

From: CLK Council Info
Sent: Friday, April 03, 2015 8:53 PM

Subject: Budget Speaker Registration/Testimony
Attachments: 20150403205308_CC15BILL 15_Budget.TSY.PDF

[REDACTED] / Testimony

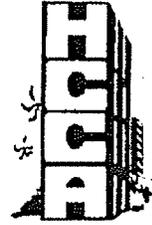
All fields marked "(*)" are required and must be completed in order for this form to be valid.
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Name(*) Jane Sugimura
Phone (*) (808) 524-0544
Email (*) jsugimura@bendetfidell.com
Meeting Date (*) 2015-04-08
Council/PH Committee (*) Budget
Agenda Item (*) Bill 13 (2015) Budget
Your position on the matter (*) Comment
Representing (*) Organization
Organization HI Council of Associations of Apt. Owners
Do you wish to speak at the hearing? (*) Yes
Written Testimony
Testimony Attachment 20150403205308_CC15BILL 15_Budget.TSY.PDF
Accept Terms and Conditions (*) 1

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**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813



April 3, 2015

Hon. Ann Kobayashi, Chair
City and County of Honolulu
Budget Committee

Re: Bill 13 (2015) Executive Operating Budget and Program
Hearing: Wed., April 8, 2015, 9 a.m., Committee Meeting Rm.

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Madam Chair and Members of the Committee:

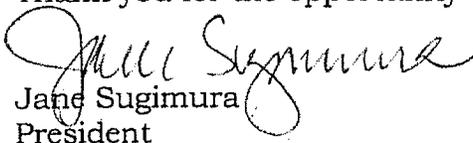
I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA) and many of the 118 condominium associations who were affected by the City's recent attempt to terminate the rubbish removal services are members of our organization.

Attached to this testimony is a copy of a recent court order entered by the First Circuit Court granting UPW's request for injunctive relief against the City. Judge Karl Sakamoto's order provides that the City is "permanently enjoined from discontinuing public refuse collection and disposal services on Oahu to the 181 multi-family properties, condominiums, and non-profit organizations."

I understand that the City has initiated or has notified the court of its intent to appeal Judge Sakamoto's ruling; however, appellate review and determination of the City's appeal will take 3-4 years to complete and in the interim, we believe that the City should amend the current operating budget, which was prepared and submitted before Judge Sakamoto's ruling, to include monies to maintain, repair and replace the front-loader trucks that are used by the City in its rubbish removal services pending the disposition of the City's appeal.

If the budget is not amended to include such funds and if the trucks become disabled during the pendency of the appeal, it will affect the City's ability to provide the rubbish removal service to the affected condominium associations as contemplated by the Court's order.

Thank you for the opportunity to testify on this matter.


Jane Sugimura
President

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

12/10 2015
P.M.

L. WALLRADEN
Clerk, First Circuit

Of Counsel:
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Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

NARCIS D. SALERA; GLENN E.
COMPANION; UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO; John Does 1-
10; and Jane Does 1-10,

Plaintiffs,

vs.

KIRK W. CALDWELL, Mayor, City and
County of Honolulu; CAROLEE C. KUBO,
Director, Department of Human Resources, City
and County of Honolulu; LORI M. K.
KAHIKINA, Director, Department of
Environmental Services, City and County of
Honolulu; CITY AND COUNTY OF
HONOLULU; John Does 1-10; Jane Does 1-10;
Doe Corporations 1-10, Doe Partnerships 1-10,
Doe Non-Profit Organizations 1-10; and Doe
Governmental Entities 1-10 (2014-013),

Defendants.

) CIVIL NO. 14-1-2655-12 KKS
) (Other Civil Action)

) ORDER GRANTING PLAINTIFFS'
) MOTION FOR PARTIAL SUMMARY
) JUDGMENT FILED ON FEBRUARY 20,
) 2015

) Date: February 25, 2015

) Time: 10:00 a.m.

) Honorable Karl K. Sakamoto

**ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT FILED ON FEBRUARY 20, 2015**

A motion for partial summary judgment having been filed by Plaintiffs Narcis D. Salera, Glenn E. Companion, and the United Public Workers, AFSCME, Local 646, AFL-CIO (Plaintiffs) on February 20, 2015, and having come on for hearing before the Honorable Karl K. Sakamoto on February 25, 2015, Herbert Takahashi, Esq. appearing on behalf of Plaintiffs, Ernest H. Nomura, Esq. and Kendra K. Kawai, Esq. appearing on behalf of Kirk W. Caldwell, Carolee C. Kubo, Lori M. K. Kahikina and the City and County of Honolulu (Defendants), and the Court having read the moving papers, heard and considered the argument of counsel, and good cause appearing hereby grants the motion for partial summary judgment as to Counts 1 and 2 of the complaint.

The Court finds, concludes, adjudges, orders, and decrees as follows:

1. There are no genuine issues of material fact in dispute over a violation of the constitutional merits principles under Article XVI, Section 1 of the Hawaii State Constitution (as alleged in count 1 of the complaint), and a violation of civil service laws (as alleged in count 2 of the complaint), and Plaintiffs are entitled to judgment as a matter of law regarding the unlawful privatization of refuse collection and disposal services historically and customarily provided by refuse collection crew leaders and refuse collectors on front end loader work crews on Oahu to one-hundred and eighty one (181) multi-family properties, condominiums, and non-profit organizations.

2. Accordingly, a final partial judgment is hereby entered as to counts 1 and 2 of the complaint in favor of Plaintiffs and against Defendants, and Defendants are hereby permanently enjoined from ^{KKS} ~~(1) discontinuing public refuse collection and disposal services to multi-family properties, condominiums, and non-profit organizations, and (2) displacing civil~~ ^{KKS}

servants and public employees engaged in services historically and customarily performed through ^{KKS}
~~front-end loader work crews to provide refuse collection services~~ on Oahu to the 181 multi-family
properties, condominiums, and non-profit organizations.

DATED: Honolulu, Hawaii, FEB 26 2015

KARL K. SAKAMOTO



Judge of the above-entitled Court

Approved as to form:

Ernest H. Nomura, Esq.
Kendra K. Kawai, Esq.
Deputies Corporation Counsel
Attorneys for Defendants