

SPECIAL MEETING

MAY 29, 2007

The Special Meeting of the Council of the County of Kaua'i was called to order by the Council Chair at the Council Chambers, Historic County Building, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Tuesday, May 29, 2007 at 11:10 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Jay Furfaro
Honorable Shaylene Iseri-Carvalho
Honorable Ronald Kouchi
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura, from 11:11 a.m.
Honorable Bill "Kaipo" Asing, Council Chair

Chair Asing: Please note that Councilmember Yukimura is present, she is in the building, and should be here shortly. With that, can we have the first item please?

APPROVAL OF AGENDA:

Mr. Furfaro moved for approval of the agenda as circulated, seconded by Mr. Rapozo, and unanimously carried.

COMMUNICATION:

C 2007-203 Communication (05/08/2007) from Mayor Bryan J. Baptiste, submitting his supplemental budget communication for Fiscal Year 2007-2008 and proposed amendments to the budget bills: Mr. Rapozo moved to receive C 2007-203 for the record, seconded by Mr. Furfaro and unanimously carried.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE REPORTS:

A report (No. CR-W 2007-4), submitted by the Committee of the Whole, recommending that the following be received for the record:

"W 2007-1 Communication (5/16/2007) from Ronald Kouchi, Committee of the Whole Chair, transmitting the Committee of the Whole's

proposed amendments (+/- sheet) to Resolution No. 2007-61 (RPT Resolution), Bill No. 2216 (Operating Budget) and Bill No. 2217 (CIP Budget),”

Mr. Rapozo moved for approval of the report, seconded by Mr. Kouchi and unanimously carried.

A report (No. CR-W 2007-5), submitted by the Committee of the Whole, recommending that the following be approved as amended on second and final reading:

“Resolution No. 2007-61, RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008 FOR THE COUNTY OF KAUA‘I,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Kouchi and unanimously carried. (*See later for Resolution No. 2007-61, Draft 1*)

A report (No. CR-W 2007-6), submitted by the Committee of the Whole, recommending that the following be approved as amended on second and final reading:

“Bill No. 2216 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Kouchi and unanimously carried. (*See later for Bill No. 2216, Draft 1*)

A report (No. CR-W 2007-7), submitted by the Committee of the Whole, recommending that the following be approved as amended on second and final reading:

“Bill No. 2217 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Kouchi and unanimously carried. (*See later for Bill No. 2217, Draft 1*)

RESOLUTIONS:

Resolution No. 2007-61, Draft 1, RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008 FOR THE COUNTY OF KAUA‘I: Mr. Furfaro moved for adoption of the resolution on second and final reading, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION: Bynum, Furfaro, Iseri-Carvalho, Kouchi Rapozo, Yukimura, Asing	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

BILLS FOR SECOND READING:

Bill No. 2216, Draft 1 - A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008: Mr. Furfaro moved for adoption of Bill No. 2216, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, and seconded by Mr. Kouchi.

Chair Asing: Any discussion?

Ms. Yukimura: Chair?

There being no objections, the rules were suspended.

Chair Asing: Did you have your hand up? No?

KEN TAYLOR: Yes I did.

Chair Asing: Okay, you want to come up now, please?

Mr. Taylor: Chairman, members of the Council, my name is Ken Taylor. Couple of things in reference to the budget that I would like to talk about, and one (1) is the \$75,000 for ag prime land identification. I always get a little concerned about that kind of thing because you can take that parking lot here and make a very fine agricultural operation with fish tanks and growing hydroponically, and using a water system that recirculates, and so yes, it's important to identify ag lands, but for it to be the only criteria for protection later on is a big concern.

The other issue is about dump fees, and the discussion that went on at the last...last Wednesday's meeting about waste to energy. And I raised the issue about a MRF type of operation and ultimate and a dump is an example here...I'll give these to you. But in Oxnard, California, Ventura County, about 50 miles north of Los Angeles, they have a facility that is unbelievable in appearance, and it's where you drive the trucks and they dump and they separate all the garbage. I haven't been able to get the number of how much waste is being diverted from the landfill, but it'll be coming.

Second of all, I spoke of a facility that was built in Santa Barbara. This was a facility that's more industrial type looking building, but this facility was put in place very quickly by putting the machinery in place, and then putting the structure over the machinery. And this company today collects 500 tons of material per day and it is diverting 70% of what they are collecting, that's an adnominal fee or amount, and I say this operation was put in place in a matter of months, not years, months. So if there's a reason to move forward to protect the landfill, this is the direction to go, not spend a lot of time and money on something that like a waste to energy where we've seen these facilities over the last 20 years built all over the Mainland, and they are closing down one (1) after another, after another.

And there's good reasons for it, so, anyway one (1) other thing in looking for us I found, and I have...I think this is beyond our needs at this time, but I'll turn it in, and this is a Southern California conversion technology demonstration project. And it talks about other activities, and but I just hope that in your budget that there's no money...any more money spent on waste to energy and we start looking at something that's really doable and I think that we can even go with composting of what's left after taking all of the recyclables out. I think we can even do better than 70%. Thank you.

Chair Asing: Thank you for the information, appreciate that.
Councilmember Yukimura?

Ms. Yukimura: Yea, I want to say thank you too, for the research you've done and for the information for us to look at. Just want to let you know, and we should also let others know for the record that through the leadership of Public Works Chair Rapozo, there is going to be a workshop on 3R, you know, reduce, reuse, recycle. And we'll get to look more closely at this option, so that's on July 9 right Chair Rapozo? Yea, July 9, starting at 9:00 a.m. And I wanted to also say that I believe the ag study you're talking about is actually in the CIP, and it's for \$500,000. I think the \$75,000...

Mr. Furfaro: The \$75,000 is what is in the State budget.

Ms. Yukimura: Right, so, you know there's a lot of money that's being proposed for that use, and of course our concern is how it's going to be used. Thank you.

Chair Asing: Thank you.

The meeting was called back to order and proceeded as follows:

Chair Asing: Do we have a motion?

PETER NAKAMURA, COUNTY CLERK: We have a motion and a second Mr. Chair.

Chair Asing: And we have a second? Thank you. Any further discussion? Councilmember Yukimura?

Ms. Yukimura: Yes Mr. Chair, I want to say that for our next budget session I hope that we will at least have our Council meeting where we adopt the budget and the public hearings on...I would like them to be videotaped. I think you know we're making some of the most important decisions of our responsibility or kuleana, and to not have them have this videotaped and allow the public to see them as they do our regular meetings just doesn't make sense to me. So I guess it's just a note here that I think in the future we should at minimum have our main decision meeting, our final decision making meetings and our public hearings recorded and videotaped to be available so the public can participate in them, in terms of watching them and watching our decision making process.

I also was going to suggest an amendment to the committee report. I've decided not to do that, but I just want to...for the record note that...and I've done this before the...in a previous meeting, but with respect to the Ka Leo decision, it was a majority decision, not an unanimous decision to remove the program from the budget. And I want to acknowledge the public that turned out at this morning's public hearing to help us understand the ways in which the Ka Leo program has been a positive contribution to the community. I think the Council has been correct that we have not received good or timely information on the programming, but we did hear it today, and I'm glad that we have included in our committee report that there is an openness to reevaluate that...our decision.

I also want to ask for the record, because I received this, as I believe other Councilmembers did, emails yesterday and today from people wanting to give input on the Ka Leo program. And they explicitly asked to have their emails announced and included at the meeting today, and I should have perhaps included that...asked that they be included in the record at the public hearing, but they are relevant to the operating budget. And so we can just make sure that the record includes, and I'll give to the Clerk an email from Bonnie Earls Solari, a Leslie Ann Laing, a Mary Mulhall, and a Kathleen West Hurd, a JP Gutweniger, and a Sandy Brodie, just so that they know that their input has been received.

Chair Asing: Thank you, any further discussion? Councilmember Kouchi?

Mr. Kouchi: Yea, just you know from my perspective for the record, the vote was to eliminate the two (2) positions from the Mayor's Office. That was the vote that was asked for, that was the vote taken. I don't believe we took any votes to eliminate or support the program itself. Thank you.

Chair Asing: Councilmember Rapozo?

Mr. Rapozo: If I'm not mistaken, I believe it was included in the funding for the program, the \$25,000, that's what I recall, and that's what I proposed, and I believe that's what was passed, and so it would include the funding for the program as well, and I just want to make that clarification. But following up on Councilmember Yukimura's recent...just her comments and Ron's comments, at the end of the public hearing, you know those testimonies that were generated were solicited. It was solicited, no doubt in my mind that those comments were solicited at the end, or as it got closer to today's hearings. And I got to share Councilmember Kouchi's feelings of you know in the spirit of collaboration, in the spirit of communication, I think that's poor. I think to try to fill the room with supporters I think after the suggestion of Mr. Kouchi, with the Mayor personally, I think that was terrible. And you know I heard and I apologize, I'm not feeling well at all, but I kept my comments during the public hearing because I didn't feel like talking, but many of the comments were made today. You know we cannot have our cake and eat it too, that's what I wrote to start. You know we...it's funny, when we support an issue, we get all the hoorays, thank you, and then when we don't support an issue, that same people that said thank you are saying you know think about it, what's wrong with you folks, how dare you, I'm appalled. I mean it's pathetic. I got to say that many of the Ka Leo issues that were brought up over the last four (4) years, ended up here on this floor, on this Council floor, because they were not addressed properly. In fact I got to tell you, and I'll read this Mr. Chair, because I think it's important because it just goes against so much about what was today about communication, about how it works. This was back in '05, this was the third year of the program, and this was regarding the Weke Road speed humps. And Kaipō asked the question, I guess I did about when did they find out, when did the Administration find out. This was Donald Fujimoto and he said he found out about two (2) weeks ago when it came to the Council. And then Kaipō jumps in...and that bothers me, that bothers me that supposedly the Ka Leo program is into its third year, and for you to not know about...anything about it, there is no communication between the Ka Leo program and your office, and that bothers me. And Fujimoto's response was no, we're trying to change that and we're trying to meet on a regular basis. That's just one (1) example. There's example of the Moloa'a or the Pāpa'a Bay Road, there's the adolescent treatment center, there's the Puolu Point out in Po'ipū, there's the...or I mean in Hanapēpē, and then there's the of course theouselots. The bottomline is you have a select group of people that participate, and if you are not in that group, then you know you don't get addressed. Now, I wrote a lot of comments, I'm not going to talk about it all. I just think that Kaipō's point on the Ho'olokahi program is a good one (1). I think that, you know, although I never did support Ka Leo, simply because I thought that government was...had a mechanism already built in, you have your public information office, many of the people that go to Ka Leo meetings, many of them that supported and testified and submitted testimony are the same ones that send emails to us. Council, hey, take

care of this problem, and we try our best, but what I had thought would happen is, Ka Leo would have evolved into the birth of many different community organizations. In other words, we would be the accelerant, yea, Ka Leo would go in and start to build community, and hopefully work themselves out of a job, because the communities would have established community organizations, neighborhood associations, and not be in competition. I can tell you that the Wailua Houselots Neighborhood Association was slowly trying to get back together because of...I mean they had some personal issues up there as well, internal issues, but as you heard from several people testifying, many emails, and then people that we talk on the street with, it seemed like they were in conflict with many of the needs.

You see Ka Leo focused on three (3) priorities, long range and three (3) short range. Anything in between got tossed out. That is horrible. Our taxpayer's dollars should not be eliminating any priority, and I don't understand how we couldn't all work together on all the different issues, not just the three (3) top, because if you weren't there in the beginning when you picked the three (3) priorities, you are out of luck. And we've heard it today, and I've heard it many times, when you've tried to go and testify to talk at one (1) of these meetings and you get shut down, sorry that's not on the priorities. And nobody can deny that, nobody can. Now I don't know what this 180 degree turn is, I...you know it's...I'm shocked that the Mayor wouldn't come forward today with the 180 degree change, other than oh, the change is we're going to start each meeting with a little lesson in cultural values. Listen, I don't need to be taught on cul...I know my cultural values. I can tell you it's being threatened right now by the influx of new people. So that's something that Ka Leo is not going to help, especially when the majority of the people that are...work on Ka Leo are the new people coming into the community, trying to change the community to what they want to see, and that horrifies me. You heard the people today, oh I'm a part time resident or whatever, I've been coming here for many years, but I love Ka Leo. Well, I do too, but it needs to address all the issues of the community, not just the issues that affect the select few. One (1) comment today was really disgusting, made me really pissed off was when somebody, and I forget who, I don't put names down, but they said that we got to start learning about caring about 'ohana. That was inferring that I don't care about 'ohana. That's an insult, that's a slap in my face, and again, because I wasn't feeling well maybe I should have said something at the time, but that would have just added fuel in the fire. Nobody can say or tell me that I don't care about 'ohana, and all of us on this table, so to even come up and say we got to start...because maybe I don't support their philosophy on Ka Leo, I don't support 'ohana, you know where they can kiss me. Mistakes have been made, no doubt, again this is the fifth year, the mistakes have gone on and on and on, and I heard one (1) person say today we need to go back to the drawing board. Well, we can, but not with \$125,000 of taxpayer's money. You tried, you failed, regroup. I'm sorry? Whatever it is, I don't know what the total count was. I'm being conservative I guess. I'm even more upset if it's \$162,000, but thank you for clarifying that.

You know my position has never changed. To me, and Kaipō said it right, I won't even repeat what he said in the first...my first time, I'm sure he will. The bottomline is that that is a program that pushes and I heard that from actually somebody that participated, pushes the agenda of the Administration, and I gotta agree with that. I did participate in a few, very few, because I...to tell you the truth, I felt slighted when I was told that I couldn't bring up an issue and I was there as a resident, not as a Councilman, and that I had to respect the process. But I thought it was a community process, but apparently it's not, so for me I don't care how you color it. I don't care what you change the name, it doesn't matter to me, because I think we have department heads in place, we have proper vehicles and mechanisms in place meaning the telephone, email and so forth that you can call someone that should be accountable to the issues of the community. Now, another thing that we have yet or never received one (1) report, I remember this, the first report we got from Ka Leo Mr. Chair, I think you remember that big, thick report of all the issues on the island, most of it was drugs, speeding, noise, pretty much limited to a few. But after that we got nothing from the Administration. We received no reports about the success or failure of Ka Leo O Kaua'i. We read it in the paper, we hear it when...like Shay says, when we go to the ballparks, and that's my venue. When I'm out in the community, that's my venue, that's where people come and approach me and tell me Mel, we got some problems on my street. We fire off the letter, it gets done. You do that at Ka Leo, guess what happens? They tell you go to Council, go to Council, call your legislators. That's what's happening. I mean so to me it's a waste of money, it's a...we shouldn't be funding a social club for residents that choose to be part of the social club. When I asked one (1) simple question...okay I'll close with this Mr. Chair. When I asked one (1) simple question, and I don't know if you were here Ken the day I asked Gary Heu, just give me one (1) accomplishment of Ka Leo O Kaua'i. Couldn't do it. Thank you.

Chair Asing: Thank you. Any further discussion? If not...Councilmember Yukimura?

Ms. Yukimura: Yea, I perhaps need to ask clarification from Councilmember Kouchi who said that we just took it out of the Mayor's budget, but I guess my extrapolation of that is that we put it somewhere else or that we didn't take it out of the County's budget?

Mr. Kouchi: No, just eliminated the positions there as I said in my comment at the time, and I've continued to say I believe that it's something that could be accommodated in the Parks Department.

Ms. Yukimura: Through the existing positions in the Parks Department is your position?

Mr. Kouchi: Correct.

Ms. Yukimura: Okay, thank you. I just want to say that I don't think there's anything wrong with the Mayor or anybody else letting people know what budget decisions were made and having people come out to express their concerns or opinions about our actions. I guess you could construe it as you know pulling people out, but I think just informing them, by the nature of the testimony today, I feel it was heartfelt and they may have positions different or/and or perceptions different than we do around the table, but I think that's what a public hearing is about. That people should be able to come and tell us what they are thinking, what they're feeling, and what their experience has been with a program that we've had impact on. So, I just wanted to say that, and you know it is true that...I mean I don't think the program even now is perfect. It had many, many flaws when it started out, it is a matter...whenever you have a new program of correcting, adjusting, evaluating, and creating a new, and I understand the point that there are many different people coming out to these meetings. It depends where it happens. I think the Kilauea meetings for example have a lot of long time and local people coming out, but there are also are new people, and you know we're growing so rapidly that we do need places where new and old can come together and see if we have common values. And I think the result is a positive one (1) for our community if we can learn to talk to each other, otherwise it is as Annie Punohu said, us viewing each other as stereotypes. And you know thinking those rich people are just...you know they don't care about the island and they just have what I want and you know the best way for me to get it is to just steal from them or something like that. I mean we're going to have conflicts where there are different cultures coming together and the more we can minimize those conflicts and see where we can have contributions from each group and synergize that into something positive, I think is really useful. So if Ka Leo is doing some of that, that's a good thing. And I want to say I think the Ho'olokahi program is an overlap, but I think it's an earlier form of community development and a more primitive form actually, and I think we're exploring or Ka Leo trying to explore other levels of community building.

And lastly I want to say that...what did I want to say, I think I'm going to have to think about what my third point was.

Chair Asing: Okay, Councilmember Kouchi?

Mr. Kouchi: Yes Mr. Chairman, I know I'm second to you. This is my 21st budget, and all of them have been pretty much the same, so I don't have a problem with having people come out and testifying and having passion and everything else. I think that you know the only time I chose to speak about the events were after people asked about stepping outside of the box and doing things differently, and indicating that what we had was a rerun of the old way that we've always done it. And so for them to hope for a better outcome will really entail everybody involved being willing to step out of the box and try to do things differently. But if you do it the same way and you are going to expect a different result is that's what's the definition of crazy, and so you know it's crazy to think it

would be different if you did it the same way was my only point. And I don't want to talk about anything else negative already.

The bottomline is having been out for four (4) years, and seeing the rising property values, and the kind of programs that the Council was able to fund, I was really excited about the opportunity to chair the budget. So of course, it was really irony at its best when we were confronted with rising fixed costs because of change in federal laws to fully book our health fund liability and our pension fund liability. It was an eye opener to see the property values as I was about to undertake the first budget review start to flatten out with a strong indication of them now going in a southerly direction. And all of a sudden I said boy, this is just like every other budget that I've been involved with before, greater needs and less money, and money that's probably going to be even less available in the future, and unfortunately came back again to tough choices that had to be made.

And one (1) of the things that JoAnn and Jay from the get go spearheaded as an underlying philosophy and I tried to be as supportive as I could of that was how do we take charge of cost items that we can control. And so to that 5% reduction in kilowatt hours you know is something clearly that we can take control over and in the end it may not save us money next year in hard dollars from one (1) year to the next, but as energy costs continue to rise, it's going to avoid our you know, help us avoid paying an even bigger bill than we would have, and that's an area we have direct control over. The Administration has said they've heard and are committed to do it, it's up to us to keep their feet to the fire and work with them to try to achieve this goal.

You know we have a commitment to work more diligently on risk management. Again, the amount of money that this County has paid out in lawsuits. It's just money that goes to attorneys and money that goes out of this County that could have been used for so many positive programs.

You know and some of the reductions we made it's because of the acknowledgement of Mike Dyer's points about the burden that has been borne by everybody who is not in the homestead class. And so the Chairman gave us a goal of getting to five (5) cent reduction in both land and building in the other seven (7) categories and we were able to do that. You know I think that it sends the right message to that group.

We had Dr. Downs here. One (1) of the constants from my prior budget experiences has been Dr. Downs constantly saying thank you, you guys have done enough, but you know what there's so much more that needs to be done, and I hope you can find more money. And each life is so precious that how can you even place a dollar value on that, and so to come up with the almost \$250,000 to fund lifeguards at Anahola Beach, you know I know Dr. Downs is very happy about what was done, but it's not about him. He's happy because he's just happy for the residents and the

visitors who come to Kaua'i that hopefully it will be a safer place than it was today, and toward that end I think the Council should be proud.

Shaylene has talked about the YWCA and the hotline to help in the abuse shelter, and without the money that the shelter could not go on. You know it's really difficult as the State has faced tough times, the last stop is at the County, and the County has never been in the business of doing the social programs. That has always been the State function, and the County has been about providing core services, police, fire, refuse collection, sewers, taking care of the parks, and not so program oriented, but where nowhere else to go, you know this is a program that is desperately needed in our community, and I'm glad we were able to step up and make sure it happened.

It wasn't just eliminating the drug money because it wasn't being used, but where can we make a difference in helping the kids? And when child services came out and said they'd like to do a preschool headstart program, you know I don't see any mention about the \$20,000 for that in any of the discussion. But all of the studies show that you make the biggest difference when the kids are young, and how do you intervene, how do you start to give them you know a good meal so they have a good day, a good foundation so that they can make right choices? And these are all the kind of things that are contained within the budget.

And so while I didn't get everything that I wanted, you know that isn't how the budget works. You know what is the collaborative package and I believe that you know there is a good package, and I certainly am going to cast a vote for the budget, and I thank all of the members of the Council who put in a tremendous amount of time. I'd like to thank all of the departments who turned in volumes of information and certainly for our staff who has worked tirelessly to try and get everything that we worked on out in as timely a fashion as possible, and with that I thank you Mr. Chairman.

Chair Asing: Thank you. Any further discussion? Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: Yes, thank you Councilmember Kouchi. You've pretty much summarized a lot of the points that I had wanted to make. I guess for me, this budget was probably the most disappointing, because it appeared to me that during this term there was really a divided group of people here. And there were people that I had hoped would have been out looking at the Council as a whole as opposed to their own individual interest. It just seriously bothered me that people would take sides, and oh, I voted for this, and I voted for that, and I voted for this, but I didn't vote for that. It's really disappointing. It's the first time that I'd ever seen it. I don't know if it has happened before, but we have always provided accurate information to assure the public that there were points that were raised that each one (1) of us I think had raised points as to what programs should be

supported or should not. I know there were three (3) main programs that I was adamant that I was going to try to find money for that was not supported by the Mayor's supplemental budget. It had not come over. There have been requests on my part to the Mayor to have these programs included in his budget. He chose not to and found other programs of more higher priority than the ones that I was asking for, and thus I was faced with the task of trying to convince at least three (3) other people that my priorities made sense. That they made sense for the entire community, and that I was actually quite appalled that the Mayor did not even consider putting it in as compared to other programs that were put in.

The first thing that I looked at when I looked at in reviewing the budget was one (1), was there justification that was provided by the Administration in support of their positions and in support of the funding that they were requesting. As was stated many times during that process, the day had come, it was the final day, this was your final exam, it's time to get an A or get an F. There were many I can say that got an F, that they did not provide the kind of justification that I would have required, had that been my hard earned tax dollars. And so those programs were looked at as to where I could find funds to support the programs that I felt were critical and necessary.

The second point when I looked at again was critical services, whether they were essential for the operation of the safety of the community. In this respect, I look at assuring that we would provide for the first time in five (5) years, services to the Anahola community of a lifeguard station tower, and all of the support staff that was required to operate that. The Anahola community or that beach is central to a lot of the other beaches that could provide services. It is one (1) that would assist the Keālia Beach station as well as the Northshore that had not been done for five (5) years. We had a drowning of a family in Anahola, and again, requesting of the Mayor to put this in his budget went unanswered, and thus we needed to find \$224,000 to fund that station. This is a beach that is used I would say and got confirmation by the Fire Chief, that approximately 90% of the residents use that beach. They probably have about 10% tourists, and yet this was one (1) of those main beaches, even despite the drownings of last year that went unfunded, that absolutely zero money was allocated for this purpose. This is heartbreaking for me. And yet you don't hear that? Do you hear that in the newspaper why aren't people you know pounding on the doors to demand this kind of critical service? It's just real upsetting for me in that respect.

The second thing that I wanted to get funding that I thought was very imperative was the 24/7 crisis hotline at the abuse shelter. Again, this was one (1) that I asked the Mayor to put in his budget, instead he chose not to. He provided \$70,000, which clearly was insufficient, and in fact last year we had to provide \$70,000 for sex assault treatment program that again was having difficulty for the Mayor supporting, and so here we're faced with the task is this program more important than other programs that currently existed? In my opinion, this was one

(1) that could not go unfunded. We could not allow those victims to not have the kinds of services that were critical for their rehabilitation, for them to become contributing members in this community. But again, it was one (1) of those that was not funded in the Mayor's supplemental budget, nor in his initial budget.

The other program that I wanted to assure to get funding was \$70,000 for a Sea Grant position. This position has provided many critical services on Maui, and has led to the recovering of a lot of beaches, a lot of public access for the community, long lasting that would go on for years and years, and years, for generations to come. This position was also not one (1), it was one (1) that was requested of the Mayor's department and its administration, and came back during the supplemental with zero money allocated to this position, and thus, I had the chore of trying to find three (3) other members to try to support these positions.

The preschool program that was provided, there was an excellent presentation I felt by Frank Ranger regarding \$20,000 to support the KEO program. And that was another, if anything, if there was leftover money that was there, then clearly that would have been my next priority.

And so when we added all of that, and you can do the math, you know we're talking about almost \$500,000 that I needed to find and cut services in order to fund what I felt were critical services that needed to be provided for, especially with respect to public safety. Had these programs been part of the Mayor's budget we would not be facing these concerns. We would not have had to do the hard job of trying to locate funding. Did I solicit support for these programs? Definitely so. I think every program that I had provided for, we were able to get support for, and I'm glad for that, and it's unfortunate that for others that had to be cut, those programs had to support this \$500,000 in services. And so you know it really saddens me that this Council, and some people on this Council you know chose to explain that oh no, I didn't want to support that program. Well how are we...were to have gotten the \$500,000 to support these critical needs? You know we need to be realistic in this. We heard Mike Dyer say that the budget had grown so much that we have the inability to sustain this year's budget, not even looking and forecasting further down the line, this year's budget. And yet there are people here that choose to not make the hard decisions, but say well I supported this program and I supported this program. There were many programs that I had wanted to include, that I was not able to include.

You know we listened to a lot of people, I mean we had Ka Leo program supporters here today, like how we did with the adolescent treatment center, and yet when we actually went out and the people came out, there were a lot more people that didn't want the adolescent treatment center, not there, given the conditions that existed. You know it's not what we hear here that makes I believe, my choice is. We look at the emails, we look at the testimony, we look at verbal opinions in the community, at the baseball parks, soccer fields, any other functions

or what have you at the supermarkets. But the community isn't just what is here today, that testifies today that we listen to because we understand that there are a lot of people that would love to come and testify had they had the time. And given the kind of living conditions that we live in today, it's nearly impossible for them to do that. And so I would have hoped that there would have been a more unified Council that could have explained the reasons why people have certain justifications for their positions, and that it really had to do with competing interests of all of the programs. And had we voted to include all of the programs that everybody here wanted, we would have to increase your taxes and did people know that, did people want that? Probably not, and I wish that message had been sent as opposed to well I wanted to support this program, I wanted to support Ka Leo, I wanted to support K-PAL, I wanted to support an executive assistant to the Mayor, I wanted to support you know there were others who didn't, but you know I wanted to...that's real disappointing that that was the message that was given. And those that went to the media, or radio media that wanted to explain their positions, they are more than free to do that, but it's unfortunate, because this is really the first time that I've ever seen it. I always thought of what Council Chair Asing had said that the budget is a compromise message. It's not about individual items. It's about the whole package, and that I found was totally missing by this group of people, by some people. You know it's like if you are voting for it if you do not approve of anything that's in there so strongly, then vote against the budget, but don't go out individually and handpick the ones that are controversial and then choose to pick which side you're on. I hope that that will not be the kind of tactic that will be used in further Council budgets, because I don't think it's of a benefit for anyone, because I think the community should hear the good sides of what the Council did. And the fact that they had to do it and the fact that I make decisions the way I had to as did all of the other Councilmembers, and hopefully that message will be said and that it will be one (1) that will be recognized as one (1) that we had to make the hard decisions.

And this Council has made the hard decisions, and maybe those programs can be justified later, maybe they can come forth in the budget, we're looking at again, ailing infrastructure that we have not even budgeted for, \$14 million for near term improvements for a sewer system. We're looking for the landfill, another \$40 million that was proposed by the Administration for a waste to energy facility, or other kinds of programs of (inaudible). We're looking at humongous costs and yet everyone seems to think well, let's you know focus on Ka Leo and let's focus on K-PAL, and let's focus on...granted, you may think that it's small issues, but is there anyone even on the other side as well as this Council looking at the bigger issues? And whether we can look at sustainability in a really realistic fashion instead of using those buzz terms? Every project that comes up, sustainability, and when you look at the budget, really, how much of the money that has been allocated is towards those sustainability purposes that came over from the Administration? How much of those programs came over with absolutely zero plans? You know I think it's real important that that kind of message is being sent and that the people

should hold the Administration as well as the Council accountable for its funding. And if there are no plans, and there are no justification, then that should be the message, and it should be okay, and the people should be supportive of that, including Councilmembers who are present here.

I thank you Council Chair for this time, but it really has been a difficult process, in light of the kind of media and the kind of statements that have been made. Thank you.

Chair Asing: Thank you. Any further discussion? Tim?

Mr. Bynum: Unlike Councilman Kouchi, this is my first budget. I thought the process was pretty fascinating. An incredible amount of time goes into it. We had two (2) weeks of meeting straight that went all day long, and then I believe almost two (2) weeks of follow up and volumes of questions and answers back and forth and overall I felt good about our County government and I felt good about our departments and the decisions that were made.

By and large the budget survived intact, and I think that has a lot to say about the thoughtfulness and the wisdom that goes into it. Many portions of the budget we basically have no control over. You know there's certain fixed costs that Councilman Kouchi addressed and very large ones for mentioning the health fund and the pension fund and had been under funded in the past, that was five (5) million dollars or more that were costs that had to happen. A lot of the cost increases are about collective bargaining and paying the wages that have been determined by others, and so that really leaves not as much discretionary spending as people would probably think. When you go through that process, there is give and take. I think that it's appropriate for people to come and give comments about the budget, what's why we have a budget hearing. The Ka Leo budget cut was something that caught people by surprise, because during our budget deliberations it wasn't discussed, there wasn't questions back and forth, it was only during decision making that it came up and the reality is that there was contested votes on things that happened in terms of these small areas where we have discretion. And despite the rhetoric that we're hearing, people are entitled to have their opinions and to make their decisions made known to other people.

Councilman Iseri-Carvalho did take the lead on things that she just talked about, the YWCA, the lifeguard station for Anahola, Sea Grant position, the preschool program, you know I think Councilman Rapozo proposed. All of those decisions were made in my memory unanimously by the Council. There were support for all of those programs.

There were other proposals that made...that wasn't support for, and there were often times where the votes were contested. I'd like to mention a couple of those that I have concerns about, and I think we'll have to come back and discuss

again. I'm not...one (1) of those has to do with...I've already mentioned and I won't go through the process of the Ka Leo program, which I think is a valuable program that had a lot of support. I think the community members wanted to speak. We heard comments today about the...was kind of like they were...those things were solicited. I don't know that that's the case. I had community members call me that were surprised by that, and ask where they could speak to it. When I thought, gee, our budget hearing that we had set up was the appropriate place, and so I told anybody who asked me that if they wanted to make comments on the budget that's why we had a public hearing, and that would be the right forum for it to occur. So, the Ka Leo program I would like to see it continue, and you know, but I also accept that we are in a democratic process, where we go through give and take and we make decisions and you win some and you lose some.

I also felt like the Prosecutor's office had made a strong argument for funding some of their positions. They may be faced with a situation where current people who are working in the Prosecutor's office will actually lose their jobs because...

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Mr. Bynum: ...made with drug prevention programs because the funds had not been well accounted for, and I understand that the Council made those cuts. I believe also though that we had a Drug Prevention Coordinator who is working with the community that will make changes, and I'm looking forward to having drug prevention funding come back before us quickly, because we are at a situation where federal funds that were available to us for a number of years are not...are no longer available to us. And when those programs can be articulated more clearly, I think it's important for us to put some resources there.

I want to echo Councilmember Yukimura's call for televising our budget meetings. I think that I could have sworn over the last couple of years I heard Councils when I wasn't on Council indicate that that would be a priority to televise those meetings because what more fundamental decision do we make than how we're going to spend your money. And I think all year long probably the most important meetings that happen are the budget meetings, and to not have that...public have access to that in the same manner that they do all of the other Council meetings I don't understand. So you know I am supporting this budget, despite what you may have heard a few minutes ago, because I believe in the democratic process. I believe it's appropriate for you to give your opinions, to have votes, to have give and take and then you know we have to accept the outcome of those decisions. And overall I don't think there are where decisions I was disappointed with, but don't rise to the level of me wanting to not agree with the consensus and the hard work that was done here to come up with those budget decisions, so I intend to vote for this budget, thank you.

Chair Asing: Any further discussion? Councilmember Yukimura?

Ms. Yukimura: Yes, thank you Mr. Chair. I just want to conclude my third thought on Ka Leo, which I remembered. I do see the possibility of the Ka Leo program phasing out after it has done some good community building. And that's why I asked questions about how it might really develop existing or new community associations that could be well run and could maybe take on the functions of Ka Leo over time. I also want to say that in our contested votes, which were you know preliminary votes leading up to this day when we're voting on the entire budget, I think we all have responsibility to be accountable for our votes and to say where we stood on the different programs. So I think we need to be open to the fact that people will ask about where the votes fell and who voted for what.

One (1) of the good and interesting things about the budget process is what you learn from each other, each other...I mean other Councilmembers, and I really want to acknowledge Councilmember Iseri-Carvalho for the way that she laid out the need for the Anahola lifeguard station. For all of us it is...you know the community she lives in and to have someone who knows the community well really detailed the need, was very helpful and useful and also in the area of warrants in the Police Department. That is a specialized area, and it was a real education for me to understand both the process and the urgency of those issues.

I was really appreciative of Councilmember Furfaro raising the issues of energy and I...as someone who has been raising that issue for many years, was really pleased that the entire Council is asking the Administration to focus on this area. Because not only will it help us in reducing our costs, but I think we...it'll also be setting a model for the private sector and for the community at large in terms of needing to move toward better energy conservation and efficiency.

And then I really appreciated the Chair's leadership in identifying the need for (inaudible) tax rate reduction on the categories of land and property that have been left out in our previous tax relief efforts, and also Councilmember Kouchi's persuasive arguments in that area, which actually turned me around on it.

I want to say that with respect to the YWCA program and Mr. Ranger's preschools summer program, I didn't see that as a program of one (1) Councilmember. You know Mr. Ranger came to speak to all of us really early on, and Ms. Fuller sent us all packets of information and they are very worthwhile programs and I think will have long range effects on our community. It is true as Councilmember Kouchi pointed out that when you look at core functions of the County we don't usually fund programs like that. We've been...in the past that these are social programs that normally are funded by the State, which is the reason why when she first sent me the information I asked Ms. Fuller what her plans were for sustainability of the program. Because I know that we've experienced these ups and downs of revenues, and in times of tight money the first programs to go are the ones that are not the County's core function. And so you

know as we look long range, even as we take on these social programs you want to see how they might wear themselves over time through some independent funding so they can really have a more secure future than County revenues, which as Mr. Dyer pointed out can be very mercurial and you know unreliable, given how the real estate market works here.

So those are some of the long range issues we have to look at. And we have a line item in the budget message to the Administration that even as we identify fixed costs that appeared not to be something we can actually influence, there are policy decisions that are being made at the State level that need to look more at these fixed costs and which actually set the fixed costs into the future. That our Administration and even ourselves have to...we have to participate more in that policy level, whether it's collective bargaining, and the structure for setting collective bargaining increases or our health fund and our retirement system. We should be asking important questions and participating in the long range policy setting process.

Chair Asing: Thank you. Any further discussion? If not, let me close. I just have a few comments. I think the first thing I want to kind of make clear is the possible perception that those that spoke this morning on the public hearing on the Ka Leo programs were all for the Ka Leo programs. That's not true. I mean there were people that spoke against the program, and there was one (1) individual that even went so far as to say that they felt pressured into the Administration pushing their programs. And when you hear that from a member of the public, that is not easy to take as a Councilmember making decisions here on the floor. So I want to clear that first.

And then I want to talk about the process of the budget. It's a compromise. There's pluses and minuses, there's programs that you support, programs that you cannot support and reasons for it. We have x number of dollars, and that's the process. So I think the process with the end result of compromise. You compromise and you come up with the final budget, and we all live with the final budget.

So with that I want to thank Councilmember Kouchi, Chair of the Committee of the Whole for taking us through this process. Like most budgets, it's not easy, there are many things in the projects that are in the budget that people agree with and people that don't agree with. And so I want to thank him for taking us through the process. I want to thank staff, the departments and everyone for their hard work, and I will be supporting the budget. With that...

Ms. Yukimura: Mr. Chair?

Chair Asing: Councilmember, go ahead.

