

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

June 16, 2026

Online Only via Teams

RECONVENE: 1:34 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Kauanoe Batangan, Chair
Councilmember Nohelani U'u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member (Out 4:57 p.m.)
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member (Out 4:35 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (Out 4:40 p.m.)

STAFF:

Clarissa MacDonald, Legislative Analyst
Keone Hurdle, Legislative Analyst
Joshua Edington, Legislative Analyst
Peter Hanano, Legislative Attorney
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Offices

Chaelin Ryu, Council Aide, South Maui Residency Area Office

Moana Lutey, County Clerk, Office of the County Clerk (GREAT-10(3), -10(4), -10(5),
10(6), -10(7), -10(8), and -10(14))

Richelle Thomson, Deputy County Clerk, Office of the County Clerk
(GREAT-10(3), -10(4), -10(5), -10(6), -10(7), -10(8), and -10(14))

ADMIN.:

Thomas Kolbe, Deputy Corporation Counsel, Department of the Corporation
Counsel (All)
Cynthia Lallo, Chief of Staff, Office of the Mayor (GREAT-10(9))
Lesley Milner, Budget Director, Office of the Mayor (GREAT-10(10), -10(11), -10(12))
Jody Yoshida, Boards and Commissions Liaison, Office of the Mayor
(GREAT-10(9))
Lauren Akitake, Executive Director & Legal Counsel, Board of Ethics
(GREAT-10(15))

OTHERS:

Dino Goossens-Larsen, Chair, Cost of Government Commission (GREAT-10(9)
and -10(13))
Dwight Burns, Chair, Independent Nomination Board (GREAT-10(13))

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Testifiers

Dick Mayer (GREAT-10(9) and -10(13))

Lucienne de Naie (GREAT-10(10))

Alex de Roode (GREAT-10(10))

Suparna Vashisht (GREAT-10(10))

Hanna Lilley (GREAT-10(10))

Testifier 1 - The Royal House of Hawai'i (GREAT-10(13))

David Goode (GREAT-10(13))

(30+) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR BATANGAN: . . .*(gavel)*. . . Will the Government Relations, Ethics, and Transparency Committee meeting of June 2nd, 2026, please reconvene. It is 1:34 p.m. on June 16, 2026. I am your Chair, Kauanoe Batangan. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Committee Vice-Chair Nohelani U'u-Hodgins. Is she going to be joining us a little bit late? Oh, she's here.

COUNCILMEMBER SUGIMURA: She's here. Online.

CHAIR BATANGAN: On...oh, I see. Oh, e kala mai, Vice-Chair U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Aloha, Chair. Aloha, Chair. Aloha, everyone. I'm at my private residence. I do have three minors here with me as well. But yeah, I'll be online. Thank you, Chair.

CHAIR BATANGAN: Thank you. Councilmember Tom Cook.

COUNCILMEMBER COOK: Good afternoon, Chair. I'm here, but I'm getting online.

CHAIR BATANGAN: Thank you. Councilmember Gabe Johnson.

COUNCILMEMBER PALTIN: He's asking for Staff to let him in.

CHAIR BATANGAN: Okay. We'll circle back to Member Johnson.

COUNCILMEMBER PALTIN: He has his hand raised.

CHAIR BATANGAN: Yeah. Council Chair Alice Lee.

COUNCILMEMBER LEE: Hi, Chair. As we Marshallese say, iakwe.

CHAIR BATANGAN: Councilmember Tamara Paltin.

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COUNCILMEMBER PALTIN: 'Ia orana and aloha 'auinalā kākou. Streaming live and direct from the Council Chambers.

CHAIR BATANGAN: Councilmember...

COUNCILMEMBER LEE: Chair? Chair?

CHAIR BATANGAN: Oh.

COUNCILMEMBER LEE: Chair?

CHAIR BATANGAN: Yes, Chair?

COUNCILMEMBER LEE: I meant to say I'm home alone in my workspace.

CHAIR BATANGAN: Thank you, Chair.

COUNCILMEMBER LEE: Thank you.

CHAIR BATANGAN: Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou. Yeah. Happy to be here in person.

CHAIR BATANGAN: We're happy to have you here in person.
Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha 'auinalā, Chair. No testifiers in Hāna.

CHAIR BATANGAN: Thank you.

COUNCILMEMBER SINENCI: Or...yeah.

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

COUNCILMEMBER SINENCI: Yeah.

CHAIR BATANGAN: We're taking testimony as each item comes up.

COUNCILMEMBER SINENCI: Okay. Thanks.

CHAIR BATANGAN: And then Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Aloha, and nice to see everybody. I hope we rock and roll and finish this meeting.

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CHAIR BATANGAN: And then circling back, Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Okay. Good afternoon, Chair.

CHAIR BATANGAN: We can hear you.

COUNCILMEMBER JOHNSON: Great. It's been one of those days. . . .*(laughing)*. . . There's no testifiers at the...well, of course, and no one's on my side of the office. I'm alone and ready to work. Thank you.

CHAIR BATANGAN: Thank you, Councilmember Johnson. Okay. So, I think that's it for Committee Members. With us from Corporation Counsel, we have Deputy Kolbe. Good afternoon. We also have with us here today the County Clerk, the Deputy Clerk, the Budget Director, the Boards and Commissions Liaison, the Board of Ethics Executive Director and Legal Counsel, the Cost of Government Commission Chair, and the Independent Nomination Board Chair. Members, without objection, I'd like to recognize the Cost of Govern...or those individuals as resources for this body.

COUNCILMEMBERS: No objections.

CHAIR BATANGAN: Thank you. We also have with us our GREAT Committee Staff. Good afternoon, everyone. Everybody, please see the last page of the agenda for information on meeting connectivity. So, Members, we will continue our deliberations on the proposed Charter amendments. To help refresh our memory of the June 2nd, 2026 GREAT Committee meeting, a document is being distributed that briefly summarizes the resolutions we discussed and the actions taken on each item. My goal for today is to discuss the remaining Charter amendments that the Committee did not have an opportunity to discuss on June 2nd. To begin, we will start with Resolution 26-11, the proposed Charter amendment regarding County Council vacancies in office. We will then proceed to Resolution 26-86, to establish a comprehensive staggered term for Members of the Cost of Government Commission, and continue in the order listed on the agenda. Today, we will get as far as we can. I plan to recess until 10:00 a.m. on June 18, 2026, so we can finish discussions. I want to thank Councilmember Rawlins-Fernandez for offering us her meeting slot so that we can complete the work of this Committee.

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

CHAIR BATANGAN: Yeah. So, Thursday will provide us time to finish discussing any remaining Charter amendments, including reconsideration of any items that need to be revisited. That will include the Charter amendments introduced at the request of the Office of the County Clerk and deferred on June 2nd. Once we complete those, we will review the total number of Charter amendments that were approved by this body, and if the community...Committee believes the number may overwhelm the electorate, we can discuss prioritizing the amendments and reconsidering our actions. Please keep that in mind as we move through today's discussion. Okay.

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**ITEM 10(6): RESOLUTION 26-11, PROPOSED CHARTER AMENDMENT
ON COUNTY COUNCIL VACANCIES IN OFFICE**

CHAIR BATANGAN: So, now, let's turn to Resolution 26-11, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ON COUNTY COUNCIL VACANCIES IN OFFICE." Resolution 26-11's purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective July 2nd, 2027, to require a Special Election to fill a Council vacancy if the unexpired term of office is six months or more and, if the unexpired term is less than six months, to remove the time limit for the Council to unilaterally appoint a person to fill the vacancy. Councilmember Rawlins-Fernandez, as the introducer of this proposal, would you like to offer opening comments?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. Okay. So, this proposal was prompted by the process--oh, okay--by the process of going through filling the seat of our beloved colleague we lost last year. The Charter, as it currently reads, would only allow a Special Election to fill a vacancy if the unexpired term is more than 15 months. If the unexpired term is less than 15 months, the Members of the Council may appoint a person by resolution adopted by a majority of its remaining Members to fill the vacancy for the current unexpired term within 30 days. If the Council fails to fill the seat within 30 days, the Mayor would be given an unlimited amount of time to appoint someone. First, it was an odd experience for Council and for Mayor to be put in this position. It felt inappropriate for the Executive Branch to have so much power over the Legislative Branch. So, one amendment is to remove that requirement of the Mayor, and instead keep it within the Council. During deliberations to set up our process and then voting on the resolution to fill the seat, my colleagues expressed preference for a Special Election to give the voters the ability to choose someone instead of us. I consulted with the Clerks to see how long it would take to conduct a Special Election. They informed me that it would take three months or 90 days. The second amendment is to amend the requirement for a Special Election if the unexpired term is more than six months. My thought there was to double the time it would take for the Clerks to conduct a Special Election for any unexpected obstacles. If the unexpired term is less than six months, the Members of the Council would then appoint, by resolution adopted by the majority of the remaining Members, to fill the seat...the vacancy for the current unexpired term without a time...time limit. At six months before the end of term would be June of an election year. Before the Primary Election in August and General Election in November, the Members could even consider choosing someone that did not file for office by the deadline, which is the first Tuesday of June. If the remaining Members ended up in a deadlock, worst-case scenario is the seat would only remain vacant for six months. Best-case scenario, of course, would be the Members choosing someone unanimously. The ballot question would read, shall the Charter be amended effective January 2nd, 2027, to require a Special Election to fill a Council vacancy if the unexpired term of office is six months or more, and if the unexpired term is less than six months, to remove the time limit for the Council to appoint a person to fill the vacancy. During our lunch before this meeting began, I did have more discussion with the Clerks and we came up with more

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ideas. And so, these...this reso I offer to you, my colleagues, as a starting point for discussion. I'm not married to any of the proposals in my resolution and I'm open to all the ideas and other ideas that our...our Clerks also suggested...and if I could also invite the Clerks to provide opening remarks on my resolution as well.

CHAIR BATANGAN: Clerk, Deputy Clerk, opening comments.

MS. THOMSON: Thank you, Chair. So, some of the things that we talked about would be the...the six months, and that if the vacancy occurred very close into that, say, you know, 181 days prior to the end of the term, what you would be looking at is an election held just three months before the end of the term. So, the six months may be something that you want to look at and possibly extending that out to like a year or 12 months, whatever. We do recommend using number of days because that'll make it easier. So, whatever period of time you come up with using days. That was really our...our main...main topic of discussion. We talked about the cost to conduct a Special Election, approximately 600 to 700,000. But we're, you know, here and able to help you in your discussions if you wish our thoughts. Thanks.

CHAIR BATANGAN: Thank you very much. Okay. So, Member Paltin, this is opening remarks. Is that what you're seeking recognition for? I don't want to get into deliberations or questions before testimony.

COUNCILMEMBER PALTIN: It was a clarifying question, but I can hold it.

CHAIR BATANGAN: We can take it now.

COUNCILMEMBER PALTIN: The Special Election that you talked about, is it the kind where we don't come in the...our offices in the Chambers?

MS. THOMSON: Yes. Currently we would need the Chambers to have a counting center operations.

COUNCILMEMBER PALTIN: Even for the one filler?

MS. THOMSON: Yes.

COUNCILMEMBER PALTIN: Okay.

CHAIR BATANGAN: Thank you, Member Paltin. Okay. Any other clarifying questions? Seeing none. Let's receive testimony for this item, GREAT-10(6). Staff, is there anybody signed up to testify?

MR. EDINGTON: Thank you, Chair.

CHAIR BATANGAN: Oh.

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MR. EDINGTON: There's currently one...the first individual signed up to testify is Sam Smalls [sic] on Teams, followed by Christina DeLeon on Teams.

MR. SMALL: Thank you. My testimony, apparently, is outside the agenda. I have a...another Charter amendment that I wanted to propose, but that doesn't appear appropriate today.

CHAIR BATANGAN: Thank you, Mr. Small. Staff, can you promote Ms. DeLeon?

MS. DELEON: My apologies. I was hoping to testify on Resolution 20...26-87.

CHAIR BATANGAN: Okay. So, we're taking up testimony on each item as they're called up. So, right now we're only accepting it for GREAT-10(6). We'll hold off until we get to that item. Okay. Staff, is there anybody wishing to testify on GREAT-10(6)?

MR. EDINGTON: Thank you, Chair. There is currently no one else signed up to testify. May I initiate final countdown?

CHAIR BATANGAN: Yes, please.

MR. EDINGTON: If anyone in the audience on Teams would like to testify, please come up to the podium and begin your testimony, or use the raise-your-hand function on Teams and Staff will unmute you. This is your final call to testify...three, two, one. Chair, no one has indicated they wish to testify.

CHAIR BATANGAN: Thank you very much. Members, seeing as there are no more individuals wishing to testify, without objection, I will now close oral testimony on this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(6) . . .

CHAIR BATANGAN: Thank you, Members. As a reminder, written testimony will continue to be accepted. Okay. So, for discussion, I'll propose a three-minute questioning period per Member with a one-minute follow-up --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: -- round. Yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: May I propose something different for your consideration? I...I would like to propose taking it up in sections. So, there's different sections to...there's several amendments. One is to remove the Mayor. And so...I mean, I guess I can let everyone have questions first. But my proposal is for, you know, like I...I think there was kind of like consensus about removing the...the Mayor

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appointing...filling the vacancy. And then discussion on the time frame of the Special Election. And then whether there should be a deadline for Council to fill the vacancy. And...and then any other suggestions. One thing that we also discussed, as you recall, during the process was appointing someone who would not run for office so that we wouldn't interfere in the election that would be occurring at the same time.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Can I get feedback on the pleasure of the body? Would you guys prefer to break it up into sections? In which case, since there's three sections that Member...yes, Chair Lee.

COUNCILMEMBER LEE: Yeah, I would like to break it up into sections.

CHAIR BATANGAN: Okay. Anybody else have any preference?

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

CHAIR BATANGAN: Okay. So, I was going to propose three minutes in total for the first round, since we're breaking it up into three parts. Are you guys okay with one minute per part? Do you guys need more? I kind of wanted to...since there is quite a bit of amendments that still need to be taken up, I kind of wanted to keep things moving. Are you guys okay with a minute for the first round, then we can adjust, if needed, on the second? Okay. So, the three...

COUNCILMEMBER RAWLINS-FERNANDEZ: Can we just do like one question instead of...

CHAIR BATANGAN: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Like, I don't want to hear the timer every minute.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, that's a lot.

CHAIR BATANGAN: I think if we're going to be doing that, then I just ask everybody to be considerate of the time, you know, Members and resources included, to keep things flowing. Okay. Member Rawlins-Fernandez, can you repeat for the record the three sections that we're breaking this up into?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. The first will be whether we remove the Mayor's authority to fill the vacancy.

CHAIR BATANGAN: Okay. Second was the...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, you want me to say all of them?

CHAIR BATANGAN: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then the second would be the time frame of the Special Election.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Third would be a deadline for the Council to appoint.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then fourth would be any other considerations.

CHAIR BATANGAN: Okay.

COUNCILMEMBER PALTIN: Chair, is it okay if somebody says what the current time frame for a Special Election is?

CHAIR BATANGAN: Clerks, can I defer to you on that one?

MS. THOMSON: It's 15 months.

COUNCILMEMBER PALTIN: So, if it's more than 15 months, there is a Special Election. Less than...

CHAIR BATANGAN: Yes.

MS. THOMSON: The other way around.

COUNCILMEMBER PALTIN: Less than 15 months, there is a Special Election.

MS. THOMSON: Right.

CHAIR BATANGAN: No.

MS. THOMSON: So, if the...if the unexpired term is 15 months or more, then we have a Special Election.

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

CHAIR BATANGAN: Yeah. So, for clarity, as it stands, if the remaining time is less than 15 months, then an appointment is made. If it's more than 15 months, a Special Election is held. Okay. Any other questions before we begin the deliberations? Okay. Chair Lee?

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COUNCILMEMBER LEE: From a practical point of view, it's hard to now take it separately if you're talking about 15 months. When you're talking about six months, it was one thing. Now that it's longer, it's going to...we're going to need the...we're going to need the...the Mayor back in --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? I'm sorry. Chair?

COUNCILMEMBER LEE: -- because if the Council...

COUNCILMEMBER RAWLINS-FERNANDEZ: It...it currently is 15 months.

COUNCILMEMBER PALTIN: Yeah, that was...the question was, what is it currently?

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I...my proposal is to make it less.

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

COUNCILMEMBER LEE: So, if...if you break it up, just talking about less, less time, then it makes sense to not have the Mayor involved. But when it's longer, it's another issue. That's all I'm saying.

CHAIR BATANGAN: Thank you, Chair. So, that being the case, let's take up the time element first. Instead of going Mayor time or in which a Special Election would be held, the deadline for the Council to appoint, let's take up the time element. Member Rawlins-Fernandez, as the introducer, would you like to go first? Or since you offered opening remarks, would you like to go last?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, the reso proposes six months. We talked about the six months from the...you know, June...January 2nd would be June. And so, that's right when we're having elections. So, we were talking about the practicality, or like what it would look like in practice while we're having a regular election. And so, one thought we had discussed was if...you know, if...if it's less than a certain time, then we just let it go to the General Election. And then, you know, and the Clerks also suggested 12 months or 364 days...4?

COUNCILMEMBER PALTIN: I like that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Four, not five, right?

MS. THOMSON: Right. We...we recommend using whatever the number of days that...that you go with. So, if it's six months, instead of six months, using 180 days, or if it's a year, then 365.

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

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MS. THOMSON: Uh-huh.

CHAIR BATANGAN: Okay. Thank you, Member Rawlins-Fernandez. Member Johnson? Any questions, comments on the time element for the proposal before us?

COUNCILMEMBER JOHNSON: You know, as far as the time goes, I don't have any questions at this time. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Member Paltin.

COUNCILMEMBER PALTIN: My question for the time, like I don't...I don't mind a year, 365 days. That sounds good. How long are we kicked out of the Chambers, and the 8th Floor, and our offices? Three months for a Special Election for a seat?

MS. LUTEY: No. So, typically when we...oh, thank you, Chair. Sorry. Typically, the setup for a regular election, it takes us about two weeks to set up. And then we also do a...we can do it after hours, but we have a period of time where we meet with the volunteers that will be handling it with us. And so, it would probably be about two...two weeks, but it depends if there's going to be a recount, two to three weeks.

COUNCILMEMBER PALTIN: Oh. So, if it's a Special Election, then...

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

COUNCILMEMBER PALTIN: Oh, okay.

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

CHAIR BATANGAN: No, no, no. Sorry. The way I understood it was that we would be speaking, not just one question, but like the questions that you have on that element of the...of the proposal. So, to...continue your line of questioning regarding the...the...the...

COUNCILMEMBER PALTIN: I just had another clarification. What would be...it would be the same process of people would pull papers, get the signature, but it would be a condensed time frame, right? Like, would we need to set that as well? Or is there a standard condensed time frame like that we would go off of the 15 months or more Special Election? Is it already set in stone?

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . set in stone.

COUNCILMEMBER PALTIN: Oh, what is the amount of time somebody has to pull papers and turn them in?

MS. THOMSON: So, the...the Charter would...currently it says that the Council has to call for the Special Election within 30 days. So...but in terms of when the ball's in our court and the Clerk's Office's court, we would get the candidate filing like as quickly as

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possible so that we can, you know, move forward to ordering ballots and getting the election actually scheduled.

COUNCILMEMBER PALTIN: So, what would be the window of opportunity for someone to pull papers and turn them in? Like one month?

MS. THOMSON: No, it...it would probably be very compressed. So, if we have only 90 days to conduct the election from the date that...you know, that Council says go, we would probably try to get the candidate filing done very quickly in maybe only ten days, two weeks, maybe max. It would be a very compressed and short time frame because the ordering of the ballots and the distribution, the mailing, all of that takes much longer.

COUNCILMEMBER PALTIN: Okay. So, I'm in favor of 365 days based on the questions I asked, but I'll see if anyone else has questions that make me change my mind.

CHAIR BATANGAN: Okay. Thank you, Member Paltin. Member Sugimura? Okay. Thank you. Chair Lee?

COUNCILMEMBER LEE: I don't have any more questions. Thank you.

CHAIR BATANGAN: Thank you, Chair. Member Sinenci?

COUNCILMEMBER SINENCI: Just for the...the question, and maybe Member Rawlins-Fernandez, it says to require Special Election to fill a Council vacancy if the unexpired term of office is six months or more and if the unexpired term is less than six months.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are you...are you asking me about the ballot question right now?

COUNCILMEMBER SINENCI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, that's what we're talking about, whether it's going to be 6 months, or 365 days, or some other idea. Right now, it's 15 months.

COUNCILMEMBER SINENCI: Okay. All right. I'm...consensus, Chair.

CHAIR BATANGAN: Okay. Thank you, Member Sinenci. Member U'u...sorry, Vice-Chair U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you. I understand why we're doing this before we begin. Like, it was really difficult when we had to figure this out. It put us in such an awkward position. I do think six months is really close. I understand that point from one election to another. I'm supportive of what the Clerk said and what I think we're discussing maybe leaning towards with the 364 days. Five days, 365? Okay. Okay. So, the leap year going be awkward, but okay, 365.

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CHAIR BATANGAN: Okay. Thank you, Member...or Vice-Chair U'u-Hodgins. Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. Considering...I think 365 days would be appropriate. The six months sounds appealing, so that...but the problem to rush getting candidates to sign up to be qualified and all of that seems to be...it's too abbreviated. So, the 365 days seems to be fair to be able to get a wide range of potential candidates and to be able to have the process not be overly rushed.

CHAIR BATANGAN: Oh, thank you, Member Cook. I guess for myself, here are my thoughts. I think six months is too condensed. It's too close to when the primary would be. I think it'd be a big strain on our elections administrators, as well as the...the public having to keep track of multiple elections. Even if the Council Special Election...or the election to fill the vacancy was held concurrently, I think it might cause some issues with the public. My hesitation for--and I...and I'm open--my only hesitation is that if we take up the next part of this, which is like removing the deadline to make an appointment, we would potentially be extending the time period in which the Council's unable to function with a clean majority. If...if...if we do go down to an eight-member body for whatever reason and, you know, the...the politics of the Council are split as they had been, it would take us from six months to potentially a year in which it would be difficult for us to pass substantive legislation. That's...that's my only concern in extending the timeline from 6 to 12 months, or 6 months to 365 or 4 days, whatever...whatever the pleasure of the body would be. But I do think that there are merits, and...and I'm...and I'm going to reiterate that I'm open. I guess that's a nice segue to the next piece. We could go with the deadline for the Council to...to make a decision as it currently stands in the proposal before us that would be eliminated, or we could go to the portion of the proposal related to the Mayor having the appointment authority. I'm open to whatever the pleasure of the body is and which way you guys want to go for...for the next round of...of questions or deliberation. Member Paltin?

COUNCILMEMBER PALTIN: I have a question. So, if we remove the Mayor, and the Council...say we remove the deadline, then we're just waiting until the next election, basically? If...

CHAIR BATANGAN: Potentially, right? So, that's what's before us. There are...there are three elements before us, right? Removing the Mayor's authority to make an appointment if the Council cannot act. There's the timeline for when a Special Election will be triggered, and then there's the...a deadline...removing a deadline for the Council to make a decision.

COUNCILMEMBER PALTIN: Is there a problem with removing the time frame for a Special Election? Like, say it was exactly how it happened when Member Kama passed away, and the Council could call for a Special Election at any time? Unless like, you know...or if we...if the Council doesn't hit its deadline, if there is a deadline, we could call for a Special Election. So, it's like, instead of being the Mayor have the final say if the Council can't come to an agreement, the public --

CHAIR BATANGAN: Then you call for a Special Election.

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COUNCILMEMBER PALTIN: -- has the final say.

CHAIR BATANGAN: I mean, I guess that's an option. I have comments, but I think Member Rawlins-Fernandez also has comments that she'd like to share.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. No, I...I think that's another idea, for it to be...the Council may call for a Special Election up until a certain time.

COUNCILMEMBER PALTIN: Because then it would bang-bang with the real election is the up until a certain time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, the regularly-scheduled election.

COUNCILMEMBER PALTIN: The regularly-scheduled election.

CHAIR BATANGAN: Yes.

COUNCILMEMBER PALTIN: We don't want to bang-bang the regularly-scheduled election, so that would be up until a certain time.

CHAIR BATANGAN: That would...that would be my concern as well, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: What about 270 days? That's...that's going to go into budget, April.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: I know, I know, that's why.

MS. THOMSON: Chair, if I can? One of the other possible ways of handling that would be...so this is under number 2, if the unexpired term is, and I'll just use the 365 for discussion. So, if the unexpired term is 365 days or more, or Council fails to act within "X" number of days, then the Special Election.

CHAIR BATANGAN: Sorry, that's where I thought you were going. I guess my only concern is if that...that period...

COUNCILMEMBER PALTIN: Yeah, but she said it in pretty words.

CHAIR BATANGAN: . . .*(laughing)*. . . Yeah. But...yeah, I guess my...my concern though would be if a vacancy occurs close to the primary or to the general, and then the Council fails to act, it would automatically trigger a Special Election at that point.

COUNCILMEMBER PALTIN: Unless it's within the time frame of the --

CHAIR BATANGAN: Yeah, so if we do --

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COUNCILMEMBER PALTIN: -- regularly scheduled.

CHAIR BATANGAN: -- choose to entertain this amendment, we would have to craft it in a way that excludes the possibility of overburdening our election administrators by having to hold two concurrent elections or --

COUNCILMEMBER PALTIN: Correct.

CHAIR BATANGAN: -- one in between the like say, primary and general.

COUNCILMEMBER PALTIN: Correct.

CHAIR BATANGAN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. So, the...the caution is what we just experienced, you know, until you came in and we're at four-four, four-four, right? And really, it's counterproductive. Nothing...well, it's hard to have things accomplished. So, if you're talking about time, I believe that the faster we can get things done because otherwise we're going to be stuck with the situation that we just saw, so...

CHAIR BATANGAN: Agreed.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR BATANGAN: And again, that was my hesitation from extending it...the deadline from six months to one year, is that we could potentially be in a deadlocked situation for a prolonged period of time.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR BATANGAN: Not saying that it should be a deal-breaker. I'm just saying it's, you know, something to --

COUNCILMEMBER SUGIMURA: A possible...

CHAIR BATANGAN: -- consider. Yeah.

COUNCILMEMBER SUGIMURA: And then Member Paltin, our budget queen, basically said, and what if this happens during budget? You know --

COUNCILMEMBER RAWLINS-FERNANDEZ: I said that.

COUNCILMEMBER SUGIMURA: -- that would be...that would be pretty scary.

CHAIR BATANGAN: Yeah. So, the...the timing of the Council calendar is something to consider as well. The timing of the regularly-scheduled elections are...are...need to be

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considered as well. Can I hear people's thoughts on what should happen if the Council cannot decide? You know, the proposal that Member Rawlins-Fernandez put before us removes the Mayor's authority to make a decision if the Council cannot act. You know, she gave her reasoning for that. I'd like to hear from the rest of the body on where they stand on that particular element of the proposal. Chair Lee?

COUNCILMEMBER LEE: You know, I did agree with her in the beginning, but now I can see there's so many complications. And if we have a Council that just can't move because it's four-four, as much as I hate to see it, there's...there's no choice but to have the Mayor do it that...so that business can continue. That's how I'm feeling. Unless somebody else comes up with a brilliant idea.

CHAIR BATANGAN: I saw --

COUNCILMEMBER LEE: And there it is. . . .*(laughing)* . . .

CHAIR BATANGAN: -- Vice-Chair U'u-Hodgins first, and then I'll recognize Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I have one brilliant idea. It attaches to Chair Lee's suggestion. Okay.

CHAIR BATANGAN: Okay.

VICE-CHAIR U'U-HODGINS: I can hold my thoughts.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: My brilliant idea is, I would rather have the Council Chair do it than...than the Mayor. I'd rather it stay within the Council and not go to the Executive Branch.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez.
Member...Vice-Chair U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you. I was going to say in the event that we were four-four, which what we experienced, then we would need a tiebreaker, and we see that often. You know, with an even amount of people on a board, we would need a tiebreaker. I don't disagree with Member Rawlins-Fernandez that, you know, the two branches of government are usually separate. Like, we wouldn't appoint the Mayor. God forbid something happens to a mayor. So, you know, how would how...how...you know? So, it would be...we should kind of keep things separate. But if we don't go with Council Chair choose and we stick with the old version of having the Mayor to choose, then I would appreciate a longer time period. I know that's coming up. But we were under such a crunch, we barely had time to grieve, and we had to figure out a way to move forward. So, whether or not we figure out who's the tiebreaker, I would like to give us the opportunity to kind of work it out amongst ourselves.

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CHAIR BATANGAN: Thank you, Member U'u-Hodgins. If there's no other comments or questions from the body, I would like an opportunity to weigh in. I like the idea of keeping it...it's a vacancy on the Council, and I think that filling the Council vacancy should be a Council decision. I like keeping it in the Legislative Branch. And I do support the possi...you know, the idea of having the Chair be the tiebreaker in the event that the body cannot make a decision on its own. My one hesitation would be that, you know, as the person who controls the calendar, the Chair would have every ability to keep the Council from making a decision, and then having it go directly to him or her. So, if we do go that route, I would just ask that we build in safeguards so that a special Council meeting to hear a resolution on filling the vacancy would have to be scheduled, right? So, that you cannot use...be Chair and use the institutional powers of the Chair to ensure that you then get this new...this new power.

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

CHAIR BATANGAN: I would love to hear the inspiration of Member Rawlins-Fernandez and her new brilliant idea.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . So, your comments inspired another brilliant idea that then the Chair would be excluded from the vote, and then that would be potentially a tiebreaker.

COUNCILMEMBER PALTIN: You're such an inspiration.

CHAIR BATANGAN: I try.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Because of all that power she would wield.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, it would definitely --

CHAIR BATANGAN: Chair Lee?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- be another she.

CHAIR BATANGAN: Chair Lee?

COUNCILMEMBER LEE: Okay. Assuming you're not going to have a tyrant for a Council Chair, I don't think we...well, we did have one, but just one in the history. I...I could probably go for the Council Chair making...breaking the tiebreaker, but giving the...the Council Chair a short period of time to make that. In other words, the Council Chair wouldn't have the opportunity to prolong the decision.

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CHAIR BATANGAN: Right. So, I would agree. So, if we build this...

COUNCILMEMBER LEE: You know something, Chair?

CHAIR BATANGAN: Oh, go ahead.

COUNCILMEMBER LEE: I don't know how the public is going to figure this out themselves if we can't, you know. This is confusing. . . .*(laughing)* . . .

CHAIR BATANGAN: Well, I guess what should be the process is a complicated question. I think our ability to articulate the proposal that we transmit to the public via ballot should not be that complicated. So, I do have faith in our ability and the ability of our...our wonderful Staff to help us, you know, be able to make...help...help the public make an informed decision on the matter. Anybody else have any thoughts on the Mayor's authority to...or I guess who should have the authority to make an appointment if the body as a whole is not able to come to a decision? Because it's currently Mayor. That's why I had it written down the way...yes, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I don't know if anyone knows this, maybe the Clerks or any of our lawyers, even any of the Councilmembers. But basically, you know, planning for these types of things, it's kind of icky. But if...what if a Mayor passes away is my question? Who...where does that go? Does that go to Josiah Nishita? Or does that...where does...what happens with that? Because in our situation is, what if...if one of ours pass...or if I pass away, or...does Axel Beers become the guy? I mean, it's like, what's going on? Why is it different from Administration to here? It's...that's one thing I want to know. Is there...where...why is there a difference? And is there a difference?

CHAIR BATANGAN: I guess the short answer is yes, there is a difference. The Charter provides for what happens if there's a vacancy in both the Council and in the Administration. There's a line of succession for the Mayor. You are correct. The first person who would succeed is the Managing Director. After that, I think it's Finance Director.

COUNCILMEMBER JOHNSON: Is it because we're in, like, districts, and it's just...I'm...I don't want to get in the weeds here, but I...I'm just curious why it's separate.

CHAIR BATANGAN: Yeah. I cannot...I cannot tell you why the Charter was designed the way that it was. All I can say is that for a vacancy on the Council, it calls for the...the Council to make a decision within 30 days, and if not, then the Mayor makes a decision, provided that the vacancy occurs 15 months prior...or within 15 months of a...of the end of the term. Chair Lee?

COUNCILMEMBER LEE: Yeah, I've...I've been on the Council enough...long enough to experience this twice, and the same thing happened. In each case, the Mayor made the final decision on the appointment of the replacement. Because no matter...a lot of Councils are very close in...in votes, and so if it's going to go down to four-four, the

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inevitable is going to happen. There's...there won't be...there won't be a decision made, and it...it would have to go to the Mayor, unless, as Member Rawlins-Fernandez mentioned, perhaps the Council Chair, but with certain restrictions on time, et cetera.

CHAIR BATANGAN: Yeah. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, just for reference, the vacancy for the Mayor, if the unexpired term is one year or more, the vacancy shall be filled by a Special Election to be called by the Council within 30 days, and to be held within 90 days after the occurrence of the vacancy.

CHAIR BATANGAN: Oh.

COUNCILMEMBER PALTIN: I feel like we should do the same. One year or more --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER PALTIN: -- special...Council can call for a Special Election, and then if it's less than one year, everybody but the Council Chair votes on the successor, with the majority of four taking all. And then if, for whatever reason, they can't agree at that point, then the Council Chair chooses.

COUNCILMEMBER SINENCI: Or...or the Vice-Chair in an unusual case.

CHAIR BATANGAN: If it's the Chair who is the vacancy.

COUNCILMEMBER PALTIN: But what if it's the Council Chair that dies? Then it's --

CHAIR BATANGAN: Yeah.

COUNCILMEMBER PALTIN: -- the Vice-Chair that fills that role.

COUNCILMEMBER RAWLINS-FERNANDEZ: It vacates the seat. It vacates the seat.

COUNCILMEMBER PALTIN: Oh, sorry.

CHAIR BATANGAN: I mean, yeah, I guess there's multiple ways that you could vacate the seat.

COUNCILMEMBER RAWLINS-FERNANDEZ: She could become --

COUNCILMEMBER PALTIN: Convicted of a felony.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- a billionaire and be like, I don't need to do this anymore, bye.

COUNCILMEMBER PALTIN: What if she was convicted of a felony?

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CHAIR BATANGAN: That is...yes.

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

CHAIR BATANGAN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. To help you with time today, again, my proposal, I knew that two...both of them, the INB will also take a while, was to get the, you know, brain juices flowing, and then, you know, we could potentially come back. So, I'm happy to let folks kind of sit with this, and then we can move on to the others, and then maybe we can come back on Thursday with like more of an idea of what would, you know, feel good. I also have a few other creative ideas that I didn't share...and if others would like to kind of just throw everything at the wall before we table this, if...if you like that idea of continuing on, and then waiting until Thursday to make a decision on it.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. So, my preference would be to at least get a conceptual idea of what we would want to take up on Thursday so we can ask Staff to draft us legislation to that effect so that we would have a proposal before us on Thursday. So, if we're going to table this, I think there's enough from this body to give direction to Staff, and I'd like to finish that first before moving on.

COUNCILMEMBER RAWLINS-FERNANDEZ: Really, did you count that? Because I...I didn't count a majority on something yet.

CHAIR BATANGAN: Okay. So, let's talk this through. Because no, I did not do a straw poll. I didn't...I didn't...this is just me trying to read the room. But I get the sense that there is support for keeping the decision within the Legislative Branch rather than sending it to Mayor.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. And that's why I propose taking that one up first.

CHAIR BATANGAN: Yeah. So...

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

CHAIR BATANGAN: Yeah. So, I guess we...we can give...we have that much guidance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR BATANGAN: I'm looking to our Analysts.

COUNCILMEMBER RAWLINS-FERNANDEZ: And that's already part of the proposal. Okay.

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CHAIR BATANGAN: Yes. But the idea to have the Council Chair be the tiebreaker in the event that the body cannot make a decision, I think, is new, and is worth considering. Writing into a proposal, you know, that the Chair cannot use the legislative calendar to force the issue to go before him or her, I think, is...is new. I think changing the time element from six months to a year seems to have broad-based support. And I think the only outstanding...oh, no, because the...the last item would be the deadline for...for what happens if Council can't make a decision, but then it would go to...go to the Chair. So, I guess, Staff, is that enough guidance to ask --

COUNCILMEMBER LEE: Chair?

CHAIR BATANGAN: -- that you put together a proposal for us to consider on Thursday?

COUNCILMEMBER LEE: Chair?

CHAIR BATANGAN: Yes, Chair.

COUNCILMEMBER LEE: Yeah, I...I don't think there was any consensus about the Chair making the decision. I think that was an idea to be floated, you know --

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: -- because, you know, you folks shouldn't think about yourselves being a part of this. You should think about the future of all Councilmembers coming after us. You know, because what if you guys were in the majority and your Council Chair couldn't vote? Think about that. So, the best way to handle this is...is not to put yourself in...in the mix, just think about what's best for the future of this County and this Council. I think it might be an improvement not to have the Mayor make the decision, maybe...but as far as having the Council Chair not vote, that really doesn't make any sense.

CHAIR BATANGAN: I...

COUNCILMEMBER LEE: And it...honestly, it's going to hurt you guys in the future. Thank you.

CHAIR BATANGAN: Thank you, Chair. I didn't think that was part of...I wasn't including that in the recommendation to the...if that's the pleasure of the body, we can...we can ask Staff to include that. But I was not anticipating that the Chair would be excluded from that first vote. I was just --

COUNCILMEMBER LEE: Okay. Good, good, good.

CHAIR BATANGAN: -- anticipating that the Chair would have to schedule the vote so that that individual cannot unilaterally grant themselves the power to make a decision. Yes, Member Sinenci.

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COUNCILMEMBER SINENCI: Just to clarify, we do still have like a Special Election if...if we cannot decide within the Council?

CHAIR BATANGAN: As I asked Staff --

COUNCILMEMBER SINENCI: That's still on the table?

CHAIR BATANGAN: -- to draft it, no, because then the tiebreaker goes through the Chair. If you would prefer, we can ask that there be ASFs created so that we can swap out the...what the tiebreaking mechanism is.

COUNCILMEMBER SINENCI: Only because there was a lot of testimony that...that suggested that from people that came up that --

CHAIR BATANGAN: Yes.

COUNCILMEMBER SINENCI: -- that we should go to a Special Election.

CHAIR BATANGAN: Thank you, Member Sinenci. Understood. Member Paltin?

COUNCILMEMBER PALTIN: Chair, can we...as part of this thing that we're drafting, can we ask the Clerks the most practical window in which a Special Election could be held? Like, after we...like, say somebody vacates their seat immediately, Special Election from then? Like, I guess, November 10th or whatever, through to what is the last practical date a Special Election could be held?

CHAIR BATANGAN: Deputy Clerk?

COUNCILMEMBER PALTIN: Without interfering with the regularly-scheduled election.

MS. THOMSON: The City and County of Honolulu, their Charter provision on vacancy in council office, the language there may be useful for that circumstance. So, basically it says, if the unexpired term is for one year or more, the vacancy shall be filled by Special Election to be called by the Council within ten days...our Charter says 30. So, ten days, that is good. And to be held within 120 days after the occurrence of the vacancy, rather than 90. Those time frames are much more workable on our end. There's some other language, then it...it says some other stuff in there you may want to consider. That's...

COUNCILMEMBER PALTIN: And what is their process if it's less than one year?

MS. THOMSON: Less than, it's similar to ours right now. Unexpired term less than one year, the remaining members of council shall elect a successor with the requisite qualifications, et cetera. And then if the council should fail to fill the vacancy within 30 days, the Mayor appoints. So, it's basically identical to ours, current one.

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COUNCILMEMBER PALTIN: And...and this procedure that we're discussing would hold for one through how many Members? Like I know they don't like more than three of us to go on an airplane. Say the plane goes down with three of us on it, then you have to...you have six Members voting. If their...and so, a simple majority would be four or five? How many would it take to win? Or say two Members are on the same airplane and it goes down, then you have seven, which is a uneven number. But if...if it were six, what would it take to win?

MS. THOMSON: I'll...I'll defer to the attorneys on this, but your Charter requires a simple majority for all actions unless otherwise specified. So, five.

COUNCILMEMBER PALTIN: So, four.

MS. THOMSON: It'd be five.

COUNCILMEMBER PALTIN: Oh.

MS. THOMSON: Yeah. So, not if the Member is present or still around, but of the full Council, so it'd still take five. So, even if you just had six Members left, it would still take five.

COUNCILMEMBER PALTIN: So, that's why only three people can get on a plane together.

CHAIR BATANGAN: Staff, did I see somebody from OCS seeking recognition on the floor? No. Okay. Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, other suggestions is if the second runner-up in the last election received 30 percent or more of the votes, they could automatically fill the seat. And another idea was to prohibit the person who fills the vacancy from running for the regular election. And then if the Clerks have any other ideas that they came up with after our discussion.

CHAIR BATANGAN: Okay. Is it worth trying to get a sense of where the body stands on those two? Because otherwise I'm going to ask that you draft a proposal to the effect of what I had previously stated and then prepare those two as ASFs that we can take up, rather than try to figure out on the floor now what the pleasure of the body is related to those two.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I don't want an ASF.

CHAIR BATANGAN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm just throwing it out there for consideration.

CHAIR BATANGAN: You guys want to discuss...would you guys like to discuss it?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no, we don't have to --

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CHAIR BATANGAN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- discuss it now. I'm just saying that those are other ideas.

CHAIR BATANGAN: Oh, I see. Member Cook?

COUNCILMEMBER COOK: Is it appropriate that I comment on the last two suggestions, time-wise?

CHAIR BATANGAN: Sure.

COUNCILMEMBER COOK: Okay. I wouldn't be supportive of the person in the runoff for the election. I see the logic in it, but I think the public should have the opportunity for other people to volunteer to do it and do it. So, that aspect of it, I wouldn't be supportive of. And the second one was?

COUNCILMEMBER RAWLINS-FERNANDEZ: The second idea was to prohibit...so --

COUNCILMEMBER COOK: Yeah, the second was to prohibit...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I mean there...there would be more...there would be to the second runner-up.

COUNCILMEMBER COOK: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: That would be also part of, you know, like the...the...the overall process...like it should be a Special Election or appointment. Or if, you know, there's like a...and it would be like a good portion of the...the electorate that would vote for the person. So, there is a good amount of the electorate that would vote for that person. It wouldn't be like --

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- a person would only get like 5 percent of the votes. And then the other one is prohibit the person from running in the regular election.

COUNCILMEMBER COOK: Anyway, I'm not supportive of either one. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . .

CHAIR BATANGAN: Okay. I don't think I want to get into the details of those just yet. I think we have, you know, better direction from the body as to what is palatable for the overarching amendment. I would just like to ask Staff to draft something to that effect so we have, you know, written legislation to consider when we reconsider on

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Thursday. In the meantime, I would like to ask OCS Attorneys and Corporation Counsels to just check on the legality of those two proposals, whether or not there is an issue with prohibiting an appointed Member from running in the subsequent election. And if there are...I mean, I can see...or democratic issues with automatically appointing somebody who lost two-thirds of the vote in the previous election. But I guess I just want to make sure that before we consider it, that there's no legal issues with making an automatic appointment to that effect. Okay. And then Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering if we're also trying to...I mean, we're trying to fix this because we went through the process and it was kind of awkward. But based on the five votes, the majority of the body, like I feel like we don't have any direction for mass casualty events, like active shooter, explosion, COVID, Ebola. Like what if there's not five Members to approve somebody? The Charter doesn't give any direction. And I feel like it's a little irresponsible of us to have now identified that and not put --

CHAIR BATANGAN: So, I guess...

COUNCILMEMBER PALTIN: -- a solution up.

CHAIR BATANGAN: I guess as a starting point proposal, Staff, when you draft that, can you make sure that it's a majority of the remaining Members rather than assuming it'll only be eight Members?

COUNCILMEMBER PALTIN: Thank you. That...that solves my issue, I think. As long as there's more than...as long as there's Members left.

CHAIR BATANGAN: Yeah. All you would need is one, I guess, would then have the ability to appoint the other eight. But...

COUNCILMEMBER RAWLINS-FERNANDEZ:: Or if there are none.

CHAIR BATANGAN: Yes. If there are none, then we have...

COUNCILMEMBER PALTIN: We'll have to do a Special Election. Automatic Special Election if everybody dies. Like what if there's like carbon monoxide in here and we don't know?

COUNCILMEMBER RAWLINS-FERNANDEZ: But if there are no Councilmembers, then who would call for the Special Election?

CHAIR BATANGAN: I guess --

COUNCILMEMBER RAWLINS-FERNANDEZ: That's also another detail.

CHAIR BATANGAN: -- we would have to build in a mechanism.

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COUNCILMEMBER PALTIN: Or the Mayor.

CHAIR BATANGAN: We just booted him from the process.

COUNCILMEMBER PALTIN: Oh. Well, that's --

CHAIR BATANGAN: Yes.

COUNCILMEMBER PALTIN: -- that only comes into effect if everybody is...

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

CHAIR BATANGAN: Yes. So, I guess we would ask for language to the effect of if there is no remaining Members of the Council, then we delegate the authority to our election administrators...in this case, the Clerks.

COUNCILMEMBER PALTIN: To have a Special Election.

CHAIR BATANGAN: Wow, this got a lot more grim than I was expecting. You know, when we --

COUNCILMEMBER PALTIN: Sorry.

CHAIR BATANGAN: -- took this up --

COUNCILMEMBER PALTIN: Former first responder.

CHAIR BATANGAN: -- I thought we were primarily going to be debating timelines.

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

COUNCILMEMBER PALTIN: I've...I've been around death.

CHAIR BATANGAN: Okay. All right. Is there any more discussion on this? Because I think that we have enough direction to give Staff guidance, and that we would then be able to take up a...you know, a concrete proposal that better reflects the will of this body come Thursday. I see Member Rawlins-Fernandez, and then I'll go to Member Sinenci.

COUNCILMEMBER RAWLINS-FERNANDEZ: The Clerks also liked the ten days that Honolulu City Charter has, and so that...I...I would be happy to also include that. I don't think...I...I don't know why it's 30. Do you know why it's 30?

MS. THOMSON: I have no idea why it's 30. That's...yeah, that's...that's a long time.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Should it be consistent with the Mayor since the Mayor vacancy says one year, and then ours would be 365 days? Should it just be consistent, or should we change the Mayor's one, too?

MS. THOMSON: That's a good point. Yeah, ideally you'd change the Mayor's, too, but I think if that's going to complicate the ballot question, you know, then that may be a consideration. I mean, we...we can...we can figure it out if it's a year. Can I add just one thing really quickly? It's that same section that we're talking about in the City and County, and it says if any special or General Election is to be held after 30 days and within 180 days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election...so meaning it would just be combined with any other election being held instead of a Special Election.

CHAIR BATANGAN: Okay. Is there enough --

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I mean...

CHAIR BATANGAN: -- support from the body to have...to give Staff direction to that effect?

COUNCILMEMBER RAWLINS-FERNANDEZ: The...the...Honolulu has four-year terms, so that might also be why --

CHAIR BATANGAN: Yeah, but it's staggered, yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- it's written that way.

CHAIR BATANGAN: So, there's...there is --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, yeah. But --

CHAIR BATANGAN: -- an election...a regularly --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- they --

CHAIR BATANGAN: -- scheduled election every two years.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- their terms are different than our terms. So, it could end up being...like that position would have been in the election anyway.

MS. THOMSON: I think that would maybe address those circumstances where a Special Election might be called within basically, it says 180, so within six months of a regularly-scheduled election. So, you wouldn't have to have another Special Election within that time period. So, maybe Staff has a better way of saying that though. Yeah.

CHAIR BATANGAN: Member Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. I know you're asking Corporation Counsel to...to weigh in on those last two proposals, but I just wanted to say, I would be supportive of the runner-up that received at least 30 percent as an alternative to...to a Special Election.

CHAIR BATANGAN: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. Yeah. So, we have them ask...we...we have asked them to look into the legality of that, and then when we revisit this, I guess that can be part of the conversation as well. Okay. Staff, can I ask you to read back at least the bullet points that was given? Just for...for the Members' clarity. And if...if you've missed anything, you know...

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

CHAIR BATANGAN: Yeah, we'll make sure that it's captured.

MS. MACDONALD: Yes, Chair, there's actually potentially a couple things we wanted to double-check with you. We do have that we would increase it from the six months to, I believe it's going to be 365 days instead of a year, and then are we doing the tiebreaker for Council Chair to keep it within the Leg. Branch?

CHAIR BATANGAN: I think just as a proposal, yes. I think that's where the gist of this conversation lands.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is that going to be the ASF? I don't think there is broad consensus for that. I don't think it should be included.

CHAIR BATANGAN: Okay. We don't have to include the tiebreaker component. We'll have that debate on Thursday. So, it'll be the remaining Members because we need to accommodate for the possibility of there being multiple vacancies on the Council. Do not include a tiebreaker mechanism at this point, but, you know, it will not be the Mayor. The time...I think we settled on 365 rather than one year. It does make it a little bit of an awkward situation since it's not the same as what is being proposed for the Executive Branch, but I think we heard the Clerks that that's their preference. Am I missing anything, Members?

MS. MACDONALD: Was there any further discussion about--sorry, Chair--the ten days for the Honolulu...

CHAIR BATANGAN: Oh, yes.

MS. MACDONALD: Okay.

CHAIR BATANGAN: The...the timelines we wanted...I think there was enough...

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

CHAIR BATANGAN: Yeah, I think there's enough support for adopting the timelines that City and County had. Clerks, can you repeat that for us?

MS. THOMSON: Yes. So, this...the language is coming from Section 3-105 of the Honolulu Charter, Vacancy in Office, and this is Subsection B. And the portions of that that we talked about were--let me see--if the unexpired term is for one year or more, the vacancy shall be filled by Special Election to be called by the Council within ten days, and to be held within 120 days after the occurrence of the vacancy. And then kind of skipping down, it says, if any special or General Election is to be held in the city after 30 days and within 180 days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election.

CHAIR BATANGAN: So, that last element just means that if there's a Special Election within a certain time period of a regularly-scheduled election, it'll be held concurrently. Okay. Okay, Members, I think that captures the gist of our conversation, at least where we were able to get now. It'll give us a good starting point for deliberations on Thursday, and then we can iron out the details that we have not yet got consensus on. I think, you know, there's direction to Staff. If you have anything that you feel very strongly about, feel free to prepare an ASF to that effect before Thursday. Because my preference would be that we discuss proposals as much as possible with like written legislation to consider rather than broad concepts that we have to then wordsmith on the floor. And that's it? Okay.

COUNCILMEMBER PALTIN: I just wanted to clarify --

CHAIR BATANGAN: Member Paltin? Yes.

COUNCILMEMBER PALTIN: -- we don't have a deadline for the Council to act, except for the ten days to call a Special Election. If it gets close to the regularly-scheduled election, it'll combine into one, is that what we're saying?

CHAIR BATANGAN: Correct.

COUNCILMEMBER PALTIN: Okay.

CHAIR BATANGAN: The...and the reason that there's no deadline for the Council to act is because we...

COUNCILMEMBER PALTIN: We don't have a tiebreaker or a backup.

CHAIR BATANGAN: Yeah, there...there...there should be a tiebreaking mechanism --

COUNCILMEMBER PALTIN: And we don't have one.

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CHAIR BATANGAN: -- which we don't...we haven't gotten into, and so there...we just put a pin in it. So, I guess what we're going to get is going to be a puka draft with that being the puka.

COUNCILMEMBER PALTIN: Okay. Got it. Just wanted to see where we landed.

CHAIR BATANGAN: All right. Members...okay. Wait. So, if we're going to be revisiting this, then we do not defer it. Do we...do I need to defer this item?

MS. MACDONALD: Yes, Chair. You can defer the item, and then on Thursday, you can reconsider, and then --

CHAIR BATANGAN: Okay.

MS. MACDONALD: -- take it up again.

CHAIR BATANGAN: Okay. So, Members, without objections, I'd like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR BATANGAN: Thank you, Members. Okay. It is now 2:38. That was quite a bit. Does the body want to take a quick recess at this point, or do you guys want to keep moving? Okay. So, the next item is...let me just check my notes and make sure that it matches what I had said earlier. Thank you, Clerk, Deputy Clerk.

**ITEM 10(9): RESOLUTION 26-86, PROPOSED CHARTER AMENDMENT
TO ESTABLISH A COMPREHENSIVE STAGGERED TERM
SYSTEM FOR MEMBERS OF THE COST OF GOVERNMENT
COMMISSION**

CHAIR BATANGAN: 26-86. Oh, okay. So, the next item before us is Resolution 26-86, Proposed Charter Amendment to Establish a Comprehensive Staggered Term System for Members of the Cost of Government Commission. Resolution 26-86 purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective July 1st, 2027, to require that the terms of the existing and future members of the Cost of Government Commission be staggered to ensure continuity and prevent simultaneous expiration of multiple member terms. At this point, I'd like to request comments from the introducer, Committee Vice-Chair U'u-Hodgins, and the Chair of the Cost of Government Commission.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. So, this is something we worked on when I was Chair of GREAT, but as working with the Cost of Government Commission,

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they...there's several of them that their terms will expire at the same time, which will mean that they will be in a very similar position that we just discussed, and there's going to be nobody on the board. And so, this will just allow a staggered term so that they could provide themselves with some continuity, and that they're not dealing with an empty board all of a sudden, all the time. But I'll leave the rest up to the Cost of Government Chair. Thank you.

CHAIR BATANGAN: Thank you, Vice-Chair U'u-Hodgins. Cost of Government Chair, could you mind introducing yourself for the record before giving opening remarks?

MR. GOOSSENS-LARSEN: Sure thing. I'm Dino Goossens-Larsen, Chair of the Cost of Government Commission. We did meet as a commission to discuss this proposal on June 9th, as it is something pertinent to our Commission. We welcome the initiative to remediate what we understand to be an administrative error when changes were made to the membership terms of the commissioners following the Charter amendment in 2012, where terms were adjusted to five years but omitted proper staggering. We're equally concerned with the risk of not having continuity with, as outlined earlier, three members in a vacancy's terms expiring in 2028, and the remaining five commissioners' terms expiring in 2029. The position we aligned on as a commission is as follows. We believe that there is an option to address this through a Code amendment, and would be supportive of going that route. We do not believe it's a matter we need to put in front of voters. And from attending the first session of this GREAT Committee meeting, there might be some appetite around that already to trim the number of amendments. We suggest this is one of them, but of course, only if there's commitment to actually address this as a Code amendment. I've already outlined our concern with...with continuity from not properly staggering the terms. Secondly, when reading the language as proposed, there's some concern with how it's written, it would...and how it would apply to the members currently in the Commission. The suggested Charter amendment's language transition provision raise[sic] the concern that it can result in some members' existing terms being shortened. At a minimum, it was unclear how it would be implemented as written. And then lastly, the Commission wanted to stress the value of the five-year terms for the type of work we perform as a commission, providing accountability and oversight across tenures of legislators and Administration, with two years being seen as too short. The current language, again, provides for a class of commissioners with two-year terms, which we moved away from in the first place in 2012. So, in summary, we're supportive of addressing the continuity risk by staggering the terms, but suggest doing so through a Code amendment with clear language that does not shorten any of the existing terms of the current commissioners and retains five-year terms. Thank you.

CHAIR BATANGAN: Thank you very much. All right. Before moving to discussion, let's receive testimony for GREAT-10(9). Staff, is there anybody scheduled or signed up to testify on this item?

MR. EDINGTON: Thank you, Chair. The first individual signed up to testify is Dick Mayer.

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. . . OPEN PUBLIC TESTIMONY ON GREAT-10(9) . . .

MR. MAYER: Okay. Can you hear me?

CHAIR BATANGAN: Yes, we can hear you.

MR. MAYER: Thank you. Two things, if you go ahead and...and pass this, I would suggest that you move the implementation date from July 1st to an earlier date. You'll be appointing people to boards and commissions probably in February, March. And so, I would recommend that you put the implementation date February 1st, 2020...2027, rather than July 1st, so you can start off, at least initially, on the right foot. The question I have is, why only the Cost of Government Commission? I would think this would apply of staggering terms to many of the boards and commissions, especially those that make major decisions for the County, like the Planning Commission, the Water Board, Police Commission, others, that you may wish to consider making staggered terms a requirement or a desire, at least, for many of the other boards and commissions in the Council, and certainly perhaps incorporate within the Council's own rules that we will make every effort to try to stagger terms when we appoint people to the various boards and commissions. I think it's...it's a wise practice to stagger, and how you implement it, whether you can do it in your own Council Rules, or whether you need a whole Charter amendment to do it, I leave up to you, but I...I think it is a wise thing. And I certainly think the Planning Commission and a number of the other commissions that make major decisions would benefit by having staggered terms. Thank you very much.

CHAIR BATANGAN: Thank you. Member Paltin, you have a question for the testifier?

COUNCILMEMBER PALTIN: Mr. Mayer, I thought...isn't it that most other boards and commissions have two people expire every year, so in that way, it already is kind of staggered, but not...the Cost of Government Commission isn't like that?

MR. MAYER: I don't...I don't know if there's any rule that says every two years. It could happen that a board and commission's people may have died in between, somebody got temporarily appointed. You may have as many as four or five people, perhaps, dropping off a particular board or commission, and then you would...

COUNCILMEMBER PALTIN: Yeah, but I thought it was every...every year, two people are appointed, guaranteed, by the Mayor. Not you, Mr. Mayer, the other title Mayor.

MR. MAYER: Yeah. . . .(laughing). . . Thank you. Yeah, I just wish you could...it's...it's just something to consider to make sure that you never have, you know, three, four, five people all dropping off, and the Council appoints some, the Mayor might appoint two other ones, that we make sure that the...all of the boards are operating with people who have continuity, as well as new people on there. And what the best way to do that is I leave up to your discussion.

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COUNCILMEMBER PALTIN: We...we can't control if there's a mass exodus, like if there's a group of people that step down...but scheduled, I think we're appointing at least two every year, but we can't control if five people step down, or however many.

MR. MAYER: Well...yeah. What I'm suggesting is that when you...if...let's say, if more than two, three, four, five people were to be...their terms ended, and you had to appoint people, you have the option of appointing people for three years, four years, five years when you make the new appointments. And so, that's really what I'm...I'm recommending, that you...you make...you don't have to appoint everybody for five years, you could appoint people for varying terms, that would allow for a staggered alignment each time.

COUNCILMEMBER PALTIN: I think that's how it usually is...as people drop off, they just are finishing a term, it's not a brand-new term, unless they're one of the seats that expire. But the Cost --

MR. MAYER: Okay.

COUNCILMEMBER PALTIN: -- of Government Commission isn't like that. Thank you.

MR. MAYER: I see. Okay. Thank you very much. I'm sorry I put that in there, I thought it was...that it would apply to all boards, or many of the boards. Appreciate your efforts. Thank you. By the way, I do want to testify on another item. I can't get my name on the list for item 10(13), that's Resolution 26-93, if the Staff could add me when you take that one up, 26-93.

CHAIR BATANGAN: I see them nodding. So, yes, they'll make note of that.

MR. MAYER: Thank you very much.

CHAIR BATANGAN: Thank you.

MR. MAYER: Aloha.

CHAIR BATANGAN: Any other clarifying questions for the testifier? Seeing none. Staff, is there anybody else scheduled to testify?

MR. EDINGTON: Thank you, Chair. There's no one else who is currently signed up to testify. Would you like me to initiate final countdown?

CHAIR BATANGAN: Yes, please.

MR. EDINGTON: If anyone in the audience or on Teams would like to testify, please come up to the podium and begin your testimony, or use the raise-your-hand function on Teams, and Staff will unmute you. This is your final call to testify...three, two, one. Chair, no one has indicated they wish to testify.

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CHAIR BATANGAN: Thank you. Members, seeing as there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(9) . . .

CHAIR BATANGAN: Thank you very much. As a reminder, written testimony will continue to be accepted. All right. I will propose a three-minute questioning period per Member with a one-minute follow-up round, if needed. Member U'u...or Vice-Chair U'u-Hodgins, would you like to kick us off?

VICE-CHAIR U'U-HODGINS: Yes, please, Chair. Considering what the Chair of Cost of Government just said, which I thought we needed to do a Charter amendment, which is why we're discussing it today, but I'm happy to do an ordinance, if that works as well, and continue to work with the Cost of Government Chair. We can...I'll...I'll reach out to you, and we can figure out how to do an ordinance. So, I have no problem filing this. I know we're trying to minimize how much we're going to do. As long as it gets done, I'm not married to how we do it. So, we can do that.

CHAIR BATANGAN: Thank you, Vice-Chair. Before we continue down that line of thinking, can I ask Corporation Counsel or our OCS Attorneys to weigh in on whether or not it'd be more appropriate to take up as a Charter amendment, or if it can be done as a Code amendment?

MR. HANANO: Thank you, Chair. Yeah, I think we have to go through the Charter amendment route, and the reason is, is because it's already set up as a five-four board, and to change the terms, we have to go through the Charter amendment to stagger it.

CHAIR BATANGAN: Okay. And Corporation Counsel, do you...you concur with that opinion?

MR. KOLBE: I do.

CHAIR BATANGAN: Thanks. Okay. So, Vice-Chair U'u-Hodgins, it sounds like we do need to go the Charter amendment route. Does that change your thinking?

VICE-CHAIR U'U-HODGINS: Okay. No, it doesn't. I just would like to get it done. So, I understand our testifier, Dick Mayer, what he was saying. I get his point. But in this situation, for the Cost of Government, we have four members' terms expiring next year, five members' terms expiring the year after. So, we don't typically see that on any other board except this one. But I would like to hear how the Chair of the Cost of Government sees how we can better work with the...the language, and ensure that it's as friendly as possible to how they need to implement, and then I think maybe we can begin some discussion.

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CHAIR BATANGAN: Okay. Chair?

MR. GOOSSENS-LARSEN: We have not formally taken a position on this. We understand that if we want to transition the existing members to a staggered term that it may require extension of some of the terms of the existing members even beyond the initial five-year term, which is, per our understanding, not allowed in the Charter. So, I would need to go back to the Commission to specifically figure out how we would address this. We just understand...we just, when reading the language, are not clear how we would accomplish this without actually shortening the terms of...of some of the existing members, which we strongly oppose.

CHAIR BATANGAN: Thank you. Does either of our Attorneys have an opinion on that matter?

MR. HANANO: Thank you, Chair. So, under the proposal, terms of the Commission members must be staggered as follows. So, two members will have two...two members will have three-year terms, two members will have four-year terms, and three members will have five-year terms...then after that, it says regardless of Section 13-25, which is the section that prohibits serving additional terms, as Chair of the Cost of Government Commission just indicated. So, we're saying, despite that section, a member may serve additional terms consecutively. So, by putting that phrase in there, we're exempting now that provision that limits a member from having consecutive terms beyond, I think, the five-year term. And the...the other comment that I want to make with regards to the transitional language, that language is basically just to allow the Council to reset the terms initially, as stated in the proposal. So, basically, what will happen is of the nine members, Council will determine, you know, of those nine members who will get the two, who will get the three, who will get the four, who will get the five-year terms. And, you know, I would...I would assume that the Cost of Government Commission will weigh in on who, you know, they recommend getting what terms. And the way I understand it is, four members will expire in March of 2028, and five will expire in March of 2029. The minimum number of terms that's being proposed...I mean, the...the minimum number of years is...that's being proposed is two years. So, no member's term will be cut short. In fact, it'll be expanded by at least one year, if not longer. And because there's a provision that there's no limit on the, you know, length of time that someone can serve on the Commission, it's basically open-ended. You know, if the Members wanted to restrict it to ten years, you know, we could add in language to that effect.

CHAIR BATANGAN: Okay.

MR. HANANO: That's all I have. Thank you, Chair.

CHAIR BATANGAN: Thank you, Mr. Hanano. So, you mentioned that the terms expire March of next year. Is that March 1st or March 31st...the end of the month or beginning of the month?

MR. HANANO: I think it's March 31st.

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CHAIR BATANGAN: So, it's to the end of the month.

MR. HANANO: Yeah.

CHAIR BATANGAN: And then...so, I guess, you know, Mr. Mayer had suggested that we change the date that this would take effect. So, then, would it...should we propose April 1st, so that it would take effect on the day following, or is it sufficient that we just change the date to like the beginning of the year, and then the Council can act when a vacancy comes up? Do you have an opinion on the transition timeline that's stated in the resolution?

MR. HANANO: Yeah. Yes, I agree that...I think the date should be changed. I think, as you suggested, beginning of the year, maybe January 1st, 2027, that way the Council can at least start, you know, putting the wheels in motion as far as trying to stagger the terms, which, you know, should be effective on April 1st, 2027.

CHAIR BATANGAN: Thank you, Mr. Hanano. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay. So, when I first got onto the Council, we noticed that, you know, this problem had occurred with like a couple of the boards and commissions, and at...at that time, we...we...we were advised that we didn't need to do a Charter amendment to do this because Section 13-2 starts...Subsection 1 starts with, unless otherwise provided. And so, that gave us more...that gave us flexibility to...to change what would otherwise be the default, which is the members of all boards and commissions shall serve for...for staggered terms of five years, beginning April 1st and ending on March 31st, five years thereafter. So, the "unless otherwise provided" was what gave us the power to make that amendment in the Code to properly stagger any board or commission.

CHAIR BATANGAN: I guess...do either of our Attorneys --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. Kolbe?

CHAIR BATANGAN: -- does it change any of your...your...your opinion on the matter?

MR. KOLBE: Well, to the extent that that phrase, unless otherwise provided, I think that's a Charter pro...mic's not working.

UNIDENTIFIED SPEAKER: Move your mic closer to you.

MR. KOLBE: Oh.

COUNCILMEMBER LEE: Can't hear you.

MR. KOLBE: Yeah. Okay. I'm speaking now. Can you hear me now? Maybe it's...

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CHAIR BATANGAN: Chair Lee, are you able to hear Mr. Kolbe online?

COUNCILMEMBER LEE: Yeah, now I can. The first...when he first started talking, couldn't hear him.

CHAIR BATANGAN: Okay. Thank you. Mr. Kolbe, into the mic, please.

MR. KOLBE: Thank you. Section 13-2, the language, unless otherwise provided, I agree, Member Rawlins-Fernandez, that this essentially says that we couldn't change things that are kind of solid and implemented in the Charter unless we made a Charter amendment. I...I got to defer to Mr. Hanano on the basis for the idea that we had set up the initial Cost of Government as a five-four staggered terms, which is why we have them all...all expiring either one...one year or the next. So, I...I actually am not certain that there's any reason why, from what I see in 3-9.3, that we couldn't do it by a County Code amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: I agree with Mr. Kolbe, and it does not say otherwise provided herein, which it says in other places, and that would...would indicate that only the Charter could be amended to provide the flexibility to the default rule. It says unless otherwise provided.

COUNCILMEMBER PALTIN: In the universe.

COUNCILMEMBER RAWLINS-FERNANDEZ: ...*(laughing)*. . . Yes.

MR. KOLBE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, it could be by ordinance or by any other rule that is otherwise providing. Because if you do control-F and you look for all the, unless otherwise provided--because I did this--it says "herein," "in this Charter," it has it like all kinds of different ways, it's so inconsistent. But I did do a search on this within the Charter, and it doesn't have that stipulation that it has to be within the Charter.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Can I ask the Cost of Government Chair, why was it that you were under the impression that it could be done via Code? Was that the advice given to you by your Corporation Counsel?

MR. GOOSSENS-LARSEN: Correct. And just to clarify as well, we are not set up as a five-four board, so I don't know if that changes anything from Counsel here representing.

CHAIR BATANGAN: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: I...I agree with the unless otherwise provided. I guess my...my question would be on the next step. Because say we do this as a Code amendment,

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and that would be the “unless otherwise provided,” like whatever we set up in the Code, would the County Clerk, under their authority to reconcile obsolete languages and like that, be able to then go change the Charter once the Code has been enacted, or no?

CHAIR BATANGAN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And I don’t believe it has to be a Code amendment, because it doesn’t say that it has to be a Code amendment, it just says provided. And so, we did change one of the terms to be less than five to start the staggering, because it just says unless otherwise provided. So, when we do the resolution, we would make the term shorter so that we can appropriately stagger everybody.

CHAIR BATANGAN: Okay. I guess my preference would be to cut down the number of proposals that we have to put before the voters. I think the introducer of the resolution is of the same opinion. I think the only holdup that we have is the advice from our Legal Counsel in both OCS and Corp. Counsel here at Committee. If you guys...if the conversation that we’ve had changes your opinion on the matter, I think we’re happy to move on, but is there any...is there any concern from either of you with the...with the direction of taking this via a Code amendment or through the next appointment by changing the term?

COUNCILMEMBER PALTIN: And I...I did have a question for Mr. Dino Lars-Goossen? Goossen-Lars [sic]. Sorry.

CHAIR BATANGAN: So, I guess we’ll...I’ll...we’ll wait for a response from Corporation Counsel, and then I’ll recognize you for the question.

COUNCILMEMBER PALTIN: Thank you.

MR. KOLBE: Well, based on the discussion that we have here and the fact that it doesn’t define within the Charter that it has to be...that it is a five-four committee...commission, I’m okay with us being able to move forward as, you know, through a Code provision as opposed to a Charter amendment. But again, that’s based upon the representations that I’ve heard today, and I would just like to confirm with Mr. Hanano that I’m not missing something.

CHAIR BATANGAN: Mr. Hanano? And if you want to ask for a recess, we can give you like a couple minutes to confer, and then let Member Paltin ask her question, too.

MR. HANANO: Yeah. I mean, I’ll defer to Corporation Counsel. I still think it should be by Charter, but I’ll...I’ll defer to Corporation Counsel.

CHAIR BATANGAN: Thank you. Member Paltin?

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COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify with Mr. Dino Goossen-Lars [sic] that the...the not shortening of the terms is for you folks sitting on the Cost of Government Commission currently. If we were to appoint new people on the Commission, like say, the four that expire March 31st or whatever, at that time, is there objection if we appoint four and we have them three, four, five, or something...three, four, and five, five? Is that what you meant by not shortening the terms, or just not shortening the terms of existing sitting people?

MR. GOOSSENS-LARSEN: It specifically pertains to not shortening terms of existing sitting members.

COUNCILMEMBER PALTIN: Oh, okay. Okay.

CHAIR BATANGAN: Okay. So, Members, I guess...I hear the...the concerns from our OCS Attorney and, you know, the initial opinion from Corporation Counsel. Given that the Corporation Counsel representing the Commission itself had opined, saying that this could be done via ordinance and --

COUNCILMEMBER RAWLINS-FERNANDEZ: Or resolution.

CHAIR BATANGAN: -- or...or resolution, and that that was the guidance previously given to this body, I'd be comfortable moving on. Is there anybody else who...I guess, I'll look to the Vice-Chair, who introduced this measure, for her...for her position on the matter.

VICE-CHAIR U'U-HODGINS: Thank you. I...I agree with you, Chair. Happy to move on and have this as an ordinance. But while we have the Chair with us, I'd like to thank him very much for your report from the Cost of Government on all the boards and commissions. It was so well done and so thorough, and so I wanted to publicly thank you and your board for that. We appreciate it, I appreciate it. Thank you so much.

CHAIR BATANGAN: Thank you, Member...or Vice-Chair U'u-Hodgins. And thank you, Chair. Okay. That being the case, I would move to defer this item just in case our Attorneys come back, and on Thursday we need to reconsider, but my preference would be to file at that point. But I want to leave the door open just in case the lawyers come back and throw us another curveball. Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have no objection to deferring, but if we defer, we don't have to do a motion for reconsideration.

CHAIR BATANGAN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, so...

CHAIR BATANGAN: Yeah. Okay. So, I guess Mr. Hanano and Mr. Kolbe, this is your opportunity to, you know, flag us if...if you really feel that we need to make a...do this via Charter amendment, let us know before Thursday. Okay.

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MR. HANANO: Thank you, Chair. Thank you.

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

CHAIR BATANGAN: That being the case...no, no, I don't think we're going to be taking up new proposals on first reading. Like if we...

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

CHAIR BATANGAN: No, no, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: It would be a recommendation to the full Council, and the full Council could say --

CHAIR BATANGAN: So, I guess they could --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we don't want to take --

CHAIR BATANGAN: -- bring it out of committee...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- your recommendation, GREAT Committee.

CHAIR BATANGAN: Sure. Okay. So, with no objection, at this point, I will move to defer Resolution 26-86.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR BATANGAN: Thank you, Members.

**ITEM 10(15): RESOLUTION 26-95, PROPOSED CHARTER AMENDMENT
TO ALLOW REAPPOINTMENT OF MEMBERS OF THE
BOARD OF ETHICS FOR ONE SUCCESSIVE TERM**

CHAIR BATANGAN: Okay. Next up we have Resolution 26-95, the Proposed Charter Amendment to Allow Reappointment of Members to the Board of Ethics for One Successive Term. While I read through my scripts, can I ask the Director of the Board of Ethics to come down to the floor and serve as a resource on the matter? Members, we have before us Resolution 26-95, entitled "PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW REAPPOINTMENT OF MEMBERS OF THE BOARD OF ETHICS FOR ONE SUCCESSIVE TERM." Resolution 26-95's purpose is to place on the next General Election ballot the question

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of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective January 1st, 2027, to authorize the Mayor to reappoint members of the Board of Ethics of the County of Maui with the approval of the Council for one successive term without an intervening waiting period. I also have an ASF prepared for this resolution as the effective date in the ballot question needs to be changed from July 1st, 2026 [sic] to July 1st, 2027 [sic]. I was the introducer of this proposal, but it was on behalf of the Board of Ethics, and so I will be asking Director Akitake to provide opening comments.

COUNCILMEMBER PALTIN: I thought it was January 1st, 2027.

CHAIR BATANGAN: Did I just read my notes wrong? It...it needs to be changed from July 1st, 2026 [sic] to July 1st, 2027 [sic]. Sorry, Staff. Am I screwing this up? Did I...

MS. MACDONALD: It should be January 1st, 2027.

CHAIR BATANGAN: Isn't that not what I said?

COUNCILMEMBER PALTIN: You said July 1st, 2027, and July 1st, 2026.

CHAIR BATANGAN: Thank...thank you, Members. What Member Paltin just said is...what the...what the thing in front of you says is what the thing that we should be going with. Director Akitake?

MS. AKITAKE: Thank you, Chair. Good afternoon, Chair, Vice-Chair, and Members. I'm Lauren Akitake, the Executive Director and Legal Counsel to the Board of Ethics, and I'm here in support of Resolution 26-95, which proposes a Charter amendment allowing the reappointment of Board of Ethics members for one successive term without any waiting period. I...I do note the...the one amendment, the correction to paragraph 4, the reference to 2027 rather than 2026. I did testify in support of this resolution at your June 2nd meeting, so I will be brief. The Board submitted a similar proposal in 2024 on the ballot; however, it was incorporated into a broader Charter amendment affecting all boards and commissions that was not approved by the voters. Accordingly, the Board requests that this proposal be presented to the voters again, but as a standalone amendment applicable only to the Board of Ethics. While this proposal was important in 2024, it's even more important today as the Board now has full-time Staff, and for the first time in its history, has the capacity to address complex ethics issues and long-term policy initiatives, in addition to its traditional adjudicatory and advisory functions. The Board is a quasi-judicial body, and its members develop substantial institutional knowledge that becomes increasingly important as the Board undertakes multi-year projects that often extend beyond a single term of a member. Allowing one successive term would help preserve that expertise, promote continuity on the...with the Board's work, and reduce the risk of quorum and vacancy-related issues and disruptions. At a time when the Board is undertaking significant long-term initiatives and developing ethics training opportunities for County employees, continuity of leadership and experience is critical to carrying out the voters' vision for

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a stronger ethics program, which ultimately promotes public confidence in government. For those reasons, the board respectfully requests your support of Resolution 26-95. Thank you for this opportunity, and I'm happy to answer any questions.

COUNCILMEMBER PALTIN: Chair, before we go into testimony, can she clarify what the current term is?

CHAIR BATANGAN: Director Akitake?

MS. AKITAKE: Thank you, Chair. Five years.

CHAIR BATANGAN: Any other clarifying questions? Okay. Seeing none. Oh, go ahead. Member Sinenci?

COUNCILMEMBER SINENCI: Are...and they're not staggered?

MS. AKITAKE: They are staggered.

COUNCILMEMBER SINENCI: They are staggered. Okay. Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. Okay. Any other clarifying questions? Seeing none. Let's receive testimony for this item. Staff?

MR. EDINGTON: Thank you, Chair. There is currently no one signed up to testify.

CHAIR BATANGAN: Can you do last call?

MR. EDINGTON: Yes. Thank you, Chair. If anyone in the audience or on Teams would like to testify, please come up to the podium and begin your testimony, or use the raise-your-hand function on Teams and Staff will unmute you. This is your final call to testify...three, two, one. Chair, no one has indicated they wish to testify.

CHAIR BATANGAN: Thank you very much. Members, seeing that there are no individuals wishing to testify, without objection, I will now close oral testimony for this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(15) . . .

CHAIR BATANGAN: Okay. As a reminder, written testimony will continue to be accepted. Let's do a two-minute round of questioning with a one-minute follow-up if necessary. I think that, you know, we had had this discussion the last time around, and that you had heard from the Director on the 2nd, so it may not need as much robust discussion. But I do see some hands, and we'll start with Member Paltin, since I saw

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her first, and then I'll work my way down to Member Johnson, then Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you, Chair. I have no problem putting this on. I don't know that it'll pass, because it didn't pass the first time. I don't think like it was...anyone cared what it was, but I mean, no problem. The question I have is, the preference to allow for a second term over extending the first term to ten years, is it because not everybody would want a second term? Some people might be like, five years, that's more than enough, thanks, I'm out. Or can an extension to ten-year, one term, be done not in the Charter? Those are my questions, and my statement.

CHAIR BATANGAN: Director?

MS. AKITAKE: Thank you, Chair. Thank you, Councilmember. I'm not sure. I...I do...I do...I would think a ten-year term is quite long for someone to sign up for. Even a five-year term is quite long. This proposal was approved by my Board before I started, and went on the ballot, what was requested for 2024. So, I...when they were coming up with this recommendation, I don't know if they considered a ten-year term.

COUNCILMEMBER PALTIN: Can we ask Corp. Counsel if extending it to a ten-year term would require a Charter amendment, or if it could just be a Code amendment?

CHAIR BATANGAN: Deputy Corporation Counsel?

MR. KOLBE: I...I...I think this one would definitely have to be a Charter amendment.

COUNCILMEMBER PALTIN: To even extend the term to ten years, rather than keeping it at five years and two terms?

MR. KOLBE: Well, the language right now talks about...you know, I guess this is Section 5 of 13-25, provides information about how long they can be extended, and that...and so the...and adding that a second term has to have an intervening period.

COUNCILMEMBER PALTIN: Yeah. I'm asking if the first term could be ten years instead of five years, or I guess even eight years, or some other number. Would that have to be a Charter amendment, or could it be a Code . . .*(timer sounds)*. . . amendment?

MR. KOLBE: I'll have to research and look at that. I don't know whether or not in the Charter it says anywhere that there's...there's a maximum number of years that a position can have. If it doesn't, then maybe you could do it.

COUNCILMEMBER PALTIN: Thank you. So, that could be your backup plan when this doesn't pass.

MS. AKITAKE: Thank you. If...

CHAIR BATANGAN: . . .*(laughing)*. . . Thank you.

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COUNCILMEMBER PALTIN: I meant to say if, sorry.

CHAIR BATANGAN: Okay. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you. So, first off, I'm looking in the Charter right now if you can reapply after you take a break. Is that...is that allowable after a year break? You can?

MS. AKITAKE: Yes.

COUNCILMEMBER JOHNSON: Is it one year or two year?

CHAIR BATANGAN: Director?

COUNCILMEMBER JOHNSON: Prior to the expiration of two years, is that...so it is a two year?

MS. AKITAKE: I believe it's two years. Is that correct, Corporation Counsel?

COUNCILMEMBER JOHNSON: I'm in 13-2, Section 5, if...that's where I'm looking at it.

MR. KOLBE: Right, that's correct. It says, prior to the expiration of two years, and then it's kind of funky language, but essentially what that means is, you can't reapply until two years have expired.

COUNCILMEMBER JOHNSON: Right. I can barely hear you, but I heard what your point was, but then it continues on and says for a term not exceeding three years. I know this...this...this sentence is kind of janky [sic].

MR. KOLBE: I think that's...the...the circumstances is that if a person is taking over a position that's been vacated and it's for three years or less, then that won't count against them and they won't have to have a two-year timeout before --

COUNCILMEMBER JOHNSON: Thank you.

MR. KOLBE: -- they're able to be reappointed.

COUNCILMEMBER JOHNSON: Okay. Yeah. That's...that's...all right. Well, that was my question, but it was the two-year break is what's required?

MS. AKITAKE: Correct.

MR. KOLBE: That's required by Section 5 of 13-2.

COUNCILMEMBER PALTIN: Unless you're finishing --

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COUNCILMEMBER JOHNSON: So, if...

COUNCILMEMBER PALTIN: -- on a partial term, like three years or less.

MR. KOLBE: Yeah.

COUNCILMEMBER JOHNSON: Right, yeah. So, could we amend it to make it a one year? Or that would be back to doing a Charter amendment, but that...I don't know if that's a route to look at as well. But those are my questions.

CHAIR BATANGAN: Thank you, Member Johnson. Did you want a response to that question regarding the one year?

MS. AKITAKE: Thank you, Chair. Thank you, Councilmember, for that question. The goal is to have continuity so there's no break.

CHAIR BATANGAN: Okay. So, my understanding from what you're saying is that your preference would be to have two consecutive terms without a break, and changing the period from two years to one year doesn't make as big of a difference for the body?

MS. AKITAKE: Correct.

CHAIR BATANGAN: Okay. Did you get that, Member Johnson?

COUNCILMEMBER JOHNSON: Yeah, fair enough.

CHAIR BATANGAN: Okay.

COUNCILMEMBER JOHNSON: I'm just, you know, asking. Thanks so much. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I was...I was supportive of this last term when Chair Lee introduced it on behalf of the Board of Ethics. And here you'll see an example of as provided herein, in Subsection 5. And...okay. My question is a question...a discussion that we had last term when we were...my proposal was for rural areas--so Lānaʻi, Hāna, and Molokai--to have the same thing. And so, that's initially what the idea was for the planning commissions. And then that's...it was all lumped together, and then it was just like everybody. And then it all went downhill. So, I...I have a little more faith in this one. I'm supportive. However, the way it's written...so do you envision someone serving for like 13 years? So, if someone were to serve three years first, and then five years, and then would they be eligible for another five years?

CHAIR BATANGAN: Director?

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MS. AKITAKE: Thank you, Chair. Thank you for that question. I believe that is possible, but it's not what's anticipated or the goal. Like you mentioned earlier, that some people could just drop off for whatever reason and we would have to handle it that way, but it's not necessarily anticipated.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, but it...it could happen.

MS. AKITAKE: Possible.

COUNCILMEMBER RAWLINS-FERNANDEZ: Like with the way it's written. So...

MS. AKITAKE: I believe so.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because that was the...the discussion, and so we had to like try to like figure out how to...do we cap it at like ten total, you know?

MS. AKITAKE: Though frankly, if someone wanted to serve 13 years and they were...you know, had that institutional knowledge and wanted to keep serving, I mean it...it helps us. And at 13 years, it...that would be the max.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Yeah, I mean, I don't...if they're doing good work . . .*(timer sounds)*. . . I'd be supportive. And then there's also Subsection...I think 4, where the Council could remove someone if they're not doing a good job.

MS. AKITAKE: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, it doesn't say it like that. It says upon...remove for cause. . . *(laughing)*. . . Okay. Mahalo Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Member Cook?

COUNCILMEMBER COOK: I'm supportive of the concept, but I don't really have...I'm not touched.

CHAIR BATANGAN: Thank you, Member Cook. Vice-Chair U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I don't really have any questions. I understand their point. Thank you.

CHAIR BATANGAN: Thank you. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And thank you, Ms. Akitake. It does say in the Charter question that this would be with the approval of the Council should they be reappointed?

MS. AKITAKE: Yes.

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COUNCILMEMBER SINENCI: Okay. Supportive.

CHAIR BATANGAN: Thank you. Chair Lee? Chair Lee? Yeah.

COUNCILMEMBER LEE: Yeah, I know. . . .*(laughing)*. . . Yeah, I know. I was, and I wasn't, and I was. Thank you very much, Chair. And nice to see you, Lauren. Of course, I support this, and, you know, it's so difficult to find people to be on any board. And if somebody is that dedicated to spending 13 years on one board, God bless them. Thank you.

MS. AKITAKE: Thank you.

CHAIR BATANGAN: Thank you, Chair. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, on a similar note, I just want to say that your Commission was almost invisible before you. And I don't think we've taken this up as often, and the improvements you made, so very appreciate. And I think this is --

MS. AKITAKE: Thank you.

COUNCILMEMBER SUGIMURA: -- a reflection of the strength of the Board of Ethics and where it has evolved to. And if I think of the two top guys on your board, I hope we want them to serve for 13 years, or whatever it is, because they're super good. We don't have to name names, but thank you. I hope it impacts them.

CHAIR BATANGAN: Director, did you want to respond?

MS. AKITAKE: Yes, thank you, Chair. Thank you for your comments, Councilmember Sugimura. I appreciate it. And the reason I am here is because of the dynamic members on my Board who are experienced and had the vision to put full-time Staff on the...on the Charter in 2024. And we just lost our chair and our secretary because they termed out. And so, that's showing that it took that long to get to where we are now, and we lost that institutional knowledge. And we still do have very dynamic, very experienced members. And the thought of now that we're moving forward with these big initiatives, and it'll take a while to get those approved, implemented, it would be wonderful if those people could continue to help us oversee the implementation of those big initiatives, and help, you know, fix things as needed along the way.

COUNCILMEMBER SUGIMURA: Great. Thank you.

CHAIR BATANGAN: Thank you, Member Sugimura. I guess for myself, I would just say that, you know, I wasn't here last time around when this was put before the body. But, you know, I was observing as a member of the public, and I think part of the pushback against the proposal last time was that it was grouped in with some of the other --

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

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CHAIR BATANGAN: -- yeah, some of the other boards and commissions. My hope is that re-presenting it to the public as a standalone proposal will mean that there's, you know, more of an appetite to...to approve it. I also am partial to having two five-year terms rather than a single ten-year term. I think it'll be more...I think it'll be easier to get people to volunteer for that kind of a commitment. And I like that there is some kind of review process in which, you know, people's performance is evaluated at the halfway point before we decide to give them a full decade on the body. So, I am supportive of this...of this measure, and would like to move forward. E kala mai, Members. Is there any need for a second round of deliberation on this? I just see one hand up, so we'll take Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I just have one more question. And so, why would we have it start on January 1st, 2027, and not effective immediately? Is there a reason you wanted to give like a few months?

MS. AKITAKE: I will defer to Corporation Counsel on that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MR. KOLBE: I...I don't really have any comments on that. I don't know whether it has to be taking effect January 1st, 2027. It's a proposed Charter amendment. It needs to be voted on, so...other types of resolutions can take effect upon when they're...when they're effective, when they've been passed. So, I don't have any feeling one way or the other about January 1st.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you have a preference? Would you like it to be enacted immediately upon passage?

MS. AKITAKE: So, this was...is virtually identical to what was approved by the board in 2024. So, that's why we went with these dates. It...I...it would be nice to be effective immediately, but I...I don't know the discussion that went into choosing this date. So...

CHAIR BATANGAN: That was a recommendation from your Corporation Counsel, not the Committee's Corporation Counsel.

MS. AKITAKE: That is correct.

CHAIR BATANGAN: So, I don't actually recall the rationale behind it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, okay. And...and because I think the Mayor like start...well, it closes the...there's rolling deadlines, but the Mayor often like asks for applications by December...by the end of the year. And then if, you know, folks think that they are not qualified, they may not submit...oh, I guess they could. Whatever...whatever you want.

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MS. AKITAKE: Thank you. I appreciate the...the...you know, the help in changing that language, but we're...we're okay with it at this point. Yeah, thank you.

CHAIR BATANGAN: Okay. Yeah, sorry, I don't actually recall the rationale behind it. I just know that it came from the Board's Staff.

MS. AKITAKE: The Board's Corporation Counsel.

CHAIR BATANGAN: Yeah.

MS. AKITAKE: Yes, correct.

CHAIR BATANGAN: And probably was like, yeah, sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, if we can get that information, just the rationale behind that, I'd love to know and have it on the record.

CHAIR BATANGAN: Sure. Staff, can we transmit that question in writing to the Board of Ethics? Or I guess, mechanically, does it go to the Board to then have their Corporation Counsel respond, or can we --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, can --

CHAIR BATANGAN: -- just send it to Corporation Counsel?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- can the Director just get the information, and when --

CHAIR BATANGAN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- it comes up at first reading?

CHAIR BATANGAN: Yeah, can you --

MS. AKITAKE: Yes.

CHAIR BATANGAN: -- I guess, have that --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR BATANGAN: -- available for us?

MS. AKITAKE: Yes.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Great. Mahalo.

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CHAIR BATANGAN: All right. Any other discussion? If not, I would like to entertain a motion to recommend passage on first reading of Resolution 26-95, or...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: As amended or...

CHAIR BATANGAN: Oh, I guess I was going to do the amendment after taking up the...after we get a motion on the floor.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR BATANGAN: But I see Member Sugimura, can I get a second?

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Member Cook. Okay. I will now entertain a motion to amend Resolution 26-95 by replacing the resolution with the proposed CD1 version attached to the ASF.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR BATANGAN: Moved by Member Sugimura. I'll take Member Rawlins-Fernandez for the second time. Any discussion on the proposed ASF? Okay. Seeing none. All those in favor of the amendment, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

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VOTE: **AYES:** **Chair Batangan, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXCUSED: **None.**

MOTION CARRIED.

ACTION: **APPROVE amendment.**

CHAIR BATANGAN: Okay. So, back to the main motion...yeah, as amended. Is there any further discussion? Seeing none. All in favor of the motion as amended, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, “nay.”

VOTE: **AYES:** **Chair Batangan, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXCUSED: **None.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of Resolution 26-95, CD1.**

CHAIR BATANGAN: Cool. Thank you very much, Members.

MS. AKITAKE: Thank you all.

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CHAIR BATANGAN: Okay. This item will now move on to Council...full Council for consideration. Thank you, Director Akitake.

**ITEM 10(10): RESOLUTION 26-87, PROPOSED CHARTER AMENDMENT
TO ESTABLISH A CLIMATE ACTION AND RESILIENCY
REVOLVING FUND**

CHAIR BATANGAN: Okay. Next up, we have Resolution 26-87, Proposed Charter Amendment to Establish a Climate Action and Resiliency Revolving Fund. Resolution 26-87's purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective July 1st, 2027, to require that in adopting the annual operating budget, the Council appropriate at least 20 percent of the Maui County Transient Accommodation Tax revenues into a Climate Action and Resiliency Revolving Fund to implement the Climate Action and Resiliency Plan. I'd like to ask for opening comments from the introducer, Councilmember Johnson.

COUNCILMEMBER JOHNSON: Okay. Sure. For opening comments, first off, you know, as you folks may remember, we...we codified the CARP, the Climate Action and Resiliency Plan, and now this is a way we can fund this plan, through a revolving fund. Just to remind you, that's 20 percent of our TAT tax would go into this pot. And, for an example, EP&S in 2027 alone had \$29 million in grants. So, that's a significant pot of money...of grant money going out. So, CARP identified over 100 action items that show priorities and costs and time frames. So, a lot of the things that they're asking is going to cost money, and what good is a plan without the funding? The three things that keeps going over in my mind is mitigate and adapt to climate change, making our community resilient. Resiliency, mitigation...this is being proactive. These are all good things and good planning. The...I also want to, just on a very minor level, little Lānaʻi, our electric bill is \$400 a month. Section 8 housing electric bills at Iwiole, I'm hearing, are 4 or \$500 a month. So, we need to look into 100 percent renewable energies. We need to look seriously at how we are going to get off of this oil that the cost is so high. We can use this money to protect our community. I think it's common sense in being proactive. We...we often hear, especially me going in high school, I heard this all the time...think global and act local. This is a way that we can use our...you know, tackle these big issues on a...on a local level. So, those are my opening remarks. I...I feel that, you know, having discussed this in my community, when the CARP came down...I...I also recall during budget, so many of us were looking for funds for infrastructure, the flooding of South...of South Kihei...or South Maui, fire protection, all of these things, Councilmembers were looking for funds to...to find. And I think having this pot would be really useful to take that on. You know, it's not just a West Maui and South Maui thing, it's the heat in Kahului and Wailuku, it's...it's all of the things, the erosion that's happening on Lānaʻi. Every district has been affected by our...our climates has been affected. We need to make our towns more resilient. You know, look at the Kona Lows and...and look at the flooding on Molokai.

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I mean, it just...when are we going to try to put some money aside and...and really tackle these issues that are only getting worse? Thank you. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. I see Chair Lee's hand up, but before we get into discussion, I want to make sure that we take testimony on the item. So, Chair, is...did you have a clarifying question, or is that part of discussion?

COUNCILMEMBER LEE: No, I was ready to discuss.

CHAIR BATANGAN: Okay. So, let's take public testimony and then we can move on to discussion. Staff, is there anybody signed up to testify on this item?

MR. EDINGTON: Thank you, Chair. There is current...currently Lucene [sic] de Naie signed up to testify, followed by Christina DeLeon.

CHAIR BATANGAN: Thank you.

. . . OPEN PUBLIC TESTIMONY ON GREAT-10(10) . . .

MS. DE NAIE: Aloha, Committee. Nice to see you all in person. My name is Lucienne de Naie. I'm testifying today on behalf of the Sierra Club Maui Group. Our board has discussed this concept at our last meeting, and is very much in support of having something...as Councilmember Johnson says, we...we have this County plan for resiliency and adaptation, and we need a way to actually implement it and make sure that we're ready for these changing events that seem to keep happening because we're in a very changing world. So, we do support this going forward as a Charter amendment. The one comment that people did have is that the things that were listed as potential funding areas are very, very broad. Some of them may actually be covered under other funding streams, so it would be nice to concentrate on those that actually are going to help us with resiliency. I didn't see resiliency hubs listed here. I know Hāna's working on one. I...I really think that we need that concept where we have emergency supplies in each region gathered there, ready for when you need the satellite radios, for when you need the generators, for when you need the emergency supplies of food and water. We need to be ready region by region, and this could be one way. Of course, you know, the other types of things listed here, such as, you know, walkable and bikeable, complete streets, I would hope those would kind of come under our transportation funding, but if we do need an extra emphasis because these are things that do promote resiliency, it would be good to have, you know, matching pots of fund. We are a little concerned about nature-based shoreline management solutions. That's a broad word, nature-based. It sometimes means vacuuming up sand from one person's ocean and dumping it on someone else's beach. We don't support that very much because those are very tricky solutions to implement well with...with no impacts. So, we would hope that this would hone in on things that are really proven and are going to be widely beneficial for our community in facing storms, fires, wind events, tsunamis, and also just the changes in weather that we're seeing,

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the...you know, the...the drier conditions, et cetera. So, mahalo for your consideration, and please accept Sierra Club's support of your efforts. Mahalo.

CHAIR BATANGAN: Thank you. Members, any clarifying questions?

COUNCILMEMBER JOHNSON: I have one.

CHAIR BATANGAN: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morn...good afternoon, Lucienne. Thank you for joining us. Real quick, I know you mentioned resiliency hubs, and I know in the CARP, there's a lot of...it's a big plan. So, did you go through the...the list of actions? Is that what the one you're referencing, that there wasn't...

MS. DE NAIE: Yeah, yeah, I was just looking at the actions, and I have looked at the plan. I haven't read every single section of it. I...I've applied for some grants at the EP&S, and so they do want your grant objectives to correspond with the plan, and there are a lot of great things in that plan.

COUNCILMEMBER JOHNSON: Okay. Great. Thanks for that clarification. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Any other qualifying...or clarifying questions? Seeing none. Staff...

MS. DE NAIE: Mahalo.

CHAIR BATANGAN: Thank you. Can you call up the next testifier, please?

MR. EDINGTON: Thank you, Chair. The next testifier is Christina DeLeon, but I no longer see her signed into Teams for now. We could go on to Alex de Roode and return to Christina at the end if she's returned.

CHAIR BATANGAN: Yes. Let's move on, and if...if Ms. DeLeon is back on, then we can take her up at the end of the list.

MR. DE ROODE: Aloha, Committee Chair. Aloha, Councilmembers. Good to see all of you. My name's Alex de Roode. I'm testifying as a resident of Maui County, and just wanted to share that as one of the former County Staff that helped to co-lead the development of the Climate Action and Resiliency Plan, there was definitely, from the start, a goal to have it funded and not be an unfunded mandate. Having an operating budget for this plan, as has been mentioned by Member Johnson and Lucienne and others, I think is...is really one of the critical pieces that's really going to allow us to make progress and...and be able to start to see us making, you know, real substantial moves towards more resiliency for our communities. I will mention resilience hubs are mentioned in the Climate Action and Resiliency Plan, so from Lucienne's comment about that, that is something that's in there. I would encourage the Council to

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consider maybe some language as to where that funding would be housed or who would be making decisions on how...you know, what would be funded or not, would it...you know, just the process. Maybe that's something to be determined later and not in the Charter amendment, but understanding how that would function. And during our time with the Office of Climate Change, Resiliency, and Sustainability, we were overseeing many climate action-related grants, as Member Johnson had mentioned, that EP&S does now, so that's money going out to the community. But we also were able to allocate funding to support departments within the County that had projects that aligned with the CARP, or other climate action. At the time, the CARP wasn't...wasn't adopted yet, but basically similar to the projects and...and goals and objectives that are mentioned in the CARP. So, that included things like helping to supplement stormwater projects under MS4 with Public Works, helping to support climate adaptation planning for parks under Parks and Rec, helping to support some of the current Planning Division's coastal zone management and dune restoration. So, a lot of this funding can help supplement wherever there are shortfalls to really enhance that...that important work that's being done within the County and within our communities. So, thank you very much for your time.

CHAIR BATANGAN: Thank you, Mr. De Roode. Any questions for the testifier? Seeing none. Staff, can you call up the next testifier, please?

MR. EDINGTON: Thank you, Chair. The next testifier is Suparna Vashisht, followed by Hanna Lilley on Teams.

MS. VASHISHT: Hi. Aloha. I am Suparna Vashisht, and I just want to express my support for Resolution 26-87, which would establish a Climate Action and Resiliency Revolving Fund. Like many people have already said, we have a strong plan, a Climate Action and Resiliency Plan, and what we need is permanent funding for it. So, I'm just here to express my support and urge the Council to make this a Charter amendment to establish the Climate Action and Resiliency Revolving Fund. That's it. Mahalo.

CHAIR BATANGAN: Thank you very much. Members, any clarifying questions? Seeing none. Staff, can you please call up the next testifier?

MR. EDINGTON: Thank you, Chair. The next and final individual to testify is Hanna Lilley.

MS. LILLEY: Aloha, Chair, Vice-Chair, and Members of the Committee. Can you hear me? I've been having some weird like Bluetooth issues today. Okay. Cool. My name is Hanna Lilley, so I'm the Hawai'i Regional Manager for Surfrider Foundation, and I'm testifying today on behalf of the Maui Chapter in strong support of this resolution. Through our coast and climate and clean water initiatives, we work on many of the same priorities that are identified in the CARP, including dune restoration, wastewater solutions, fire resilience, water quality monitoring, and long-term planning for sea level rise and chronic coastal erosion. Like you've heard, one of the biggest challenges that we consistently encounter is the lack of dedicated funding to implement these solutions. Too often, we find ourselves operating in a reactive cycle, responding to disasters after they occur rather than investing in the actions needed to reduce the

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risk before the next crisis arrives. The March Kona Low and the recent king tide events offer a glimpse into the future many of our coastal communities face. There's flooding, shoreline collapse, damaged infrastructure, and worsening water quality impacts. You know, I was out documenting the king tides last weekend on the South and West Side, and it was a really sobering experience. You know, the high wash of the waves was reaching far beyond the sandy beach, washing over roads and infrastructure, coastal flooding in Kihei, nasty brown water surrounding our coastlines. All I could think of is that these impacts that we often talk about are not some distant future. They're already here, albeit in glimpses, but we're not prepared. So, this resolution represents a really important opportunity to move from piecemeal responses towards long-term resilience. It provides a mechanism to invest in the projects that will help protect our beaches, water resources, public health, and community well-being before climate impacts become severe and more costly. You know, similar to some of the concerns that Lucienne brought up with kind of sneaky nature-based shoreline management labeling, I would encourage the County Council to establish clear guardrails and accountability measures as this fund is implemented. You know, dedicated resilience funding is critically important, but it also should be directed towards projects that build long-term climate resilience and work with natural processes rather than against them. To sum it up, you know, the challenges that we face are growing, but so is the opportunity to proactively shape a future that we can be proud of, and dedicated funding is essential to do this. Mahalo for the opportunity to testify.

CHAIR BATANGAN: Thank you very much for that testimony. Members, any clarifying questions? Seeing none. Thank you very much. Did I hear you correctly? That was the last person signed up to testify? So, I guess, can you circle back to Ms. DeLeon?

MR. EDINGTON: Yes. If Ms. Christina DeLeon is available on Teams, this is your final call to testify. I don't see her online. Please use the raise-your-hand function and Staff will unmute you. This is your final call...three, two, one. Yeah, I don't see her available. Would you like me to do final call for all testimony?

CHAIR BATANGAN: Yes, please.

MR. EDINGTON: If there's anyone in the audience or on Teams that would like to testify, please come up to the podium and begin your testimony or use the raise-your-hand function on Teams and Staff will unmute you. This is your final call...three, two, one. Chair, no one has indicated they wish to testify.

CHAIR BATANGAN: Thank you very much. Members, seeing as there are no more individuals wishing to testify, without objection, I will now close oral testimony for this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(10) . . .

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CHAIR BATANGAN: As a reminder, written testimony will continue to be accepted. For this one, I'll propose a three-minute questioning period per Member with a one-minute follow-up. I saw Chair Lee's hand up first, so we'll...we'll start off with her and then work our way down unless Member Johnson would like to go last in the lineup. I'll...I'll...when I get to him, I'll ask if he wants me to skip over so that he can, you know, round off the conversation. Chair Lee?

COUNCILMEMBER LEE: Did you say to ask questions?

CHAIR BATANGAN: You can ask questions.

COUNCILMEMBER LEE: Or we can just...

CHAIR BATANGAN: You can share. I don't think we called up any...

COUNCILMEMBER LEE: I'll go right into sharing.

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: I'll go right into sharing. My sharing is, I don't agree with this at all. Twenty percent of the TAT is very substantial. Very. And after what we've just been through with Bill 9, we're going to receive way less in TAT. Now, the subject-matter, of course, is very important. The Climate Action and Resiliency Fund, I think, is worthwhile. But coming from TAT, I don't think so. We have...it will be competing for funds with housing, the homeless, a lot of social programs, important, critical programs which the community really needs. Now, think of another source, perhaps, then maybe, you know, I could possibly support it, but not...not this much. Twenty percent is...is...is too big of an amount to...to be taken from the TAT because this is...this is a dwindling revenue source, and we...we need to preserve it for our social programs and other critical programs. But as far as the Climate...Resiliency and...and Action Plan, I think that's important. It's not like we're not addressing it now...we are, through other streams and through other departments, so...and through local nonprofits. So, again, you know, a good idea, but I am hoping that the Members do not agree to 20 percent of TAT. Thank you.

CHAIR BATANGAN: Thank you, Chair. You know, when you asked if you could get into conversation rather than just questions, I almost told you that we didn't have any resources available, but that would be a mistake. We do have online the Budget Director, and we do have online members from the Department of Management. So, I just want to make that...make the Members aware. So, if you do have questions on what this would mean for our...our budgeting process or how it would be implemented, there are personnels [sic] that can answer those questions for you. So, continuing down the line, Member Sugimura.

COUNCILMEMBER SUGIMURA: So, my thought on this is, huge need, I agree. But we also fund in various departments, you know, exactly these needs. So, it's not like it's

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something that's forgotten. I wonder if...did we say we have Finance Director Marcy Martin? Who do we have?

CHAIR BATANGAN: I don't know if we have anybody from Finance.

MS. MACDONALD: No, Chair. We have the Budget Director online, but nobody from Finance.

COUNCILMEMBER SUGIMURA: Okay. Okay. So, Budget Director, what is the impact of this? Are you there? Yeah, I see. Okay. Dollar-wise.

MS. MILNER: Yes. Thank you, Chair. Thank you, Councilmember Sugimura. Yes. As we discussed in the ADEPT meeting the other day, I believe we determined that based on our current TAT estimate for Fiscal Year '27, which is \$65 million, 20 percent would be \$13 million that would be moved into this fund. We did have some concerns about bond counsel...or bond rating agencies, but we...we discussed that in ADEPT, so I won't belabor that at this meeting. So, yes, it would be \$13 million if we had done it in Fiscal Year '27, and obviously that will fluctuate as our estimated revenues change. Thank you, Chair.

COUNCILMEMBER SUGIMURA: Right. And how does the Budget Department, or is it Finance then, watches the funding that goes out to different organizations to make sure there's no double dipping?

MS. MILNER: Thank you, Chair. Yes, we're working on that in some of our grants working groups to determine...because, as you know, we have organizations that do work all across the County in different areas. So, we do have grants to the same agency from multiple departments, so we're really having the departments coordinate with each other to make sure that the scope of those projects is different. So, Agriculture might give a grant for somebody to do planting somewhere, whereas 'Oiwi Resources will do a grant for cultural recovery in a different area, but it's the same entity. But we're really trying to make sure we're keeping an eye on scope of work so folks aren't double-dipping for the same project.

COUNCILMEMBER SUGIMURA: Thank you. I...I look at EP&S as probably a big contributor to all of this, although it wouldn't be the ultimate and only. So, I look forward to hearing what other Members are going to say. Thanks.

CHAIR BATANGAN: Thank you, Member Sugimura. Member Paltin?

COUNCILMEMBER PALTIN: Can I get Director Milner back? How much...do you know how much money EP&S was projected to generate this fiscal year budget and last fiscal year budget?

MS. MILNER: I will pull up my revenue spreadsheet here in a second, but I can say that EP&S this year, we did need to do a supplemental transfer to cover the costs of the

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programs that they were operating. And that supplemental transfer was \$14,252,130 for Fiscal Year '27.

COUNCILMEMBER PALTIN: Okay. I'm...I'm not supportive of it in this form, and I think it has a lot of work to go before it even becomes an ordinance. Because in the discussion of it becoming an ordinance, my question was, how much money are we currently spending on this? And, you know, it's from all the different pots--like EP&S, Managed Retreat, and other places, like even I think MEMA in the form of like resilience hubs and wildfire things. And I think pushing this through as a Charter amendment right now is asking our voters, who aren't like super ma'a to the entirety of the budget process, like how we are. So, I...I would be more supportive it...of it as a Code amendment, but I think it needs a lot more work. All the questions I asked when we were in Committee the last time, and...and I'm done. I don't need any more comment.

CHAIR BATANGAN: Thank you, Member Paltin. Member Johnson, would...or sorry, I see Budget Director wanting to respond, so I'll give her the opportunity to do so.

MS. MILNER: Apologies, Chair. And apologies to Councilmember Johnson. I do have an outstanding letter to his Committee that is currently with the Mayor for signature, so I'm hoping it will be transmitted this afternoon. But I know that's overdue, so I do want to apologize. The current total across all departments is \$90,842,813.

COUNCILMEMBER SUGIMURA: Wow.

MS. MILNER: So, we'll get that letter out that itemizes it per department, but just to give you the overall number. Thank you, Chair.

COUNCILMEMBER PALTIN: So, with that information, I mean, it's not that we aren't spending money on the CARP. I think the point is that it needs to be better organized, better, you know, put together so that we see the goal and we prioritize the action plans. I don't think the problem is we're not spending money on CARP action, it's that we're not coordinating it well so that the vision...and prioritizing. So...and...and, you know, this Charter amendment in some ways caps it at a certain amount. Or it doesn't necessarily do that, but it gives others the excuse to. So, not supportive of a Charter amendment for this. Thank you.

CHAIR BATANGAN: Thank you, Member Paltin. Member Johnson, would you like to speak now, or do you want me to circle back to you at the end so you can bookend the conversation for round one?

COUNCILMEMBER JOHNSON: Sure. You know, I like to work with everybody. I'll wait until everybody's done speaking and then I can add some more. Thank you, Chair.

CHAIR BATANGAN: Okay. Thank you, Member Johnson. Member Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I came up with a brilliant idea inspired by Member...

COUNCILMEMBER SUGIMURA: Kama.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Yeah. Thanks...Member Kama. Member Paltin...now I forgot it. Oh. So, that could be one of the questions that we send before budget session next year. And then we'll get that response immediately when we're doing a budget so that we have a better understanding. And I want to commend Member Johnson for having this prepared for both budget session as an ordinance and for...now for, you know, taking up Charter amendments. Some of the questions that I had were now answered, so that's great. Thank you. And then the only thing that I would add for...for this, and we kind of already have an idea of the direction this is heading, but for other dedicated funding...funding mechanisms in the Charter, it comes out of RPT. RPT is enshrined in the Hawai'i Constitution, and, you know, the Legislature always tries to amend the Constitution to get some of that RPT. TAT was created by statute, and it's easier for them to take away. And I don't trust them. So, if this were to be put into the Charter, if they decided one session that they don't want to extend TAT to counties anymore, and they vote to, you know, take that too, we...we would have an...an unenforceable section in our Charter. So, there's that. Okay. I think that's everything. And I'm...mahalo, Budget Director, for providing us that information on the 90 million that's been invested for climate action and resiliency. And I'm guessing that also includes the work...some of the work that Department of 'Ōiwi Resources is doing, because as we've heard globally, some of the most effective responses to climate change is indigenous wisdom. And so, you know, investing in indigenous architecture, indigenous methods, permaculture, you know, all of that, that's been some of it, which was like rebranded as climate change, was taken . . .*(timer sounds)*. . . from indigenous peoples. I'm...I'm happy to hear that 90 million this past year. So, that's great. I'm guessing that's something that Member Johnson didn't know. Yeah. Okay.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Member Cook.

COUNCILMEMBER COOK: Thank you, Chair. I'm...I'm not supportive of using the TAT for this. It's a diminish...it's going to be a diminishing resource with the current legislation that we have pending. Considering the legislation that was passed that's going to be impacting the TAT tax, I'm an advocate of using the TAT for housing our local residents, as well as full service wraparound services for our unhoused. So, that's the area that I feel that particular tax base should be focused on. And the climate actions are worthy, and as they've been noted, there's various funding. But I had one question...within this proposal, who would be...how would the funds be directed? Because there's so many different facets. So, that's one thing I wanted to ask. And hopefully, Member Johnson can address what department would this reside in and who would be managing it.

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

COUNCILMEMBER COOK: Just asking if he's going to...he's going to talk about it. I was just curious about that.

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

COUNCILMEMBER JOHNSON: Okay. Chair, if you allow?

CHAIR BATANGAN: Member Johnson?

COUNCILMEMBER JOHNSON: Well, just like, you know, the CARP being in the...the Managing Director's Office, it...we would also put this into the Managing Director's because they could...they're in charge of all departments. They could push some money towards Water for something, Transportation, you could get electric buses. They're kind of overseeing all the departments, and they would issue out the funds.

CHAIR BATANGAN: Thank you. Member Cook, does that answer your question? Any further discussion? Thank you. Vice-Chair U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I feel very similarly to Member Paltin and Member Rawlins-Fernandez and the rest of the group. I think this can be done not only via ordinance, but we do address it in the budget, as we just discussed. And considering we're trying to minimize the amount of Charter amendments that we want to push forward, I will save this one for not only further discussion and working on, but just so that we don't have a whole bunch moving forward as well, considering we can do this in the budget and through ordinance. Thank you.

CHAIR BATANGAN: Thank you, Vice-Chair. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Member Johnson, for bringing this forward. I did have a question for Budget Director Milner. When we did address some of the Kona Low storms, we used emergency funds?

MS. MILNER: Thank you, Chair. Thank you, Councilmember Sinenci. Yes, we did do a budget amendment to allocate \$32 million from the emergency funds for the recovery from the Kona Low storms. There were also some amendments during the Council's budget process, not specifically related to the Kona Low storms, but related to recovery. And we've also received some grant funds to help with small business recovery from the Kona Low storms. Thank you, Chair.

COUNCILMEMBER SINENCI: Oh, okay. Thank you. And I mean I'm...I'm supportive of only because during the Kona Low storms for...for East Maui, we saw a lot of the damage that shut down pretty much everything for at least a week in East Maui. So, if we can find those types of funds to...to support our rural communities when...when we do

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have those large weather events like the Kona Low, I would like to see more funding for that, Chair. Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. I guess just in the interest of time, I'll add that I feel similarly to what was shared earlier. You know, I support the CARP. I think it...that's demonstrated by myself and by the Members of this body by putting forth way more than the \$14 million that this would dedicate towards that effort in the last budget cycle. You know, we...the Budget Director said \$90 million was spent towards CARP projects in FY '27. But I do share concerns that were brought up regarding creating a dedicated source of funding and tying up revenues that would...may impact our bonding. So, I guess that's where I stand. Member Johnson, would you like to bookend the conversation of our first round?

COUNCILMEMBER JOHNSON: Sure. Fair enough. I hear the Members loud and clear. I hear the body. I...I simply just don't agree, as you guys would expect. Of course, I don't agree with it. 90 million into the CARP shows how much work that is needed to be done after years and years of ignoring climate change, of ignoring our seashores, of ignoring the way we live. Well, the pigeons are coming home to roost, if that's even a term. You look at what COVID did to our economy. You look at what recessions do to our economies, global terrorism...all the things that deal with our bucking economy. Wait until climate change comes. Oh, that's going to be a big chunk of change. And that's going to change the way we live our...our day-in and day-out lives. Let it be known today, 6/16/2026, I tried to put this before the...before the people on the ballot. It's not going anywhere. I'll...I'll try again, maybe through...maybe through, you know, County Code. But I...I think in my notes, I'm looking down right now, are we prepared? That's my question. And I just simply don't see it. We're not prepared. You know, we're...we're trying to get resiliency hubs. We're going through the red tape to get these things that we say are going to protect us. Meanwhile, El Niño is at the foot of our door, where all the meteorologists keep telling us time and time again, this is the season, big hurricanes coming, all these fires, all these droughts, only more is coming. So, I'm...I'm trying to do what I can. And I think of like the...just even our little Lānaʻi, the...the climate here is different if you ask the old timers. And even where you guys live, in all your districts, all the old timers will tell you, the weather's changed. No one's...it's never been this hot before. It's never been this cold before. All of these ups and downs, you know, floods...three years after our...a whole town burned down. I can't imagine us not trying to do so much more, and that's what I'm trying to do. I want to go down a list and say, what have we done for our housing? What have we done for the houses that burned down? What have we done for floods and erosions? You can say, yes, this is what we've done. But look with your own eyes. Look at...I...I...I'll use Lānaʻi as an example. Look at the...the runoff that has been flooding our reefs, not in my time, just six years here, but just 20, 30, 40, 50 years of just mismanagement. It just goes on and on and on. And I don't think this is a cheap...there's no cheap answers. It's going to cost a lot of money. And the damage it's going to do is going to just crush our economies, crush our lives. But I'm trying. And if it comes down to...you know, I'll try Code, and if that doesn't pass, then I'm going to keep trying. Because budget season...next budget season, we're going to be like scratch our heads, where are we going to get this money from for South Maui for

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the flood protection? Which we just had the discussion with Councilmember Cook. Well, there would be a pot of money that we could use for that, just an example. But I hear you. But Chair, if you want, I...we can defer this . . . *(timer sounds)*. . . and then we can file or however you want to do. But I don't...I don't want to take up any more of the body's time. Thank you.

CHAIR BATANGAN: Thank you, Member Johnson. So, what would the pleasure of the body be? I don't...if I'm reading the room correctly, I don't see the votes to pass it now. Do you want to defer it? Do you want to file it? Chair Lee?

COUNCILMEMBER LEE: File. Move to file.

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: So...so, we have a motion on the floor to file, seconded by Member Sugimura. Any discussion? I guess we all kind of shared our thoughts during the first round. But any additional discussion on the matter? If not, Staff...

COUNCILMEMBER JOHNSON: Chair, if we're going to file --

CHAIR BATANGAN: Yes.

COUNCILMEMBER JOHNSON: -- I'd just ask for a roll call. You guys know I'm...you know, of course I'm going to do that. I think it's kind of shortsighted, but that's my discussion.

CHAIR BATANGAN: Understood. Staff, can you please do a roll call?

MS. MACDONALD: Yes, Chair. Proceeding with the roll call vote. Councilmember Cook.

COUNCILMEMBER COOK: No.

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

CHAIR BATANGAN: The motion on the floor is to file.

COUNCILMEMBER COOK: Oh, yeah. Yes...yes to file. Yes to file.

MS. MACDONALD: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No to filing.

MS. MACDONALD: Council Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MACDONALD: Councilmember Paltin.

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COUNCILMEMBER PALTIN: Aye.

MS. MACDONALD: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MACDONALD: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes.

MS. MACDONALD: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MACDONALD: Committee Vice-Chair U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Yes.

MS. MACDONALD: And Committee Chair Batangan.

CHAIR BATANGAN: Aye.

MS. MACDONALD: Chair, that's eight "ayes," one "no," motion passes.

VOTE: **AYES:** Chair Batangan, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: Councilmember Johnson.

ABSTAIN: None.

ABSENT: None.

EXCUSED: None.

MOTION CARRIED.

ACTION: Recommending FILING of Resolution 26-87.

CHAIR BATANGAN: Thank you, Members. Okay. So, we have three more resolutions to go over today, and a little under half an hour left. So, that being the case, I'm not going to call for a recess. If you have to, you know, go, just go.

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ITEM 10(13): RESOLUTION 26-93, PROPOSED CHARTER AMENDMENT TO SIMPLIFY THE APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS AND DISSOLVE THE INDEPENDENT NOMINATION BOARD

CHAIR BATANGAN: But we do have up next the resolution related to the Independent Nomination Board. Okay. Let's see. Where's my notes? We have before us Resolution 26-93, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO SIMPLIFY THE APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS AND DISSOLVE THE INDEPENDENT NOMINATION BOARD." Resolution 26-93's purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended effective immediately to repeal the parts of the 2022 Charter amendment that created the Independent Nomination Board and related procedures for nomination at various County offices. To assist with our discussion on this topic, I transmitted the Cost of Government...the Cost of Government Commission's May 2026 report on boards and commissions to this Committee item. It's number 5 on Granicus. Because one of the report's recommendations was to strengthen the Independent Nomination Board's independent vetting role, I asked the Administration for their position and how they would address the commission's recommendation and finding. Our letter is number 4 on Granicus. We did not receive a response from the Administration regarding the proposed recommendations from...from the Cost of Government Commission. I would like to begin by requesting opening comments from the introducer, Councilmember Rawlins-Fernandez, but I also want to note that the Cost of Government's Commission Chair is still here. And we at least had the board...the Independent Nomination Board Chair here.

COUNCILMEMBER PALTIN: The Staff for the INB is here.

CHAIR BATANGAN: Staff is here. Okay. So, we have the Boards and Commissions Liaison here with us as well. If there are no objections, I'd like to designate them as resources.

COUNCILMEMBERS: No objections.

CHAIR BATANGAN: Okay. So, Member Rawlins-Fernandez, the floor is yours.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, as we know, the INB was created by the Charter Commission...was introduced by the Charter Commission and ratified by the electorate in 2022. And following the meetings and discussion, the INB ended up being a mashup of two ideas by the community--a Blue Ribbon community...Committee to nominate members to County boards and commissions, and a separate idea of...I think...I think that's the Independent Selection Committee, to choose the Auditor, Clerk, Corp. Counsel, and Prosecuting Attorney. And Chair, if I misrepresent any of the details as a...also a member of the 2020 Charter Commission, I'll invite you to correct any of the...correct me after I provide remarks. Oh, welcome.

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The purpose of these ideas was to encourage more participation in the processes, recruitment, involvement by the unelected community members, and then to increase transparency--that was a big one for me--in determining who received nominations. And unfortunately, the INB has become more of an obstacle and has not served the purpose intended...specifically, as I stated earlier, the transparency. My proposal is another attempt at this, and I'll go over the...the sections really quick. So, we just went over 13-2, unless otherwise provided, and it says in this Charter or by ordinance, and I'd rather it to say by law. And then, additional policies may be provided by ordinance, is in the next section. And then following that, striking Sections 15 and 16 that create the INB. Section 17 returns us to the process prior to the establishment of the INB...or sorry, Subsection A, and then Subsection B provides clarity for boards and commissions not subject to the Mayor's nomination and Council approval process. And then Section 18 returns the process to filling vacancies to pre-INB time. And then the last section is a section on transitioning from INB to no more INB. And then because we just voted to recommend putting the ballot question regarding the Board of Ethics that amends Section 5, we'll need to also talk about how to ensure the blend...and I don't know if that would be like an instruction to the Clerks to incorporate that since they have the power to do that. And then the ballot question reads, shall the Charter be amended, effective immediately, to repeal the parts of the 2022 Charter amendment that created the Independent Nomination Board and related procedures for nominations to various County offices? Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Since you did point out that I was on the Charter Commission at the time, I...I will chime in.

COUNCILMEMBER RAWLINS-FERNANDEZ: I found out. We...we voted for you.

CHAIR BATANGAN: You did? No, no, sorry. Since...

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Kama nominated you --

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to represent --

CHAIR BATANGAN: Since...since you --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Kahului.

CHAIR BATANGAN: -- since you mentioned on the floor now, I guess I would just share my history from my perspective on how this came to be. You were correct, it was a combination of two different proposals that were put forth. The initial one was from the Chair, Lance Collins, who wanted to model something after the Judicial Selection Committee that nominates judges. So, that's where the Independent Nomination Board was first modeled after. There was a second proposal from myself to allow for more political independence for the Clerks and Auditors. I wanted to ensure that the people who oversaw our elections, facilitated our legislative processes here, and were

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responsible for maintaining, you know, accountability for us and for the Administration weren't subject to political pressures. And so, those started off as two different...two different items. They got mashed together. I ultimately voted in favor because of that. I was not for the Independent Nomination commission [sic] or committee [sic] when it was first proposed independently just because there were so many vacancies on our existing boards and commissions, I didn't think it would make sense to create additional bureaucracy. But, you know, I wanted...I wanted to ensure independence for our Clerks and for our Auditors. I think that there was a vision for how it was meant to be implemented that didn't fully come to fruition. If I understand the recommendations from the Cost of Government Commission correctly, and they were pushing for us to go back to what was originally proposed. I wish we had gotten a response from the Administration on their position regarding, you know, those recommendations. Members, we have the Chair of the Independent Nomination Commission [sic]. Would...is there any objection to having him as a resource as well?

COUNCILMEMBERS: No objections.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objection, Chair. And then I...I think Mr. Mayer is also here to testify. I look forward to hearing from him because I think the blue ribbon proposal...oh, the Blue Ribbon Committee was also one of his proposals.

CHAIR BATANGAN: Okay. Before we get to testimony, though, I think I'd like to offer each of our resource personnel an opportunity to offer opening remarks. Then we can go into testimony. Resources, I want you to know that if you would like to offer comments now, you can. If you would like to offer comments during testimony, you're also welcome to do so at that time. It's not an either/or.

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

CHAIR BATANGAN: Yeah. So, when we offer...when we open up the floor for testimony--because I know that some of them had signed up to testify on this item--I'm looking at the log and...and see some of the names. So, you know, you can give opening remarks now. You can give testimony later. I'll...I'll defer to you. I just want to make sure that you have the opportunity to speak. So, we'll go down the row. I guess we'll start with the Administration. Do you have any opening comments to offer at this time? And I recognize I'm putting you on the spot. So, if the answer is no, we understand.

MS. YOSHIDA: Currently, no.

CHAIR BATANGAN: Okay.

MS. YOSHIDA: I thought I was here for questioning --

CHAIR BATANGAN: Okay.

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MS. YOSHIDA: -- that's why, in case...okay.

CHAIR BATANGAN: Boards...or Cost of Government Chair, did you want to offer comments at this time?

MR. GOOSSENS-LARSEN: Yes. I was asked by the Cost of Government Commission to provide some clarification testimony on the report. At a 10,000-foot level, we acknowledge that there are recruitment and quorum challenges across boards and commissions. And we actually, in response to that, recommended retaining and strengthening the INB. Specifically, the themes that we see a role for the INB in is undertaking a...have...assisting the County Council with entertaining comprehensive review of the process of recruitment, nomination, confirmation, and retention, with the objective of reducing the structural barriers to volunteer service. This review should examine whether membership categories and professional requirements are necessary and appropriately scoped, whether the number of seats on each body is right-sized, whether the Council confirmation process is proportionate to the responsibilities and authority of each body, whether the geographic residency requirements can be modified to allow for input without requiring voting membership, and whether the timeline for nomination to seating can be streamlined. Attendance policies should be actively enforced, and the INB should be directed to screen for both qualifications as well as realistic availability. Without the INB, the quorum and attendance issues, in our view, could be exacerbated, but would need to be taken up by other bodies at a minimum, which would come with risks of their own. Secondly, the above requires strengthening of the INB's resources and capacity. It's our position that the County Council and Administration should treat investment in the INB's operational capacity as an investment in the quality of all the boards and the commissions. The INB's resource and capacity limitations should be addressed directly. The County could evaluate authorizing and funding background checks for board and commission applicants as a standard component, evaluate providing INB with dedicated and additional administrative support, given the breadth of its responsibilities, noting that the INB's administrative operations are entirely managed by a single County employee, the Boards and Commissions Liaison, who simultaneously serves as a Staff liaison to all County boards and commissions and a Staff to the Conservation Planning Committee. Work also with the Department of 'Ōiwi Resources, translation team, and the INB to develop a realistic workflow for biweekly agenda translation compliance, and prioritize the adoption of the INB's administrative rules to provide procedural clarity for applicants and Staff. Council should also evaluate whether the current confirmation process is appropriately calibrated to the nature of the volunteer advisory roles, giving consistent evidence that the process deters qualified applicants across boards and commissions. With that, I yield.

CHAIR BATANGAN: Thank you very much. Can I ask that you give a copy of that to Staff so it can be put into the record? Thank you very much. And then, I guess, Chair of the INB, do you have opening comments you'd like to offer? And if not, that's okay too. If you just want to be here to serve as a resource in case Members have questions.

MR. BURNS: Yeah, no opening comments at the time.

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CHAIR BATANGAN: Okay. All right. That being the case, Staff, can we open up the floor for public testimony?

MR. HURDLE: Yes, Chair. So, we'll start off with Chair Goossens-Larsen's opportunity to offer testimony.

CHAIR BATANGAN: Okay. Chair, did you have additional?

MR. GOOSSENS-LARSEN: No additional comments.

CHAIR BATANGAN: Thank you.

MR. HURDLE: Okay. Then our next testifier will be Mr. Dick Mayer on Teams. *(pause)* Mr. Mayer, you're enabled on our end, so you can go ahead and turn on your camera and unmute your microphone and begin your testimony.

. . . OPEN PUBLIC TESTIMONY ON GREAT-10(13) . . .

MR. MAYER: Okay. Thank you very much. A little history. Many of you know that I was the one who started the Blue Ribbon Committee back when Alan Arakawa was Mayor, and it worked very well. We had an excellent group of people who knew a lot of people in the County, and that was a critical element in establishing who was on the Blue Ribbon Committee to make nominations to the Mayor for his appointments. When the Charter Review Commission met in 2021, I went to them and urged them to do this, and...and chair at that time, Lance Collins, took up the idea and put it forth to the committee. The model that I mentioned to them was what the State does in selecting judges. They have a process by which there's a committee, they can review candidates and go through the procedures. Unfortunately, after the election and the establishment of an INB in...in the County, the County government, the Mayor's Office in particular, did not do what I had asked them to do, and that is to ask me to come before the INB, the first meeting, and even before that, to meet with the Staff of the Mayor's Office, who was putting together the whole process to establish the INB. And I think I would have been able to give them a lot of words of wisdom that would have helped them do the process in the correct way. As it turned out, they didn't know what they were doing. They made many mistakes. I...I know a lot of people in Maui County. I did not know any of the nominees that they made to the INB, and that's maybe my fault. But I then was disappointed when I went to the first meeting and asked to give a presentation to them, and they were very reluctant to receive any...any advice on how we had operated for four years prior. So, what I'm asking is that this INB be allowed to continue. Please do not add this as a Charter amendment, and let's get it done right. It's a very important function, and I agree with the Cost of Government Commission that it should be better staffed. There are a number of other steps that can be taken to make this a functional element within our County government. We have, you know, 30 boards and commissions, an extremely important part of running the County, and we need the very best people we can get

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there. The Blue Ribbon Committee did a major job in recruiting people for positions. Very often there was a vacancy in a board...and I'll give one example. Let's say the Animal Protection Committee dealing with the Humane Society, et cetera, and we went out and got veterinarians and other people who were willing to do it. They didn't apply. They never thought of applying for the board, but we went ahead and recruited them, and I think that should be an important function of the INB. But it takes some effort, takes Staff time, and some finances. A second thing we did was, we made an effort, really, to get background checks on the people we were recommending, and that's a very critical element. We found out that one person who had all the fine criteria on their application, but one of the members in our . . . *(timer sounds)*. . . board knew that that person had had some trouble with the police. We checked with the police, found out that was true, and we then did not nominate that person. Those are the kinds of things an INB can do to screen out undesirable people, to nominate the very best people, and improve the operations of the board. So, I would urge you not to put this on the Charter, but let's work together as a community to make sure we have an effective INB, and I think that can be done.

CHAIR BATANGAN: Thank you very much.

MR. MAYER: Thank you very much for taking my testimony.

CHAIR BATANGAN: Any clarifying questions for the testifier? Seeing none. Oh, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony, Mr. Mayer. The Blue Ribbon Committee, was that appointed by former Mayor Arakawa, or did you folks assemble your group?

MR. MAYER: When the election took place, I mentioned to Mr. Arakawa at that time that I thought that we needed to improve the whole process of selecting people for boards and commissions...because many of the commissions were not operating with the best people in there, and sometimes it was political...people merely from their campaigns who got appointed. And he said to me--because he knew me, he had been a student of mine years ago--and he said to me, Dick, why don't you go ahead and find some good people? And I went ahead and selected a real nice variety of people, both ethnically, gender-wise, geographically, to be on...on a committee. And we met. At that time, of course, it was not part of the Charter, it was a very informal thing that the Mayor used as a cabinet to review candidates that he would then nominate. We had no power to nominate anybody, but we did meet as a group, and we nominated usually two or three people for each of the positions on the...on the boards and commissions. The Mayor looked them over, and in general, he agreed with us. He saw that we had done a good job. There was one or two cases where he said, no, I'd rather appoint somebody I know separately, and he went ahead and did that. But I think overall, the process worked well, and I feel strongly that over the next several years, the boards and commissions upgraded themselves considerably in their operations and in their professionalism.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Mayer. Mahalo, Chair.

CHAIR BATANGAN: Okay. All right. Staff, any other...

COUNCILMEMBER JOHNSON: Oh, Chair.

CHAIR BATANGAN: Oh, e kala mai. I didn't see Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good afternoon, Dick Mayer. I appreciate you sticking around and testifying. I know that...I know that you really worked hard on this. I wanted to bring up a clarifying question. You said there were certain steps that the Administration didn't do right when it started going. Can you get into some of those steps?

MR. MAYER: One of the things I would have done right from the very beginning was gone to the Office of Information Practices. Because I know they would be dealing with personnel...personnel matters, and many people would get selected, other people would get turned down, and they...they needed to find out exactly what OIP would allow the Independent Nomination Board to do with applications that came in. You know, you don't necessarily...and I'll give the...go back to the example I gave about a person who had a police record. You don't want to embarrass people. You don't want to get sued. The committee members don't want to get sued by saying, I think that person has a criminal record or a police...police thing. So, you need to find out ways of handling personnel matters. The way the County hires people and does things, they don't publicize everybody who's applied for every one of your jobs in the County. There should be a way that the INB can do things properly, legally, and with the necessary transparency, but not the necessarily...not...not open it up for being sued. That's...those are some of the things that need to be considered. And that's why I think if they model it after existing procedures in the civil service system, and with the Judicial Review Board, and work with Office of Information Practices, I think they could come up with a very...

COUNCILMEMBER JOHNSON: Okay.

MR. MAYER: Thank you.

COUNCILMEMBER JOHNSON: Thank...thank you, Mr. Mayer. You know, I...I had high hopes, and it's just been...it has really not been the way I've been wanting it to work. So, I'm kind of frustrated with the process, and thanks for clarifying. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Any other questions for Mr. Mayer? Okay. So, we have one other individual raising their hand to testify. I guess, Members, it's almost 4:30. My hope is to be able to at least have some conversation on this, given that resource personnel have dedicated time to be here with us today. I know that some of you have, you know, hard deadlines to leave this meeting. So, after we finish testimony, those of you who need to leave, I'd like to recognize you first, and

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then, you know, we can play it by ear. But my hope is to wrap up after this, defer the two remaining resolutions from the Budget Director until Thursday. If we're able to finish this portion today, great...if not, I would like us to at least get through the questions that we need to ask of our resource personnel. Does that make sense? Okay. Staff, can you call up the next testifier?

MR. HURDLE: Thank you, Chair. The next testifier is The Royal House on Teams.

CHAIR BATANGAN: Okay.

TESTIFIER 1: Aloha. This is representing the Kingdom of the Hawaiian Islands, okay. Ke Aupuni o ko Hawai'i Pae 'Āina. And I think...or I'm pretty sure that there was many things that was missing for finding the people to be hired, yeah? Because the laws that were made from Kamehameha III, yeah, and I believe Lott, I think, Kamehameha, there's a process on how to hire these kinds of people. And I heard the...the guy say that he was looking at like people's backgrounds with like ethnic and stuff like that. So, we got to go hire the people that is part of the house of...house of nobles, yeah, because that is the leaders of the Kingdom of the Hawaiian Islands, yeah? Because yeah, if you're just hiring all...any kind of people that's from outside, whatever, it's a conflict of interest of this royal-patented domain, okay? And yeah...yeah, for any kind of leadership role, whatever, yeah, you guys got to hire those specific people's...his descendants, okay? Yeah. By right, by law, and if not, that's a conflict of interest, for real, okay? And...and yeah, because the commissions, all the...all the boards, whatever, they making decisions on the public's behalf, and the public never even say anything about the decisions that are being made, whatever. And...yeah. And I don't think that anything should be changed. I think it should be reverted back to the original laws that it was created and forever will exist, period. And...yeah. Yeah, get the correct peoples in all the seats, okay? Because...yeah, that's a major violation on an international level. And...yeah, thank you.

CHAIR BATANGAN: Thank you very much. Members, any questions for the testifier? Seeing none. Next testifier, please.

MR. HURDLE: Chair, the next testifier is David Goode on Teams.

MR. GOODE: Aloha, Chair. Can you hear me? Good afternoon, Chair Batangan and Members of the Committee. First of all, I want to apologize to the Chair because I...I forgot that the Committee Chairs had changed, so my letter I wrote this morning was addressed to your Vice-Chair. But in any case, I offer some testimony today trying to recognize the fact that boards and commissions are very hard to staff, very hard to retain, and as the folks from the Cost of Government Commission mentioned, my review of the proposed draft was in that vein. I think the INB has done the best job possible, given the constraints they had from the get-go. And my comments are really geared towards making sure that we get quality people on a timely manner, and make sure these boards and commissions are staffed and can meet quorum. It's very frustrating to the public when they can't make quorum. So, anything we can do to make it easier while having the right controls, I think, is a good thing. So, I had three

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areas of...of possibilities. One was to create a mechanism where the boards could extend someone's service for 90 days while the Council and Administration is still working through a replacement that allows, you know, a greater chance for quorums to happen. The second one was more about just kind of gaming through the ordinance as written and the what-if scenarios if things don't happen. This is exactly what happened with the previous Charter amendment. Right off the get-go, a deadline was not met, and all of a sudden, you know, everything kind of fell...fell apart and took a long time to get back up and running. So, I...as I am wont to do, created some flowcharts. And you can see in those flowcharts in my testimony where it appeared that there was some scenarios where that could happen that weren't addressed in what the next steps would be. And then finally, just some other wordsmithing. So, you're not going to be able to deal with this today, that's fine. Deal with it in a couple days. But take a look if you have any questions. I'm happy to answer either now or possibly on Thursday if you...if you need to. But I think it's rather self-explanatory what I've written. Thank you.

CHAIR BATANGAN: Thank you. Members, any questions for the testifier? Seeing none. Staff, is there anybody else signed up to testify?

MR. HURDLE: Chair, that's all the individuals signed up. This will be a last call for oral testimony. If anyone would like to testify, please come up to the podium or raise your hand on Teams. The count is three...two...one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR BATANGAN: Members, seeing there...there are no more individuals wishing to testify, without objection, I will now close oral testimony on this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(13) . . .

CHAIR BATANGAN: As a reminder, written testimony will continue to be accepted. Okay. So, I know that there are some of you who have time constraints. By show of hands, can I get a sense of who that is? Okay. So, Member Paltin and Member Sugimura, Member Cook. So, I'll go in that order. And if you can, I'd ask that you prioritize the questions you have for the resource personnel that we have here since this seems like it's going to be a conversation that we pick up on Thursday and I don't want to have to ask people to come take up more of their...of their time. So, starting with Member Paltin, then Sugimura, then Cook, and I ask that everybody in this first round prioritize the questions that they have for the resource personnel before us.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, wait, Chair, only ask questions for our resource personnel.

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CHAIR BATANGAN: I said prioritize...if you go off, eh. But you do have your...you have your three minutes. So, I...yeah, I'm not going to say you have to waste the rest of your time because you have none for...for these people.

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

CHAIR BATANGAN: Okay.

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

COUNCILMEMBER PALTIN: I have to leave. I don't have any questions because I'm kind of over it. And nothing against you folks here, but I feel like we gave it a good try for like four years. And in that time, you know, we're trying to rebuild Lahaina, we can't get quorum for the CRC, the Planning Commission, and like that. So, I'm just over it. You know, it's...it's another hurdle, another step. I...I didn't necessarily think there was anything wrong to begin with. I mean, whoever's in charge made the thing. But if it turns out bad, then it usually switches to someone else in charge. So, I'm not going to take my whole three minutes. I'm just...you know, my community is suffering. People need to get home. Nothing's happening in the historic district. Nothing's happening in the shoreline. And when that happens, then the State takes away our citizens and opportunity to input by doing laws that they did. And so, I'm just so frustrated that I'm over it, and I'm not willing to give it another chance. And I'm...I'm just ready to vote to put it on the ballot. And I'm sorry I need to leave, but I...I just had to say how it...how it is. Because when they call me and they're like, CRC is canceled because of quorum again. We can't even have an event, you know, homecoming in Lahaina or whatever. Planning Commission's not hearing my stuff, you know. And it's just...that's the most egregious. There's other things too, but...sorry, that's just how I feel. And I have to leave. I'm sorry.

CHAIR BATANGAN: Thank you, Member Paltin. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you for the resources. So, I'm curious what the INB Board may have to say. And then I have something for Jody after. But Mr. Burns, as the Chair.

CHAIR BATANGAN: Chair?

MR. BURNS: When you...when you...excuse me. When you say curious about what I have to say...

COUNCILMEMBER SUGIMURA: Yeah. If...well, I guess what we're looking at is to get rid of the INB.

MR. BURNS: Right.

COUNCILMEMBER SUGIMURA: And you have volunteered your time. And, you know, what does your board think? Or have you even entertained this conversation?

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MR. BURNS: Oh, okay. I don't know where to start. I think the INB is good. Like, it works in a way. Like, sorry for Member Paltin, how she feels about it, but we try and do our best --

COUNCILMEMBER SUGIMURA: Yes.

MR. BURNS: -- as the INB Members on that board. We do our due diligence by going through the applicants that we get sent...that gets sent to us via email before our meeting starts so we can kind of get a handle on what kind of background they have, what kind of experience they have, or where they came from, what they...you know, you can kind of more or less tell what this person is about and why they like serve on...why they want to serve on each board or commission that they are applying for. But we do our best. We work hard. We stay there until late. Like, literally. Almost equivalent to the Planning Commission. So, the hours that we put in trying to get this...you know, push these applicants through...the right applicants. Not just anybody, like how Mr. Mayer mentioned. After we do our due diligence, when we're in the executive session, we would deliberate on who...which persons we would send through. So, all this is time consuming. It takes a lot of our time. But we don't mind being there because we don't mind doing this for our communities, and the people, and the boards and commissions that needs to be filled so our people, you know, like Member Paltin said, they can have quorum.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. I did hear that same frustration that Member Paltin...but I do also know other members of your INB board. And I want to send our appreciation because it's...it's a lot of time, I heard. And I am going to be voting to support this because it looks like it's an obstruction to the process. And to Jody, thank you very much. Because I know you've been working hard, you know, on your own, and trying to juggle many balls, I would imagine. So, I just want to express our appreciation. But I am going to support this Charter amendment. Thank you very much, Dwight. And thank you, Cost of Government. Thank you very much. Oh, you want to say something? Sorry. Oh.

CHAIR BATANGAN: Well, you had asked previously to hear from the Administration.

COUNCILMEMBER SUGIMURA: Yeah, I did hear. Yeah. So, I don't know if Jody wants to say anything. Just wanted to say thank you. . . .*(timer sounds)*. . .

MS. YOSHIDA: Okay. Just want to say thank you. But I did want to state for the record what Councilmember Paltin was saying about the Cultural Resources Commission not making quorum. They were fully staffed and they were still missing...and they were still having quorum issues. So, I don't know what the issues were. I do know that a lot of them just couldn't make the meetings, and that's all I've seen. Because when...when I hear like, oh, this...this board or commission can't meet because they don't make quorum, and I'm like...I look at it, I'm like, wait, they're full. Why aren't they making quorum? So, a lot of that does not fall upon the INB for not staffing these people because they are fully staffed. So...yeah. Just wanted to make that

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abundantly clear. Also, Maui Planning Commission is also fully staffed as well, too. So, I'm not sure why...what their issues are, but that is on a different level.

CHAIR BATANGAN: Thank you, Member Sugimura. Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. I've been...for years been watching and...and seeing the boards and commissions, the processing as far as the selection. I know Mike Molina and other people when they were doing it in the Mayor's Office, it's very...very time consuming and really diligent reaching out into the community. My two cents part, I think the...the...the INB and what you folks are doing, I think we have quality people committed and wanting. The gap, in my mind, is we have so many boards and commissions. And...and really, I think the appropriate thing to do--and it's really our community, and I don't think a Charter amendment is the way to do it--is to assess the roles, the duties, responsibilities of these boards and commissions. Because like what was happening in Lahaina, there's...they...the people there, and they're not showing up. But they were a very significant board with a great deal of power and authority to review and approve projects. And those are volunteers. And God bless volunteers for willing to step up. But I think that that's sort of a kink in our local government if we have all these boards and commissions and we're delegating to them the authority. The intent, I believe, and...the intent, I believe, is to get input from the community so that the community is participating in it. But Mr. Burns, what's the...do...what's your suggestion of the...as representing the board, what's their suggestion to improving the existing situation rather than doing away with it?

MR. BURNS: I not going to speak on behalf of the other board members, but I'll speak on behalf of myself and how we can improve. As far as improving, right, what is in place now is...is working. Like how Mr. Mayer said, like the recruiting. We do that. We go out with Jody and we do recruiting. We volunteer to go out there and try to recruit people to...who would be willing to want to serve on the boards and commissions. Volunteering, right? It is not easy because sometimes when you hear the feedback from the community itself, some people want to do it, but they just...sometimes they only go through the process of being here, being interviewed by this body. They feel like they're going to be picked apart, right? So, you cannot blame them for feeling that way, right? So, we would...or I myself would say like, you know, you guys got to look past that and think of the bigger and the higher purpose . . . *(timer sounds)* . . . that you're serving as wanting to serve on these boards and commissions, right? You always talk about giving back to your community...well, here's your chance, right? Just look past that, come over here, go through the process. If you make it on, great. Now we can fill all the voids...or all the bodies that need to be filled in all the boards and commissions for make the process faster. Just to echo what Jody said too, like Jody does a great job of letting the board know which boards and commissions are full and which ones need to have more people on it. So, when we look at the applicants and what they are applying for, we try to focus on the ones that doesn't have enough people and try to get them on there to fill those boards and commissions.

COUNCILMEMBER COOK: Thank you. So...well, you're not going to speak for the board, but is the board...the board's aware of this. And as far as like there's no vote, whether

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it was like for or against or everybody wants to just keep going and it's just improvement?

MR. BURNS: So, that part, I can say, yeah, everybody wants to keep going. Yeah, we still want to have the INB in place.

COUNCILMEMBER COOK: Okay. Thank you, sir. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Cook. Okay. So, I think that's everybody who indicated that they have to leave immediately.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are we still going to have quorum after they leave? Otherwise, we won't be able to ask our questions.

CHAIR BATANGAN: No, we will. One...two...three, and then online we have three as well. So, that's six.

COUNCILMEMBER COOK: I'll be here until 5:00.

CHAIR BATANGAN: Okay. Thank you, Member Cook. But yes, we still...we still have quorum. I'll start just going down the line. So, Chair Lee?

COUNCILMEMBER LEE: No questions. Thank you.

CHAIR BATANGAN: Thank you, Chair. Member Sugimura went. Member Paltin went. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I appreciate...first off, let me thank all the volunteers and the folks who are doing the boards and commissions. It's...it's a thankless job, but I'm thanking you. Thank you guys so much. The...I think at the end of the day, if I...you know, I'm going reflective learning here. So, when something happens, I reflect on it, I look on it. And I just think, what can we do better? Because right now, I don't think this rolled out in the best way. The Administration, when they first came out and said, we're a new Administration, give us time...we're on year three-and-a-half. And that's all you really get as administrations, four years guaranteed. And we still...I still feel there's a lot of things that haven't happened. Like what Dick Mayer was saying, just go talk to OIP so that you can make it go smoother. These types of things should have been heard, especially from a guy like Dick Mayer, who's been working with this kind of commissions for quite some time. It just isn't working. I don't know how else to say it. It's just not...whatever is...we have all these empty slots, and we can point at like it's a thankless job. We could point at the system that we've put in place. But I'm up for something new. And I...I don't really...I...I know we're on limited time. That's all I really want to say. I just don't feel that this is working, and there's...where there's a log jam in the work that needs to be done. So, that's it. Thank you so much. Thank you, Chair.

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CHAIR BATANGAN: Thank you, Member Johnson. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. I'm just going to read all the questions and then whatever we can get to. All right. Okay. So, first, this is not a criticism of any of our volunteer board or commission, our board members. It's...it's the system that's not quite worked as intended. It sounds like the Blue Ribbon Committee that Mr. Mayer spoke about was not held by Sunshine Law, and that may have made a bit of a difference. And they knew that they were signing up to do recruiting. And when the INB was first put together, our Molokai person actually...representative on the INB, reached out to my office to help recruit. And that wasn't the intention. And it...it is too much work for volunteers. We recognize that, and remove the prohibition of compensation to boards and commissions because we knew how much work this was. And then I passed the law in Code to enable our board and commission members to receive stipends. And...and I don't...I don't know what happened after that. And then I think like, you know, then INB just becomes another board that we have to find volunteers for. But the work itself, even if the INB is repealed, can continue. Like, folks...if you folks want to, you know, continue as a group to recommend people to boards and commissions, I don't see why you couldn't do that. For the INB recruitment, do you know what percentage or, like how many applicants has been recruited by the INB? Does the INB currently have quorum? I know we don't have a Molokai person on there anymore, and she did try to find someone to replace her. And similar to the CRC, Molokai Planning Commission has lacked quorum and has canceled three meetings for lacking quorum since March. And for Cost of Government Commission, the recommendation was for additional staff. And my question is, what are you proposing the additional staff do? And do they need the INB to do that? Or would they just do that, do the work that you're proposing? Okay. Those are the questions. And let me know if you need...want me to repeat it.

MS. YOSHIDA: Okay. So, INB, the meeting before the last meeting we had, it had to be canceled due to quorum issues. That has happened never before when I was there, this was the first time. It's only because we're short three members. So, you know, . . .*(timer sounds)*. . . we only can have six people there, then yeah, you need... . . .*(laughing)*. . . and if two people are like, can't make it that day, yeah, we're...we're short. So, we can't make it. But that...that was a rare...rare occurrence. Usually we have, like, every single member there...or maybe one not there, you know. But it's...it's majority, everybody's there. And they used to like all get together and...you know, and go through all of this. I mean, it's...it's a...it takes a lot of time. And like you're interviewing these people and it takes about 15 minutes, sometimes a little bit more, you know, when you get into a little bit more in-depth discussion with the applicants. And it takes a while. And I usually schedule, at the most, maybe nine or ten applicants for them to go through. Don't forget that they also still need to deliberate too and decide, you know, if they move that applicant on. So, that's supposed to be only five minutes, you know, of...of that. But sometimes it can be a little bit more because if there's like...if somebody puts out for four boards and commissions, but, you know, maybe there was a motion just for one of them to move them forward for just one board or commission, but then somebody else also wanted to go for another one, you know, so it can take a little bit of time. So, yeah,

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we're...we're usually staying into the...the late hours, you know, just trying to get all of this done. And then you put on top of that, like I'll be honest, like right now we're going through this whole process of getting applicants for the Prosecuting Attorney, and also for Corporation Counsel positions. And that is like okay, so what...we're...they're still trying to decide what questions they will need to ask these applicants, you know, when they, you know, start to interview them and whatnot, you know, just to make sure. Sometimes...some of it, it may be out of some of our board members' wheelhouse, but, you know, they're going to try and make the best of it as...as much as they can, you know. So, it's a lot of like that kind of things that they have to do. But, yeah. What was the other questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Percentage of recruitment?

MS. YOSHIDA: Percentage, I would say maybe about 75 get through, and then like 25 doesn't, you know. They're...and...and the members, they...they usually bring up really good reasons why they don't feel like that person, you know, is actual...is not fit for that board or commission, you know. And they ask really good questions, and they do get a feeling of a lot of these folks, you know. It's...it's also like if we also got some of those background checks as well too, we could learn more about these folks. Because there...there is a huge influx of...of new residents on the island that are not from here, you know. So, I'm glad that they want to be a part of, you know...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the folks that you're...you're meeting with, you...the INB did not recruit? Otherwise, there would be someone on the board that would be kind of vouching for them, right?

MS. YOSHIDA: They wouldn't be on the INB? Or on...

COUNCILMEMBER RAWLINS-FERNANDEZ: The INB would have recruited them, right? Because that was part of the purpose of the INB, was to recruit.

MS. YOSHIDA: Oh, but for our recruitment factors, yeah, they just usually come to like some of the events that I put together or, you know, I think, oh, that's another good thing that we could be at, you know, too. So, it's usually me, and then I usually bring along like a board member for that, you know. Like Pineapple Festival is coming up, so we'll...we'll be there again. Dwight is coming along with me too. So, you know, County Fair, we have our booth over there with the rest of the County agencies and stuff. We try. We try a lot, you know. I'm there at senior fairs. I'm there at even our career expo that we just had as well too, you know. We're...we're trying to get out there, definitely, but...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. For the Cost of Government Commission, what was the purpose of the additional staff?

MR. GOOSSENS-LARSEN: The additional staff would be to support basically the throughput capacity of...of...

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COUNCILMEMBER RAWLINS-FERNANDEZ: And do you need the INB to do that?

MR. GOOSSENS-LARSEN: The INB itself...

COUNCILMEMBER RAWLINS-FERNANDEZ: Otherwise the staff would just do that work, right?

MR. GOOSSENS-LARSEN: To be able to do...to be able to support the INB basically is the way that we were thinking about that. So, there's a lot of preparatory work that is being done for the INB to perform its work. It's not specific to that, to your point. I'll maybe point to the broader report that we wrote that in general, not having governance over creation and longevity of the boards and commissions. We...we create boards, and then some of them are...no longer have a purpose, and yet they're needing to remain to be staffed. And then also just in general, the appropriateness of the volunteer model for some of these essential government functions needs to be re-evaluated. So, I...I...I don't think we can look at it in context of only INB is maybe what I would want to iterate. But yes, the Staff would be in support of the throughput, like to support the operations of the INB, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Those were all my questions. Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. First of all, I do want to mahalo everybody who has to deal with this. This is not an easy job. And we went through so many bumps in the very beginning, setting it up. It was established late. And then it was very difficult to like figure out what everything meant. And we had to do a bunch of cleanup work. And it's still very difficult. And I feel...even though I know that the INB is doing the very best they can, having another layer...speed bumps are on everybody's mind right now, having another speed bump to getting our boards and commissions filled is very difficult. And I look at this very dedicated INB Board, thinking they maybe could be elsewhere, serving our community elsewhere, and then we can go back to this older process. So, I'm in support of this. While I do appreciate the INB and all that they've done, I would love to see their hard work and dedication appreciated elsewhere on another board and commission. I really don't have any other questions. Unfortunately, I'm quite familiar with all the things we had to do, as I was the GREAT Chair when this came out. But I do also recognize how difficult this job is. And I know how much they have to dedicate their time. And I think it's important to acknowledge how much our community has changed in the last 20-something years. And our demographics have changed. And so, it's no longer like...like the small community it once was back in...back in the day, even 20-something years ago. But anyways, I do thank the INB for giving this a really good college try, even though I...I probably will be supporting this. And I don't know, Chair, if we're going to have further discussion, or what's your plan? I do have to cook dinner for my children pretty soon. And so, I do have to go in a little bit. But what...can...that was my statement, not for you. What are we planning on doing? Are

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we going to come back on Thursday and pick this all up, or...or what are we doing?
Do you mind?

CHAIR BATANGAN: Thank you, Vice-Chair. Yeah. So, my plan was to finish this round of questioning and then defer the item so we can reconvene the conversation on Thursday. We'll finish this, and then we'll finish...and then we'll take up the two proposals from the Budget Director. We can then do reconsideration for the rest of the...if needed, but we can take up prioritizing or...or reconsider anything else that needs to be done on Thursday.

VICE-CHAIR U'U-HODGINS: Okay. Thank you.

CHAIR BATANGAN: While we have the resources here, I want to respect, you know, the time that they took out of their day to be able to, you know, have the dedicated questions for them. So, that being the case, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I didn't have any questions. I just wanted to mahalo you guys. I...I especially know exactly what you guys have to go through. I come from a very small rural community that has a...a limited inventory of volunteers. We...we...if...if those...those volunteers want to continue to serve, but we don't have a large revolve...I mean, if...if you're on, we get the same people on a lot of the...the boards and commissions. So, I appreciate you guys trying to at least...or come out to Hāna and...and find anybody. We're hoping that our young people will step up and...and, you know, participate too. I...I hear...I hear the Members' frustration. Member...sometimes Member...like Member Paltin has, you know, higher...she's always working to get her community up and running. So, I can...I can understand how she wants to get those...those commissions going so that she can, you know, streamline and...her rebuild in West Maui. But I'm...if you guys want to continue, I'm supportive of...of you guys. If you guys want to continue your guys' work, I'm...I'm supportive of...of you guys continuing your work. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Sinenci. Okay. For myself, I guess I would like to start by mahaloing [sic] members of the INB, the Cost of Government Commission, and all of our volunteers on the boards of [sic] commission. I know you put in a lot of time and energy into your work. You know, I also want to share that I...I wasn't initially a fan of creating the INB when it first was created, but I did appreciate how entrepreneurial the County was trying to be. You know, they saw a problem and they wanted to take a different approach, recognizing that what we had going wasn't working and, you know, this might have been a...a possible solution. But I think we've also given this a try, and you hear the frustration from this...this body. We all hear frustrations from members of the public. And I think that's where I...I'm disappointed that we didn't get a response from the Administration prior to today's discussion, because, you know, there's recognition that we gave it a try. It...it doesn't seem to be working as intended or as well as we had hoped. And so, my hope would be that we try something different. So, you know, I wanted the conversation to start with the Cost of Government Commission recommendations. I guess for the INB Chair, has your body considered the recommendations that were taken up...or

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that were published by the Cost of Government Commission? And if not, would you be willing to personally speak to some of the proposals that were put forth?

MR. BURNS: So, for the proposal about having...I'm sorry, I cannot talk to you while you're --

CHAIR BATANGAN: No, no.

MR. BURNS: -- in the back of me like that. . . .*(laughing)*. . .

CHAIR BATANGAN: I recognize it's an awkward situation.

MR. BURNS: I like everybody in the front, yeah. But...so, for that proposal, we do see that Jody could use some assistance because she work really hard, and that's a lot for her to do. So, by having...being more staffed, correct, that would really help her out a lot. And that would help us out a lot too. Because now we have two resources for...for go to, right, where we need to ask them questions or something, you know, whatever we need for the next upcoming meeting or whatever questions we may have as...as board members. That extra body could help us that way and relieve her for do what she needs to do. Because she...this was a comment made by all...all the board members, that Jody does a lot. She works really hard. And if this thing is disassembled, we would hate to see it get disassembled because we feel like we're contributing by helping work hard with Jody by doing our due...due diligence for work hard with her, help her as much as she helps us as board members.

CHAIR BATANGAN: Thank you.

MR. BURNS: I hope that answers your question.

CHAIR BATANGAN: Yeah, I mean, part of it. So, I think there were other recommendations too. But I guess the...the gist of what I'm getting at is, you know, we gave this a try. It's not working as it intended or as well as we had hoped. So, I was looking for a commitment from the Administration to try something different.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chief of Staff Lallo is on and raised her hand.

CHAIR BATANGAN: Okay. . . .*(timer sounds)*. . . So, I guess to the Administration then, is there...what are your thoughts on this? Because my personal feelings are, if we're going to continue as is, then, you know, I may not be supportive of keeping it going. But if there is a commitment to try something different and that we might be able to have a more effective process, then I might be more open to...you know, to reform. But Chief of Staff?

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MS. LALLO: Thank you, Chair. And good afternoon, Committee Members. Thanks for staying. I know it's getting late. I just want to comment that the responses were transmitted today, as they were due today. However, given that, I want to tell you that in the Cost of Government report, it does state that because it is a Charter amendment, we can't abolish the INB. I don't know about that. I'm...I'm just sharing that that's what was in the report. The recommendations that came out of the Cost of Government were looked at by the Administration, everything from the criminal background checks. And there are two FTE allocated to boards and commissions, just so you all know that. But, you know, we started out the letter by just really appreciating the INB and the work that they have done. This has not been easy. It has not been easy for the Council, nor has it been easy for the Administration and the people that are sandwiched in between, right? And so, I just want to acknowledge that this is...it's been an uphill battle. And trying to identify what is lawful and what is not, what does the Charter mean when it says this? Because when the Charter amendment was written, in my opinion, it didn't provide enough specificity. So, we had to hammer that out in relationship to Corporation Counsel, and the Council, and Nohe. And, I mean, just...it has been a struggle. And I think everybody has put what they have into it. Adding another layer of government, we know that this just prolongs...prolongs things, right? It makes things...there's more variables depending on what we can do versus what we want to do, right? In relationship to the INB, they certainly have, you know, found a stride. The Cost of Government recommendations about compressing the boards and commissions and, you know, those that have overlapping missions, let's merge those. Let's let go of a few that are no longer relevant for the work that...that we're doing. And therefore, we need less people, right? We just don't have a community that has the time and attention to be able to focus in on boards and commissions and volunteer. They're feeding their families. They are recovering. We've taken a lot of people offline in relationship to just trying to get through life, right? So, we are open, Chair, to having conversations and figuring out what we can do, right? And can we co-create something that's going to be more efficient? We're absolutely willing to do all of that. We're willing to look at the Cost of Government and...and look at the recommendations and...and put those into place, right? But honestly, I don't know that that's going to get us where...where we need to go. So, I would just say we are here, we're willing to work. And if we can rethink the objective of why we have an INB, that would be great, right? We could...we could clarify the objective and then try to meet that objective. So, most of that is in the transmittal, and you should be getting that this afternoon. I think it was transmitted a little bit earlier. So, there we go.

CHAIR BATANGAN: Thank you, Chief of Staff. And...okay. So, my last...I...I heard the timer, but since we're going to continue this conversation on Thursday, can I ask for some...for Staff to pull together some data before then? Can you let us know how vacancies on boards and commissions compare for the three years prior to the INB's creation and the three years after? And then, can I also get that same data...or data for that same period on how many meetings were canceled due to lack of quorum in the three years leading up to the INB and the three years post-INB? Members, any last questions for the resources before us? It is 5:08, and I want to be respectful of your time, their time, and the public who's here. Member Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: I don't have a question. I have a correction for the record, just in case. I was fact-checking myself. I know I introduced the law to enable stipends. I can't remember if it passed or not. So, that's it. I just wanted to correct the record. And mahalo, you all, for staying with us this late.

CHAIR BATANGAN: Yes, thank you very much. Okay. Members, you know, given the time constraints before us and, you know, the work that we still have ahead, I would like to defer this item. Are there any objections to doing so?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: TC, TP, and YLS)

ACTION: DEFER pending further discussion.

CHAIR BATANGAN: Okay. So, let me pull up the notes I have for what happened on Thursday. I know we are going to be reconvening at 10:00 a.m. on Thursday. Okay. So, Members, and, you know, resource personnel, Staff, thank you for your hard work today. You know, I know this has been a lot, and I just want to mahalo you for the time and energy that you put into all of this. We'll continue this conversation and then take up the remaining Charter amendments on Thursday along with proposals that we've deferred and those that need to be reconsidered. Members, if there's no objections, I'd like to recess this meeting until 10:00 a.m. on Thursday, June 18, 2026. We will utilize the same Microsoft Teams link and connections that we're using today, with in-person viewing available here in the Chambers.

COUNCILMEMBERS: No objections.

CHAIR BATANGAN: If there...since there are no objections, this meeting is in recess. The time is 5.10 p.m. Thank you very much. . . .*(gavel)*. . .

RECESS: 5:10 p.m.

great:min:260616r-min:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 84 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 15th day of July 2026, in Wailuku, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck