of the use, the shared use of the existing equipment, the daily log. I mean how often do you need it and can't get to it? How many times you had to contract out, if you will? They paid for the cleaning of Lydgate pond because that other piece of equipment was already been used in Hanalei. I heard that. And then to basically show us the numbers and justify this investment at this time. You know, because if we have two pieces of the same equipment, and even if 30% of the time one or the other is sitting idle, than it may not be the wisest investment. Or move... But it may be and in a year you can show us.

Mr. Barreira: Mr. Chair, I have a figure that was relied to me by our budget analyst. It is \$40,396 would be the yearly lease payment for the lift.

Chair Furfaro: Well, on that note, if I go to Vegas, I will take Kualii with me for luck. So that adjusted the number by how much?

Mr. Barreira: If it is removed? It is \$42,000 that would remain?

Chair Furfaro: That is the balance of all those vehicles?

Mr. Barreira: \$40,396.

Chair Furfaro: Excuse me that is the balance?

Mr. Barreira: No. We are calculating the balance for you right now, sir.

Mr. Rezentes: \$46,946 if the \$40,396 is removed.

Chair Furfaro: Okay.

Mr. Bynum: I have a long history of working with the Parks Department and getting the men that work for us the right tools is a really important issue. So I am going to tell two stories really quick. I promise to be quick, because I want to support them. First of all, the Mayor, I am sure there would be more in here, but they have to justify in your budget process and things get cut. This is a big-ticket item that I'm certain if we asked Lenny, he has deferred in the past and so I do want to provide the tools. Two stories I will tell really quick when I first started being a volunteer with Friends of Kamalani, there was a weed wacker and the guys who wanted to weed whack had to wait and get it from another park and spend the whole day weed wacking. The Friends of Kamalani just bought them weed whackers for years until Mayor Baptiste worked on a equipment schedule that we actually planned when we wanted to replace equipment. We have done

a better job as County to provide tools to our workers for productivity. I also want to talk about that stage. I lobbied for that stage and it was a big-ticket item and wow, it is a lot money and we got by having Roads guys spend a whole day building a wood stage and taking it from our storage yard. So I will not tell the whole story.

Chair Furfaro: I will not allow you to tell the whole story.

Mr. Bynum: It turned out it was three days work for five guys to set up a stage every time we do it. That has increased our productivity. So I am going to support the Parks Directors request for his equipment. I think going with this lease the purchase is a good way to go. I have had some discussions in past about that. And you know, these big-ticket items do not show up very often, because they usually wait three, four years until they convince the Mayor to find a slot to put it in and I am sure that is the case in this instance.

Chair Furfaro: Because you have done so many things, to get these things in the past they always took five votes. Okay? So we need five votes to remove this, we need four votes to keep it in.

Mr. Rapozo: Four to remove, five to add.

Chair Furfaro: We need five votes to add. Four to take out.

Mr. Rapozo: Correct.

Chair Furfaro: So now that we know all of that, Mr. Rapozo, we have a motion and second on the floor. Did you still want to speak?

Mr. Rapozo: I just want to say, like a said a few days ago, I would love to give everybody what they ask, but the numbers are rising. We keep adding to the budget and we have to cutback. I had earlier spoke of removing \$500,000 from the equipment leasing amount and let the Administration determine and prioritize what they want to remove or defer, should, in fact, we get to a point that we need to cut the budget. But we are, I believe, the last I counted we were changing about \$730,000, but I think that has since changed. I think it is even more than that now. But I would much rather have the Administration... So we are at \$1 million now? So we keep adding and adding and adding and we got to find this money somewhere. From what I have heard, what Mr. Kualii touched on and the discussions we had and the reality is that we have not gotten the information requested on justification, I will support that. And probably more from equipment purchases, because those can be deferred, I believe. Thank you.

Chair Furfaro: Okay, and your point is well-taken, because I have said it several times, even going through CIP, I would prefer if you have an add, you have a takeaway, but let us call for the vote. Roll call, please.

The motion to defer the new lease agreement on the new aerial lift truck for one year which is equivalent to \$40,396, leaving a balance of \$49,946 for the other equipment lists, was then put, and carried by the following vote:

FOR APPROVAL: Kualii, Rapozo, Yukimura	TOTAL – 3,
AGAINST APPROVAL: Bynum, Chang, Nakamura, Furfaro	TOTAL – 4,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Chair Furfaro: Status fails for the removal. Next item is fiscal Personnel and Personnel Division for Recreation, we have gone through staffing on the adds but we had a question

that came up about lifeguards. I am very, very concern. I am going to say something out loud right now, when we ask the question from Parks and Recreation about taking the money out for overtime and then we had Councilmember Nakamura add in \$6,500.00 for Summer Fun. Now we have got a whole new number from them. Okay? I am just saying this. This is not about Parks. This is not about lifeguards. This is about getting department heads to the table to understand how important their message is to us about plusses and minuses on their operating accounts. So I am going to give the floor to Councilmember Nakamura to share with us the recent information we have. Now I am going to turn to the Deputy Clerk and first say we took out overtime from parks and recreation in our general piece when we discussed overtime, right? How much did we take out? It is the long sheet that we all discussed. We took out from Parks and Recreation total payroll for the Department not just lifeguards, we took out... \$680,000, recommending 7% of their overtime budget. Their overtime budget was \$94,000. Now we have got this piece that comes back to add the \$6,500.00 for lifeguards in the summertime for the pools. You have the floor.

Ms. Nakamura: When we were in budget discussions with Parks and Recreation, I asked the question of what it would take to extend the pool hours at the two pools?

Chair Furfaro: In the summer?

Ms. Nakamura: I think my initial inquiry was just general if we were to extend the pool hours and they came back with a proposal to add two new full-time positions that would be at \$31,000, two full-time positions, with overtime and all of that. It total \$122,000 proposal.

Chair Furfaro: Clarify that. Two full-time positions with overtime included and so form, what is the straight time pay?

Ms. Nakamura: The straight time pay was \$31,212 times two, because two positions, with the fringe, the total would have been \$119,149.00. And if with were to add coverage during holidays, and staff leave, there would be an additional need for \$3,243.00 in overtime. So the total was \$122,392.00. That was their original response to my question.

Chair Furfaro: That was their response to your question. We all did not see that, but they agreed to the Parks and Recreation Department having a \$6,580.00 reduction in their total overtime, which was submitted in their budget at \$94,000.00. Now our question is are we trying to add two more full-time lifeguards or adding the overtime in the discussion for the summer and special schedules?

Ms. Nakamura: What happened was my thinking was this was a big jump to make to two full-time positions. So I asked Ernie and Lenny to look at what would be some middle ground here? And the response earlier was the \$6,580.00 that set aside for the overtime would not be enough, because there would be staff burnout and inconsistent opening of the pool usage without more staff.

Chair Furfaro: Is that it the real answer you gave us, Ernie? Is that the real answer you gave that this would be staff burnout or the real answer is that they will be chomping at the bit for overtime to sit in the sun?

Mr. Barreira: I can only speak to the answer that was provided based on the analysis by the Director and I think the concern I heard from Council was to have continuity to make sure those hours were regular and reliable as opposed to some days it works, some day it did not.

Chair Furfaro: Did that schedule happened? Did we have a discussion with Parks and Recreation and say when the pool is closed on Mondays that is when the Fire Department

gets to train. Not close another day? That the overtime would be used in the summertime hours so the pool would be open to 8:00 at night?

Mr. Barreira: I have not had that detailed discussion with Parks. My discussion is limited to the Council's interest in having expanded hours during the summertime.

Chair Furfaro: That would have been how much money?

Mr. Barreira: Councilmember Nakamura has it.

Chair Furfaro: \$100,000?

Mr. Barreira: No, sir. The last option we looked at was a 19-hour, two people working 19 hours a week, which was the far more acceptable compromise from a budget management perspective. Councilmember has that number in front of her.

Chair Furfaro: How much is that, say it out loud, how much is that?

Ms. Nakamura: So 19-hour pool guards and anticipated overtime the total is \$37,148.00. We have already approved the allocated the overtime of \$6,580.00, so the balance is \$30,568.00 that is under this scenario.

Chair Furfaro: Jade, where did we allocate \$6,580.00? When did we do that? Was that during the overtime discussion? We allocated it or we took it away? I do not agree with this discussion, but we will go from there. That is a proposal from Councilmember Nakamura. Do you want to restate your plan?

Ms. Nakamura moved that the balance is \$30,568.00 that would be needed to fund two 19-hour pool guards and the balance of the projected overtime, seconded by Ms. Yukimura.

Mr. Chang: Is this year-round or just extended summer hours?

Ms. Nakamura: Ernie, can you please help me whether it is year-round or just during the summer hours?

Mr. Barreira: Based on my understanding of what Council had intended, it is strictly limited to the summer months and additional hours during those months for both pools, Kapa'a and Waimea.

Ms. Nakamura: Thank you. I think it is annual pay.

Chair Furfaro: That is what I am going through. If it is the summer it is 304 hours times the hourly rate of pay is what this should be bumped. What we have here is putting back the part-time equipment of a 2,080-hour a year employee.

Mr. Rapozo: I would suspect if you divide that by four (4), you will get a three month employee.

Chair Furfaro: But that is two (2) guys is what I am trying to say... So for those two (2) people, Ernie, it should be about twelve thousand, eight hundred dollars (\$2,800.00) for nineteen hours during the summer months.

Mr. Barreira: If the intent is to have summer months only.

Chair Furfaro: That is the intent. I would make your motion based on adding additional lifeguard cover in the summer months equal to twelve thousand eight hundred dollars (\$12,800.00) of pay.

Ms. Nakamura: For the two (2) positions?

Chair Furfaro: Yes.

Ms. Nakamura: For four months?

Chair Furfaro: Let us see if there are any more discussion before we go there.

Mr. Bynum: This is to keep the pool open when people would actually want to use it, right? We keep it open until 8:00 at night?

Chair Furfaro: And on the weekends...

Mr. Bynum: And frankly, I was hoping that \$30,000.00 would do it year-round, because I this is a very worthwhile proposal. We have these facilities, kids, adults, seniors, everybody uses it. We are in an environment where summer and winter it is a usable place to keep that pool open in September, for kids that are out of school at 2:00 or 3:00 to stay, I would love these pools to be open until 8:00 year-round and I thought the \$30,000 would do that, because it talks about full-time positions and I would support that. 120%.

Chair Furfaro: Let us get some feedback from the Finance person and then JoAnn.

Mr. Rezendes: In discussion with Parks, it would be difficult to maintain a year-round program with a couple of 19-hour a week personnel if you just keep them....

Chair Furfaro: Oh, we need a tape change. Wally, stay close. Five minutes, B.C.?

There being no objections, the Council recessed at 3:42 p.m.

The Council reconvened at 3:45 p.m., and proceeded as follows:

Chair Furfaro: Ernie, before we go any further to make sure we have everybody on the same page here... when we allocated Parks and Recreations seven percent (7%) reduction in overtime, it was for that whole Department. But we said we are taking that sixty-five hundred and we are not touching the lifeguards with them. What we did not do is we did not put in a reduction for the rest of the Department. In other words, there is no requested contribution for reduction in the ninety-four thousand that is allocated to grounds keepers or mowers or anything. We gave it all to the Lifeguard Association - pools and what I am saying that is all fine and well and we are establishing the fact that Parks and Recreation would not have any reduction in their overtime for other working shifts and that was probably where we went astray. So what I am thinking is we should probably leave that \$6,580.00 reduction in Parks, right? And just have this discussion about the four-month a year lifeguards, and some additional overtime for them. Are you following that, Jade and Scott? Okay. So you calculated seven thousand, one... what did you calculate Yvette? Seven thousand, four hundred fifteen (\$7,415.00) per nineteen (19) hour lifeguard times two (2) lifeguards gives us fourteen thousand, eight hundred thirty dollars (\$14,830.00) and how much potential overtime do we want to add to that number?

Mr. Barreira: Chair, the overtime that Mr. Rapozo was referring to was in terms if these people not provide services for whatever reason, his regular staff would have to be provided the overtime.

Chair Furfaro: How often would that be?

Mr. Barreira: One of those unknown variables, sir. We would have to determine the ballpark to provide you with.

Chair Furfaro: I am going to throw out a ballpark of 15% because the federal law says if you hire 19-hour employees they can work in a week, they can work up to 40 hours sometimes, right?

Mr. Barreira: Yes.

Chair Furfaro: The only time it gets tricky for overtime, if they work more than one month or eight payrolls - no... four payrolls or eight weeks more than 40 hours. Then you have to pay them benefits. Does everybody follow that discussion? In other words, if we hired four part-time lifeguards, and they worked at straight time, they could work a period of eight weeks on straight 40 hours a week. Once they go past that week, I don't know what the labor contract says, but the Federal Government says then you must offer them benefits.

Mr. Barreira: Chair, given your 15%, that would be \$2,224.00.

Chair Furfaro: \$2,224.00?

Mr. Barreira: Roughly.

Chair Furfaro: Okay so the motion on the table should be and I want to correct the old piece first. We had two part-time lifeguards for a four-month period, and an additional cost of \$14,830.00. We will also allocate another \$2,224.00 for overtime for that summer period. That being said, we should take back that \$6,580.00 reduction. Do you follow? Because the overtime we wanted to give was for the pool attendant, but what we took out was the overtime share for the entire Parks Department. Are we all copacetic? We are good? And then, of course, we have to add the benefits for that period, just like social security and some of the other small ones. Now Wally, if my interpretation is over on federal rules, you will correct that and get that to us, right? If we have a part-timer 19 hours a week and in a week somebody is going to the Philippines or something, we can work them full-time. It does not mean we immediately have to give them benefits, okay? Vice Chair Yukimura, you had a question?

Ms. Yukimura: Yes. I just wanted to confirm now the amount that we are putting in for lifeguard summer service?

Chair Furfaro: \$14,830.00 of straight time, \$2,224.00 of potential overtime.

Ms. Yukimura: So that is \$17,054.00?

Chair Furfaro: Yes. And we need that in a motion.

Ms. Nakamura moved to propose \$17,054.00 for two 19-hour pool guards during the four months in the summer and that includes 15% overtime, seconded by Ms. Yukimura.

Chair Furfaro: It is an amendment; right? Because I think you made a motion already? So this would either be a removal of the first motion and removal of the second and a new motion.

Ms. Yukimura: Either way.

Chair Furfaro: I would like to do it this way.

Ms. Nakamura withdrew the initial motion, Ms. Yukimura withdrew the second.

Ms. Nakamura moved to propose \$17,054.00 for two 19-hour pool guards during the four months in the summer and that includes 15% overtime, seconded by Ms. Yukimura.

Chair Furfaro: Any further discussion?

Mr. Chang: Chairman, thank you. Just for clarification, does this part-timer come in at like 5:00 or does the person work all the way through?

Chair Furfaro: They could work them backwards from 9-1. From 1-5. They clean the pool tile, I mean, that is not for us to decide.

Mr. Chang: Okay.

Chair Furfaro: That is up to Lenny. All those in favor, please signify by saying aye?

The motion to approve the proposed amount of \$17,054.00 for two 19-hour pool guards during the four months in the summer and that includes 15% overtime, was then put and unanimously carried.

Chair Furfaro: Moving right on. We have in the Parks Department this planning and development, any discussion on that? Seems like we had some of that at capital time. Any specifics about other recreational activities? Any agenda dialogue on park maintenance for the division? On beautification? On stadium divisions? On Convention Hall? On the golf course operations? No? We got some CEDS money for that. We are pau with Parks and Recreation.

Ms. Nakamura: Yes.

Chair Furfaro: Public Works - Administration? Fiscal accounts in Public Works? The Engineering Division in Public Works? The Building Division in Public Works?

Ms. Nakamura: Can I just make one comment?

Chair Furfaro: Sure.

Ms. Nakamura: That Public Works, Larry Dill prepared a memorandum responding to the questions raised during budget presentations that was dated May 4th, and yet we received this packet just today, I believe on May 12th. Today is the 14th.

Chair Furfaro: So you concur what I told Ernie, we are getting information on the day we are making decisions.

Ms. Nakamura: Which really makes this process ineffective, because we have not had the time to process the questions that were asked during the budget presentations to make any discussion about this budget meaningful.

Chair Furfaro: You get my point, we have give them 48 hours to responds urgently and now we're down to the last 32 hours before we have to pass a budget. Councilmember Nakamura, you still have the floor?

Ms. Nakamura: I guess my point it seems like the memorandum was done May 4th but for eight days it was somewhere and not transmitted to the Council, which would have been time for us to review it and make some recommendations.

Chair Furfaro: So Ernie, that arena reinforces my email, you need to move it off your tables.

Mr. Barreira: Chair, all I can tell you is that the date that I received it, I walked it to Council. I am not sure if they document...

Chair Furfaro: I do not think you quite understand what I am saying. There seems to a control point somewhere other than yourself and if the memorandums are going there on the 4th of May and do not get turned around to us until the 11th, guess what? They are parked someplace too long. Okay?

Ms. Yukimura: I just want to note that if we do away with the supplemental budget, the Administration will have a lot of time to respond to our questions.

Chair Furfaro: We hope that is the outcome. That we are not doing the supplemental and not doing it twice, the reality, it would provide you more time for a one-time answer. That is the hope. Okay. Automotive Division? Solid Waste Division?

Mr. Rapozo: We had made a lot of suggestions during the mar March 15th discussion and I had the concern of overtime at solid waste and the recommendation was to hire someone to get a full-time worker and not necessarily pay overtime every single day. I do not see any - and maybe it was rectified or changed? I do not see that and I am not going to attempt to put in a position right now, because it will affect the overtime and all of that. But it is really a follow-up to what Councilmember Nakamura is saying that I have requested information as well from Finance that I have not received and just got a note "anticipated tomorrow." But it is difficult, and I just want to keep that door open that granted we have to get this all done by tomorrow, but if, in fact, we get information that is submitted late, like we just got Public Works, that you give us the latitude to revisit some items should there be time. At the end of this process. Because really, I think it is not fair for us to be handed this information today, and not have an opportunity to revisit something, should the information we received be vital in our decision-making.

Chair Furfaro: I will consider that the depending on the question.

Mr. Rapozo: Thank you very much.

Chair Furfaro: For me to go back and change what we have been trying to get through... it would be very difficult.

Mr. Rapozo: I am only suggesting if it's a issue that pertains to something that we received late.

Chair Furfaro: We will have that discussion at that time. Okay.
Wastewater? So, Public Works is done. Civil Division Agency? You want to go back?

Ms. Yukimura: No.

Chair Furfaro: Civil defense? None. We are going to go to the Fire
Department now. You want a recess?

Ms. Yukimura: Please.

There being no objections, the Council recessed at 3:59 p.m.

The Council reconvened at 4:21 p.m., and proceeded as follows:

Chair Furfaro: We are back from recess and I would like to share with you
folks, I passed out some budgetary presentations, page 4746, if you would like. This is much more
clarity on the very much talked about positions on the new aerial truck and the chipper and so forth.
This is more fyi – it was a narrative that was presented to us by the Council and I am going to Civil
Defense Agency. I raised the question if there was any discussion before we go to Fire Department.

Mr. Rapozo: I got some. There are a few concerns I have and let me just
start off by saying that my concerns that I had last year is no different than this year. That the
staffing of that office, for an office of four to have two EM5 level managers is of concern. I believe two
EM5's in an office of four is too much. The other concern, the disaster contingency line item is only
\$1,000.00. I am not sure if they have other funds available and I am not sure where they get their
funding from as far as contingency. I know we rely on federal and state, but as far as County
contingency, there is \$1,000 and I would like discussion on that and I did not receive, but we had
asked some specific questions about the rentals for the radio site leases. I am still bothered by the
\$47,000.00 for the Kukuilono Park. If anybody got the response, he did not.

Chair Furfaro: I did not get it either.

Mr. Rapozo: So anyway, Mr. Chair those are my concerns and I would love
to hear some discussion if possible.

Chair Furfaro: I would pose the first question to Wally, do you have anything
to share with us regarding the Kukuilono Park lease. It was a question that came up about some
future negotiations, when that lease expires and are we able to negotiate a better financial position?

Mr. Rezendes: I apologize, I do not have the details on that lease
renegotiation.

Chair Furfaro: And then number 2, this contingency of only \$1,000.00 in the
disaster response. That seems exceptionally low?

Mr. Rezendes: I believe the Charter has a provision to allow for \$50,000.00
contingency for disaster. We do, though, have the ability under the procurement code to proceed on
an emergency basis and follow the requisite guidelines that the code allows.

Chair Furfaro: So regardless of what we put in the contingency account, the
fact of the matter just like this last storm, folks. When I think it was Gary, I talked to, indicated that
you folks were going to initiate some of those emergency monies. It does not necessarily need to be on
that line, because by H.R.S. you have that authority?

Mr. Rezendes: Correct and if we engage in emergency contracts, life, health and safety, we would need to come up in a very short point in time and provide the Council with what we did. And request for the money bill funding.

Chair Furfaro: Mr. Rapozo, are you planning to have some discussion on the em5 position?

Mr. Rapozo: It was a discussion that we had last year and I was hoping to have some discussion amongst Councilmembers. If anyone else shares my concern, I guess that is the question. Two EM5s for a Department of 4. I think it is overkill. But it is what it is and again, I raised it last year, and it is here again. So I was curious to others.

Chair Furfaro: Is there going to be some discussion on that subject matter? Could I have an acknowledgment? Well, then, I am going to turn the meeting over to you at this point, since we answered the other two questions, because I am going to err on the side of caution. One of those that are probably on this discussion list has been registered as an active campaign person in my organization. So I will recuse myself right Now you have the meeting. On the side of caution I will recuse myself.

Chair Furfaro was noted as recused from this item.

Ms. Yukimura: I share Councilmember Rapozo's concerns about the top-heavy nature of the staffing at this point and would ask the administration to take a look at that. This is a very critical office in times of emergency, but not just in times of emergency. Actually, the preparation is even more critical than time of emergency. And I think we are looking for top-level performance. And that kind of high-level staffing really raises very big expectations and if there is not, I think some real attention to it. I think the Council is going to look really hard at it, at least next budget.

Mr. Kualii: Yes, I just wanted to say that I share the same concerns, and, in fact, one of these very positions was the position when I started a year-ago that I was objecting to because it was - certain things happened in Civil Defense, where someone retired and the other person was promoted and the vacant position was a grant-writing position in the \$50,000.00 range and that position vacant at \$50,000.00 was the title was changed. The duties were changed. The salary was doubled and it became an EM5, and then somebody was appointed into position. And that was called a "reallocation," or whatever and I think that is the creation of a new position and when new positions are created by putting funds to pay for a position and then to hire someone or appoint somebody, you are creating a new position. And I think that when that happened mid-year, that was usurping the Council's authority to set the best budget and to approve positions. And we need to step up and do our responsibility as a Council, and make it clear to the Administration that what happened in that case was wrong. And even though we may not have the legal authority to force the Administration to come back and ask for our approval, we do need them to come to us and inform us in advance of putting a warm body into that position, because once you do, you put us in the difficult position and if you keep pushing us in that corner, but we will have no choice, but to remove the funding from a position that you create without our input. And that could impact some person you put in that position, which you should not have. and so this is that have position. There was another incumbent and that incumbent left and it is very sad to see. I think it is horrible to spend the taxpayers hard-earned money to have basically two-top, nearly \$100,000.00 positions doing nearly the same job and having one of them be the long time position that has been there, but adding a new layer of an Executive Assistant that reports to the Mayor for a Division that has five total positions.

Mr. Rapozo: Four.

Mr. Kualii: Four total positions, it is just not right. Not right by the taxpayers, they deserve better.

Ms. Nakamura: Thank you, Councilmember Rapozo for raising this concern. I had a chance to look at the response from the Civil Defense Administration based on our budget presentation and questions raised. One of the things we asked for was for a description and of responsibilities and duties of EM5, getting paid \$83,532.00 and EM5, getting paid Executive Assistant to the Mayor getting paid \$96,000.00. In the areas of planning and prepared especial, Administration and Supervisory, emergency operations, communications and training, it seemed very similar and the only difference is that one reports to the Mayor and the other does not. So I would agree with your concern and I just think that every position counts in this County and to have this level of redundancy is very difficult to go along with.

Mr. Rapozo: Any other comments? If not, that is where the buck stops here. If there is redundancy in positions, this is the body that makes the corrections. We had the discussion last year. We lost a grants person. I have to agree with Councilmember Kualii, we lost a grants person and we were told that the grants were going to be handled by different people. And I have not seen much success in that area. We also lost another grants person in the Administration Ann Wooten and again, reassigned, reclassified and now we do not have that resource as well. So I cannot make a motion, because I'm here sitting as the chair right now, but if anyone has a problem with the redundancy and if we allow it to continue we are just as guilty if it is a big problem. I cannot disagree with Councilmember Kualii the way it was done and the concerns we had and Mr. Kualii I know you brought up the fact that some may view it as illegal for that kind of reassignment of a position is illegal, but I disagree. I think if the position is changed and we have a new position mid-budget it should require the Council's approval because it is a new position. It's the deviation from the budget proved by this body, but I am not going to argue that here. There is an opportunity if you feel the duplication is of significance, we'll make a motion to remove it, if not, we will move on.

Ms. Nakamura moved to remove position E-2503, seconded by Mr. Kualii.

Mr. Rapozo: Any further discussion?

Mr. Bynum: I do not fully understand why this position was created. We had this discussion last year. But now that is the way that the Department has been functioning for a year, and me last year my vote to approve that was out of deference to the Mayor and allowing him to staff the way he chooses. And me not voting to remove it will be for the same reason. I am deferring to his judgment and concerned about what - the implications of that would be they have to let somebody go. So out of deference to the Mayor, I am going to not support this removal.

Mr. Rapozo: Thank you. Anyone else?

Ms. Yukimura: Having been the Mayor, I do give and also having had to handle an emergency, a natural disaster, I know how important it is for the mayor to have somebody that he trusts and have basic say over who is in that office. I will not vote for this at this time, but because I want to give the Mayor the chance to address this in a way that will work for the community, but I am giving notice that if no changes are made in this next year, that I may join the motion next year.

Mr. Rapozo: Thank you.

Mr. Kualii: I just have to say that I will vote for this at this time to give a strong message to the Mayor and to stand up for the people. I think and for Councilmember Bynum

to say that deference to choosing to manage, if you look at this, you cannot say that you think this is how a division of four people should be managed, with two nearly \$100,000 positions, doing nearly the same job and the only difference being that they report to the Mayor. So this is a blatant misuse of power and I just have to say, has to be a strong signal to the Mayor that this kind of stuff cannot happen and if I am the only one voting at that way at this time I choose to stands up and vote that way.

Mr. Rapozo: Anyone else, I will just say before I call for the question, the message was sent last year. The message was sent loud and clear last year. And I am kind of surprised to see it back here and part of me is not. So I am definitely going to support it. As we go through this budget process, like I said, we have been adding quite a bit of stuff and as we look at things to cut, one of the things we need to hook at look at is the redundancy or duplication of service and I have read the job descriptions as well. It is almost identical. Office of four with two EM5's, unacceptable. The motion to remove E-2503 roll call.

The motion to remove E-2503 was then put, and carried by the following vote:

FOR REMOVAL: Kualii, Nakamura, Rapozo	TOTAL – 3,
AGAINST REMOVAL: Bynum, Chang, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING: None	TOTAL – 0,
RECUSED & NOT VOTING: Furfaro	TOTAL – 1.

Mr. Rapozo: Motion fails, thank you.

There being no objections, the Council recessed at 4:38 p.m.

The Council reconvened at 4:43 p.m., and proceeded as follows:

Mr. Rapozo, the presiding officer, relinquished Chairmanship to Chair Furfaro.

Chair Furfaro: Now we are in the Fire Department. We have had a lot of discussion about the pool life guards, but Ocean Safety Bureau, the pools and the ocean safety bureau for the ocean have two different reporting conduits. Lifeguard pools report to Parks - Ocean Safety reports to the Fire Department. Any discussion there?

Mr. Rapozo: The Fire Chief was up here during his presentation and made some very compelling arguments as far as expanding the leadership or executive branch of the Fire Department to really service all of the aspects of the Fire Department. And I guess what I am asking is that we entertain some dialogue going forward. I am not prepared today unless someone else is, but I am not prepared today to propose those positions, simply because I am getting really nervous with the amount of money we have to find going forward. But I do believe that the Fire Chief has made an argument that justifies - I believe he requested for two assistant chiefs. I would like to provide that for him. Obviously, I do not think we have the funds this year but as we move forward, try to work with and maybe it's in my committee that we work with the Fire Chief to establish some kind of - I do not know what you would call it as a management plan going forward, a staffing guide, as you call it, and revisit this maybe mid-year or at some point. Because I do believe for the Fire Department to get to the point where they need to be especially in the water safety area, with the lifeguards that they need some executive level management. Unless others feel like we can do it now, I would love to support it now, but looking at the those numbers I am getting kind of worried where we will be.

Chair Furfaro: The numbers are getting up there, but I would entertain an item in Public Safety Committee to have this discussion.

Mr. Rapozo: Thank you.

Mr. Chang: I would agree with that strategy. I think we have to talk about this position and I believe we all want to be supportive of the Fire Department, but it is almost like in the same principle of us trying to have a conversation with the Police Chief and his staffing. So I think it should be an agenda item very soon in Public Safety. Thank you.

Mr. Kualii: I want to support the Fire Chief in his needs. He was very clear to us when he was here. We have already approved another position and it was the majority, but I would argue that we should be supporting where public safety and the critical needs are first, rather than the real property tax technical analysis and all of that. So just to make the point...

Chair Furfaro: Well, to be covering this with the Fire Chief, he is still reaching out for accreditation, so I think we need to have more thorough discussion in the Public Safety Committee. On that note I would like to go to the Fire Training Bureau. Any discussion with Fire Training Bureau? Any discussion with Fire Prevention Bureau? Any discussion about the Fire Department's Operations Bureau? Fire Department Administration? Now Ernie, are they completely moved?

Mr. Barreira: Yes Chair. They are now moved in and so are we as their new neighbors upstairs.

Chair Furfaro: Are you in that building now too?

Mr. Barreira: We are temporarily located up there, we meaning the Department of Purchasing. It is the Pi'ikoi structure.

Chair Furfaro: Are you way of any Administrative needs after the move?

Mr. Barreira: Not to my knowledge.

Chair Furfaro: We are now complete with the Fire Department. I am going to hold the Police Department for now, as well as I think I need to back up here to our own office. Does anybody have any discussion about the Council Offices?

Ms. Yukimura: The Auditor's rent was included in the Mayor's?

Chair Furfaro: Yes, it was. The Auditor's adjusted rent was included in the Mayor's piece. The Auditor's we already did. They were in the Mayor's budget for the rent.

Ms. Nakamura: Are you going to take Elections and then Auditor's?

Chair Furfaro: Yes. Council services, nothing. Okay, I am going to go now to any further discussion about the Auditor?

Ms. Nakamura: I would like to propose that the consultant services line item under the "Auditor's Office." be reduced. Right now the line item is reflecting \$675,000.00. In the write-up, in our response from the auditor about the consultant fees needed or being used this year, that totaled \$695,000.00 that has been encumbered this year and that the projected need was about \$160,000.00 that was needed to complete the year. Looking forward to next year, we know there is a need for accounting services in order to do the CAFR, the comprehensive annual financial report.

And so there are a lot of studies in play right now, and I am not sure what the full \$675,000.00. I guess part of the issue is not knowing what next year's work plan is going to be. I reduced the amount. Excuse me, can I just confer with staff for one second?

Chair Furfaro: Sure. You have to remember the CAFR is in there, \$250,000.00 right off the bat, paid by the Auditor.

Ms. Nakamura: I am sorry, I think there was a miscommunication with staff that it was going to be the other way around.

Chair Furfaro: Yes, I figured because I just told them that the CAFR is in that line item and it is \$250,000.00.

Ms. Nakamura: Right but I guess my larger concern is that we have five people in this Auditor's - in our Auditor's Division and they are making \$114,000.00 or up to, \$103,000.00, \$89,000.00, \$64,000.00 and \$42,000.00.

Chair Furfaro: And by Charter, the Salary Commission sets those salaries, them and the Mayor.

Ms. Nakamura: Just the Auditors?

Chair Furfaro: Yes, but that is the big one.

Ms. Nakamura: But the others are right up there. I guess my concern is that if we are funding these positions at high levels, then why are we contracting out so much of the work and if it is justified and if it is special investigations and so forth, that is justified.

Chair Furfaro: This is a reduced number from previous years, but the first thing is that you want to switch this?

Ms. Nakamura: Yes please.

Chair Furfaro: So that \$475,000.00 actually including \$250,000 of the CAFR.

Ms. Nakamura: Right.

Chair Furfaro: And then the \$275,000.00 is left for other contract services?

Ms. Nakamura: Yes.

Chair Furfaro: Can we correct this?

Ms. Nakamura: And this is part of, since I have added so much to this budget through the number of requests I have made over the past few days I was trying to find areas in the budget where I thought we might have some excess. So that is my proposal.

Ms. Yukimura: Chair, did you say that the CAFR is \$250,000. I have in my notes \$215,000 but I may have misheard.

Chair Furfaro: I think one of the contracts was \$215,000 and he put in at \$250,000 this time around. But then we had call-backs, which were additional charges. So that is the

reason is that the \$250,000 and the wiggle room. You want to change that to \$205,000 then there will be a money bill if we call the Auditor's back.

Ms. Yukimura: So we are saying \$250,000 and \$160,000 is what was projected as needed, Councilmember Nakamura?

Chair Furfaro: No, here is what it is. \$250,000 should be anticipated for the audit. Another \$425,000 was put in his May 8th submittal to give a total of \$675,000. What the Councilwoman is proposing is if the CAFR will take that portion of the audit, we should reduce this to only another \$275,000 of other contracts, making the change reviewed by the Council reducing the consultant services line by \$200,000 instead of \$475,000, right? Did I get that right?

Ms. Nakamura: Yes.

Chair Furfaro: Did you folks have a new one of these to give us? You will print one out? Thank you. Further discussion?

Ms. Yukimura: So we are removing \$200,000 and the remaining will be \$475,000?

Chair Furfaro: Which includes \$250,000 for the CAFR.

Ms. Yukimura: For the CAFR. Okay, I am clear and I will wait for the written amendments, I guess. Is that what we are doing?

Chair Furfaro: Any more questions at this point? Staff, you are clear what we are doing here? While we wait for that, let us talk about the Elections Division. I want to make sure that you folks understand that I corrected the overtime requests originally. I took out of overtime from the Elections Office and it is now my understanding put back in, am I correct, Scott? Okay. For elections. Anybody have any further discussions about Elections? If not, we will go back to the County Auditors. We have a new printed amendment. You have the floor.

Mr. Rapozo: Mr. Chair, I have a question. What was it originally? You said it was reduced? Was it from last year it was reduced?

Chair Furfaro: The first year was \$500,000 for all other audits in our first year and \$250,000 for the CAFR. That is when we used the group from Pennsylvania, I think.

Ms. Nakamura: One of the reasons why I am trying to be a little more stringent about this budget is because when we first approved the program support technician at \$27,756 a year-ago, that number is are now reflected as \$42,132 in this budget.

Chair Furfaro: I think that was part of a year. Do I stand corrected it was only part of the year? Yes. So you have got your amendment going around. Is there any further discussion? Did we get a second on your amendment?

Ms. Nakamura moved to remove \$200,000 and the remaining will be \$475,000, seconded by Ms. Yukimura.

Chair Furfaro: Any discussion?

Mr. Bynum: I am just a little bit surprised that this one because I had not seen it coming for one, and my own view of the Auditor's Office in their first year is that there were

some hiccups and things that council members pointed out, but they have adjusted and I am really supportive of their work and I think the recent audits we have gotten are improved from the first ones. I am really reluctant to take away resources from this Department. They are still new. I think you just said, Councilmember, that this is similar to last year's amount and they encumbered and used most of it is that correct, this year? So I do not know that I can support removing this resource from the Auditor's Office.

Ms. Yukimura: I just want to know the answer to Councilmember Bynum's question. Was the full amount of \$675,000? It was encumbered fully?

Chair Furfaro: For this year? Yes, go ahead?

Ms. Nakamura: We budgeted \$615,000 for consultant services. \$695,000 was encumbered.

Ms. Yukimura: How did we do that?

Chair Furfaro: With a money bill.

Ms. Nakamura: My question was where did that money come from?

Chair Furfaro: In the year, for the year we passed the additional... if you are asking about the amount and Mr. Bynum is saying... the reality is this actually is closer to what they are expecting. Their work has been a good quality, I guess, I should say and I think that of their consultants. Is there anybody else who wants to speak? Others, who have not had a chance?

Ms. Yukimura: I guess I would feel a little bit more comfortable if we might touch basis with the Auditor.

Chair Furfaro: Well, we had that opportunity and he is actually in Arizona.

Ms. Yukimura: Okay, so we are kind of doing this without any feedback from him?

Chair Furfaro: Well, he submitted some particular pieces during their budget presentation and he gave us an explanation. I asked him why his business plan was not completed and he said he was waiting on the contingency of some of the other reports that were coming for this year. I excepted that but as you recall I have shared with them before that they will be called back in front of us in June before we end this year to finalize what was in his business plan. So, the question right now is there is an amendment to reduce the budget submittal by two hundred thousand dollars in the Auditor's Department. Anybody else wish to speak?

Mr. Bynum: I want to follow-up some and that I have said this before, I worked in the County 26 years ago, where we had external and internal auditors and I really came to an appreciation of how in the long run they saved money for the County, especially in avoiding lawsuits, but just in productivity gains and keeping managers on board. That is an internal audit that we do not have. This year, I want to use this as an example, audited for Public Works and they hired a consultant, Mr. Periclese Mentos. Overall they agreed in the long run that that kind of consultant and that dialogue was really helpful for them and allowed them to kind of learn some things and rethink how they are doing. So I want to put Mr. Mentos out as an example how the monies are spent. I could not imagine how they did that audit without his expertise. That individual spent years in the state system, doing procurement and had worked in the private system. I really liked the way that all played out. At the beginning there was this tension and in the long run, this

was a helpful experience for us. So I do not know how you function as an auditor without that consultant expertise. So thank you.

Chair Furfaro: On that note, I am going to call for the vote. The roll call vote. This is to reduce the Auditor's budget for services. I am sorry? Go ahead.

Mr. Rapozo: I appreciate Councilmember Nakamura's diligence in this Department. I am uncomfortable right now simply because I have not had the chance to speak to – I was not aware that they encumbered so much money this year. Some of the potential audits that he mentioned in his dialogue were pretty critical audits, I think hiring practices and so forth. I am not going support the motion right now, but I am creating a little bucket here that before tomorrow, we have to start cutting, this is one that would be in the bucket as well. For the moment, I am a little more comfortable with what his plans are, because I think the audit function is an important one here. But I to appreciate the diligence, because I believe all departments require that kind of oversight. Thank you?

Mr. Kualii: Just quickly. I just wanted to thank Councilmember Nakamura for putting this forward and I will support it, because I think it is a fine example of what we are supposed to be doing, finding the cuts to make up for the things that we have been adding. And I still see \$475,000 remains. And we can do a few audits with \$475,000, I am sure.

Chair Furfaro: May I call for the vote now?

Ms. Yukimura: I think I am uncomfortable too about cutting it until we hear from the Auditor, particularly because he did use all of his monies last year.

Chair Furfaro: And then some.

Ms. Yukimura: Yes, thank you.

Chair Furfaro: Okay. For those, I just want to share with you folks, you know, once we get into the next year, if we have something that we do want him to look at, it is easier to have him use the money that is there, rather than generate a new money bill. And we have done some pretty big one-time audits in the last two years. And I would say that I will keep my judgment on the character of these special audits in professional services until the June date. So for now, I am going to leave it the way it is and not support the amendment. So could I call for the vote.

The motion to reduce services from \$675,000.00 to \$475,000.00 was then put, and carried by the following vote:

FOR REDUCE: Kualii, Nakamura	TOTAL – 2,
AGAINST REDUCE: Bynum, Chang, Rapozo, Yukimura, Furfaro	TOTAL – 5,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Chair Furfaro: So, we are finished with the County Clerk and Auditor Department. I would like to go to Finance and Mr. Rezentes is here. Risk Management with the previous approval of the new Personnel Department, we have one-half of the Risk Management activities with Janine in the new H.R. section, then we have insurance lost prevention and Risk Management staying in Finance with Gerald. So would there be any more discussion on the Risk Management portion? Members? Well can I ask you when would we actually see the new premiums for some of our insurance policies, that comes up later in the year?

Mr. Kualii: Yes, I cannot think of the month but I think in about three or four months, I can send you an email along those lines.

Chair Furfaro: Okay, could you answer that for me, just my email is fine. Okay, moving onto Division of Purchasing. We have someone who is in charge of that in front of us right now. Any questions of the Division of Purchasing? Mr. Bynum?

Mr. Bynum: ?

Mr. Rezendes: In (27) years of government service, I have never worn less than four (4) or five (5) hats.

Chair Furfaro: Be careful with that, we may give you a few more.

?Mr. Bynum: Purchasing is a really super key position and I have always thought that it was a pretty overwhelming one as well. I know you are a very detail-oriented individual. I admire that a lot because I am not. And I have a concern about, I am actually really happy that you are involved in the budget process. I have that concern but I also believe there was one position in Finance maybe not in your division but...

Mr. Rezendes: We have a dollar funded position that we requested to redescribe to an entry-level specialist.

Mr. Bynum: I think and Wally you have a new position right? You have a new position in...

Mr. Rezendes: Yes.

Chair Furfaro: Could we hold onto that discussion until we get to the administrative section of Finance.

Mr. Bynum: I just thought I would be done with this. I am happy that you had that new position because I think that what I have observed over the last five years is you are running this show and you almost have to bite the bullet and do a good example and probably that position was overdue. Until for next year I really ask you to evaluate how this new rule for Ernie went and about whether that division might need some help next year, thank you.

Chair Furfaro: Okay. Real Property collections, any questions? Item E is the only one I am going to carry over to tomorrow morning because under Real Property Assessment Division I am going to allow Mr. Bynum to make a (14) minute presentation to balance out his time. So Treasury, Motor Vehicle, and I.T., any...Okay.

Mr. Rapozo: I had a question Mr. Chair, and it is regarding the accounting got in your position, correct?

?: Requested Accountant 3.

?: It is being treated as new position council member.

Mr. Rapozo: It is being treated as a new position?

?: Yes sir.

Mr. Rapozo: Okay, thank you.

Chair Furfaro: Now I would like to go to Kaua'i Humane Society comes under your function and we heard from them, they asked for no new money this year but we were going to have some dialogue about the spade and neuter pieces in future months as an agenda item.

Mr. Rapozo: I had a question.

Chair Furfaro: Yes.

Mr. Rapozo: Actually more of a comment but it will be a question as well, Wally are we working on a new contract for the Humane Society?

Mr. Rezendes: We do every fiscal year. Annually.

Mr. Rapozo: Their contract expires, is it only an annual contract?

Mr. Rezendes: Yes.

Chair Furfaro: I was going to save that question for the County Attorney.

Mr. Rapozo: Okay.

Chair Furfaro: Which, we have not come to yet. But we can go ahead now.

Mr. Rapozo: My questions are specific to The Humane Society and one of my concerns and these are some concerns that come from the community as well and we have had some testimony but you know the state law requires us to contract with The Humane Society for certain functions. Our contract is a lot broader. The reason I am bringing this up today is I asked The Humane Society we formally requested a breakdown of their funding because as I look at what they propose or what they send us in their budget message, the salaries that they are claiming that we fund are like \$700,000.00 which goes way beyond of what we give them. And, some comments have been made that The Humane Society is subsidizing the County Operations but I guess my concern is that, and I have asked for this from The Humane Society and we have been denied information. They sent a response back and said we are not providing you with that because we are a private non-profit and we do not have to. I take offense to that because for the funding source of \$660,000.00 and if the council is asking for a breakdown of your entire budget, really what I want to see as far as the what is required by state law and how much money are we funding, now I think and this would be a question for the County Attorney, but anything beyond that requirement by the State law whether spade or neuter, I would guess would require it to go out to bid.

Ms. Esaki: Kaua'i Humane Society for the County of Kaua'i only.

Mr. Rapozo: Correct. But if you notice what the statute states, it is specific as to what functions we are required to contract with The Humane Society. Do not get me wrong, I am not here to bash The Humane Society. I appreciate what they do, but we are paying for a lot more services then are required by the state law.

Ms. Esaki: Well, I think because we are under a settlement agreement with the federal agency for The Endangered Species Act, there are some concerns about the spade and neuter program.

Mr. Rapozo: I am not talking about this recent spade and neuter question about the birds, I am talking about the state law says that you will contract with The Kaua'i Humane Society for A,B,C,D, and E which is all pertaining to dogs, nothing about birds, nothing about cats, nothing about hamsters, nothing about gerbils, dogs. This County, out of the goodness of their heart, created a contract that provides The Humane Society with substantial sums of money that goes over and beyond what the scope or what the statute requires. So I have asked, I wanted a breakdown of what Humane Society services provide that are required for us to provide, and I have not gotten that information. The question I have is anything that goes outside of the requirement by state law and let us use the spade and neuter program as an example. Why would that not have to go out to bid? Because it is not a requirement of the State law but we have over the years, somehow got that into the contract, but not giving anybody else outside an opportunity to compete for that money but more importantly, and again everyone is subject to getting their budgets cut and I don't want to cut the budget of The Humane Society but I do not want to pay them more then we are required to pay. We are trying to keep this budget afloat. So, I have gotten the outright denial from the executive director saying I am not going to give you that information because we are not required to because we are a private non-profit. Then I want to make sure that we are not subsidizing there, as taxpayers. I know this is going to be construed as anti-humane society but we have to provide the same oversight with Planning, Public Works, everywhere, Finance, Civil Defense, as the same standard to The Humane Society as well.

Ms. Esaki: What we can do is take a look at the contract and see where we can...

Mr. Rapozo: Take a look at the statute.

Ms. Esaki: I will take a look at the statute, as well as the contract and see what language we can then amend.

Mr. Rapozo: I am encountered at a disadvantage because the information that I requested from them was not provided. That frustrates me and I am not sure if there is something you can do about that but I believe we are entitled to looking at The Kaua'i Humane Society Budget to make sure that the monies we are allocating, that we are not subsidizing outside of what we are really required to fund, and in a perfect world, perfect economy, I think we definitely should be able to expand services everywhere but right now we are trying to find a million or so dollars and I want to make sure we are only paying for the services that we are required to pay for.

Ms. Esaki: Again, I will take a look at it.

Mr. Rapozo: Thank you.

Ms. Esaki: Thank you.

Man?: Councilmember Rapozo, in the budget support package that was submitted in their testimony, did they delineate the \$660,000.00 that are expended, is that what you were asking of them or did you want their entire operating budget?

Mr. Rapozo: The entire budget. That was what was denied. They submitted their annual report or the quarterly reports. What I requested because of the comments made that we were basically being subsidized, the County was being subsidized by The Humane Society and I do not believe that was true because I think the \$660,000.00 that we provide, I believe, by just looking at the numbers of unlicensed dogs, loose dogs and so forth, that the state requires us to contract with The Humane Society. I believe that is enough. I do not think we are relying on private donor monies to fund that part of what is required of the state law.

Chair Furfaro: And Amy, one more question on that, the contract is reviewed annually and I wanted to make sure from the presentation we had from The Humane Society that you folks begin some dialogue with them as we prepare the next contract especially on spayed and neutered.

Ms. Esaki: I believe the Finance director and I will be conversing with them, thank you.

Chair Furfaro: Terrific. Okay.

Mr. Kualii: Thank you Amy, I just wanted to add to that and say with the budget that we did receive from them when they compared the income and the expenses; they showed a total budget for \$777,000.00, so more than the County's share. But that was on the income side, \$770,000.00 and on the expense side; they showed over a million dollars. So, according to what they call the County budget they are showing a deficit or a net loss of \$300,000.00 so I think that was what she is saying was The Humane Society subsidizing the County's programs but a big part of that is the spay and neuter or something like over \$300,000.00. I really think it is important going forward especially since we look at the contracts, negotiate the contracts every year, to try and figure out what part we play in the bigger picture and separate that out and then we may still decide to spend monies on the basic things that we are supposed to be contracted with them and then maybe also some amount on the spay and neuter but then we have to look at that separately and say, "Can we afford to be doing more and can we ask more of them"? They are this large organization that our citizens support in two ways. Many citizens on their own go and contribute directly to The Humane Society and then of course all our other citizens are supporting for the services through the County with the taxes that they paid. But I do think \$600,000.00 is a huge amount and we need to be more aware of how exactly it is all being spent. Thank you.

Chair Furfaro: Okay. Anymore dialogue about the Department of Finance and some of the contracts knowing that tomorrow we are going to take Real Property Assessment on this category. That is where we are at. Amy, now we are going to go over the County Attorney's office so you might stay there.

Mr. Rapozo: It was actually for D.M.V. and I think you may have heard my comments regarding some sort of security plexi glass, and I do not think we need to add, I think that is relatively inexpensive and we can get it from an existing budget line but something that I would hope we can get done as soon as possible.

Man: I can tell you Councilmember Rapozo, that there have been two meetings in two weeks in terms of those concerns that have been expressed and building manager Brian Inouye was in the second meeting. I was brought in because I have done similar construction projects in terms of security so the concerns have been heard and deliberations and discussions are going on to address the issue. What we do not know at this point is the cost.

Chair Furfaro: Do you have an estimate?

Mr. Rapozo: Plexi glass?

Chair Furfaro: Framing?

Man: We really do not have any indication of...

Chair Furfaro: Speaker puka?

Man: I know here we are at deliberations and I am telling you I could run down a number from Brian I perhaps but it is not going to help you. I apologize.

Mr. Kualii: Well we can figure out and pinch the monies from here and there or wherever.

Mr. Rapozo: Yes, because I would not expect it to be a really, I mean it is going to cost some money but not, at least a temporary measure. We can always work from a more permanent bullet proof, but he is probably getting it right now. Yes, I just want to make sure it gets done and if funding is required, I would definitely make that motion but if not, if you think we can get it done with the existing budget, I am good with that as well.

Chair Furfaro: Get it done with not the existing budget but by pinching...

Mr. Kualii: Pulling from different lined items potentially that...

Mr. Rapozo: So we are good?

Mr. Kualii: I think we can figure out something. If it is not going to be a \$100,000.00.

Mr. Rapozo: Well, I do not know.

Mr. Kualii: Yes, I know, I think we are doing that analysis...

Mr. Rapozo: I guess what I do not want to happen which I have not heard in many years, which is a good thing is, "Well we want to do it but the Council didn't give us the money". I haven't heard that in years so it is a good thing. But I do not want that to be a reason, "The council didn't give us the money". Because I am hear saying I do not think we would have any opposition putting that money in if we need to. But if you are telling me we have enough funds and it is just a matter of...

Mr. Kualii: Well, I think they are analyzing it. If it is not a \$100,000.00 kind of lined item, if it is a \$10,000.00 kind of item, we can figure out ways to maneuver funds around to get what we need. But by Brian not having a number, it is hard to say it is a guarantee.

Mr. Rapozo: It is a priority. Okay, but it is something that we are going to get done?

Mr. Kualii: We can figure it out to get it done.

Man: And Councilmember Rapozo, it is going to be done in house which is why Mr. Inouye was brought in.

Mr. Rapozo: That is fine. I really do not care who does it, but when the lady told me that they get sneezed on, and that line does not stop, we have all been in there, and if it is something that basic, I think, even if it is a half-sheet, I do not know what it is, but we need to address it because I believe it is a health issue.

Man: The framing issues and plexi glass is not a problem if you avoid the electronic elements, the cost is minimized substantially.

Chair Furfaro: Okay, just to know, “pinch and pull” and “done in house” means there is supposed to be money in the building departments R and M as of right now. Right now there is supposed to be R and M money in the building department and that is how we are taking that question. So let us go to Amy. Okay. Office of the County Attorney. Do you have any...I am really referring to the members, do they have any questions of you? We did a pretty thorough review. We will see you tomorrow. Wednesday, have a good day off. Thank you. Any questions on the County Attorney’s office? Mr. Bynum?

Mr. Bynum: Amy, earlier in the March submittal there was going to be a new Deputy County Attorney and in the May submittal, that is gone. Is that correct?

Ms. Esaki: I believe so.

Mr. Bynum: And was the County Attorney’s office aware of that before the May submittal?

Ms. Esaki: I do not know, I cannot answer that question.

Mr. Bynum: So, can you explain to me why that went away?

Ms. Esaki: I do not think I can answer that question either. Except, we did notice that it was not there.

Mr. Bynum: You noticed it was not there?

Ms. Esaki: Yes, we noticed the second time around.

Chair Furfaro: Here is a question Ernie, when the May 8th budget revision came in, the additional attorney in the County Attorney’s office was removed. And Mr. Bynum is asking, was that office involved in that discussion or is that something that should be directed to you and Wally? And that is Mr. Bynum’s question.

Mr. Barreira: We do not notify every department of every change we make. Sometimes we have to make decisions without their involvement and having to prioritize limited resources so it is fair to say that that position was prioritized more heavily to another pursuit.

Mr. Bynum: Where did it go?

Mr. Rezendes: That was position E-71 which was then used as the vehicle for dollar funded positions to support the ? Commissions Clerk. Which I believe Council cleared the first day of liberations.

Chair Furfaro: Anymore questions for the County Attorney? Okay. Amy, we still need you later so please stay by. I would like to go to Planning Department. Any Planning Department questions? Okay. Go the Department of Economic Development. I am going to take a note that we are going to take a break now for ten (10) minutes and when we come back we only have two areas, Prosecuting Attorney’s Office and the Police Department. At eight (8) minutes send people to go collect members.

(RECESS)

Chair Furfaro: Okay, we are back here and I want go over tomorrow’s agenda with you folks because in speaking with the staff they may need some time to prepare things, so let

us plan to start at nine thirty tomorrow. Because as we go through the pieces here at nine thirty approximately Mr. Bynum will give his (14) minutes on the Real Property piece. That's at nine thirty, and will then go to the provisos both new that the staff has been attempting to verbalize and old or revised ones. Then we will take the vote and then we will take some commentary before we break up of what we would like to include in the budget message. That is what I have planned for tomorrow. We will start at nine thirty, okay. So let us get back to the pieces right now. We are going to go to the Police Department.

Man?: I would like to the Chair and my colleagues to entertain that we break tonight now and pick up in the morning. I have some things I really need to talk to the County Attorney about. I have talked with Amy and I cannot resolve that, I understand Mr. Castillo will be back here soon in the next hour or so but I have a difficult time proceeding with these next two departments without some of that advice and I am just tired, so I wanted to throw that out for consideration.

Chair Furfaro: Discussion to break now, it is quarter to six, and start tomorrow at 9:30. Vice Chair?

Ms. Yukimura: I do feel tired now too but, and I really want to thank you Chair for the way you have structured this, I am thinking tomorrow given the agenda we have, we could do an hour of what we are going to do tonight and still make it by the end of the...at four thirty.

Chair Furfaro: Yes, we have (45) minutes now before we break for a dinner break or we start with those two departments in the morning for the first hour and then we go to the Real Property Assessment.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Yes?

Mr. Rapozo: Earlier you made an announcement, you told us to call you family, call your spouses, and call everybody. It is going to be a late night. I have done that. I am tired. I am tired every day. We have a schedule; you know I would like everyone to respect our time as well. I mean...

Chair Furfaro: I agree, I made those comments and part of those comments were, we have those first few weeks to review everything and so forth but we were getting into a point that we were having narrative on every item that was coming up and I am tired and I have a long way to go and I do not have a problem doing this knowing now where we are at. Knowing now where we are at. So, my apologies to your family and if it was taken as the fact that you called them and they went out to a movie or dinner or so forth, my apologies. I talked to council member Kualii and my attitude has changed a little bit too because there is the D.H.H.L. hearings tonight as well, they start at five thirty Mr. Kualii? six o'clock? And I am thinking I may want to pop in for that as well.

Mr. Rapozo: Well, I am going to ask that we are given the same courtesy in a future time as well because I think that this is the priority, the budget is a priority. We should get through what we can. And tomorrow is another day. But tomorrow there is a deadline.

Chair Furfaro: Yes.

Mr. Rapozo: Tomorrow there is a deadline. So, whatever we can get out today, I suggest we do and then finish up tomorrow. Tomorrow we are going to have a long day as well because we are talking provisos, we talking about Real Property Tax and we talking about all of those things and at the rate we are going...

Chair Furfaro: Well, I am almost, you know, I am almost ashamed of what I shared with everybody but I did not know any other way to move us along and yet at the same time I do not want to repeat myself but the other point is we have D.H.H.L. here and I also know that Mr. Kualii will be departing us at five o'clock tomorrow.

Mr. Rapozo: That is another concern of mine.

Chair Furfaro: You know, I am throwing it all out on the table now, I feel really bad, but you know folks, rehashing these items when we are in decision making process and I would like to have a fresh mind too and if we go until six thirty, I will get home by seven thirty. I will be up early tomorrow. So, we had a motion about breaking up now and then cutting (45) minutes short out of our schedule time. I have a tendency to think I would like to do that. Vice Chair Yukimura?

Ms. Yukimura: Yes, I had a five thirty meeting which I said I am not going to be there but I would prefer to stop here because I think we can finish within the time we have scheduled for tomorrow which I presume everybody set aside for tomorrow. Unless, people make schedules for tomorrow but that was set aside.

Chair Furfaro: Okay. Councilmember Nakamura?

Ms. Nakamura: My preference was to proceed because tomorrow night I have an award ceremony at Kapa'a High School that I need to attend for my daughter, so I would be leaving at five thirty. Tonight is my night to do as much as I can.

Ms. Yukimura: Right.

Chair Furfaro: Well look we have a Police Attorney, forty five minutes now or we have an hour to start tomorrow at nine thirty to ten thirty. We then have a (14) minute Property Assessment presentation that deals with Property Tax Division. I will give that an hour. It takes us to eleven thirty. Then we have the beginnings of some proviso. Maybe we should do the new ones first and revisit the old then we vote. Then we take comments which you can send electronically to the staff about narrative in the budget. That is tomorrow. Mr. Kualii?

Mr. Kualii: Mr. Chair, you did say you were starting tomorrow at nine thirty?

Chair Furfaro: Yes, nine thirty.

Mr. Kualii: So I propose that we start earlier tomorrow.

Chair Furfaro: That is another option.

Mr. Kualii: Maybe an hour earlier since you are talking about (45) minutes.

Chair Furfaro: Can we do that? Can we post it at nine?

Mr. Kualii: Post it at nine?

Chair Furfaro: We have to start it at nine.

Mr. Kualii: But nine, not nine thirty?

Chair Furfaro: We can start at nine, not nine thirty. Okay.

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes?

Ms. Yukimura: On the narrative in the past, I can see taking input but the staff does the draft and we get to look at it afterwards right? I have an event tomorrow night too but I am thinking we will be able to finish by four thirty.

Chair Furfaro: I think we can too. So we will start at nine tomorrow. Okay, and I apologize if I made anybody's evening, but I have to tell you at ten o'clock this morning I did not think we would be through Parks and Recreation. So I need a motion. Do I have a motion and second?

Mr. Rapozo: To adjourn or recess.

Chair Furfaro: Recess? Yes, okay. All those in favor of recess until nine o'clock tomorrow morning signified by saying Aye.

Councilmembers: Aye.

Chair Furfaro: Thank you.

There being no objections, the decision making process was recessed at 5:51 p.m.