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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

AUGUST 15, 2018 AT 10:09 A.M.

MAUI POLICE DEPARTMENT

CHEIF'S CONFERENCE ROOM

REGULAR MEETING

REPORTED BY: DARCY J. BROKAW, Hawaii CSR #371
Registered Professional Reporter
Certified Realtime Reporter
Certified Realtime Captioner

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- Randol Leach, Chair
- Nora Kawasaki, Vice Chair
- Roger Dixon
- Lawrence Feinberg
- Gwen Ohashi Hiraga
- Sharen Sylva
- Mark Redeker
- Larry Feinberg
- Gene Santiago

STAFF PRESENT:

- Chief Tivoli Faaumu
- Acting Assistant Chief Ricky Uedoi
- Captain Danny Dods
- Assistant Chief Victor Ramos
- Jeffrey T. Ueoka, Deputy Corporation Counsel
- Amy Lau, Commission Secretary

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August 15, 2018 at 10:09 a.m.

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CHAIR LEACH: (Gavel.) I'd like to call the Maui Police Commission August 15, 2018 Police Commission meeting to order.

First agenda item will be roll call.

Randol Leach, present.

Nora Kawasaki?

COMMISSIONER KAWASAKI: Here.

CHAIR LEACH: Roger Dixon?

COMMISSIONER DIXON: Present.

CHAIR LEACH: Larry Feinberg?

COMMISSIONER FEINBERG: Here.

CHAIR LEACH: Gwen Hiraga?

COMMISSIONER HIRAGA: Here.

CHAIR LEACH: Mark Redeker?

COMMISSIONER REDEKER: Here.

CHAIR LEACH: Gene Santiago?

COMMISSIONER SANTIAGO: Here.

CHAIR LEACH: Sharen Sylva?

COMMISSIONER SYLVA: Here.

CHAIR LEACH: We have 100 percent attendance of the eight present commissioners, and we have a quorum.

1 PASTOR KANESHIRO: Thank you for allowing me
2 to speak a few words.

3 Last month several of you had asked me to
4 remember the Big Island Police Department because they
5 had suffered the tragedy of losing one officer. And I
6 think you realize that the following week, Honolulu
7 Police Department had an officer shot.

8 And so I have been in contact with both
9 departments, primarily with their chaplains, and talking
10 about what is happening and what is going on.

11 I was also a part, next to the chief, of being
12 a part of our delegation that attended the funeral for
13 Officer Kaliloa in Hilo.

14 The one thing I do want to say that was very
15 beneficial, in the midst of all that grief and in the
16 midst of all that trauma, was that overwhelming support
17 from the community. And that's not the usual, you know,
18 on the mainland especially, you know. No matter how
19 trying the circumstance, no matter how right the
20 officers may be, there usually is quite a bit of outcry
21 against the officers. And what I saw there was
22 tremendous support for the community.

23 And so as I pray not only for Bronson and his
24 family and all of his brothers and sisters and group, I
25 also pray for our people, but also for those throughout

1 our state and for the nation, because all of them
2 constantly are in the line of danger, and they're in the
3 line of danger for us, and we often forget them and we
4 often judge them very harshly without knowing the
5 circumstances and the facts. And it was -- I was
6 prepared for that, and it was pleasant not to have to
7 deal with that side of it in the midst of all the
8 tragedy and grief that was going on.

9 So I'd like to close by praying for our
10 officers here.

11 Heavenly Father, we thank you that you are
12 present and powerful, and you have entrusted a duty to
13 law enforcement personnel.

14 In your Word in Romans 13, you say that they
15 are your ministers for righteousness' sake.

16 So, Lord, we ask that you would protect each
17 and every one of our men and women who are on the road
18 and in various other capacities.

19 And, Lord, we ask for your protection upon
20 their families, who often have to hear terrible things
21 about their loved one, as well as worry for them. Give
22 wisdom and knowledge to those who are here deliberating,
23 give them wise decisions, a caring heart, and the
24 insightful knowledge of the matters before them.

25 And we thank you and we praise you for your

1 love for each of us. In Jesus name, we pray. Amen.

2 (Chorus of amens.)

3 PASTOR KANESHIRO: I apologize, I have to
4 leave now. My wife has a back injury, and I don't want
5 to leave her for too long. Thank you.

6 CHAIR LEACH: Thank you.

7 The next agenda item is presentation of public
8 oral or written testimony on agenda items.

9 Is there any public testimony today?

10 Seeing none, we'll move to the next agenda
11 item.

12 Is there a motion to approve the minute
13 meetings of July 18th, 2018?

14 COMMISSIONER KAWASAKI: So moved.

15 COMMISSIONER DIXON: Second.

16 CHAIR LEACH: So moved by Nora; Roger second.

17 Any discussion?

18 Call for the vote. All in favor, say aye.

19 Opposed?

20 Motion carries.

21 Agenda item 6. I'd like to acknowledge
22 receipt of the letters of commendation, which there are
23 32.

24 Agenda item 7, correspondence. Acknowledge
25 receipt of the two letters from the Chief, dated

1 July 30th, 2018 and July 31st, 2018.

2 Agenda item 8, Chief's Report.

3 Chief?

4 CHIEF FAAUMU: Good morning, Mr. Chair.

5 I'm Tivoli Faaumu, Chief of Police.

6 I want to echo what our chaplain said. I want
7 to pick up from where he left off.

8 First of all, I want to thank my staff for
9 those that volunteered to be there in the delegation, as
10 our chaplain mentioned. But I also want to thank
11 Hawaiian Airlines. They paid for ten round trips for
12 ten folks to attend.

13 So we did send an advance calling on Friday,
14 and with the chaplains, to work with the folks out there
15 and to also coordinate things for the main delegation
16 that arrived on Saturday. So it was well-organized by
17 our advanced party and also for our chaplains.

18 One thing I wanted to add on to what the
19 chaplain had mentioned, we do have requests from the
20 chaplaincy program, for the folks out there. I think
21 some of you met them at the commissioners meeting and
22 met with the head chaplains. She was asking for
23 assistance from them.

24 She went on and mentioned that leadership of
25 their peers, support, most of them has vacated or have

1 vacated their position.

2 And just looking at what the department is
3 going through, you know, if you just start a time line,
4 start it with the incidents that's happening there with
5 the homicide-suicide of the police officer and the wife;
6 and then the lava flow; and then right after the lava
7 flow -- well, during the lava flow, then you have the
8 Officer Kaliloa homicide.

9 And then, of course, as you know, last week
10 Hurricane Hector had hit the -- well, passed about
11 150 miles to the southeast point of the Big Island. So
12 that created a lot of challenges for our peer support.

13 I did mention to Officer, excuse me, to Chief
14 Ferreira, and the chaplains, that any help they need,
15 that we will deploy personnel there to help.

16 I did speak to our coordinator, our peers
17 coordinator, Captain Dods, who is sitting here with us,
18 to support any requests from the Big Island.

19 But, Mr. Chair, before I move on to my report,
20 I would like to mention to you and the body that Deputy
21 Chief Dean Rickard, Assistant Chief John Jacobson, and
22 Assistant Chief Sterling Keyota, are attending the 911
23 board. Right now they're going through their strategic
24 planning and also budget. So there are a few projects
25 that we are looking for funding from the 911 board.

1 Ms. Melissa Magonigle is doing her military
2 training as we speak. So she is in Honolulu. And I
3 also want to acknowledge her and mention it to you,
4 Chair, she just got promoted from the rank of major to
5 lieutenant colonel, so she has three more years to go
6 now before she decides if she needs to reup or take a
7 retirement. But she's in Honolulu, exercising her new
8 rank, I guess, as we speak.

9 I wanted to update Commissioner Santiago about
10 the Molokai station. We met with the land owner; our
11 Captain Pladera in Molokai met with the land owner; we
12 met with the county official, budget director, finance
13 director, and those that are involved with land
14 acquisition.

15 But right now where we are is we put together
16 our Purchase and Sale Agreement and forwarded it to the
17 land owner, accepting an offer to us, which was
18 \$1.4 million for the 11 acres.

19 There were some issues that we need to
20 address. There are folks that are using the facility,
21 and we will address that as we move forward. We do have
22 month-to-month lease, and also one tenant has a one-year
23 lease that will be expired probably by the end of the
24 year. We'll cross that bridge. But right now what
25 we're trying to do is get the PSA to the budget

1 director; the budget director will request for a budget
2 amendment. Hopefully, we can get counsel to put us on
3 their agenda for the next, their next meeting.

4 And we know that next year we will have new
5 administration, but we are hoping that we can put a
6 close to this Molokai station; and I'm pretty sure
7 Commissioner Santiago will be happy. We will keep you
8 posted.

9 Next on my agenda, as you know, we do have
10 retirement coming up at the end of the year, as folks
11 fulfill their commitment to the Department and to the
12 community; and then at that time, some of them decides
13 to move on and enjoy the next chapter of their life.

14 I mentioned in my opening remark about
15 Hurricane Hector. I want to reassure this body that all
16 hands were on deck as we prepared for it. We were
17 fortunate that it maintained its southwest direction.
18 And, I guess, as the emergency manager --

19 (Reporter inquires.)

20 CHIEF FAAUMU: As the emergency manager
21 mentioned in our meeting, I think we dodged the bullet
22 this time around, which is good, but we know we are in
23 the hurricane season. I want to reassure you folks, all
24 the district, district commanders, and everybody here.

25 Let me go back to the retirement. I wanted to

1 thank the executive staff. Because of the retirement,
2 as you all know, we will create a vacant position; and
3 with a vacant position comes vacant shifts on our front
4 line.

5 So what the executive staff have done, and
6 Mr. Chairman, they meet with the district commanders,
7 they ask them what shifts are vacant, they take those
8 shifts back to their units, specialized unit, and
9 basically ask for a volunteer to cover those shifts so
10 we do not need to order our patrol officers on the front
11 line to come back on their days off or work longer.

12 So that has been done. And I want to thank
13 Assistant Chief Victor Ramos for his leadership on that.

14 With that, I spoke with the deputy yesterday
15 before he left. Nothing else that he has. And you all
16 have Ms. Magonigle's report as far as budget, fiscal,
17 and our finances side and our personnel.

18 With that, unless anyone has any questions for
19 me, I can turn it over to Assistant Chief Victor Ramos.

20 Chief?

21 ASSISTANT CHIEF RAMOS: This is Victor Ramos.
22 My report will be very brief.

23 The continuation of the cooperation between
24 patrol and JCPD and CID continues. They're doing a lot
25 of good work together.

1 I know this was brought up probably before. I
2 wasn't here last meeting, but I did want to recognize,
3 once again, Officer Nichole Comilang for her planning
4 the Third Annual Teen Academy. She did an excellent
5 job.

6 I also wanted to thank the County Counsel very
7 recently for acknowledging the accomplishments of
8 Officer Marvin Tevaga in regards to his national award.
9 It was very nice of them to bring him up to the floor
10 and acknowledge his efforts.

11 Lastly, I'd just like to say that the SRT had
12 a call-out on the 25th of July. You guys read that in
13 the newspaper. And, you know, everything went well. I
14 just wanted to acknowledge these officers that did a
15 great job, and that would be: Acting Captain Richard
16 Rodriguez, Lieutenant Micah Adams, Sergeant Lawrence
17 Pagaduan, Lieutenant Wade Maeda, Sergeant Christopher
18 Gantala.

19 I also wanted to acknowledge the executive
20 director of Ka Hale A Keola Homeless Resource Center,
21 Monique Yamashita. Without their help, it would have
22 been much more difficult to process the scene and to
23 evacuate.

24 That's it. Any questions?

25 CHIEF FAAUMU: The next presenter will be

1 Acting Assistant Chief Ricky Uedoi.

2 ACTING ASSISTANT CHIEF UEDO: Good morning,
3 Commissioners, Chair. Ricky Uedoi, representing the
4 Uniformed Services Bureau.

5 During the month of July, we had three traffic
6 fatali- -- oh, I'm sorry two traffic fatalities in July.
7 Both were in Kihei, on Piilani Highway.

8 So the first one happened on July 14th at
9 1:48 in the morning. A motorcycle collided into a
10 sedan. The sedan was making a left turn from
11 Kulanihakoi onto Piilani Highway. The motorcyclist
12 traveling towards Wailea broadsided the vehicle that was
13 making a left turn. As a result of this crash, the
14 motorcyclist died. The operator and passenger of the
15 vehicle fled on foot. And the traffic section is
16 continuing with the investigation. They're still trying
17 to identify the operator and passenger of that vehicle.

18 The second crash happened on July 20th, at
19 1:15 in the afternoon, at Welakahao and Piilani Highway.
20 Same thing, a motorcycle operator not wearing a helmet
21 was pronounced dead on the scene. There was a female
22 passenger on the motorcycle who was ejected from the
23 motorcycle, who also was not wearing a helmet. She died
24 a few days later in Honolulu. The female operator of
25 the vehicle left -- I'm sorry, the passenger of the

1 motorcyclist is still at the -- the driver of the
2 vehicle making a left turn died at the scene. She was
3 not wearing her seat belt.

4 As a result of that crash, I think you guys
5 may have heard that the Hawaii Department of
6 Transportation modified that intersection by preventing
7 left turns onto Piilani Highway from Welakahao Road. So
8 now motorists, you know, have to make right turns as
9 they're coming up Welakahao Road.

10 I know Kulanihakoi is another intersection
11 that was not signalized at the time of that crash, but I
12 think Welakahao Road, with the limited sight distance, I
13 guess it was more pressing for them to take action to
14 reduce crashes at that intersection.

15 So as of this year, there's 11 traffic
16 fatalities as compared to four at the same time last
17 year.

18 So personnel movement within the bureau, Jason
19 Thompson and Stephen Kelly have both been transferred to
20 the DUI task force. So that brings up their staffing
21 level to three officers. For the past several months,
22 they've been working with one sergeant and one officer.
23 So they're going to have three officers assigned to that
24 unit.

25 Chief talked about retirements. We've had

1 three people retire in October -- sorry, August 1st:
2 Lieutenant William Juan, Sergeant Larry Becraft, Officer
3 Stuart Fukuyama. And also on September 1st, Sergeant
4 David Leffler will be retiring. All four of them are
5 classmates. So they had a pretty big class when they
6 started back in 1993. So they just hit their 25th
7 year, and they all elected to retire.

8 As far as recruits, we just completed the FTO
9 program. There was six officers in the field training
10 program. Four of the six have completed successfully
11 and two have been recycled.

12 So three officers have been assigned to
13 Lahaina or three -- two is in Lahaina; two in Wailuku.
14 And the people that got recycled, one is in Lahaina, one
15 in Wailuku.

16 So other than that, that's pretty much it for
17 the Uniformed Services Bureau.

18 CHAIR LEACH: Any questions?

19 COMMISSIONER FEINBERG: I have a question. .

20 I've seen some videos of that intersection at
21 Welakahao. And even though you have made it very clear
22 that it's delineated that you can only make a right
23 turn, the video clearly show people going into that
24 older left lane, waiting until it's safe to go out into
25 the highway.

1 Is there any way that the Department of
2 Transportation can put some bigger barriers, as they do
3 with some of the other intersections, that make it
4 impossible for you to make that left turn?

5 CHIEF FAAUMU: We could reach out to DOT to
6 bring up that concern. This is the first time I'm
7 hearing the concern.

8 COMMISSIONER REDEKER: I almost got hit there
9 the other day with an illegal left turn.

10 ACTING ASSISTANT CHIEF UEDO: We'll bring it
11 up to the command staff in Kihei to bring up the concern
12 and so they can -- you know, as time permits, they can
13 go out and monitor the intersection.

14 But in the meantime, we can reach out to DOT
15 and voice the concerns that have been brought up, and
16 then see what kind of modifications, if any, that they
17 can make.

18 CHIEF FAAUMU: Any other questions?

19 Okay. Next presenter.

20 Oh, one more.

21 COMMISSIONER REDEKER: This is Mark.

22 The first traffic collision you talked about
23 where the people fled, was that a stolen car? If you
24 don't know offhand, that's fine.

25 MR. UEOKA: I don't believe that was

1 mentioned. I'm not 100 percent certain, but I don't
2 think it was.

3 CHAIR LEACH: I had one question regarding
4 that Welakahao. This is Randol Leach.

5 A number of people in the public asked me --
6 the investigation after the accident, because the
7 accident was around 1:30, and the road didn't open up
8 until 4:30.

9 (Reporter inquires.)

10 CHAIR LEACH: And then the highway ended up
11 about 4:30. So the investigation of the accident was
12 about three hours.

13 Is there a way to speed that up a little bit?
14 I know there's so much detail. I was just thinking of
15 people that had to get to the hospital, and people have
16 to get to the airport, and --

17 ACTING ASSISTANT CHIEF UEDO: So when the
18 traffic vehicle homicide unit comes on scene, they make
19 an assessment as far as what they're going to need to do
20 to complete their investigation. And one of the first
21 priorities that they do want to do is look at opening up
22 roadways as soon as possible, without compromising the
23 safety of the officers or the evidence on the roadway.
24 So they do make that assessment.

25 And when they start investigating the scene,

1 they kind of want to get where the key evidence is; and
2 then if they can, they will work their way and so that
3 they can open up avenues of, you know, travel and
4 whatnot. We understand that the highway, you know, is
5 the main thoroughfare of travel and whatnot, and when we
6 send them down a side street, it does create a backup
7 and whatnot.

8 So we're well aware of that, so we make every
9 effort. You know, we have the highway incident traffic
10 team to address those concerns to help mitigate traffic
11 flow and whatnot. But yes, the priority is to try and
12 open up the roadway as quick as possible but without
13 compromising any part of the investigation or the safety
14 of the officers.

15 CHAIR LEACH: I was surprised, too, that the
16 roadway opened up, I think around 4:30, but the notice
17 on the Maui County website wasn't until 45 minutes later
18 that the highway was opened. And I was surprised on
19 that communication snafu, if someone could look into
20 that.

21 CHIEF FAAUMU: Yes. Definitely, Mr. Chairman,
22 we will look into that. We do have the ability to push
23 out information through to the County website from our
24 dispatch supervisor once the road is open. We will make
25 sure that we can address those issues.

1 Any other questions for Acting Assistant Chief
2 Ricky Uedoi?

3 No other questions.

4 The next presenter is Acting Assistant Chief
5 Danny Dods.

6 ACTING ASSISTANT CHIEF DODS: Good morning.
7 My name is Danny Dods, representing Support Services
8 Bureau, and I just have a couple of things to share.
9 Primarily it's about the plans and training section.

10 Basically it's covering -- I have three things
11 to cover, but Captain Uedoi efficiently covered one of
12 them. So basically it's just regarding the recruit
13 classes.

14 The 86th recruit class, as Captain Uedoi has
15 said, four have passed, four are solo now, two have been
16 recycled. The 87th class has six members still and
17 will be graduating September 28th. The 88th recruit
18 class is due to start on October 22nd, and right now
19 there are seven recruits hired. That process is still
20 ongoing. So at this time, that's what we have.

21 And that's all I have for the Support Services
22 Bureau.

23 CHIEF FAAUMU: Are there any questions?

24 Well, Mr. Chairman, let me recap my report. I
25 know there was concern about traffic. As I mentioned

1 last month, when I revealed the Commander's report on
2 concern from the community, the number two was traffic
3 and, of course, number one was homeless.

4 Let me talk a little bit about the traffic and
5 what our traffic section did. They put out a public
6 safety announcement to our community, advising them of
7 the upcoming school year and our solo bike out there at
8 the school zone enforcing that to make sure our children
9 are in school safely and to help expedite the movement
10 of traffic in that area.

11 We also look at any concern from our community
12 as far as reckless driving in the neighborhood. What we
13 normally do, we conduct a one-week survey, and we look
14 through it, they submit the data that -- their finding
15 as far as the volume of traffics going through the
16 neighborhood and also the speed; and then with that,
17 we'll do an assessment and prioritize our deployment of
18 enforcement in this area.

19 The other area I wanted to cover is the
20 recruitment. As I mentioned, there are a lot of folks
21 retiring from the Department. One area we are looking
22 at -- and I want to acknowledge Assistant Chief Victor
23 Ramos and his team.

24 The juvenile section, juvenile section is
25 looking at doing a recruitment drive at the Chaminade

1 University; University of Hawaii, Maui campus; and
2 Pacific University in Honolulu. So what they will do,
3 they will attend the -- they will go to these
4 universities and promote the positions as far as police
5 officers and also emergency service dispatchers.

6 They also reach out to our military, and they
7 have appointment with Schofield Barracks, the joint
8 base, Hickam and Pearl Harbor, and also Kaneohe Marine
9 Base. So they will be there to do presentation to
10 recruit. Community relations section. In the meantime,
11 we'll reach out to our local here and also to the Army
12 Reserve, the National Guard, and the Air National Guard,
13 because these are folks -- as you all know, the reason
14 why they join these organizations is to serve their
15 community. So we'll continue our recruitment through
16 that.

17 But the other area that we also are looking at
18 is, as you know, level transfer within the state. We do
19 have modified training for that, for these folks.
20 Outside of the state, they have to go through the whole
21 recruit class.

22 So what we are looking at now, we are doing a
23 study; our plans and training section are doing research
24 to see if we can have the folks from outside the
25 Continental U.S.A. applying for a position with Maui

1 Police Department go through the modified version of
2 training. It's not that we are trying to lower the
3 standard based on the challenge we are facing with
4 vacancies, but what we are looking at is more on a
5 fiscal responsibility. As I mentioned earlier in my
6 presentation a couple months ago, it takes over a
7 hundred thousand dollars to train a person with no law
8 enforcement experience to become a full-fledged police
9 officer.

10 So if we can save some money for our prior law
11 enforcement individual from spending the same amount of
12 over a hundred-something thousand, then it will help us
13 with our recruitment. And again, they are doing the
14 research, and hopefully, they will come up with some
15 kind of recommendation on what the best practice is
16 going on nationwide.

17 And that concludes my report, Mr. Chairman.
18 And I am open to any questions from the board members.

19 CHAIR LEACH: Thank you.

20 Next agenda item, Financial Report on the
21 Budget and Expenditures, Subcommittee Report.

22 COMMISSIONER DIXON: Roger.

23 THE REPORTER: Thank you.

24 COMMISSIONER DIXON: You have 144 pages.

25 Jeff, did you want to say something before we get

1 started?

2 ACTING ASSISTANT CHIEF UEDO: No.

3 (Discussion off the record.)

4 COMMISSIONER DIXON: Melissa is not here. So
5 Chief and I spoke earlier this morning. And you have
6 the budget report, Chief. We talked about that.

7 But for the commission, as far as the
8 subcommittee goes, the Chief has got -- approved a
9 \$64 million budget for fiscal year 2019, up slightly
10 from the previous fiscal year of \$59 million. Some CIP
11 projects have been approved. And Chief will also talk
12 about expansion positions.

13 So that will be the subcommittee reporting
14 leading into the Chief's budget report. So we'll just
15 dispense with it at the same time.

16 CHIEF FAAUMU: Thank you, Commissioners.

17 I'm pretty sure that Ms. Magonigle has sent
18 out the budget. So, A account, as you know, we did ask
19 for some positions, and they approved some positions and
20 funds for those positions. Others were approved, the
21 equipment personnel position, but no funding. But that
22 doesn't mean that we cannot fill those positions. We
23 still can fill those positions and we can use our
24 saving.

25 Give you an example of what they had done is

1 the expansion for the extra beat in Central Maui,
2 upcountry beat, they funded two positions; and the other
3 four -- I'm sorry, they funded two police officers, and
4 the other four police officers is unfunded.

5 So, as you know, for every 24-hour position,
6 you need to hire six police officers. So give you an
7 example on how they do it, I met with them, I get
8 direction and clarification from our budget director,
9 and basically informed me that, Chief, you can move
10 forward, the EPs are approved, use your savings if you
11 have savings from your vacancies to pay for this
12 position. So we continue our recruitment.

13 Our expansion position for upcountry, I know
14 Acting Assistant Chief Ricky Uedoi and his staff, with
15 our quality assurance staff, are working on redesigning
16 the upcountry district to see how we can make some
17 changes from our central Maui, the Kahului area, and the
18 upcountry, and see if there is a merge there somewhere
19 and for us to use the other position.

20 Some of the other positions that we had asked
21 for, they had provided funding for it. You know, like
22 our emergency service dispatcher coordinator. He's the
23 individual that will be in charge of our dispatch center
24 here on Maui, and so still will come under the direction
25 of the lieutenant, who is in command of our committee

1 education section.

2 We do have challenges with filling the
3 position, and because of the manpower we have right now,
4 but what we are doing is we need to look at what we have
5 because it's an SR24, which means there are minimal
6 qualification that is required, and we need to address
7 those issues as we get there.

8 But those are some of the challenges we have.
9 And kind of an example of the expansion position.

10 Commission Leach had mentioned to you about
11 the CIP project. We do have our three CIP projects;
12 that is the renovation of the locker room in our Lahaina
13 station, the air conditioner at the forensic facility,
14 and the field tank at the Wailuku District.

15 They also approved and gave us money to
16 address the leaking through this building, where the
17 drainpipe for to drain all the rain that comes down,
18 they have -- some of them are corroded. So they
19 approved and gave us money to address those issues,
20 where we are going, and basically insulate those
21 drainpipes.

22 Our B account, our B account, again, as you
23 know, are based on actual what we spend, and we also
24 include inflationary adjustment. And those inflationary
25 adjustment are done by the budget base on his research.

1 And so that's our B account.

2 CIP, I covered that. Our C account, our
3 equipments, most of our equipments are -- usually cover
4 that in vehicles.

5 One thing, Mr. Chairman, that we are trying to
6 do, to at least help us manage this account, is all
7 vehicles that are fleet vehicles that need to be
8 purchased are submitted by the individual unit, meaning
9 when I assign the vehicle to you, you track it, and when
10 it's time to replace it, based on our replacement
11 policy, then you submit it from your section.

12 So it got convoluted somewhere along the way,
13 got confusing. So what we had asked the budget director
14 is all funding for equipment will be forwarded to our
15 motor pool section, because in there, they manage the
16 whole fleet, the whole fleet. We have over 300 pieces
17 of equipment that they manage; and then from there,
18 based on rotation and replacement policy, we can decide
19 how many vehicles we need to order, and then also avoid
20 confusion from the budget direct- -- from the -- I'm
21 sorry -- from the commanders, because as they manage
22 their expenditures on a monthly basis, sometimes they
23 look at it and go, hey, I still have money on my C
24 account, can I use it? But we tell them, no, that is
25 for equipment, that's for vehicles.

1 So now it will help and the budget director
2 did allow us to do that. We also have equipments that
3 are on lease that we have.

4 And with that, I think that's a snapshot of
5 our budget, unless anybody has any questions.

6 COMMISSIONER FEINBERG: I have a question.

7 Chief, last year our budget -- excuse me.
8 Larry. Last year our budget was, if I recall,
9 \$57 million, and this year it's \$64 million. That's a
10 \$7 million.

11 And if I recall from the year before -- and I
12 think I asked that question then -- that most of this
13 money is due to salaries and retirement, that you know,
14 it's a fixed cost that goes up every year because of
15 the -- because of the collective bargaining that you
16 have.

17 How much of that 7 million -- and I know
18 you've mentioned a number of things -- is actually going
19 to be used for CIP and used for equipment and things
20 like that. You know, you mentioned that, but it's at \$2
21 million, and \$5 million goes to salaries and, you know,
22 other personnel.

23 CHIEF FAAUMU: Thank you, Commissioners. To
24 be exact, as the breakdown of the differences, the
25 increase, I don't have that number, but as I mentioned

1 to you, if you look at our A account -- you mentioned
2 retirement. Yes, sometimes the retirement is affected
3 because folks that retired get higher pay, so the
4 replacement will be at a lower rate. So it did help us
5 with that, too. But also collective bargaining, I
6 believe we gave them a 2.5 percentage for SHOPO. And
7 the other collective bargaining, as far as I see in EPW,
8 I don't have the number for that, but it does affect
9 that.

10 I mentioned to you B account is based on
11 actual and also inflationary adjustment from the budget
12 director. C account, of course there are equipments,
13 but the CIP, CIP, they are looking what we have, and
14 sometimes some of the money applied to our CIP, and I
15 think they gave us over 800-something thousand this year
16 to address our CIP concern.

17 But also be mindful, too, that we have grant
18 and addressed some of the challenges, such as overtime
19 and premium pay for our members. The traffic
20 enforcement will address that. We have grants from the
21 Department of Transportation. We are addressing the
22 challenges as far as narcotics in the community. We
23 have grants from the federal government and also from
24 the state, the Attorney General's Office, to help us
25 with some of those expenditures that they are currently

1 unable to provide for to address the need of the
2 community. I can't give you the exact number, but I can
3 provide that once we have again put it out to my team to
4 make sure --

5 (Reporter inquires.)

6 CHIEF FAAUMU: I don't have the exact number
7 to provide to you, Commissioner Feinberg, but I can have
8 my team put together the breakdown and that will help.
9 If I can defer that, Mr. Chairman.

10 COMMISSIONER FEINBERG: The other question I
11 have is last year, we initiated body cams; and one of
12 the major concerns was the reviewing, storing of the
13 actual footage.

14 Was that taken into account in this budget,
15 and what percentage of that new expenditure that we
16 never had before is in that extra \$7 million?

17 CHIEF FAAUMU: Yes, we did ask for over a
18 hundred thousand dollars to support that program, you
19 know. We do ask for a storage of the videos that we
20 have. We did ask over a hundred thousand dollars to
21 cover that.

22 But we also asked for expansion position,
23 because what is recommended to the Department by other
24 department who has body-worn cam, best practice is for
25 every hundred cameras we issue, you need to have one EP,

1 one personnel to manage that.

2 So we did ask and we created a unit to address
3 those issues. And we'll have a sergeant, two police
4 officers, and one civilian individual to manage that
5 program.

6 And I just want to let you know -- some of you
7 might say, well, Chief, isn't that a lot of work for
8 these folks, our fellow police officers?

9 Our police officers, we usually assign them to
10 a position, and we also tack on what we call additional
11 duties. So they wear different hats. You know, they
12 will address the body-worn cam, and they also have some
13 other duties and responsibilities they address. But the
14 requests that come in for body-worn camera videos,
15 there's a lot of things that we have to do. We have to
16 respect the privacy issue, which means we've got to go
17 and review it, redact some of the comments or individual
18 that is not -- we are not authorized to release, you
19 know, such as our juvenile, if there is a child involved
20 in it. So we have to redact a lot of information and
21 then work through the Corporation Counsel to do that.

22 And so by doing that, it really requires a lot
23 of time to address that. Right now, we don't have -- we
24 do have a lot of requests from our cell block area; but
25 the cell block area is pretty much confined, and you are

1 in a sterilized area. But the body-worn cam -- and we
2 have to look at how many police officers that were
3 assigned to it, what are their duties and
4 responsibilities, and then work from the outside or
5 inside out to see which one that we can redact and be
6 able to provide what is required by us under the Office
7 of UIPA or the -- OIP, the OIP ruling.

8 ACTING ASSISTANT CHIEF UEDO: Have there been
9 a lot of inquiries on these videos that have been taken?

10 CHIEF FAAUMU: I've seen quite a few that have
11 come forward to us. Some request through the
12 Prosecutor's Office; some private attorney had requested
13 directly to the Office of the Chief; and at times, we
14 also have a request from citizens, you know.

15 But one good thing out of it, we see the
16 numbers of complaints against police officers has gone
17 down. We are able to address those issues. And I think
18 that's a well-worth investment on our part.

19 COMMISSIONER FEINBERG: Thank you very much,
20 Chief.

21 CHIEF FAAUMU: Thank you.

22 CHAIR LEACH: Okay. Our next agenda item is
23 old business.

24 We'll go to 11b, the Chief's Evaluation
25 Subcommittee Report.

1 COMMISSIONER REDEKER: I was gone all last
2 month, as you well know. So defer that to the next
3 meeting.

4 CHAIR LEACH: Thank you.
5 Code of conduct? Gwen?

6 COMMISSIONER HIRAGA: We will defer to the
7 next meeting. Excuse me, maybe the October meeting.

8 CHAIR LEACH: October? Okay.

9 Our new Business agenda item, we're going to
10 move that until after executive session.

11 And now we're going to entertain a motion to
12 end regular session and go into the executive session.

13 COMMISSIONER SANTIAGO: So moved.

14 COMMISSIONER KAWASAKI: Second.

15 CHAIR LEACH: Nora second; Gene first.

16 COMMISSIONER FEINBERG: Why are we changing
17 the agenda around?

18 CHAIR LEACH: The discussion, for the Chief
19 and staff, it doesn't really pertain to them.

20 COMMISSIONER REDEKER: Can we have five
21 minutes?

22 CHAIR LEACH: Yeah, we'll take a break.

23 All in favor, say aye.

24 (Responses.)

25 CHAIR LEACH: Opposed?

1 (No response.)

2 CHAIR LEACH: We'll recess, and then we're
3 going to come back and go into an executive session.

4 (Pause in proceedings from 10:55 a.m. -
5 11:28 a.m.)

6 CHAIR LEACH: (Gavel.) We're back in regular
7 session. Agenda item --

8 COMMISSIONER DIXON: Mr. Chair, I'd like to
9 make a motion to ratify all decisions made in executive
10 session.

11 CHAIR LEACH: Discussion?

12 All in favor, say "aye".

13 (Responses.)

14 CHAIR LEACH: Opposed?

15 (No response.)

16 CHAIR LEACH: Motion carries.

17 Agenda item regular session 12a, Member
18 Orientation/Sunshine Law Presentation.

19 MR. UEOKA: Thank you, Chair. I'm going to
20 pass out packets to everyone.

21 Okay. Thank you, Chair.

22 In this packet is five items. The first is
23 New Board and Commission Member Orientation, drafted by
24 our office a few years ago, which gives you a general
25 idea of serving on a County board or commission.

1 The next item is an Open Meetings guide to the
2 Sunshine Law for State and County boards. This is
3 generated by the State of Hawaii Office of Information
4 Practices. Basically they are the -- there was a
5 guidance in regards to the Sunshine Law and the UIPA,
6 which is the State of Hawaii's Uniform Information
7 Practices Act type stuff.

8 The next section is a Hawaii Sunshine Law -
9 Compliance Criteria. This is an old document. It was
10 done by Professor Van Dyke years ago. But it's helpful.
11 It gives you a good idea. Some stuff may not be as
12 relevant anymore because the Sunshine Law has changed,
13 but I would like to pass it out as a general, nice,
14 easy-to-read informational guide.

15 The next item is Maui County Code,
16 Chapter 2.56. It's the Code of Ethics.

17 The next section is Article 10 from the
18 Charter, which is the Code of Ethics for the Charter.

19 I hope everyone has a chance to look these
20 things over. If you ever have any questions, please let
21 me know, and we can discuss it. Specific questions, and
22 we can discuss.

23 Before we get started on the Sunshine Law, I'd
24 just like to point out to you that Section -- or
25 Chapter 12 of, I believe it's Article 8 of the County

1 Charter is the Department of Police.

2 Section 8-12.2 is the Police Commission, and
3 it states:

4 "The Police Commission shall
5 consist of nine members appointed by the
6 mayor with approval of the council. The
7 Police Commission shall: Adopt such
8 rules as it may consider necessary for
9 the conduct of its business and
10 regulation of the matters committed to
11 its charge by law."

12 Those are your administrative rules.

13 The second portion is:

14 "Review and submit to the mayor the
15 Department's request for an annual
16 appropriation for the operation of the
17 Department."

18 So that's the review of the budget.

19 The next section is:

20 "Receive, review and investigate
21 any charges brought forth by the public
22 against the conduct of the Department or
23 any of its members and submit a written
24 report of its findings and
25 recommendations to the Chief of Police

1 for the chief's disposition."

2 That's the review of charges that, you know,
3 you guys have gone through that a couple times already.

4 "Annually review and evaluate the
5 performance of the Chief of Police and
6 submit a report to the mayor and the
7 council."

8 So you guys are aware of that.

9 And 5:

10 "Have such other powers and duties
11 as may be provided to law."

12 That's generic language for a lot of the
13 things in the charter.

14 So those are your, you know, three big things
15 you guys do: Review the budget, look at the charges
16 against officers on the department, and the annual
17 review of the chief.

18 You know, there's another section in the
19 charter that, you know, basically prohibits boards and
20 commissions from interfering with the administrative
21 operations of the departments.

22 Our recommendation -- you guys are in charge
23 of the chief, so there's a lot of latitude given there,
24 typically, because you do hire, fire and evaluate the
25 chief. So I just ask the commission, don't abuse that

1 authority and get too much into the administrative
2 affairs of the department. But I understand that
3 there's a certain amount that needs to be done, as you
4 guys do hire, fire and evaluate the chief.

5 Okay. I'll move directly into the Open
6 Meetings section, so the Sunshine Law portion.

7 COMMISSIONER FEINBERG: Where?

8 MR. UEOKA: It's the second packet, "Open
9 Meetings Guide to 'the Sunshine Law.'"

10 COMMISSIONER FEINBERG: I understand that, but
11 what page?

12 MR. UEOKA: It's a separate document. It's
13 not numbered.

14 COMMISSIONER HIRAGA: It's the first staple.

15 MR. UEOKA: So generally, with the Sunshine
16 Law, personally I'm not going to go into hypotheticals
17 or all this or that. If a situation comes up that
18 doesn't feel right or if you have a question about
19 something, I'm available to give guidance regarding the
20 specific situation, and we can discuss that.

21 If you need to get in contact with me, if you
22 don't have my number, you can contact Amy. She knows
23 how to get in touch with me.

24 And I just ask everyone to remember this is
25 primarily a self-policing law. So we ask that you make

1 your best efforts to comply with the law and do
2 communications within meetings.

3 Okay. So the open meetings law, it is the
4 intent that discussions, deliberations, decisions and
5 actions of governmental agencies shall be conducted as
6 openly as possible. This means discussions and
7 deliberations should primarily occur in the open session
8 portion of properly noticed meetings that are open to
9 the public.

10 So this applies to the nine of you, the nine
11 members of the Police Commission. It doesn't apply if
12 you're talking to me, because I'm not a member of the
13 commission. It doesn't apply if you're talking to Amy;
14 she's not a member of the commission. It doesn't apply
15 if you're talking to a random member of the public,
16 because they are not members of the commission.

17 With this commission, however, I will ask that
18 you all keep in mind that a lot of the stuff you guys
19 see is confidential in nature. So it should not be
20 discussed outside of these meetings and with members not
21 on this commission. Even some members of the Police
22 Department, you shouldn't discuss the matters with
23 because they aren't privy to it. Certain things you
24 guys see are confidential, so please bear that in mind.

25 Okay. So, generally speaking, there are

1 permitted interactions under the Sunshine Law. So there
2 is an exception. Say two board members can discuss
3 board business as long as no commitment to vote is made
4 or sought.

5 And I often ask that you try not to do that
6 even. I know a lot of people say it's allowed, but I
7 often tell people, don't -- commission members, I should
8 say, don't talk amongst yourselves, even if it's only
9 two of you, because it's very difficult to ascertain
10 when a commitment to vote is made or sought from a
11 conversation between the two of you.

12 So my recommendation is always don't talk to
13 each other about board business outside of meetings.

14 You guys can talk about the weather, you can
15 talk about baseball, you can talk about cars, but don't
16 talk about matters that will affect or that could
17 potentially come in front of this board as official
18 board business.

19 COMMISSIONER DIXON: Excuse me. May I?

20 CHAIR LEACH: Yeah, sure.

21 COMMISSIONER DIXON: Roger.

22 Tell us practically how we work with
23 subcommittees. When we have the subcommittee charge,
24 often three members are charged with accomplishing a
25 series of tasks for a specific element or a specific

1 reason.

2 MR. UEOKA: Chair?

3 Can I answer that question a little later in
4 my presentation when I go into different permitted
5 interaction?

6 COMMISSIONER DIXON: If I'm still awake.

7 COMMISSIONER FEINBERG: I have a question
8 for --

9 CHAIR LEACH: Larry?

10 COMMISSIONER FEINBERG: I have a question for
11 Jeff.

12 You had mentioned in your report saying that
13 members cannot speak to two, you know, two or more
14 people in something that would be relating to an action
15 that will be taken at a meeting, ahead of the meeting.
16 And it also says, which you've conveniently left out,
17 that it is less than a quorum.

18 That is more than a quorum is the correct --
19 and correct me if I'm wrong in relationship to the
20 wording. And it says in many, many places that if there
21 is more than a quorum, that is a big no-no.

22 And that if I speak to Gwen about something,
23 and then I speak to Gene about something, and I speak to
24 Roger about something, that's a big no-no, even if it's
25 the same thing, even if it's only two people.

1 But if you do it on multiple occasions and if
2 it's more than five, it's totally a no-no.

3 And the Sunshine Law is -- the way it's all
4 read, it's a -- it says "Sunshine Law" and that there is
5 a -- that there are these rules and then we, as a Police
6 Commission, are held above anything.

7 I mean, there are members here that are former
8 police officers, are children of police officers, are,
9 you know, retired police officers, that they in their,
10 you know, lifetime have sworn or have always conducted
11 themselves above the law.

12 And in this Sunshine Law, it is a law; and
13 that I think that everyone that's a member of this
14 commission should, you know, conduct themselves as
15 respectful as they can; and if they have broken the law
16 of the Sunshine Laws, that I don't think that they
17 should be a member of the commission or the commission
18 should sanction them in relationship to why can you do
19 something that we can't do.

20 COMMISSIONER SANTIAGO: So your question to
21 Jeff is?

22 COMMISSIONER FEINBERG: More than -- more than
23 the two people.

24 MR. UEOKA: Chair, may I respond?

25 CHAIR LEACH: Yes.

1 MR. UEOKA: If I may, Chair, at this point,
2 can we hold questions to the end? Because I'm not quite
3 there. All these questions will be addressed.

4 Commissioner Feinberg, you are correct at a
5 later point, but right now I'm talking about two-member
6 communications. So two members are allowed to speak to
7 each other without -- there are other sections, but
8 right now, I'm on the first one.

9 COMMISSIONER FEINBERG: But you will address
10 my concerns?

11 MR. UEOKA: I will go over the Sunshine Law.
12 I don't understand all of your concerns, but yes, I will
13 go over the Sunshine Law.

14 So again two board members are allowed, it's
15 an exception. I don't recommend it, because it's
16 difficult to ascertain when a commitment of vote is made
17 or sought.

18 CHAIR LEACH: That is important. Where is
19 that in the Sunshine Law? Does it say that
20 specifically?

21 MR. UEOKA: Chair, it's under section 92. If
22 you look at the packet on page 49, it's the actual law
23 in the back. Section 92-2.5(a):

24 "Two members of a board may discuss
25 between themselves matters relating to

1 official board business to enable them
2 to perform their duties faithfully, as
3 long as no commitment to vote is made or
4 sought and the two members do not
5 constitute a quorum of their board."

6 I don't get into that on detail for the
7 two-member communication, because I know this is a
8 nine-member board. So two members is not a quorum on
9 this.

10 CHAIR LEACH: I just have one other question
11 just so we're clear. I see that there, page 49. And
12 then on page 19: "Can board members discuss board
13 business outside of a meeting?"

14 MR. UEOKA: Let me clarify this for you. The
15 front part is OIP's narrative explanation of the
16 Sunshine Law. You can go through that. I believe the
17 answer is, generally speaking, no. However, it is an
18 exception to the rule.

19 However, again, while it is allowed, my advice
20 to this body is don't do it, because you can never
21 really truly prove when a commitment to vote is made or
22 sought. That's my only request. That's why I don't
23 advise doing it, in an abundance of caution.

24 CHAIR LEACH: Thank you.

25 MR. UEOKA: The next exception would be the

1 investigatory bodies, which are temporary investigative
2 groups, subcommittees, whatever you want to call them.
3 You're allowed to have more than two, less than a
4 quorum.

5 The issue with that is you need to properly
6 create them. There's some requirements. You know,
7 scope of the investigation and the scope of each
8 member's authority must be stated when creating. This
9 is the key factor for that.

10 All resulting findings and recommendations
11 need to be presented from the subcommittee to the board.
12 However, deliberation and decision-making on the matter
13 investigated cannot be made until a subsequent meeting
14 of the board.

15 So please keep in mind you have a time --
16 there's a time frame in mind and like a limitation,
17 something needs to be done by a deadline, keep that in
18 mind there should be two meetings, one for the
19 subcommittee to report; a second one for deliberation
20 and decision-making to take place by the body. So it's
21 just extra time is required.

22 You guys are allowed to attend presentations
23 and negotiations by the board. Again, as Commissioner
24 Feinberg mentioned earlier, many of these exceptions say
25 more than two but less than a quorum. So for you guys,

1 that means 1 through 4. But 5, generally speaking, not
2 advised.

3 COMMISSIONER FEINBERG: Excuse me, Jeff.
4 That's also electronic communication?

5 MR. UEOKA: Yes. "Communication" means phone
6 calls, e-mails, smoke signals, however you guys want to
7 communicate. It's don't communicate outside of the
8 board, outside of meetings.

9 Another exception would be discussions
10 concerning the selection of board's officers may be
11 conducted in private without -- in private, without
12 limitation or subsequent reporting.

13 However, again, two or more members, less than
14 the number of members which would constitute a quorum of
15 the board.

16 There's special things for if a board meeting
17 is canceled for lack of quorum. You guys can hear some
18 testimony, but deliberations shouldn't really take
19 place. If that ever happens, we'll go over that in more
20 detail.

21 Those are the key ones for you guys.

22 Another thing, I do feel the entire board can
23 attend social functions, like police recruit
24 graduations. I don't see a problem with the whole board
25 because those are primarily social. You guys, it's not

1 your business about when people are graduating. If
2 there are other types of meetings that could be more
3 related to board business, we should probably discuss
4 that; and in an abundance of caution, probably less than
5 a quorum should attend, and there should be a report
6 back to the body as a whole.

7 The next thing, for the agenda. So again, you
8 guys should only be discussing at meetings matters that
9 are properly placed on an agenda. They should be
10 described in a reasonable amount of detail so that a
11 member of the public can know whether or not they want
12 to attend the meeting to get more information on the
13 item.

14 These agendas need to be electronically filed
15 at least six days in advance of the meeting. So if you
16 would like something placed on the meeting, please
17 contact Amy, she will work with the chair. The chair
18 has the final say typically on what is placed on an
19 agenda. And keep in mind, it has to be done six days in
20 advance. So if you tell her five days out, it probably
21 won't happ- -- well, it shouldn't happen.

22 There are certain exceptions to that, but
23 they're more for nonimportant items. So we can amend
24 the agenda. I generally advise against it. Because
25 this is the Sunshine Law, we should try and have

1 everything open. But if they're not important, we can
2 look at that also. But please keep that in mind: Get
3 the information over to Amy as early as possible so she
4 can convey it to the chair.

5 I ask that you go -- all communications that
6 you want to get to the chair even, please go through the
7 committee staff, Amy, so that there won't be any
8 confusion on whether or not you're trying to get a vote
9 from the chair or something. It's just cleaner that
10 way. Please go through staff. Thank you.

11 The meetings, they're all open to the public.
12 You're required to accept public testimony. I guess I
13 should caveat that with they're open to the public
14 unless they're not, for your executive session, which
15 you guys are all aware.

16 Oral and written testimony may be received.
17 The commission may decline to accept public testimony
18 that is unrelated to a matter placed on the agenda.

19 I believe the practice of this board has
20 typically been to hear the individual out, not discuss
21 or deliberate amongst the board because it's not an
22 agenda item, and later make a decision whether it should
23 be placed on a future agenda.

24 Okay. Next portion, "Executive meetings."
25 These meetings are closed to the public. There are

1 eight authorized purposes. The ones that pertain to you
2 guys in general are personnel decisions, prior
3 dismissal, or discipline of an officer or employee as
4 straight personnel matters, or to consult with the
5 board's attorney on the powers, duties, privileges and
6 immunities of the board.

7 The other six don't really fit for you guys.
8 If you have an item you want, we can talk about it, but
9 generally speaking, those are the two you guys can go
10 into exec under.

11 So executive meetings are kind of -- they go
12 against the grain of what the Sunshine Law is about
13 because they are meetings closed to the public. So you
14 should be very judicious in deciding when and when not
15 to use them. It has to be for one of the eight
16 authorized purposes.

17 Something that's highly confidential,
18 embarrassing, highly personal, but doesn't fit into one
19 of the eight purposes, should be held in an open
20 meeting. And I would strongly recommend if it's
21 something highly confidential, you probably shouldn't be
22 discussing it. So if that comes up, you can discuss
23 that further.

24 But again, there's eight reasons. Not a lot
25 of things fit into them because the Sunshine Law is the

1 open meetings law.

2 There's a general rule that they don't like
3 voting in executive meetings. However, there's an
4 exception. If the vote being conducted in open meeting
5 would defeat the purpose of the executive meeting by
6 reviewing the matter for its confidentiality may be
7 needed, then the vote in executive meeting is allowed.

8 I always ask you guys, vote on the personnel,
9 you know, various personnel matters in executive meeting
10 only because the typical process is motion, second,
11 discussion. If that discussion were to take place in an
12 open meeting, it would clearly defeat the purpose of the
13 executive meeting because -- especially on a complaint
14 against an officer.

15 If you guys were to have some discussion on
16 that, a lot of things would be released, which is not
17 what we're allowed to do for personnel matters. So that
18 is the reason why I typically ask for that motion after
19 executive session to ratify all decisions made. So that
20 would be the vote taken in the open meeting, so at least
21 it's clear to the public that decisions were made in
22 executive session and you guys, you know, did adopt
23 them.

24 Okay. So that's it for me for the Sunshine
25 Law. Any questions that I did not address?

1 COMMISSIONER FEINBERG: Chair?

2 CHAIR LEACH: Yes.

3 COMMISSIONER FEINBERG: When you went over and
4 you said hold all questions for the end, which is now.
5 This is Larry speaking.

6 Selection of board officers, two or more
7 members but less than the number of members that would
8 constitute a quorum of the board, meaning that if you
9 contact more than the -- it's on page 22 at the top of
10 the page. And in the Sunshine Laws, on many occasions,
11 the wording of: But less than the number of members
12 that would constitute a quorum of the board.

13 So what this is actually saying, that that is
14 a definite no-no. But if you contact more than a
15 quorum, that that is 100 percent going against the grain
16 of the Sunshine Law. Is that correct or incorrect?

17 MR. UEOKA: Chair, if I may.

18 CHAIR LEACH: Go ahead.

19 MR. UEOKA: Depending on the specifics of the
20 situation, I can just read you what the code, the law
21 says. Discussions between two members of a board -- two
22 or more members of a board but less than the number of
23 members which would constitute a quorum for the board
24 concerning the selection of the board's officers may be
25 conducted in private without limitation or subsequent

1 reporting. And these are listed as, you know, basically
2 permitted interactions of members.

3 COMMISSIONER FEINBERG: But less than a
4 quorum.

5 COMMISSIONER HIRAGA: So four.

6 COMMISSIONER FEINBERG: Four. So I'm
7 saying there are certain things that -- you're saying
8 that the bare minimum we shouldn't do, but the maximum,
9 which is covered there, which the specific language in
10 many places of our rules and regulations say less than a
11 quorum.

12 So if you speak to four or five members either
13 in e-mail or text or talking to them about something
14 that's going to occur at the next meeting, that is not
15 allowed; is that correct?

16 MR. UEOKA: Generally speaking, you should
17 avoid discussing board business outside of this.

18 COMMISSIONER FEINBERG: I understand that.
19 But when it says in this paragraph, and many other
20 references in the Sunshine Law, where it specifically
21 says, and I quote, that would constitute a quorum of the
22 board -- than the number of members that would
23 constitute a quorum.

24 So that would mean that if you contact more
25 than a quorum, that is 100 percent against everything

1 that we stand for as a judicial body here; and if
2 somebody does that, that they should be sanctioned and
3 not allowed to have that occur. Is that in agreement?

4 MR. UEOKA: I guess you're not a judicial
5 body. You're a commission on a county. I don't want to
6 make any bold, strong statements here, but I would say
7 please -- you obviously know the law or you've read the
8 law at least.

9 COMMISSIONER FEINBERG: Correct. And I'm
10 asking you as our corp counsel to either, you know, say
11 that --

12 MR. UEOKA: Chair?

13 The law says what it says. I agree with what
14 the law says.

15 COMMISSIONER FEINBERG: I'm asking for an
16 opinion.

17 MR. UEOKA: At this point, Chair, this is what
18 the law says. It seems pretty clear to me. It's
19 understandable. I'm going to stop at this point.

20 Thank you, Chair.

21 It says what it says, Mr. Feinberg. And I
22 agree. It says what it says.

23 COMMISSIONER FEINBERG: It says what it says.

24 CHAIR LEACH: Gwen?

25 COMMISSIONER HIRAGA: Gwen Hiraga.

1 I understand Larry's question. And I think,
2 also just to bring clarity, I understand your response.
3 I think there are situations or times where less than a
4 quorum can discuss, such as -- such as selection of the
5 board's officers. And I think you brought up board's
6 officers.

7 So in this particular case, if it deals with
8 the selection of board officers, four or less can
9 discuss and talk about it, four or less, less than a
10 quorum, right?

11 MR. UEOKA: Yes, that is what the law states.

12 COMMISSIONER HIRAGA: Correct.

13 So can I continue?

14 CHAIR LEACH: Yes.

15 COMMISSIONER HIRAGA: Commissioner Feinberg,
16 or Larry, I don't know if your question was
17 specifically -- because you mentioned selection of board
18 officers or the other situations that you think you may
19 have come across that, you know, is not covered by this
20 section.

21 COMMISSIONER FEINBERG: It actually is covered
22 by all the sections in relationship to that you're not
23 allowed to communicate either by e-mail, faxing,
24 telephone, personal, Facebook. It covers all of that.

25 That there should be no communication between

1 board members that constitute more than a quorum.

2 COMMISSIONER HIRAGA: Correct.

3 COMMISSIONER FEINBERG: It is not allowed.

4 COMMISSIONER HIRAGA: Again, in response to
5 that, the rules and the law provide an exception, if you
6 want to put it that way, that you can conduct private,
7 private discussions, if it's less than a quorum, as long
8 as it relates to the selection of officers. Am I right?

9 COMMISSIONER FEINBERG: Yes. But what I've
10 spoken to Jeff about the other day, and he clarified,
11 that I cannot talk to you, and then I can talk to -- you
12 know, it's less -- you know, it would be, oh, just two
13 of us and then the same subject, the two of us, the same
14 subject, the two of us, that is not allowed.

15 MR. UEOKA: Chair, if I may.

16 CHAIR LEACH: Yes.

17 MR. UEOKA: I am here, so I can -- sorry. I
18 would like to speak for myself.

19 Again, the general rule of the Sunshine Law is
20 board business should only be discussed in open
21 meetings. There are certain exceptions to that, such as
22 executive meetings and these 92-2.5 permitted
23 interactions of members.

24 So, in general, no communication, right? But
25 they talk about the two members may discuss things.

1 However, again, I'll say one more time: I advise
2 against that because the commitment to vote are sought.

3 One of the other exceptions is the
4 investigative groups, as Commissioner Dixon brought up.

5 Another exception is discussing the selection
6 of board officers.

7 And then, you know, another exception is those
8 meetings canceled for a lack of quorum.

9 Another exception is attending informational
10 meetings, you know.

11 And then discussion between the governor and
12 one or more members of the board, but you know, I don't
13 know how -- if that ever comes up, we can discuss that.

14 And a department head also is another
15 exception.

16 But generally speaking, serial communications
17 are when A and B are talking and then A goes and talks
18 to C. So it's just passing the information on. So,
19 again, not advised. That's called a serial
20 communication.

21 And again, I go back to my initial point:
22 Please discuss board business at these meetings, during
23 open meetings. That's my recommendation for everyone.

24 Thank you, Chair.

25 CHAIR LEACH: Mark?

1 COMMISSIONER REDEKER: I recently had issues
2 in my family where I had to -- I was going away.

3 I looked through our Police Commission rules
4 and regulations, and I saw no place in it where it said
5 I cannot attend telephonically; in other words, call in
6 and have someone set a phone down. I found nothing that
7 says we cannot. There's nothing in here that says we
8 cannot.

9 COMMISSIONER FEINBERG: It actually says you
10 can.

11 MR. UEOKA: Chair?

12 CHAIR LEACH: Yes.

13 MR. UEOKA: Yes, you are allowed to attend the
14 meeting telephonically. I actually caution the board, I
15 believe that's a board decision or maybe a chair
16 decision. I'm not sure how you guys want to treat it.

17 But I caution when doing that. There's --
18 here's why: Part of the requirement is, one, that the
19 place where you are attending telephonically is --

20 COMMISSIONER REDEKER: Secure?

21 MR. UEOKA: No, not secured. It has to be --
22 the opposite of that. It has to be open to the public.
23 It has to be in advance noticed on the agenda where you
24 will be, and that is open to the public. They will have
25 to take public testimony if anyone wants to at that

1 outside location.

2 And this is kind of more the kicker. It says
3 in the Sunshine Law that if it's only audio
4 communication, it must be maintained throughout the
5 meeting. My understanding is if your cell phone drops
6 or our site drops for whatever reason --

7 COMMISSIONER REDEKER: You can't call back in?

8 MR. UEOKA: No. Actually, the meeting is
9 terminated at that point.

10 And while we do have great connections in this
11 day and age, I'm sure very different from when you two
12 gentlemen started on the --

13 COMMISSIONER REDEKER: Thank you, Jeff.
14 Please, stop.

15 MR. UEOKA: -- police force.

16 Anyway, it's still not rock solid. So it
17 would be kind of terrible if a cell phone dropped and
18 the meeting just had to be canceled at that point. But
19 that is my understanding of what the guidance on the
20 Sunshine Law is.

21 But it's -- again, the place where you are has
22 to be open to the public. And I'm not sure how that
23 even works if you want to attend the executive session
24 portion over the phone and will that public place have a
25 place where you can go and meet private.

1 I'm also not sure what the rules are on like
2 can you just go to a Starbucks and that's open to the
3 public and will Starbucks appreciate us having our
4 Police Commission meeting site listed there? I'm not
5 sure. There's probably other ramifications on that,
6 because maybe even that type place isn't completely open
7 to the public. But that's my point on that is caution
8 there.

9 So, thank you, Chair.

10 COMMISSIONER FEINBERG: I have a question on
11 that.

12 Do you have to be in the state; or you can be
13 anywhere as long as you, you know, tell the secretary
14 where I'm going to be and she puts in the posting of the
15 minutes that at this time, in this place, people from
16 the public can come even though they're not in the state
17 of Hawaii, but they're at least notified.

18 MR. UEOKA: If I may, Chair, the notice would
19 be on the agenda. So the agenda typically lists -- I
20 believe today's agenda lists Maui Police Department,
21 Chief's Conference Room.

22 If someone were to appear -- and it doesn't
23 have to be in the state of Hawaii. You could be in
24 France, Ireland, and you could put it on there, we just
25 would have to list it there on the agenda; and the

1 times, I guess we'd have to make sure it's clear on the
2 agenda that the meeting will be occurring at 10:00 a.m.
3 Hawaii standard time. I don't think we have to change
4 it. And again, the place has to be open to the public.
5 So we'll have to list specifically where the
6 commissioner will be at. So I don't know specifically
7 how that would work, and it might be difficult.

8 COMMISSIONER DIXON: Would this be a good time
9 to talk about a standing rule for this organization
10 about not allowing telephonic representation and then
11 put it on a future agenda?

12 MR. UEOKA: As a body, you could do that. I
13 would recommend that be placed in your administrative
14 rules.

15 COMMISSIONER DIXON: I was just thinking based
16 on everything Jeff has told us what a nightmare
17 telephonic representation would be.

18 MR. UEOKA: Again, let me clarify if I may,
19 Chair. Thank you.

20 Please remember that it's allowed under the
21 Sunshine Law. It doesn't say you have to do it. So
22 please keep that in mind. So you -- I would say if you
23 would amend your administrative rules, you could do
24 that. And again, I believe it's a board's decision as
25 to whether or not you even want to allow it, because it

1 would affect the board as a whole should --

2 COMMISSIONER DIXON: But then it would still
3 be referred to as a standing rule? Or just an
4 administrative rule?

5 MR. UEOKA: Administrative rule.

6 COMMISSIONER DIXON: Okay.

7 COMMISSIONER HIRAGA: I have a question for
8 Jeff, Corporation Counsel.

9 I sit on another commission or board. There
10 are five members. When three of us go to a conference,
11 we have to post an agenda. Now, why is that? It's a
12 conference, it's not an MRA meet- -- it's not in the
13 board meeting. And it was advised by Corp Counsel, and
14 Corp Counsel has attended that same conference.

15 So I'm thinking -- wait, I'm not done. We
16 have Hisloa (phonetics) coming up, we have Maui
17 Police -- the Police Commission, you know, conferences.
18 We don't post the agenda. There's more than a quorum of
19 us present.

20 So I just want to know what is actually the
21 County's position. Because like I said, I sit on
22 another board, and we have been told that we have to
23 post an agenda while -- because we were attending --
24 because three of us are attending a conference.

25 MR. UEOKA: Chair?

1 CHAIR LEACH: Yes.

2 MR. UEOKA: I will leave your other committee
3 to my colleague, whoever advises the MRA. I won't go
4 there. For what you guys have done --

5 COMMISSIONER HIRAGA: I'm just asking.

6 MR. UEOKA: I have typically been very broad
7 in my reading of the Sunshine Law and not requiring or
8 asking the commission to post an agenda for it in that a
9 lot of the matters you guys -- that come up at the
10 Police Commission conference aren't necessarily matters
11 that would be board business.

12 I know there is an exception there for
13 informational and stuff. That's relatively new. It
14 wasn't in there before. But I used to view it more or
15 less as it's just educational a lot of times for the
16 commission. You know, it's to educate the commission on
17 matters.

18 Very rarely is there a situation -- I guess I
19 shouldn't talk like I'm an expert on the Police
20 Commissioner conferences. I rarely have attended. But
21 it's more educational on things and not necessarily
22 matters that would directly come up in front of you guys
23 as a board.

24 If you guys like, we could do an agenda. It's
25 not difficult. You will have to take public testimony

1 to all that, and you'll be in session during the
2 meetings.

3 Another way around it, too, is you guys can
4 determine which members less than a quorum would attend
5 each session and report back to the committee as a
6 whole, as required by the Sunshine Law.

7 There are many ways. If you guys want, I'll
8 look further into that. I'm more than willing to sit
9 down with the chair and discuss that. That would be the
10 cleanest way of doing it. And you'd clearly be allowed
11 -- you know, in conformance, I should say, with the
12 Sunshine Law.

13 However, I won't go so far as to say that what
14 this body has been doing in the past is a violation of
15 the Sunshine Law based on the contents of the
16 presentations. You know, especially Hisloa and the
17 Police Commission conference.

18 COMMISSIONER HIRAGA: Gwen Hiraga.

19 To continue that discussion, at our Police
20 Commission conferences and Hisloa, there is a time where
21 all the Police Commissions meet, and we -- you know,
22 every commission is represented by members attending,
23 whether it be from Maui, County of Hawaii, City and
24 County of Honolulu, or County of Kauai, and that happens
25 at every single conference. So we're meeting as a body,

1 so to speak but -- and there is always more than a
2 quorum present from each of the commissions.

3 MR. UEOKA: I won't get into what any other
4 county should do.

5 COMMISSIONER HIRAGA: But what about for our
6 county?

7 MR. UEOKA: I would say you guys should comply
8 with the Sunshine Law. And if you would like to further
9 discuss that, we can discuss that later if you want.

10 COMMISSIONER HIRAGA: Okay. Last question.

11 So we have the Hisloa conference coming up in
12 September; and from my understanding, we were supposed
13 to have, you know, a Police Commissioners meeting. And
14 so only two should attend, as advising the Maui County
15 Police Commission?

16 MR. UEOKA: I would say you could probably --
17 it depends on how you treat it, but I believe it's -- if
18 it's an informational matter, informational meeting or
19 presentation of matters relating to official board
20 business, two but less than a quorum should attend,
21 unless you want to properly agenda -- or post a meeting
22 agenda.

23 COMMISSIONER HIRAGA: I'm done.

24 COMMISSIONER DIXON: Mr. Chair, just simply --
25 oh, Roger.

1 The past meetings I've attended not only in
2 the state, but we've had the out of state, all those, I
3 would reflect -- define, I should say, as training and
4 education. It's the best practices throughout the
5 region or throughout the nation in our business and the
6 training they've received and the information and the
7 experience that they've obtained. That's what it is to
8 me. We're not talking about agenda items specific to
9 Maui, we're not talking about anything specific to Maui.
10 It's training and it's education.

11 CHAIR LEACH: That's how the Chair looks at it
12 too.

13 COMMISSIONER REDEKER: I agree with Roger.
14 The bottom line is we're not making any decisions, we're
15 not soliciting testimony for any function or anything
16 before the board. We're simply there to be educated and
17 to receive information as to what other people do and
18 how they do it.

19 So it's got really nothing to do with the
20 County business, and it's got everything to do with
21 educating ourselves as to what takes place out there in
22 the State of Hawaii and not necessarily in the County of
23 Maui.

24 MR. UEOKA: Chair, if I may, you guys might
25 want to just stop this discussion at this point. It's a

1 Sunshine Law presentation right now.

2 COMMISSIONER FEINBERG: And I have a question
3 on the Sunshine Law.

4 So, Jeff, because this is a Sunshine Law, that
5 if the Sunshine Law is broken and not adhered to, are
6 there any consequences to the member that should take
7 place?

8 MR. UEOKA: Chair?

9 CHAIR LEACH: Yes.

10 MR. UEOKA: If I may, it does say there's
11 enforcement.

12 "The attorney general and the
13 prosecuting attorney general should
14 enforce this part.

15 "The circuit courts of the state
16 shall have jurisdiction to enforce the
17 provisions of this part by injunction or
18 other appropriate remedy.

19 Any person may commence a suit in
20 the circuit court of the circuit in
21 which the prohibited act occurs for the
22 purpose of requiring compliance with or
23 preventing violations of this part or to
24 determine the applicability of this part
25 to discussions or decisions of the

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public body. The court may order payment of reasonable attorney's fees and costs to the prevailing party in a suit brought under this section.

"Opinions and rulings of the office of information practices shall be admissible in an action brought under this part and shall be considered as precedent unless found to be palpably erroneous.

"The proceedings for review shall not stay the enforcement of any agency decisions; but the reviewing court may order a stay if the following criteria have been met."

It goes through four criteria.

"Penalties. Any person" . . .

"592-13: Any person who willfully violates any provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law."

COMMISSIONER FEINBERG: So in that last paragraph, that says that if someone is shown to be

1 100 percent in violation of that, they should be
2 summarily dismissed from the board or the commission
3 that they are a member of? Is that what the last
4 paragraph says?

5 MR. UEOKA: No, I do not read it that way.

6 COMMISSIONER FEINBERG: Would you read the --

7 COMMISSIONER DIXON: Mr. Chair?

8 CHAIR LEACH: Yes.

9 COMMISSIONER DIXON: If I may, I think Jeff
10 just reviewed the law; and take it as he read it to us
11 and understand it as it was read to us, and I think that
12 answers the questions.

13 COMMISSIONER FEINBERG: So anybody can bring
14 an action through the state?

15 MR. UEOKA: Yeah, you can check. Any person
16 may commence a suit.

17 COMMISSIONER FEINBERG: Any person. Okay.
18 Thank you very much.

19 CHAIR LEACH: Any other comments on Sunshine?
20 Amy?

21 MS. LAW: Commissioner Feinberg has indicated
22 to me that he would like to attend our Lanai meeting
23 telephonically. It affects my agenda, so --

24 MR. UEOKA: I think we're still on the
25 Sunshine Law presentation, Chair.

1 COMMISSIONER FEINBERG: No. We just moved on.

2 MS. LAW: Let's go to No. 14. I'm sorry.

3 CHAIR LEACH: We're on 14. Discussion of
4 Future Maui Police Commission Agendas.

5 MS. LAW: Okay. So Commissioner Feinberg has
6 indicated he would like to attend the Lanai meeting
7 telephonically. Commissioner Redeker brought up the
8 situation, so I just need to know --

9 COMMISSIONER DIXON: Mr. Chair?

10 CHAIR LEACH: Yes.

11 COMMISSIONER DIXON: With counsel's
12 concurrence, would this be a chair's decision? Or this
13 would be -- we haven't got -- on the agenda, you know,
14 rules change, but we're looking at a short-term decision
15 that needs to be made. What would you recommend?

16 MR. UEOKA: I would recommend the body as a
17 whole make a decision.

18 COMMISSIONER DIXON: Do you want a motion?

19 CHAIR LEACH: Yes.

20 COMMISSIONER DIXON: I make a motion that we
21 do not do telephonic access to the September meeting on
22 Lanai for the reasons of Sunshine Law.

23 MR. UEOKA: Telephonic attendance.

24 COMMISSIONER DIXON: Telephonic attendance by
25 Commissioner Feinberg because of the restrictions and

1 requirements of the Sunshine Law.

2 CHAIR LEACH: Is there a second?

3 COMMISSIONER SYLVA: I second.

4 CHAIR LEACH: Sharen seconds.

5 Any discussion?

6 COMMISSIONER SANTIAGO: Definitely. Yeah, I
7 just want to kind of add to what Roger said. Maybe
8 until such time that we can perhaps have more time to
9 look at all the logistics and how we will be able to
10 accommodate those wishing to do it electronically,
11 without any other, you know, contesting or, you know,
12 questions about it, if you go there, it would be easier
13 for us to proceed and, you know, again be in compliance
14 and not have any conflict.

15 CHAIR LEACH: Any other discussion?

16 COMMISSIONER FEINBERG: Oh, definitely.
17 According to the rules that we go by and that the
18 Sunshine Law that is deftly written for this body, that
19 we cannot just turn it around and change things to make
20 it convenient.

21 There are rules and regulations that are --
22 that have come through the state that specifically say
23 that any member can telephonically come to a meeting.
24 And knowing what Jeff just said in relationship, having
25 a secure place, keeping the line of communication open,

1 having the -- at this point in time, it's 30 days before
2 the next meeting. All of those criteria can be met, and
3 they shouldn't just be summarily dismissed because it's
4 convenient.

5 There are rules and regulations that should be
6 adhered to, and it says -- and I didn't just call her up
7 out of the blue. I read it, and it said you're allowed
8 to do this; you can actually do this.

9 And I said why should there be another meeting
10 that I can't attend and have things be done, passed,
11 said, at the meeting about me, personally, that I am not
12 in attendance. And if I can be in attendance
13 electronically, which is allowed from the state, then
14 there is no reason for me not to attend.

15 So I don't feel that this motion has any
16 merit. It's just -- you know, it's just erroneous.

17 CHAIR LEACH: Mark?

18 COMMISSIONER REDEKER: Mark.

19 Having missed the last meeting, the first
20 meeting -- I mean, I was on the Police Commission once
21 before and I had perfect attendance. Never missed one
22 meeting. It took my parents passing to miss this
23 meeting. I was bothered that I had to miss this
24 meeting, but I felt it would be -- it would be okay to
25 do it by telephone.

1 Having found out, though, that if the phone
2 communication broke during the meeting, that we would
3 have to stop the meeting and end the meeting, it
4 became -- it became incumbent upon me to not -- well,
5 the one side of me that wants to make sure I miss
6 nothing is less important than the one side of me that
7 says we have to have the commission and its meeting
8 continue.

9 So I look at it from a standpoint I would not
10 try to call in, even if I could meet all the other
11 requirements. I mean, let's face it, I could do a
12 Starbucks in Redding, California. What good would that
13 do? But if the phone communication broke along the way,
14 it would have far-reaching impacts, not just on me, but
15 on every commission member and every member of the
16 community that was there. The meeting would have to
17 stop.

18 So I look at it from a standpoint, telephonic
19 apparently is not going to work; and it wouldn't work
20 for me. I don't want to miss another meeting, but I
21 certainly don't want to be a drag or a problem for this
22 body.

23 CHAIR LEACH: Anyone else? Nora?

24 COMMISSIONER KAWASAKI: On Lanai, I've done
25 teleconferencing, and evidently, it does -- I did run

1 into a couple of situations where it just dropped the
2 line. So it does happen.

3 CHAIR LEACH: Any other discussion? Gwen?

4 COMMISSIONER HIRAGA: I understand where
5 Commissioner Feinberg is coming from. And I agree that
6 we should allow members to participate. However, with
7 what Jeff Ueoka has brought up where the meeting has to
8 stop, I share Commissioner Redeker's concern.

9 And for one thing, even the location of our
10 meeting scheduled for the police station, and if there
11 is an executive session, I don't know how secure it is.
12 I don't know if we have time to look for another venue
13 that may be better suited to accommodate participation
14 from any member that wanted to call in, you know,
15 because the meeting -- we have a month, that's true. We
16 have a month to have a meeting where we could
17 accommodate the request, but at this point I think
18 there's too many unknowns.

19 I would like to know more about how the agenda
20 has to be posted for Commissioner Feinberg if he's away,
21 and does he -- does he just have to post where he is, or
22 -- and how do we notify the public in another state that
23 they can participate, or -- I just don't know. Okay.
24 But I understand where you're coming from.

25 COMMISSIONER FEINBERG: You can notify the --

1 it's not notifying the public in a different state.
2 It's notifying here in the agenda. It's very -- it's
3 spelled out in black and white that it's been a
4 precedent for many, many years; and it's not just for us
5 as commissioners, but it's also for anybody that wants
6 to call in and be part of the meeting. That's members
7 of the public. That's why it's put down there.

8 And this is out there, and it's written. You
9 know, all of a sudden, this board is -- it's turning
10 out -- Jeff had written, and what our responsibilities
11 are in relationship to hiring, firing of police chief,
12 going over the budget, looking at complaints, it says
13 nothing about that we can turn around and change the
14 existing law that has been given down through the
15 legislature to the -- that is giving marching orders to
16 the general public and to the boards and commissions.

17 COMMISSIONER SANTIAGO: Chair?

18 CHAIR LEACH: Yes.

19 COMMISSIONER SANTIAGO: If I may, Larry, I'm
20 just curious -- and not to take anything away from
21 you -- you want to call electronically. Are you going
22 to be at another meeting? Or are you going to be away
23 and you cannot physically attend or --

24 COMMISSIONER FEINBERG: Correct.

25 COMMISSIONER SANTIAGO: But you'll be

1 attending something else? Just because if you're in
2 another meeting and you try to call in --

3 COMMISSIONER FEINBERG: I'll be in Florida,
4 which is a six-hour time difference. It's Yom Kippur;
5 it's the holiest day of my religion's year; and at that
6 point in time, the time will be over, and I will be able
7 to attend electronically on the phone.

8 So even if I was here at that point in time,
9 because of the time difference, I wouldn't be able to be
10 here. But then I realized that I'm going to be at a
11 six-hour time difference, and you're having a meeting at
12 12:30, that's 6:30 on the east coast, and my day of
13 prayer will be over. And instead of having a meal, I'll
14 be on the phone in a secure location listening in to
15 exactly what's happening.

16 I don't think that I should be penalized
17 because I'm going to be away, as I was penalized at two
18 meetings ago where I wasn't here and wasn't aware of
19 this stipulation.

20 CHAIR LEACH: Okay. Thank you.

21 COMMISSIONER DIXON: Yet, Larry, you're
22 willing to penalize the rest of the commission and the
23 community if the call drops. So --

24 COMMISSIONER FEINBERG: You know, that's --

25 COMMISSIONER DIXON: I mean, I get that this

1 is about you. I understand that.

2 COMMISSIONER FEINBERG: No.

3 COMMISSIONER DIXON: But there's a motion on
4 the floor.

5 CHAIR LEACH: Okay. I'm going to call for the
6 vote if there's not any more discussion from any other
7 members.

8 All in favor of the motion, say "aye."

9 (Responses.)

10 CHAIR LEACH: Opposed?

11 COMMISSIONER FEINBERG: Opposed.

12 CHAIR LEACH: Commissioner Feinberg opposes.

13 Motion carries.

14 Next agenda item --

15 COMMISSIONER KAWASAKI: 14?

16 CHAIR LEACH: Yes, 14, Discussion of Future
17 Maui Police Commission Agendas.

18 COMMISSIONER KAWASAKI: Yeah. Okay. I would
19 like to suggest that we have the Police Commission
20 meeting --

21 (Reporter inquires.)

22 COMMISSIONER KAWASAKI: I'd like to suggest
23 that the December meeting will be on December 19th
24 instead of the 26th.

25 CHAIR LEACH: Chair takes note of that.

1 COMMISSIONER KAWASAKI: Thank you.

2 CHAIR LEACH: Thank you.

3 COMMISSIONER SANTIAGO: On the 19th?

4 COMMISSIONER KAWASAKI: Yeah. Instead of the
5 26th. Because starting from October, we're going to
6 have it on the 4th.

7 (Discussion off the record.)

8 CHAIR LEACH: Any other agenda items?

9 COMMISSIONER FEINBERG: Yes. Since I will not
10 be able to attend the next meeting, can I put an agenda
11 item on for the meeting after? Because I will not be
12 here for the next meeting and we're going to be
13 discussing agenda items, I would like to have an agenda
14 item for the meeting of October.

15 CHAIR LEACH: What's the agenda item?

16 COMMISSIONER FEINBERG: I would like to put an
17 agenda item as to discussion of removal of
18 Commissioner -- get the right name -- having Nora
19 removed from the board for violating -- Sunshine Law
20 violations in commission of her election to the -- to
21 vice-chair.

22 MR. UEOKA: Chair, if I may.

23 CHAIR LEACH: Yes.

24 MR. UEOKA: This body doesn't have the
25 authority to remove one of its commission members.

1 CHAIR LEACH: Thank you.

2 Any other agenda items?

3 Agenda item 15, the next meeting will be
4 September 19th at the Lanai police station.

5 The last agenda item is adjournment. Is there
6 a motion to adjourn?

7 COMMISSIONER DIXON: Move to adjourn.

8 COMMISSIONER SANTIAGO: Second.

9 CHAIR LEACH: Second?

10 Any discussion?

11 All in favor, say "aye."

12 (Responses.)

13 CHAIR LEACH: Opposed?

14 (No response.)

15 CHAIR LEACH: Motion carries.

16 (Gavel.) Regular session adjourned.

17 (Regular meeting adjourned at 12:25 p.m.)

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