

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

## MINUTES

June 18, 2026

Online Only via Teams

**RECONVENE:** 10:04 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Kauanoë Batangan, Chair  
Councilmember Nohelani U'u-Hodgins, Vice-Chair (In 10:06 a.m.; Out 1:37 p.m.;  
In 2:01 p.m.)  
Councilmember Tom Cook, Member  
Councilmember Gabe Johnson, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member (In 10:06 a.m.)  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member (In 10:41 a.m.)

**STAFF:**

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

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))

### Residency Area Offices

Roxanne Morita, Council Aide, Lānaʻi Residency Area Office  
Chaelin Ryu, Council Aide, South Maui Residency Area Office

**ADMIN.:**

Thomas Kolbe, Deputy Corporation Counsel, Department of the Corporation  
Counsel (All)  
John J. Gores, Deputy Corporation Counsel, Department of the Corporation  
Counsel (GREAT-10(7))  
Lydia Toda, Risk Management Officer, Department of the Corporation Counsel  
(GREAT-10(7))  
Heather Andradington, Loss Control Specialist, Department of the Corporation  
Counsel (GREAT-10(7))  
Lesley Milner, Budget Director, Office of the Mayor (GREAT-10(11), and -10(12))

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**OTHERS:** (40+) additional attendees

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

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CHAIR BATANGAN: . . .*(gavel)*. . . Will the Government Relations, Ethics, and Transparency Committee meeting on June 2nd and June 16, 2026, please reconvene. It is 10:04 a.m. on June 18, 2026. I am your Chair, Kauanoë 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. I believe Committee Vice-Chair Nohelani U‘u-Hodgins will be joining us shortly. Councilmember Tom Cook.

COUNCILMEMBER COOK: Aloha. Good morning, Chair.

CHAIR BATANGAN: Good morning. Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, community members. There’s no testifiers at the Lāna‘i District Office, and I’m here and ready to work. Thank you.

CHAIR BATANGAN: Thank you. Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha, Chair. I’m home in my workspace alone, and my morning greeting is from Rapa Nui, ‘iorana to everyone. Thank you.

CHAIR BATANGAN: ‘iorana. Thank you, Chair. Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and ‘iorana kākou. Streaming live and direct from the Council Chambers. Thank you very much.

CHAIR BATANGAN: Thank you. I believe Councilmember Rawlins-Fernandez will be joining us shortly as well. Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha, Chair, and ‘iorana.

CHAIR BATANGAN: Aloha and ‘iorana. And then Councilmember Yuki Lei Sugimura will also be joining us in a little bit as well. From Corporation Counsel, we have with us Deputy Corporation Counsel Kolbe and Deputy Corporation Counsel Gores. We will also have with us today the County Clerk, Deputy County Clerk, Budget Director, and Boards and Commissions Liaison. We also have with us our GREAT Committee Staff. Good morning, everyone. Oh. And I see here we have Vice-Chair Nohelani U‘u-Hodgins.

VICE-CHAIR U‘U-HODGINS: Good morning, Chair. Good morning, everyone.

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CHAIR BATANGAN: Okay. So, everybody, please see the last page of the agenda for information regarding meeting connectivity. Members, this morning we will complete our deliberations on the two remaining proposed Charter amendments that we did not take up on Tuesday. After that, we will move on to the items we previously deferred. There are a total of six deferred items, and we'll begin with Resolution 25-215, the Proposed Charter Amendment on the Notice and Conduct of Public Hearings. Once we have gone through all outstanding items, we will review the total number of Charter amendments approved. Right now, we have passed three: Resolution 25-216, Deadlines Related to Voter Initiative, Recall, and Charter Amendments; Resolution 26-85, Remove the English Translation of the Hawai'i State Motto from the Preamble; and Resolution 26-95, Allow Reappointment of Members of the Board of Ethics for One Successive Term. If the Committee feels the number...the final number is too high, we can discuss prioritizing the amendments and consider revisiting our earlier decisions. Member Paltin, you were seeking recognition?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify that there is one of mine that had previously been passed and can't be reconsidered, and it has to do with how days are counted. So, there's four right now that's scheduled to be on the ballot, and one cannot be reconsidered.

CHAIR BATANGAN: Yes. Thank you, Member Paltin. I guess to clarify, that had been taken up at a previous meeting, so it's not part of this reconvened meeting. The only ones we can reconsider in this current meeting are the ones that have been posted on this agenda, and that were passed on the 2nd and 16th. Okay. Thank you, Member Paltin. Okay. So, before I move on, I'd like to recognize Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. E kala mai. Mokulele was delayed. And so, I'm going to take this opportunity again to make the request that when we take up large agendas like these that we know will take more than a three-hour meeting, and I would like us to consider two consecutive full days or some version of that, like Member Paltin is planning to do with the South Maui Community Plan, just, you know, for us who don't live on Maui, and for...for those that may have other plans and keiki at home. Mahalo, Chair.

CHAIR BATANGAN: Mahalo, Member Rawlins-Fernandez. And again, thank you for allowing us to utilize your regularly-scheduled Committee day so that we can have a full day's worth of deliberation.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're very welcome, all of you.  
...*(laughing)*...

CHAIR BATANGAN: All right. Now...

COUNCILMEMBER RAWLINS-FERNANDEZ: Pass my bills. No, no, just kidding, just kidding.

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**ITEM 10(11): RESOLUTION 26-88, PROPOSED CHARTER AMENDMENT  
ON EMERGENCY APPROPRIATIONS**

CHAIR BATANGAN: Let's return to Resolution 26-88, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ON THE LANGUAGE OF SECTION 9-9 APPROPRIATIONS AND CHANGES." Resolution 26-88'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 January 2nd, 2027, to allow the Mayor, with approval from the Council, to pass an emergency appropriation for an application for a line of credit and clarify that the 1 percent limitation for emergency appropriations does not apply to funds that have already been allocated to an emergency fund. Let's start with opening comments from the requester. Is the Budget Director online?

MR. HURDLE: Yes, Chair.

CHAIR BATANGAN: Thank you. Ms. Milner, would you like to provide opening remarks?

MS. MILNER: Aloha, Chair. Aloha, Councilmembers. Mahalo for your time this morning. Yes, I ask that this be considered because I think, as we've all realized in the last few years as we've been considering these appropriations from the Emergency Fund, the 1 percent language is a little unclear. My understanding, in my discussions with Corporation Counsel, those funds have already been appropriated to an emergency fund. So, we're not appropriating new money, it's already there for our use. But the way it's currently written, we're still getting jammed up against that 1 percent allocation. So, as we've seen with the recent Kona storms, we had to do an emergency appropriation at 1 percent, and then come back in for an additional amendment to go through the full two readings to allocate additional funds that were necessary for that recovery, which just didn't...doesn't seem practical if we're trying to do a quick turnaround response. The other part of this is to get rid of language. There's some language around an emergency note. The Department of Finance and I did some research, and that seems to be something that exists in one municipality and nowhere else. So, we felt it would be more practical to change that to a line of credit if we were ever in a circumstance where our Emergency Fund and our reserves weren't sufficient to meet an existing emergency. So, that's the purpose of introducing this change to the Charter, and I'm happy to be here to answer any questions you may have. Thank you, Chair.

CHAIR BATANGAN: Thank you, Director Milner. Before moving on to discussion, I'll receive testimony for GREAT-10(11). Staff, is there anybody signed up to testify on this item?

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

CHAIR BATANGAN: Thank you.

MR. EDINGTON: May I initiate last --

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CHAIR BATANGAN: Please.

MR. EDINGTON: -- countdown? 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 the final call to testify...three, two, one. Chair, no one has indicated they wish to testify.

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

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(11) . . .**

CHAIR BATANGAN: As a reminder, written testimony will continue to be accepted. Members, I will implement a three-minute questioning period per Member with a one-minute follow-up if needed. Since this was requested by the Administration, I will start on the end of the row and work my way down. I'll give deference to Chair Lee. Chair, did you have any questions or comments that you'd like to make on this...this proposal?

COUNCILMEMBER LEE: The proposal seems reasonable, especially in an emergency, so I have no questions. Thank you.

CHAIR BATANGAN: Thank you, Chair. Member Paltin?

COUNCILMEMBER PALTIN: I'm having technical difficulties with my device. Can you come back to me, please?

CHAIR BATANGAN: Sure. Member Johnson?

COUNCILMEMBER JOHNSON: Well, I've been talking about it for a while, that we need to be ready for upcoming storms and climate change and the extreme weather we've been experiencing, so I don't have any questions. I support this, if...if that's what helps get that money out, because I'm expecting more damage and more money to be coming in our future. Thank you, Chair.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: No questions.

CHAIR BATANGAN: Thank you, Member Rawlins. I like how efficient we're being this morning. We might not need the entire day.

COUNCILMEMBER RAWLINS-FERNANDEZ: And maybe you can just say by a show of hands, that --

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CHAIR BATANGAN: I guess...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- would be more efficient.

CHAIR BATANGAN: Member Cook, anything?

COUNCILMEMBER COOK: I have no problem with this. It makes sense.

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

VICE-CHAIR U'U-HODGINS: I do just have one quick question. So, for Budget Director, these are going to be like recognized emergencies by the Governor, by the Federal Government, by us. What's going to qualify the emergency?

MS. MILNER: Thank you, Chair. Thank you, Vice-Chair. Yes, we would proceed as we have currently --

VICE-CHAIR U'U-HODGINS: Okay.

MS. MILNER: -- with the emergencies. We would list, you know, any emergency declarations that have triggered this.

VICE-CHAIR U'U-HODGINS: Okay.

MS. MILNER: It wouldn't just be the Mayor wants some extra money.

VICE-CHAIR U'U-HODGINS: Okay.

MS. MILNER: Thank you, Chair.

VICE-CHAIR U'U-HODGINS: I'd assume so, but just double, triple checking. Thank you.

MS. MILNER: I appreciate the clarification. Thank you, Chair.

VICE-CHAIR U'U-HODGINS: That's all for me, Chair.

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

COUNCILMEMBER SINENCI: Supportive, Chair.

CHAIR BATANGAN: Thank you, Member Sinenci. I guess it comes to me then. Director Milner, can you explain the difference between a line of credit and an emergency note?

MS. MILNER: Thank you, Chair. Yes, I can try. I'll be honest, what exactly an emergency note is wasn't entirely clear, which is one of the reasons we wanted to make this

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change. I think there's one jurisdiction on the East Coast that does it and they haven't had to do it very often. So, finding examples of how it works were very unclear. So, it seemed switching it to something that actually we are familiar with and very clearly understand, a line of credit was the way to go. But I can find that documentation on the emergency notes and send it to you.

CHAIR BATANGAN: So, have we ever utilized an emergency note?

MS. MILNER: I do not believe so, no.

CHAIR BATANGAN: Okay. So, following the Kona Lows and the August 8th wildfires then, we didn't need additional credit. We only ever utilized funds within the existing Emergency Fund.

MS. MILNER: That's correct. And we also, you know, may have other reserves that we're able to tap into, if for some reason the Emergency Fund were exhausted. But I really hope we never have to do that.

CHAIR BATANGAN: As do I. Thank you, Director. No other questions from me. All right. Members, seeing as...oh, sorry. Member Paltin.

COUNCILMEMBER PALTIN: I don't know why my computer doesn't want...oh, it just connected to the Internet. But one question I wanted to clarify on because I haven't been able to access the Internet and I didn't check when I looked at it, is this one signed off by Corp. Counsel?

CHAIR BATANGAN: Corporation Counsel?

MR. KOLBE: Yeah, a Deputy did sign off on this.

COUNCILMEMBER PALTIN: Oh, okay. So, you guys don't have any problems?

MR. KOLBE: No, no problems.

COUNCILMEMBER PALTIN: Okay. I'm ready.

CHAIR BATANGAN: Thank you, Member Paltin. Okay. So, it didn't sound like we needed a second round of questioning, but just to make sure, I'd like to double-check with the body. Are you guys ready to take action? Okay. So, that being the case, I would like to entertain a motion to recommend passage on first reading of Resolution 26-88, including any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: So moved.

CHAIR BATANGAN: I'll...okay. So, I saw Member Cook first, and then I'll --

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COUNCILMEMBER LEE: Second.

CHAIR BATANGAN: -- take second...or Chair Lee as the second. Any further discussion on the matter? Seeing no discussion, all those in favor of the amendment, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that's eight "ayes," zero "noes," Member Sugimura excused. The motion passes.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXCUSED:   Councilmember Sugimura.**

**MOTION CARRIED.**

**ACTION:    Recommending FIRST READING of Resolution 26-88.**

CHAIR BATANGAN: Thank you, Staff. Thank you, Members.

**ITEM 10(12):   RESOLUTION 26-89, PROPOSED CHARTER AMENDMENT  
                      ON THE TRANSFER OF APPROPRIATIONS**

CHAIR BATANGAN: Okay. We now have before us Resolution 26-89, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO SECTION 9-10 ON THE TRANSFER OF APPROPRIATIONS." Resolution 26-89'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 January 2nd, 2027, to allow the Mayor to transfer all, or a portion of, an unencumbered appropriation balance within the same department, subject to a reporting requirement, and maximum amount to be established by the County Council by ordinance. This was also transmitted to us from the Budget Director. So, as the requester, Director Milner, would you please provide opening remarks?



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MS. MILNER: Thank you, Chair. Yes. So, the inspiration for this, I guess, is Honolulu Section 2-17.2 in their Revised Ordinances that provides...their Council is able to set thresholds for transfers within a department that don't trigger a resolution. So, let's say the Council wanted to allow the Mayor to transfer up to \$50,000 within a department, and then we would submit either a monthly or a quarterly report that would also be set in the ordinance to the Council on any transfers that happened. So, it would be in the Council's control what those thresholds were and what the reporting requirements are, but this would give us that flexibility so that every movement of funds doesn't have to come to you by resolution, if that's something you're comfortable with. Thank you, Chair.

CHAIR BATANGAN: Thank you, Budget Director. Before moving on to discussion, let's receive testimony on this item, GREAT-10(12.) Staff, is there anybody signed up to testify on this item?

MR. EDINGTON: Thank you, Chair. There's currently nobody signed up to testify.

CHAIR BATANGAN: Thank you. Can you please do a last call for oral testimony?

MR. EDINGTON: Yes. 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 to testify...three, two, one. Chair, no one has indicated they wish to testify.

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

COUNCILMEMBERS: No objections.

**. . . CLOSE PUBLIC TESTIMONY ON GREAT-10(12) . . .**

CHAIR BATANGAN: Thank you, Members. As a reminder, written testimony will continue to be accepted. Okay. So, since I misjudged how many questions were going to be asked for the first one, I will take, by a show of hands, is there a need to go down the line or do you guys...okay. So, I see more this time, and we'll go down the line. I'll start again with Chair Lee and then work my way down this way. Chair Lee?

COUNCILMEMBER LEE: Thank you. Director Milner, can you tell us how many times you've come upon this situation where a transfer was necessary?

MS. MILNER: Thank you, Chair. I'll have to look, but I know, at least in the last few months, we've done at least two resolutions for the Department of Public Works to move funds due to the fuel costs. So, I don't know that it's something that happens super regularly, but I thought it might be nice to have the flexibility.

COUNCILMEMBER LEE: Yeah. I'm afraid I don't support this one. Thank you.

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CHAIR BATANGAN: Thank you, Chair. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Milner. My first question is, if you were to propose a number, what would it be? Like a dollar amount...50,000, 75,000, what would it be?

MS. MILNER: Thank you, Chair. Thank you, Councilmember Paltin. The current Honolulu one is, it must be approved by resolution if it exceeds \$100,000 or 10 percent of the amount appropriated for that activity in the operating budget, whichever is less. So, that might be a good starting point for discussion.

COUNCILMEMBER PALTIN: Okay. And then the next question I have is, like when the verbiage unencumbered, like when we approve the budget, all of these monies are like we're not just giving like free money, there's a purpose for it. So, can you define to me like what you're interpreting unencumbered as?

MS. MILNER: Thank you, Chair. Thank you, Councilmember Paltin. Yes, unencumbered, the funds have been allocated, but have not...a contract hasn't been issued, or a PO hasn't been issued, so they haven't been formally encumbered for that use yet. That's how we look at it.

COUNCILMEMBER PALTIN: So, like vacancies in positions would be fair game, tires, tubes, and whatever, all of that would be fair game?

MS. MILNER: I think we'd need to have a discussion about that because Honolulu doesn't do, I don't think, the A-B split like we do. So, you know, if you still wanted us to come to you if it was an A-B movement, we could do it that way, but if it's moving B to B, then maybe it would just be the report.

COUNCILMEMBER PALTIN: Yeah. I think I would like to hear if it's an A, and then B-C is one, right, movement? But if it's B-B...and then are you talking about like...so for example, Environmental Management has your Solid Waste, your Wastewater, and your EP&S, and if we're theoretically allowing B-C movement to B-C movement, would you take from like Wastewater and give to Solid Waste, or something like that? That's not what you had in mind.

MS. MILNER: Thank you, Chair. Thank you, Councilmember Paltin. No, those are all funded by special funds, so that would not be possible. We would have to do an amendment to move it from one fund to the other, and that would not be as simple as just reallocating the funding. That would need an ordinance.

COUNCILMEMBER PALTIN: Okay. So, like Parks, from West Maui to South Maui, something like that would be what you're talking about?

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MS. MILNER: It would be more Parks from one program to another, because West Maui and South Maui both fall under the same program...so if for some reason it needed to go from Recreation and Support Services to Administration or vice versa, things like that.

COUNCILMEMBER PALTIN: Hmm. And Public Works' one that you referenced in Chair Lee's question, what was those from? It was from, I think, vacancies A to...to fuel costs, so then that wouldn't...if we're not say...if we're saying we don't want A to B/C, that wouldn't even be covered? Do you have an example that would be covered in that scenario?

MS. MILNER: Yes. Let me pull up my log, but I know we have had one recently where we moved from one program to another. I think actually the first Public Works' resolution, it included an A-B movement, but it may also have included a B-B movement from program to program. I'll have to . . .*(timer sounds)*. . . double check.

COUNCILMEMBER PALTIN: Okay. Just as a follow-up, if you can consider if we don't make a timeline for doing that, maybe. Like, you know, if we have...if we don't do it within a month or something.

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

COUNCILMEMBER JOHNSON: At this time, I don't have any questions. It seems like the number or the amount of money is going to be to be determined, and that's really where I think my discussion would be. So, right now, no...no...no questions. Thank you. Chair.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. First, I want to thank you for getting the gauge of how many questions there are. I appreciate the responsiveness to your Members, particularly this one . . .*(laughing)*. . . who can be quite difficult sometimes. So, I support this. I think this is great. I...I think sometimes the Charter has way too much detail in it. I...I see this as just removing like a prohibition or, you know, like a requirement to do it this way, which removes, you know, power from the Council. I see this--and then I'll ask for a correction if I understand this correctly--is this would enable transfer, but it would have to be prescribed before it can be done. So, we would have to...so this is a two-step process, as I understand it. We're removing the requirement by resolution for any amount, and then in order for the Administration to do it a different way, the Council would first have to set that framework up, as, you know, we were discussing. So, is that a correct understanding of this?

MS. MILNER: Thank you, Chair. Thank you, Councilmember Rawlins-Fernandez. Yes. And if the body, for example, when we first start out, doesn't want to allow any transfers, they can set that by ordinance. Without a resolution, they can set that by ordinance as well. It just allows the Council the flexibility to determine how they want those transfers to proceed.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. So, then the department could transfer within department, not to other departments, however the Council determines. And if we wanted it to stay the same, that..you know, maybe some Councilmembers feel that it should stay the same, that by passing this, we could just keep it any amount by resolution. But we could consider something like O‘ahu with a threshold and other conditions, and then put that into the Code, and then that’s where the Administration would...would follow the procedure.

MS. MILNER: Thank you, Chair. Thank you, Councilmember. Yes, that’s correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. And then I think like another example of unencumbered is, you know, sometimes we, as Councilmembers, in...during budget, we’ll, you know, make a...put funding for a priority that falls through--and I’ve had this happen to myself in my district--and, you know, like for whatever reason, it’s not going to move forward. And so, you know, instead of just holding up that money, you know, it...it could be moved to somewhere else, such as with like the Boys & Girls Club that we . . .*(timer sounds)*. . . we did this...this fiscal year in moving to help them to get the Molokai Boys & Girls Club open...or repaired, the facility. Okay. I think that’s everything, unless you wanted to correct anything I said, Budget Director.

MS. MILNER: I’m good. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

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

COUNCILMEMBER COOK: I don’t have any questions. I see the flexib...the benefit of the flexibility and still the maintenance of oversight, so I’m okay. Thank you.

CHAIR BATANGAN: Thank you, Member Cook. Member U‘u-Hodgins?

VICE-CHAIR U‘U-HODGINS: Thank you, Chair. I feel quite similarly. I think a bigger discussion will be needed when we talk about the amount. I think we saw this a little while ago, too, when Police was in here and they were asking to transfer funds, but I don’t...I think it was from salaries to operations. Is that going to be the same thing, or...I don’t know if Member Paltin was asking that, if...I was eating...if it was like category to category, or if it’s like from all the different categories. Can you please explain that to me again?

MS. MILNER: Thank you, Chair. Thank you, Councilmember U‘u-Hodgins. Yes, I think that would be set by ordinance. So, if --

VICE-CHAIR U‘U-HODGINS: Okay.

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MS. MILNER: -- the body wanted resolutions for A to B/C movements, that would be set in the Code, but then, you know, A to A or B to B...well, A to A we wouldn't be able to do because we'd have to move the E/P, so that would be an ordinance, but B to B could be done without the resolution.

VICE-CHAIR U'U-HODGINS: Okay.

MS. MILNER: If that's how the body wants to set it.

VICE-CHAIR U'U-HODGINS: Okay. Yeah. I think for me, the bigger discussion would be the amount, because when we do our budget, we hear like please don't cut us, please don't cut us. Here's what we're doing. This is super, super important. And I get it, you know, and we're trying to plan for the next 12 months, and life just lives, and it doesn't always work out that way, so I get that. But I think I'll save a bunch of discussion when...when we have to do this by ordinance, when the next Council has to do this by ordinance, and I probably would prefer to start off slow. But thank you.

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

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . .

CHAIR BATANGAN: Can you repeat that in the mic?

COUNCILMEMBER SINENCI: That was my question, it's been answered. Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. I guess, for myself, I'm more in line with Chair Lee on this particular one. You know, when I was with the Department of Transportation, I did find it humbug to have to come before this body whenever we needed to make a budget amendment. And with the MPO, I similarly had to go before my board for everything, but I did understand the...the need for it. And, you know, now that I'm in this position, I...I feel even more strongly that the way that it's set up should remain, and that's because we have one chance to set the budget for the year. You know, any amendments that need to be made afterwards come from the Administration, and so that is a level of control that I think already undermines our appropriation authority, and giving discretionary authority to move funds within a department further erodes that oversight from the Council and...and from the public. I also don't like the incentive structure that it could create. You know, I know that it would largely depend on the threshold that the Council chooses to set via ordinance, but when we appropriate funds, it's not always for a specific project or program. Sometimes it's for a large bucket, and that could create an incentive to not move forward with Council priorities in order to fund a project from the department or the Administration that, you know, this body then initially didn't support. So, I personally like the level of...of the way that the checks and balances are currently set up, and so would probably be voting in line with Chair Lee on this matter. But I do hear the comments from the Members, and I think, if I'm reading the room correctly, the...you know, the will of the body is to move forward with the proposal. That being the case, is there anybody who would like a second round of

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questions or comments? Member Paltin? Staff, let's set the timer at two minutes for this round.

COUNCILMEMBER PALTIN: Thank you, Chair. So, I guess I'm in the alone in...I just want to know...I mean, I guess it...maybe it's not moving forward, I don't know, but I wanted to know like the parameters, like if those could be clearly laid out. Like you said, you couldn't move it from an Enterprise Fund or whatever to different categories. If...if the majority is in the Lee-Batangan camp, I would propose a compromise where like, you know, if we don't finish the action in...within a certain time, and it's under a certain threshold, I don't want to hinder people, because, you know, sometimes we're in budget or South Maui Community Plan or whatever. But we do meet for Council twice a month, so it should be able to get done. And if it's resolution, is it just one reading? Is that correct?

MS. MILNER: That's correct, one reading.

COUNCILMEMBER PALTIN: Okay. I mean, I would be willing to further this along, and I would like to know like the parameters by which exactly...I'm not supportive of A to B categories, and then, like you said, Enterprise to other types of funds where rate payers or whatever. But I think other than that, I'm...I'm okay with a 100,000 threshold, especially if the Council doesn't act within a month, you know.

CHAIR BATANGAN: Thank you, Member Paltin. So, for the second round, I'm going to go by show of hands, and the next one I see is Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, the way it's done now is within the department, A, B, or C account would have to be done by resolution. If this passes, and we don't pass a bill to amend the Code to prescribe the law that they would have to follow in order to do it a different way than by...by resolution every time, then they...the Administration would still need to do it by resolution. We...we set the parameters. We tell the Administration what the parameters are that they have to follow, and if we say not Enterprise Fund, not these things, you know, not B to A over a certain amount, or if it's, you know, between this or exceeds this amount, then we want...we want to, you know, have a report sent to us. It doesn't have to be a resolution, but if we have oversight, we have the...like the quarterly reports that are public for the public to see. And as Member U'u-Hodgins said, if this passes by the electorate, it just removes the inflexibility and gives us flexibility to put it into Code how the Council and the public would like it done. And so, if we want it to remain the way it is by resolution any amount, then we can put that into Code, and then it would just stay that way. So, no question. Thanks.

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

COUNCILMEMBER LEE: Thank you. I fail to see enough justification to...to make...to pass this proposal. The Council's...you know, this...this is one of our main authorities, our roles, is...is...is the power of the purse, and no one from the Administration could ever complain that this Council has ever held up any proposed amendment with regard to

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the budget...not with my knowledge. And so, we have had so many different special Council meetings and numerous, numerous...countless amendments. So, all these changes to the budget is a signal to the Administration that they have to be a little bit more disciplined in how they implement the budget. Because from the very beginning, we're always asking...as Councilmember Nohe U'u-Hodgins mentioned, we're always asking departments, what are your priorities? You know, tell us your priorities, and they don't ever tell us their priority, because everything is important. But then we end up with a budget that is so flush with money that we have carryover...the savings up the kazoo. So, my...my inclination is not to...to help make it less disciplined, and...and I would like the departments and the Mayor to be more focused on what they propose from the very beginning and try to stay with that. So, that's...that's where I stand, so I will not vote in favor of this proposal. Thank you.

CHAIR BATANGAN: Thank you, Chair. Any other questions or comments for round two? Okay. That being the case, I think Chair Lee and I are in the minority on this one, and so I will entertain a motion to recommend passage on first reading of Resolution 26-89, including any nonsubstantive revisions.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Okay. So, motion made by Member Rawlins-Fernandez, seconded by Member Cook. Any further discussion? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And if this Charter amendment does pass, gets on the ballot and passes and becomes...you know, is amended this way, I...as I've done in the past, like I...I don't have any rush to make it different. I'm happy to keep it, you know, by resolution any amount and start slow, as some of my colleagues have asked, especially the one that said all the important things . . .*(laughing)*. . . Member U'u-Hodgins. So, you know, I...I know there's always fear when there's change, but I...I personally don't have any rush to, you know, make...make it a...set a certain amount, like that's not something I'm going to be pursuing hard or anything, but I...I do like the ability to have some flexibility. Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Any further discussion? Member Paltin?

COUNCILMEMBER PALTIN: I think I would have liked to have the parameters of what was recommended first, because I don't necessarily trust all the Members to understand the various funds and categories that are in the budget. So, like although I know it wouldn't be exactly and it could change, I think a roadmap would have helped like of why and what is being proposed, because I...I...I just don't trust all my colleagues to understand the budget. Sorry.

CHAIR BATANGAN: Understood, Member Paltin. Member Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: For my second and final. . . *(laughing)*. . . So, until we pass a bill to amend the Code, it would still be by resolution, any amount. We would have to set that parameters first before the Administration could do anything different. So, we...we would create that roadmap, but I understand. Perhaps, Budget Director, like we could have like a couple meetings and workshops on...on what the Administration would be proposing before we consider any changes to the Code when...if this passes. Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. I guess I view this slightly differently. The effective date is January 2nd, 2027, and when we went through the director confirmation process for Human Concerns, one of the justifications Corporation Counsel used for taking wide discretion in how they interpreted the law was the lack of an ordinance that gave specific guidance. So, had they not taken that position in a...on a different matter, I probably would have agreed with you, but because they've used that argument in the past, I would feel more comfortable if this passed in November, that this body then put into ordinance prior to January 2nd, 2027, guidance so that they can't say absence for...absent ordinance or guidance from the Council that they can take a broad interpretation of the law and then use it to make discretionary changes to the budget. That's my only comment, but I think my position on...on the main motion is already pretty clear.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: For my third and final.

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

CHAIR BATANGAN: Yes, Member Rawlins-Fernandez for her third and second final.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(laughing)*. . . I'm supportive of what you're saying, and I agree. It's...it's better to have things clear, and so if this does pass, not committing a vote, but I'm supportive of putting into Code by resolution so that it is set until we come to something different. Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. I guess we are about to call for the question, and Member Sugimura was not here for discussion. If you would like for me to hold off on recognizing you until after the vote, I'm happy to do so, but you got to leave the room. If you would like to participate in the vote without having heard deliberations on the matter, I will happily recognize you now.

COUNCILMEMBER SUGIMURA: Can you...

CHAIR BATANGAN: But that's the...that's...that's the options before you, Member Sugimura.



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COUNCILMEMBER SUGIMURA: Okay. So, can you repeat the motion?

CHAIR BATANGAN: So, the motion on the floor is to recommend passage on first reading of Resolution 26-89. There have been no proposed amendments to...to the bill that was transmitted from the Administration.

COUNCILMEMBER SUGIMURA: Okay. And what did Corp. Counsel say?

CHAIR BATANGAN: Corporation Counsel did not opine, but can I just ask...

COUNCILMEMBER RAWLINS-FERNANDEZ: Nobody asked them.

CHAIR BATANGAN: Yeah, nobody asked him for anything, but can I just ask that you confirm that this was signed to form and legality by Corporation Counsel?

MR. KOLBE: I can confirm that it was signed as to form and legality, yes.

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: Question.

CHAIR BATANGAN: Chair Lee?

COUNCILMEMBER LEE: Yeah, I have a question for Director Milner. You know, normally amendments, we just vote up and...up or down. So, if this measure passed, and the...one of the departments needed to make a transfer of some kind, is the...is the method still the same where we just have an up or down vote, or can we make changes to the request for the transfer?

MS. MILNER: Thank you, Chair. Thank you, Chair Lee. My understanding is that it would still remain an up or down vote based on language existing elsewhere in the Charter.

COUNCILMEMBER LEE: Okay. So, again, you know, it's...it's very...you know, people need to understand the process, and giving this flexibility, it just encourages less discipline on the part of the Administration. Thank you.

CHAIR BATANGAN: Thank you, Chair. Any further discussion?

COUNCILMEMBER SUGIMURA: Roll call.

CHAIR BATANGAN: Okay. Roll call, Staff.

MR. HURDLE: Chair, proceeding with the roll call votes. Councilmember Cook.

COUNCILMEMBER COOK: Aye.

MR. HURDLE: Councilmember Johnson.

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COUNCILMEMBER JOHNSON: Yes.

MR. HURDLE: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MR. HURDLE: Councilmember Paltin.

COUNCILMEMBER PALTIN: I'm going to kānalua, please.

MR. HURDLE: Okay. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MR. HURDLE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MR. HURDLE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MR. HURDLE: Committee Vice-Chair Nohelani U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Aye.

MR. HURDLE: And we'll come back to Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay. Aye...but there's more lawyers looking at it than just one lawyer, right?

CHAIR BATANGAN: I don't know...I don't know if we can debate --

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR BATANGAN: -- while in voting.

COUNCILMEMBER PALTIN: All right. Aye, with reservations.

MR. HURDLE: Committee Chair Batangan.

CHAIR BATANGAN: No.

MR. HURDLE: Chair, that's five "ayes," four "noes." The motion passes.

CHAIR BATANGAN: Wait.

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

MR. HURDLE: Oh, is it six-three? Excuse me.

MR. PASCUAL: Six-three.

MR. HURDLE: Six-three, excuse me.

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

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

**NOES:       Chair Batangan, and Councilmembers Lee and  
Sugimura**

**ABSTAIN:   None.**

**ABSENT:     None.**

**EXCUSED:   None.**

**MOTION CARRIED.**

**ACTION:     Recommending FIRST READING of Resolution 26-89.**

CHAIR BATANGAN: Thank you. So, thank you, Members. Okay. So, that concludes our first round of deliberation on all of the initial proposals. We will now return to the items that were deferred. We'll begin with Resolutions 25-215, Relating to Notice and Conduct of Public Meetings, and 25-217, Relating to the Computation of Time. At the June 2nd GREAT Meeting, the Committee agreed to follow the Office of the County Clerk...or sorry, the Committee allowed to...agreed to allow the Office of the County Clerk to combine these two resolutions. Both were considered housekeeping items, and OCC was already planning to propose a CD1 version of Resolution 25-215 to address the Department of Corporation Counsel's concerns about newspaper publication requirements in the Hawai'i Revised Statutes. To ensure we're satisfying proper notice requirements, we will bring both items forward for discussion at the same time. I would therefore like to entertain a motion to reconsider Resolutions 25-215 and 25-217. I would like...

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR BATANGAN: Okay. Thank you.

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VICE-CHAIR U'U-HODGINS: Second.

CHAIR BATANGAN: Moved by Member Rawlins-Fernandez, and seconded by Member U'u-Hodgins. The note I was about to make, which I guess was for Member Johnson and my benefit, is that since this was deferred at the June 2nd meeting, and we weren't here, that neither of us is able to move for reconsideration. But I guess that's moot, since it was done already by Member Rawlins-Fernandez and Member U'u-Hodgins.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're welcome again.

CHAIR BATANGAN: I guess that...I just want that on the record so that when the other items that come up which were deferred on June 2nd that he and I cannot be the makers of those motions. Okay. So, we now have on the...have before us Resolutions 25-215 and 25-217.

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

CHAIR BATANGAN: No, the...the two before us are 25-215, Proposed Charter Amendment on the Notice and Conduct of Public Hearings, and 25-217, Proposed Charter Amendment on the Computation of Time.

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

CHAIR BATANGAN: Sorry, Member Rawlins-Fernandez, I don't...I didn't catch your question.

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

CHAIR BATANGAN: Okay. So, I wasn't here, and didn't...I'd like to hear from the Office of the County Clerk and Corporation Counsel on these matters. So, first I'll ask for comments on the reconsideration from our Clerk and Deputy Clerk, and then I'll...I'll look to Deputy Corporation Counsel Kolbe.

MS. THOMSON: Thank you, Chair. So, we did combine 25-215 and 25-217. I'm looking for it in Granicus, and I'm not finding it yet, however. So, if it's...if...if it hasn't been properly transmitted, perhaps we could defer that, and I can go make copies really quick.

CHAIR BATANGAN: Staff, did we receive a copy of the combined proposal? So, Staff is saying we have not yet received that. Would you guys like us to circle back to this item so that we have an opportunity to distribute the...the written proposal? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Yes, Member Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Did you want to call the vote on the reconsideration?

CHAIR BATANGAN: I didn't realize I hadn't done that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR BATANGAN: Okay. So, we have before us a motion on the floor to reconsider 215 and 217. I should probably dispense with that motion. All in favor of reconsideration, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: That's nine "ayes," zero "noes," motion passes.

**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:   Reconsider Resolution 25-215 and Resolution 25-217.**

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez.

**ITEM 10(3):   RESOLUTION 25-215, PROPOSED CHARTER AMENDMENT ON THE NOTICE AND CONDUCT OF PUBLIC HEARINGS**

**ITEM 10(5):   RESOLUTION 25-217, PROPOSED CHARTER AMENDMENT ON THE COMPUTATION OF TIME**

CHAIR BATANGAN: Okay. So, we now have before us--I apologize, Members--those two, but we do not have a transmitted copy of that...of a combined resolution with those two proposals. Can I ask for a two-minute recess so that I can get myself organized, and

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we can potentially either get that distributed or we can move on to the next item while we make copies of...of the proposal. Before we --

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick question --

CHAIR BATANGAN: -- take that recess.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- before we recess.

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So that you can consult with Staff during the recess in case you don't have the answer to my question. So, we approved reconsideration on two separate motions. Now we need to dispense with those separate motions, but we're going to take up a combined bill. So, would the preference of the Chair be to withdraw those motions to...to clear the table? And then that's what you can confer with Staff if you don't have that answer. Because there's...there's two motions that we reconsidered because they weren't originally combined, yeah?

CHAIR BATANGAN: Yes. I will confer with Staff during the recess and then get an answer to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sounds good. Mahalo.

CHAIR BATANGAN: Thank you. So, it's now 10:53. Let's come back at 10:58, so five minutes, and we will...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . ten minutes?

CHAIR BATANGAN: Sorry, five minutes, 10:58. Thank you. . . .*(gavel)*. . .

**RECESS:** 10:53 a.m.

**RECONVENE:** 11:08 a.m.

CHAIR BATANGAN: . . .*(gavel)*. . . Thank you. Members, can the GREAT Committee meeting please reconvene. The time is now 11:09 a.m. So, apologies, it took...I underestimated how long it would take to receive and then print the combined proposal, but it is now being distributed for your consideration. We have before us two resolutions, 25-215 and 25-217. Chair's recommendation would be to...if we are in favor of considering a combined one, to replace one of the two resolutions and then file the other. But before we take any action to that effect, I'd like to hear from the Clerks and from Corporation Counsel on the proposed amendment that they now created. So, I think Deputy Clerk? Deputy Clerk, would you please provide remarks on your Resolution 25-215, CD1?

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MS. THOMSON: Thank you very much, Chair. So, the CD1 version combines 25-215 and 25-217, and also addresses a concern raised by the Budget Director as far as the computation of time, which is the proposed new Section 13-18, it's the bottom of page 6 of the document just passed...handed out. And so, that says, except as to deadlines set on specific dates or as established in Article 9, the time in which any act is to be done is computed by excluding the first day and including the last, unless it's a Saturday, Sunday, or holiday, in which event the period runs until 4:30 p.m. on the next business day. So, that was one of the concerns. Member Paltin also brought up using the phrase "in compliance with State law" as necessary, so those changes were implemented. And other than that, we...we hope that this is a...more of a housekeeping type of amendment. You know, it...we talked about earlier that publication in a newspaper is becoming increasingly problematic. It slows down the responsiveness of Council, you know, since you're limited to your meeting dates by the time that it takes us to...it basically adds another week. So, it...it inhibits your ability to respond very quickly on things that do require, currently, publication in the newspaper. So, it's...it's simply the flexibility there that we're looking for, and also the recognition that this is a Sunshine Law body and most of your...most of your...well, all...all...all of your Sunshine Law meetings are...are...you know, have to comply with State law. If there are public hearing requirements like in State law, such as the Fuel Tax and the Vehicle Weight Tax, those do require public hearings, and those notices would continue to be published in the paper in accordance with State law. So, those are the only comments we have right now, Chair. Thanks.

CHAIR BATANGAN: Thank you, Deputy Clerk. Deputy Corporation Counsel?

MR. KOLBE: Okay. Thank you, Chair. Well, I'll start with the section related to the changes in 13-18, the computation of time. I don't have any concerns about that. So, to the extent that that language is approved by the Budget Director for certain items, that's great. It is...it makes this somewhat compound in terms of a resolution. I don't know that it's such that it can't be clear on what is being proposed. I have previously addressed this...this Committee related to my concerns that the resolution has changed by removing references to publications and newspapers of general circulation, is in conflict with HRS Statutes 1-28.5, which is general for any time public notice and publication is required, and then 46-2, which is within the chapter related to the County and counties and how they're organized and operate. And that is much more specific to the publication and...or advising [sic] of ordinances, amendments, resolutions, and bills. I...I think that the idea that we can simplify the process and...and provide some flexibility by taking that language out and just replacing it with something like "in accordance with law" isn't technically wrong, but it might be kind of in conflict with what the point of this is, which is to kind of put the public on notice that things are happening and the government's taking actions. There...if passed the way that it is, it would change the publication of...of a number of budget actions in...in Chapters...or Sections 9-4 and 9-8. And I think that's just going to...if...to be honest, going to be a little bit confusing for the public. I would note that I think part of the reason this was intended was that there was a Legislative act to try and amend 1-28.5 to modernize it and allow for digital notifications, but that didn't happen. So, as we sit here today, the...the statute says what it says. So, I...I have

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concerns and...and wouldn't be in support of this on that legal basis that it's in conflict with State law. I do notice that, you know, if...if...this is a Sunshine board, and we have...the County Council has to comply with the Sunshine notice requirements. I think it does, and I...I don't think that the provisions in 92-7, the notice section, satisfy the requirements for publication as required under the statutes. So, it...it can't really be a substitute. I can't think...and I don't believe this is really just a housekeeping matter. Couple other things to consider--I know this is a lot--but couple other things to consider is that publication by notice is required whenever a "government agency is required to give public notice or to publish notice," and then they provide the methods. There are things that our County does at the planning commissions, as you've indicated some of the tax provisions that require public hearings, and public hearings and...and meetings are not synonymous, and I think an earlier version, the one that was first presented used the word synonymous, but meetings cover a lot of territory, a lot of things can happen. There can be public testimony. But public hearings, in...in slight contrast, are things that are required to allow for public input. And so, I...I'm...also think it's problematic to replace all references to public hearing. But in any event, if this body decides that it wants to replace "public hearing" with "meeting" in anticipation that later on the State law is going to change, I would make a suggestion on the actual ballot initiative. So, where it says, "affirm that County meetings must comply with State law," you could, as an alternative, say that "the County shall comply with all public notice requirements under State law," or "State law public notice requirements," and...and that might get you some flexibility, but also make it clear to the voters that what we're talking about is changes in...in...in the notice for public actions. That's about it. I can answer questions as...as they come.

CHAIR BATANGAN: Thank you, Deputy Corporation Counsel. Okay. So, we have before us those two resolutions. Is there anybody who would like to make a motion to the effect of replacing 25...25-215 with the CD1 version that was just distributed? Motion made by Member Sugimura. Is there a second? Seconded by Member U'u-Hodgins. Okay. So, now that we have this before us, is there...I'll start --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: -- with...yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Will you please repeat the motion?

CHAIR BATANGAN: Okay. So, we had before us Resolution 25-215 and Resolution 25-217. My recommendation when we came back from recess was to replace one of those with the combined version of the two, which is now 25-215 CD1. So, that's the motion before us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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



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CHAIR BATANGAN: Yes, but I didn't include that when I was trying to figure out how to proceed. So, we would have to take that up separately. So, if...if...if replacing 25-215 with the CD1 version does pass, then the next action would be to file 25-217, because they're now combined, yeah. So, we don't...it would be redundant.

COUNCILMEMBER RAWLINS-FERNANDEZ: You combined the two motions?

CHAIR BATANGAN: The two resolutions, because the resolution...

COUNCILMEMBER RAWLINS-FERNANDEZ: No, but there's two motions.

CHAIR BATANGAN: No, the resolution that we took for reconsideration was to bring both before us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR BATANGAN: My understanding from Staff was that because it was deferred rather than voted for or against, that we could bring both up at the same time and then replace one. We wouldn't need to --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, if they were both deferred --

CHAIR BATANGAN: -- have two different motions.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- then we didn't need a reconsideration. We could have just brought them back up. Okay. Here we are.

CHAIR BATANGAN: But we did. And so, now --

COUNCILMEMBER RAWLINS-FERNANDEZ: And so...

CHAIR BATANGAN: -- the...now the recommendation to proceed is to replace 25-215 with the CD1 version that is a combination of the two.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. That satisfies my question. Can we call on Budget Director to opine on the section that was amended to address the concerns she brought up at the last meeting?

CHAIR BATANGAN: Sure, we can do that. And then after we hear from Budget Director, I'd like to offer the Members an opportunity to have their rounds of questions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Great.

CHAIR BATANGAN: But we'll take opening remarks from Budget Director, and then we'll open up the floor for the Members. Director Milner?

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MS. MILNER: Mahalo, Chair. Mahalo, Councilmember Rawlins-Fernandez. Yeah. So, the language that I received says “except as to deadlines set on specific dates or as established in Article 9.” So, I think the only thing I would request the body to consider is instead of saying “Article 9,” say “Section 4-3.3,” because that’s where the deadline language is. It’s not in Article 9. So, that’s one option. Or instead of “established in Article 9,” it could be “bills passed by the Council in accordance with Sections 9-5 and 9-6.” Either of those, I think, would serve the purpose of us not running up against that June 30th date. But that would just be my recommendation because the deadline itself isn’t actually set in Article 9. Thank you, Chair.

CHAIR BATANGAN: Thank you, Budget Director. Okay. All right. So, we’ve now had opening comments from the Clerks, Corporation Counsel, and the Budget Director. We can start deliberations on the matter. I’ll go three minutes for this first round. As the maker of the motion, Member Sugimura, would you like to kick us off?

COUNCILMEMBER SUGIMURA: It sure sounds like Corp. Counsel has lots of objections, and being our legal opinion, you’re recommending further scrutiny, you’re recommending...

MR. KOLBE: My review of this is as to form and legality, and I...the concerns I have are that it’s in conflict with State law as amended. And so, I’m recommending that it not be, you know, approved for inclusion on the ballot.

COUNCILMEMBER SUGIMURA: Okay. Thank you. No more.

MR. KOLBE: As written. Excuse me.

COUNCILMEMBER SUGIMURA: As written.

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

COUNCILMEMBER PALTIN: I’ll move to make the amendments suggested by Corporation Counsel Kolbe, if he can repeat the verbiage.

CHAIR BATANGAN: Deputy Corporation Counsel?

MR. KOLBE: Yeah. As...as related to the ballot question?

COUNCILMEMBER SUGIMURA: You had a bunch.

COUNCILMEMBER PALTIN: For form and legality, what you were saying, to make it be legal form, you had some suggestions. I...I’m sorry, I didn’t write them all down. But...

MR. KOLBE: Well, one suggestion was to not replace “public hearing” with the word “meeting.”

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COUNCILMEMBER PALTIN: Okay. I...I move to make that amendment, as well as the one about conforming with State law that you said, if you can repeat that verbiage as well.

MR. KOLBE: Sure. I'll just read the whole thing.

COUNCILMEMBER PALTIN: Perfect.

MR. KOLBE: In paragraph form...4, in the quotation section, I would start where it says "affirm," and I would say "affirm that County meetings must comply with publication and notice requirements in State law."

COUNCILMEMBER PALTIN: Also include that in my motion.

COUNCILMEMBER JOHNSON: I'll second that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR BATANGAN: And then, I guess, while you're at it, Member Paltin, did you want to include the recommendation from the Budget Director?

COUNCILMEMBER PALTIN: Yes, I would. Thank you.

CHAIR BATANGAN: Director Milner, can you please restate for the record your recommendation for...

COUNCILMEMBER RAWLINS-FERNANDEZ: She had two recommendations, Chair.

CHAIR BATANGAN: Oh, she did.

COUNCILMEMBER RAWLINS-FERNANDEZ: Maybe we can take that up separately.

CHAIR BATANGAN: Oh, no, she just popped up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, there was two. She said you can either exempt Section 4-3.3 or 9.5...9.5 or 9.6. There was...

CHAIR BATANGAN: Two options. So, I guess, Director Milner, do you have a preference, since we're taking up amendments to this?

MS. MILNER: Thank you, Chair. Thank you, Councilmember. If you want to keep the "as established," then I would say "as established in Section 4-3.3."

COUNCILMEMBER PALTIN: That's the one. Thank you.

CHAIR BATANGAN: Thank you, Director Milner. Okay. So, Member Paltin moved to amend CD1. Let's see if I captured this all. I know that we were going to keep the public hearing language, that we would replace the verbiage on conforming with State law to

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what Deputy Director Kolbe stated, and then from Director Milner, changing the reference from Section 9-4 to 4-3.3, I think it was...something to that effect. Okay. So, everybody's clear. We have a motion on the floor made by Member Paltin. It was seconded by Member Rawlins-Fernandez?

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

CHAIR BATANGAN: Okay. I just said Member Rawlins-Fernandez, so...

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

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

CHAIR BATANGAN: Well, then I'm going to go with...if you're going to put me in that spot, Member Rawlins-Fernandez, then it's going to be Member Johnson. . . .*(laughing)*. . .

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

COUNCILMEMBER LEE: Chair? Chair?

CHAIR BATANGAN: Yes, Chair Lee.

COUNCILMEMBER LEE: Since we heard from Corp. Counsel, Deputy Corp. Counsel, can we hear from the County Clerk on...on this, the amendments?

CHAIR BATANGAN: Yes, Chair. I just want to make sure that the motion on the floor is clear before we deliberate on the matter.

COUNCILMEMBER LEE: Okay.

CHAIR BATANGAN: Okay. So, we have a motion on the floor made by Member Paltin, seconded by Member Johnson, since I like him more.

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

CHAIR BATANGAN: And I guess now that we're...

COUNCILMEMBER RAWLINS-FERNANDEZ: More than Member Rawlins-Fernandez. Yes. Yes.

COUNCILMEMBER JOHNSON: Okay.

CHAIR BATANGAN: More than...period.

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

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

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CHAIR BATANGAN: Yeah.

UNIDENTIFIED SPEAKER: Than all of you.

COUNCILMEMBER PALTIN: Budding --

CHAIR BATANGAN: Yeah.

COUNCILMEMBER PALTIN: -- romance here.

CHAIR BATANGAN: Okay. So, we now have...so we're now in deliberation. We have a request from Chair Lee to hear from the Clerks since they were the drafters of this CD1 version. Clerks?

MS. THOMSON: Thank you, Chair. And thank you, Chair Lee. In...in general, I think that the...our purpose was really to acknowledge that most of your work is done in accordance with Sunshine Law. OIP has opined that publication in the newspaper under that Section 1-28.5 is not required for Sunshine Law meetings. So, that was our intent. Honestly, I...I'm not sure that this proposal needs to be considered any further if...if really what we're doing is keeping it the same. So, we're not changing public meetings to, you know...or public hearings to meetings. So, that's really the bulk of this amendment. So, honestly, I would just say, why don't we just go ahead and...and not consider either one of these proposals?

COUNCILMEMBER SUGIMURA: And they won't change. Yeah.

CHAIR BATANGAN: Member Paltin?

COUNCILMEMBER PALTIN: Thank you. As the maker of the motion, I'll enter my discussion. I...I do think there is some validity to...I think what...the second one that Deputy Corp. Council Kolbe mentioned was if State law changes, then we can change it. So, that, I feel like, is worthwhile. Is that not worthwhile enough for you guys? Because, I mean, we can do an HSAC package or something like that and appeal to the senators and representatives of our County that, you know, everybody knows we don't have easy access to newspapers anymore. So, I mean, is that not worth it? You'd rather still file it? I'm cool to file it, but I'd also wouldn't mind to try and change State law, but maybe we can try change State law first? I don't know. But if State law changes and with the Charter clear, we can just go straight into it.

MS. THOMSON: Thank you, Chair, and Member Paltin. I...I think that your point is very well taken and in the last Legislative session, there were a couple of...I think at least a couple of bills to amend that notice in a newspaper for public hearings requirement. Well, just in general, notice for meetings of any type not having to be in a newspaper. So, we're going to continue absolutely focusing on that as...as much as we can and, you know, if HSAC can come to bear on that issue, that'd be great.

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COUNCILMEMBER PALTIN: So, to clarify, you...do we still need to combine it? Was...one of them was the public hearing/public meeting one and the other one was the notice.

MS. THOMSON: The computation of time. So, basically eliminating --

COUNCILMEMBER PALTIN: Oh computation.

MS. THOMSON: -- weekends and holidays with Charter deadlines. But it's...it's completely up to you folks if you think that warrants a Charter amendment. But in terms of if...if we're not going to change public hearings to meetings, then...

COUNCILMEMBER PALTIN: Cut that whole part out.

MS. THOMSON: Yeah, I just honestly don't see...you know, why go ahead with...with any of those other...because the other changes are really manini, they're more language.

COUNCILMEMBER PALTIN: But the media part, keep that, because it's worthwhile...because we can work on the State?

MS. THOMSON: You mean the deadline part? Just that one section?

COUNCILMEMBER PALTIN: And...and the publications. Like, if it's in compliant...what was the word again, Mr. Deputy Kolbe?

MR. KOLBE: No...

COUNCILMEMBER PALTIN: Shall conform with State law.

MR. KOLBE: Yes.

COUNCILMEMBER PALTIN: So, I mean, it is a hardship to get a publication of daily circulation in this County because it doesn't...and we have not a great relationship with *Star Advertiser*, apparently, and it's expensive. So, I mean, this would clear the way if the State changes their law from that whole thing, or we could wait another two to ten years, or indefinitely if you'd like, but I feel like that part is worthwhile to not file the whole thing, but --

UNIDENTIFIED SPEAKER: Okay.

COUNCILMEMBER PALTIN: -- I'm open if somebody else wants to make a motion to cut out the public hearing/public meeting part. I feel like I've done enough work on this one today. I'll spread the wealth.

CHAIR BATANGAN: Thank you, Member Paltin. I guess by show of hands, is there anybody who wants...has questions or comments? Because I can go down the line, but I don't know if there's that much debate on the amendment before us, I think more of the discussions on the general combined package. Member U'u-Hodgins?

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VICE-CHAIR U‘U-HODGINS: So, if that’s the case, which...okay. Then we’re basically getting rid of the original 25-215, and we’re now kind of back to 217.

CHAIR BATANGAN: If...yeah. So, if we reject CD1, then we would have both proposals before us. This is a combined version of the two.

VICE-CHAIR U‘U-HODGINS: Yes.

CHAIR BATANGAN: Correct.

VICE-CHAIR U‘U-HODGINS: So, is that then what we’re picking up?

CHAIR BATANGAN: That...if...if this...

VICE-CHAIR U‘U-HODGINS: And then we’ll include...

CHAIR BATANGAN: Yeah. So, if the motion before us...or I guess --

VICE-CHAIR U‘U-HODGINS: Because then it would be...

CHAIR BATANGAN: -- the motion is to amend --

VICE-CHAIR U‘U-HODGINS: Yeah.

CHAIR BATANGAN: -- so we would dispense with the amendments, then we would go back to the main motion. If that fails, then back before us would be the two separate resolutions.

VICE-CHAIR U‘U-HODGINS: Okay. And then when the time comes, we can make the...the changes that we discussed for the CD1 version for the sections related to budget timeline in the 217?

CHAIR BATANGAN: Yes, that is my understanding.

VICE-CHAIR U‘U-HODGINS: Okay. Cool.

CHAIR BATANGAN: Member...Member Paltin?

COUNCILMEMBER PALTIN: I think I’d like to follow that plan of action, and if there is no objection from whoever seconded, whether they’re a favorite of anyone or not, I’ll withdraw my motion.

CHAIR BATANGAN: Okay. Before you do, though, I would like to question. So, Deputy Corporation Counsel, can you re-explain your objection to changing public hearing to meeting? Because my reading was that “meeting” is an umbrella term

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under which a public hearing would fall, and so that it wouldn't be a conflict. But you had a specific objection, and I'd like to better understand it.

MR. KOLBE: Sure, Chair. I don't believe that a meeting and a public hearing are synonymous. I think that a public hearing...you can have a public hearing portion in a meeting. It's that there are certain things, like, for instance, hearings on SMA app...permit applications, or certain types of land use changes that require a public hearing. That's the language that they use, they call it a public hearing. And I think if we just go through the whole thing with the intent to call everything a meeting, then...then the logic is that we can...we can meet our notice requirements because a meeting has to comply with Sunshine Law 92-7. And I think that that's where we get into trouble because they're not...they're not the same thing. And...and we would then need to go in, for instance, to the Maui County Code 19.510, and every time they talk about the requirements for public notice and everything, we'd have to change all of those.

CHAIR BATANGAN: Okay. So, I think I'm in agreement that a public hearing and a meeting are not the same thing. But my interpretation of meeting was that it is a broader term. So, it would be an umbrella one under which public hearing would fall, and in which case, then the more specific requirements for a public hearing could still apply to those, but the more general requirements for others could still move forward under the proposal before us. Is that not your interpretation?

MR. KOLBE: You know, I can't point to any court case that says that. I think that the terms...I agree with you generally that that's the commonly understood concept that a meeting is...is a little bit broader and public hearing is a little more due process oriented and is required in certain...in certain circumstances by laws, ordinances, rules, et cetera. So...but I...I can't point to anything that says that, you know, like we look at statutes and then ordinances as a hierarchy--no, I can't...I can't point to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are you able to point to that definition of your understanding of a meeting?

CHAIR BATANGAN: No, I was going by commonly understood definitions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR BATANGAN: It's not defined in the Charter.



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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, and it's in HRS 90...Section 92, hearing does appear 24 times, and...but no definition.

CHAIR BATANGAN: Correct. Okay. So, I guess given the conversation that we now have, Member Paltin was willing to withdraw her...her motion to amend. I would like to follow that train of thought, withdraw the motion to amend CD1. I actually think we should probably...so...okay. Then do I need to do anything to make that happen, or is her making that offer enough?

MR. HURDLE: Sorry, Chair. I think we'll have Peter clarify. Because also, I think we need to go back and make sure we had a main motion at the beginning.

MR. HANANO: Yes, Chair. Not to complicate things more, but I think we didn't have a main motion to recommend passage on first reading. I think the motion on the floor is to recommend combining 215 and...I don't know what the other one is.

COUNCILMEMBER SUGIMURA: 217.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

MR. HANANO: I don't think we had a main motion to recommend passage.

COUNCILMEMBER RAWLINS-FERNANDEZ: We do have a main motion.

MR. HANANO: There is?

COUNCILMEMBER RAWLINS-FERNANDEZ: After the reconsideration, we have two main motions. The motion to amend is the motion to combine. So, the main motion is actually two motions because of the reconsideration to pass 215 and 217.

CHAIR BATANGAN: I actually don't think that...

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, that's why my recommendation was to withdraw everything to clear everything up because then this is what I knew would happen.

CHAIR BATANGAN: Yeah, so I agree with the recommendation, but I think my understanding was slightly different. So, we...we had Resolutions 215 and 217 before us. I actually don't remember making a motion to pass one or the other. I remember making a motion to replace 215 with the CD1 version.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: But if...

COUNCILMEMBER RAWLINS-FERNANDEZ: Because we made a motion to --

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CHAIR BATANGAN: To reconsider, right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- reconsider deferral.

CHAIR BATANGAN: Yeah.

MR. HANANO: Exactly.

CHAIR BATANGAN: So, there was never a motion to pass on first reading, which is, I think, what Mr. Hanano's getting at. This is getting a little complicated for me. I'm getting lost in our procedures. So, Mr. Hanano, was your recommendation to back up, clear the...and then recommend passage on first reading 25-215 so that we would all be of the same understanding as to where we are? Member Paltin was willing to withdraw her...her amendment. I think I need to dispense of the main motion to replace, but I'm going to look to you for help on...on where to go for this.

MR. HANANO: Yeah. So, I think because we didn't have a main motion to recommend passage of either resolutions, we need at least one. And I think it's going to be under Resolution 25-215 since that seems like the more complex one.

CHAIR BATANGAN: Okay. And...

MR. HANANO: And then once we get that, then there can be a motion to replace with...by combining the two.

CHAIR BATANGAN: Or to keep them separate and amend as needed.

MR. HANANO: Right.

CHAIR BATANGAN: Okay. So, Members, can I ask...but I don't know what the steps we got to take to get there is, but...

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

CHAIR BATANGAN: Yeah, can I ask for a recess?

COUNCILMEMBER PALTIN: Oh, well, let's let me and Gabe withdraw, and then Yuki withdraw, and then we'll start...

COUNCILMEMBER RAWLINS-FERNANDEZ: Clear it.

COUNCILMEMBER PALTIN: Clear it.

COUNCILMEMBER SUGIMURA: Start...start new.

COUNCILMEMBER LEE: Yeah. Chair? Chair?

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CHAIR BATANGAN: Yes, Chair Lee.

COUNCILMEMBER LEE: After we clear the deck, can we just take a lunch break?

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

CHAIR BATANGAN: I...

COUNCILMEMBER LEE: I hate...I hate to rush this vote, you know.

CHAIR BATANGAN: No, no, no, I agree. So, my hope was to...I know the Members of this body have a conflict at noon, so my hope was to break shortly before then anyway. If the Members are open, we can take our lunch break slightly earlier. Let's dispense of the motions before us, and then we can discuss taking a recess afterwards.

COUNCILMEMBER SUGIMURA: Fine.

CHAIR BATANGAN: Staff...okay. So, if they're willing to withdraw, I don't need to do anything, right? Member Paltin was the maker of the amendment.

COUNCILMEMBER JOHNSON: I withdraw my second.

CHAIR BATANGAN: And...and...and then the main motion that was before us was made by Member Sugimura. Are you willing to withdraw that?

COUNCILMEMBER SUGIMURA: Yes, yes.

CHAIR BATANGAN: And then the seconder was Member Cook. Okay. So, that is withdrawn. We are now at square one. Okay. So, let's discuss...let's discuss the plan for the rest of the day then. We have six resolutions that needed to be reconsidered. We have before us two of them, and we have through 4:30. So...yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Sorry. I...so, one of the things we talked about at the very first meeting, that you were not there, was that we didn't want to have 15 Charter amendment --

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- proposals on the ballot. I know you said we have six that were deferred.

CHAIR BATANGAN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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CHAIR BATANGAN: So, we were...we'll go through all the deferrals, and then we would prioritize if needed. You know, I...I think I made in my opening remarks that if the body feels that we would overwhelm the electorate by putting forth too many questions, then we would prioritize at that point. Because I think there was a Sunshine Law issue with taking a straw poll for which ones Members had preferences for upfront. But once we go through everything, then we can decide which ones we want to prioritize and what might be more appropriate to take up at a later date.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah. Because...

CHAIR BATANGAN: And by that I mean like a future election, because it would have to go on the ballot, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, four were either withdrawn...four resolutions were either withdrawn, or not passed...or recommend not passage. And then we potentially will combine two, and that would leave us with nine. So, just for --

CHAIR BATANGAN: For everybody's situational --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- everyone's --

CHAIR BATANGAN: -- awareness.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- while we're during lunch, to --

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- start thinking about, because if we...if all the bills...resos we deferred or passed already are put on the ballot, there will be nine plus the one that we already approved to be on the ballot.

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I can read those if you want, because I wrote them down.

CHAIR BATANGAN: I don't know if we need to at this point, because they were stated at the beginning of the meeting, and we just passed the two budget ones. So, that's five for today. I guess if you really feel the need to reiterate what those are, great. But otherwise, I'd like to get the pleasure of the body for what we...for the...for the game plan for the rest of the day. So, if we take a lunch break now, I know some of you had meetings scheduled at noon in anticipation of that being, you know, our...our regularly-scheduled break. Is that going to...are the conflicts all the way up until 1:30? Would you guys be able to come back at, say, 1:00? No?

COUNCILMEMBER PALTIN: Chair, on the side, I'd like to leave at 4:00, if that's okay.

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CHAIR BATANGAN: We will do our best.

COUNCILMEMBER SINENCI: My conflict is to 1:15.

CHAIR BATANGAN: Okay. Does anybody have a preference to coming back at 1:15? So, if we were to break at 11:45 and come back at 1:15, it's still our normal scheduled duration, but at a slightly different time.

VICE-CHAIR U'U-HODGINS: I'll be on the road, but I'll listen in. There might be sections where I have terrible service, because I live in the country, but I'll be listening.

CHAIR BATANGAN: Understood.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: I have no conflict, Chair, and I'm staying for a Council meeting tomorrow, so... I mean, not encouraging us to go into the night, but I'm just saying that I'm here to finish the work.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Okay. So, I...I think that's a sound game plan. Let's recess now, and then reconvene at 1:15. You know, those who are able to join us here in person, great. If you are on the road at that time, we'll do our best to make accommodations.

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

CHAIR BATANGAN: Okay. So, the time is now 11:44. This meeting will be in recess until 1:15. Thank you, Members. ...*(gavel)*...

**RECESS:** 11:44 a.m.

**RECONVENE:** 1:20 p.m.

CHAIR BATANGAN: ...*(gavel)*... Good afternoon, Members. Will the GREAT Committee meeting please come back to order. It is now 1:20 p.m. Okay. So, we have before us Resolution 25-215 and Resolution 25-217. My hope is to very quickly get through these two, and then given that we only have three hours left of our workday, I'll look to the Members for guidance on what resolutions we should reconsider. If we don't have to take up all of them, I'd really like to not have to. And then when we get through reconsideration, we can decide if we are above what we feel is comfortable putting forth on the ballot. So, start to think about which ones you really want to take up of the remaining proposals that need to be reconsidered. So, the resolutions before us were both submitted to us by the Clerks. You know, their initial proposal at the beginning of this meeting was to combine the two of them. It doesn't sound like there's appetite for that from this body. So, Clerks, can I ask if you have a preference on how to proceed with the Resolutions 25-215 and Resolution 25-217?

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MS. THOMSON: Yes. Thank you. Chair. So, our recommendation would be to file 25-215. And the reason is, with the changes that were recommended by Corporation Counsel and Peter Hanano, your OCS Attorney, it really kind of takes the meat out of 215. So, there would be no true purpose for introducing it at this point. And over the break, I submitted to the Committee a CD1 version of 217, which incorporates the Budget Director's changes that she recommended regarding Section 4-3.3. So, that's in the CD1 version, and I did run it by the Budget Director, so she is okay with that version.

CHAIR BATANGAN: Thank you, Clerks. Okay. So, Members, if the...if Resolution 25-215 was requested by the Clerks, and they are now recommending filing, is there any objection to me doing so?

COUNCILMEMBERS: No objections.

CHAIR BATANGAN: Okay. So ordered. So, Resolution 25-2...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Oh, yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: I see Member U'u-Hodgins --

CHAIR BATANGAN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- online, if you want to do the Sunshine Law.

CHAIR BATANGAN: Sorry, Member U'u-Hodgins, did you have an objection to filing Resolution 25-215?

VICE-CHAIR U'U-HODGINS: No, I don't, Chair. I was agreeing with you by shaking my head, saying no objections.

CHAIR BATANGAN: Okay. And since you are --

VICE-CHAIR U'U-HODGINS: Thank you, Chair.

CHAIR BATANGAN: -- calling in remotely, can I ask you and Member Sinenci to do your Sunshine Law disclaimers?

VICE-CHAIR U'U-HODGINS: Yes. I am in my husband's dirty car all by myself.

CHAIR BATANGAN: Thank you for those details, Member U'u-Hodgins. Member Sinenci?

COUNCILMEMBER SINENCI: Are you going to go...are you going to go wash it for him?

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

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VICE-CHAIR U‘U-HODGINS: No, I will not.

COUNCILMEMBER SINENCI: Okay.

VICE-CHAIR U‘U-HODGINS: But thank you. He’ll appreciate that thought.

COUNCILMEMBER SINENCI: . . .*(laughing)*. . . Chair, I’m here at my home office, and I’m here by myself. Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. Okay. So, I think we just recommended filing of 25-215. There were...the CD1 version of...

MR. HURDLE: Sorry. Chair?

CHAIR BATANGAN: Yes?

MR. HURDLE: We’ll do the motion and then the vote to file.

CHAIR BATANGAN: Oh, I cannot do it without objection. Okay. It sounds like a motion to file --

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: -- is needed. So, we have a motion from Member Rawlins-Fernandez, second by Member Sugimura. Any discussion on the filing? Seeing none. All in favor of filing Resolution 25-215, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, “nay.”

MR. HURDLE: Thank you, Chair. That’s nine “ayes,” zero “noes,” motion passes.

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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.**

**EXC.:**    **None.**

**MOTION CARRIED.**

**ACTION:**    **Recommending FILING of Resolution 25-215.**

CHAIR BATANGAN: Thank you, Staff. Okay. So, now we have Resolution 25-217. Can I have a motion from somebody who was here on the 2nd for...to replace it with the CD1 version that was just distributed? So, somebody besides me and Gabe.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: Member Cook, seconded by Member Sugimura. So, we have before us the CD1 version of 25-217. OCS Staff did recommend that if we adopt this, that there be two amendments we consider; 1, to the first item under be it resolved. They would prefer that the language be amended to the following: That in accordance with Section 14-11(1), Revised Charter of the County of Maui (1983), as amended, it proposes that the Charter Article 13 on general provisions be amended by adding a new section to read as follows: with new material underscored. Staff, can I...since this is coming from you, can I ask you to explain?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: What was the motion on the floor?

CHAIR BATANGAN: The motion is to pass CD...or replace 25-217 with 25-217, CD1. Now Staff is requesting we further amend Resolution 27...or yeah, 25-217, CD1.

COUNCILMEMBER RAWLINS-FERNANDEZ: And that's the main motion?

CHAIR BATANGAN: The main motion is to replace it with CD...oh.



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COUNCILMEMBER RAWLINS-FERNANDEZ: The main motion needs to be passed.

CHAIR BATANGAN: I see. Okay. So, can I ask for a motion to pass on first reading 25-217?

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Member Sugimura, seconded by Member Cook. Okay. Now I need a motion to amend it by replacing it with the CD1 version that was just distributed.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: I'll go with Member Cook and then Member Sugimura since that's the order I took it up last time. Now, Staff would like us to further amend it in two ways. Staff, can I ask you to explain those two requested amendments?

MR. PASCUAL: Thank you, Chair. And apologies, let me bring up my notes. So, one amendment that we're requesting is to amend the first be it resolved clause to amend the prefatory language to say the following: That in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended, it proposes that Charter Article 13 on General Provisions be amended by adding a new section to read as follows: with new material underscored. So, it's just to make the prefatory language consistent with how we do other Charter amendments.

CHAIR BATANGAN: Okay. So, it's the first item under be it resolved. It's most...it's changing it so that it's consistent with the way that they wrote all the other resolutions for the...for this ballot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, what is supposed to be underscored?

CHAIR BATANGAN: It's...it doesn't currently say that. That's what Staff is asking us to have it say.

MR. PASCUAL: And Chair, so if this is approved, we would also underscore the new section that's being inserted into the Charter. So, I think that's Charter Section 13-18.

CHAIR BATANGAN: And then Staff, you wanted revisions to Section 6 as well. Also...my understanding is to have it also conform with the way that the other resolutions were written?

MR. PASCUAL: Yes, Chair. So, for this other amendment, it would be amending the 6 be it resolved clause to say the following: That on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this resolution takes effect on January 1st, 2027. And it's to

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conform it, I guess, the prefatory language with how we do other Charter amendments, but it would also make the time frame consistent for when the amendments would take effect.

CHAIR BATANGAN: Did everybody get that? Is there an appetite to amend it to include the OCS recommendations?

COUNCILMEMBER COOK: So moved.

CHAIR BATANGAN: Okay. So, I...I see a motion by Member Cook. Do we have a second?

COUNCILMEMBER LEE: Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: I would like to --

CHAIR BATANGAN: Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- see it.

CHAIR BATANGAN: -- Member Lee. So, we have a motion on the floor to amend CD1 to conform those two provisions, be it resolved 1 and be it resolved 6 to the language that OCS had proposed for conformity with the way that they drafted the other proposals. Okay. We...for discussion, I hear Member Rawlins-Fernandez asking to see the language. Is there a way that we can...

COUNCILMEMBER RAWLINS-FERNANDEZ: To see the amendments. Because I think, if I --

CHAIR BATANGAN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- understand correctly, all of Section 13-18 would be underscored as it is in the original 25-217...all of it?

MR. PASCUAL: That's correct, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: That whole section?

MR. PASCUAL: Because it's a new section that's being inserted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. And then in the whereas clause Subsection 6, after the word "amendment" in the last line, it would be on the proposed amendment on this reso what?

MR. PASCUAL: I'm sorry, Member Rawlins-Fernandez, is this --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, can you read it again?

MR. PASCUAL: -- the be it resolved clause, the 6 be it resolved clause?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. PASCUAL: Okay. Let me repeat the language that we would be requesting.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PASCUAL: It would say, that on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this resolution takes effect on January 1st, 2027.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Sure.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Clerks, since this is your proposal, do you have any objections to the requested amendments from OCS?

MS. THOMSON: No, none at all.

CHAIR BATANGAN: Thank you. Okay. So, we have before us a motion to amend. Any further discussion? Seeing none. All in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: That's nine "ayes," zero "noes," motion passes.

**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.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

MR. HURDLE: You're back on the motion to replace.

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CHAIR BATANGAN: Okay. So, we're back on the motion to replace 25-217 with the CD1 version. Any further discussion? Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I will be voting in favor of this so that there's a final position on...on this resolution, but this is not my top five. Mahalo, Chair.

CHAIR BATANGAN: Understood. Any further discussion on the motion to replace 25-17 [sic] with the CD1 version? Seeing none. All in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: Chair, that's nine "ayes," zero "noes." The motion passes.

**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.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

MR. HURDLE: Back to the main motion as amended.

CHAIR BATANGAN: Okay. So, the main motion as amended to pass...or to recommend passage of Resolution 25-217, as amended. Any further discussion? Okay. You raising your hands to vote? So, all in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: Chair, that's nine "ayes," zero "noes," motion passes.

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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.**

**EXC.:**    **None.**

**MOTION CARRIED.**

**ACTION:**    **Recommending FIRST READING of Resolution 25-217, CD1.**

CHAIR BATANGAN: Thank you, Members. Okay. So, that’s two of the six. Is that how many we had to reconsider? Okay. In the interest of time, can I get a sense from the body, are there any burning ones that you really want to take up? Before I call on Member Rawlins-Fernandez, I guess my reading from the body in the last meeting was that the INB and the vacancies were of interest to this body, but I’d love to hear from each of you, starting with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. My top five is Emergency Appropriations, INB, Processing of Claims, Board of Ethics, and Hawai‘i’s motto.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, do you want me to give you the numbers? I have the numbers, I’m sorry.

CHAIR BATANGAN: No, no, no. I guess I’m trying to get a sense of...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. My neighbor would like me to say the numbers.

CHAIR BATANGAN: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, Reso 26-88, Reso 26-93, Reso 26-61, Reso 95, and 85.

CHAIR BATANGAN: Okay. But I guess part of what I was trying to get at was, we don’t need to reconsider all of the ones that had been deferred. So...well, I appreciate the top five, and that’ll be helpful when we prioritize ballot questions if we feel that we are over.

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What I'm really trying to get a sense of is, which of the deferred proposals we still need to bring up for reconsideration. Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I think the only one of my five that would need to be taken up again because it was deferred was the claims one.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: 61, Reso 26-61.

CHAIR BATANGAN: Okay. So, claims...

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

COUNCILMEMBER RAWLINS-FERNANDEZ: And the INB, we...we deferred that one, too.

CHAIR BATANGAN: Okay. Any other burning ones that the body wants to take up for reconsideration?

COUNCILMEMBER RAWLINS-FERNANDEZ: The vacancy is also...has been deferred, but that wasn't my top five because I think there's a lot more work that needs to be done on it.

CHAIR BATANGAN: Understood. Chair Lee?

COUNCILMEMBER LEE: Yeah, you said there are about nine. Why don't you just list them so...so we can remember?

CHAIR BATANGAN: Okay. I don't --

COUNCILMEMBER LEE: All nine.

CHAIR BATANGAN: -- have them organized quite so easily.

COUNCILMEMBER RAWLINS-FERNANDEZ: I have them, Chair, if you'd like help.

CHAIR BATANGAN: Sure. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Okay. It's Reso 25-216, and that's the one with...oh wait, you just filed that one. Oh, no, deadlines, we passed that one. Reso 25-217, that was the computation of time, and we just passed that one right now. Reso 26-61, and that's the processing of claims. Reso 26-11, Council vacancy. Reso 26-85 was Hawai'i's motto, and that one passed. The Council vacancy was deferred. Reso 26-95, Board of Ethics, was passed. Reso 26-93, repealing the INB, was deferred. Reso 26-88, Emergency Appropriations, we just passed today. Reso 26-89, Transfer of Appropriations, was also just passed today.

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CHAIR BATANGAN: Okay. Chair Lee, did you have anything you wanted to add?

COUNCILMEMBER LEE: Of all of these, I'd...I'd probably consider maybe two or three as a priority.

CHAIR BATANGAN: Thank you. So, I guess my reading of the body is that the ones that we really have strong feelings towards reconsidering are Claims, the Independent Nomination Board, and the Vacancy on the Council. Is...is that generally correct? Am I...is there anybody who has a burning desire to take up any of the deferred amendments beyond those three?

**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: Okay. So, let's start with the Independent Nomination Board, because I think we can move through that one pretty quickly. Members, we did receive a response from the Administration just prior to the beginning of our meeting this morning. That has been uploaded onto Granicus as number 9. If you have not had a chance to read through it, they do commit to adopting many of the...the recommendations from the Cost of Government Commission's report, but I did find one piece of their correspondence interesting that may impact this body's decision-making, and I'd like to read it into the record. It's the last section, Resolution 26-93, and it states, in your letter, you cite the Cost of Government Commission "is recommending the County retain the INB because the board is a Charter requirement. If this is the reason for retention, I recommend approving Resolution 26-93 with one edit that I suggest on the following page. The purpose of Resolution 26-93, as identified in the heading, is to simplify the appointment process for boards and commissions and dissolve the Independent Nomination Board. As you are aware, the Administration and Council continue to face challenges with recruiting enough candidates to serve on boards and commissions, leaving critical positions vacant and the boards and commissions unable to meet quorums. This amendment intends to alleviate those challenges, but may also inadvertently contribute to them due to ambiguity in the language. On page 4 of the resolution, the following language is added to the Charter. Additional policies on the processes...on the process for appointments to boards and commissions may be established by ordinance." And then this section, with emphasis added by the Administration. "The policies may include a requirement that the Mayor identify applicants and initiatives to recruit and vet applicants." So, it sounds like the Mayor is recommending that we eliminate the Independent Nomination Board, with an amendment to the proposed resolution that was submitted by Member Rawlins-Fernandez. You know, I think that would help our discussion moving forward, because I think the discussion had to do with eliminating the board or, you know, allowing reform to occur. If the Administration has a preference, and at least my reading of this body was that there was a preference for dissolving as well, I'd be willing to entertain a motion to that effect at this time.

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COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: Thank you, Chair. Okay. Moved by Chair Lee, seconded by Member Sugimura.

MR. HANANO: Chair?

CHAIR BATANGAN: Yes.

MR. HANANO: Just for clarification, is this to reconsider the previous deferral or...

CHAIR BATANGAN: Yeah. Okay. So, the order of operations would be reconsider deferral, and then move to adopt. Is that correct, Mr. Hanano?

MR. HANANO: It would be a move to recommend passage on first reading.

CHAIR BATANGAN: Okay. So, I guess first we need to move to reconsider.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved. No...oh yeah, reconsider.

CHAIR BATANGAN: Yeah, no, we...we...we do need that motion. I...I skipped over it, so I guess we'll take that motion.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, we don't, but we can.

COUNCILMEMBER LEE: Yeah, I didn't think we needed it either --

CHAIR BATANGAN: Oh.

COUNCILMEMBER LEE: -- but let's do it so we can just move forward.

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's up to you, and you want it.

CHAIR BATANGAN: If we don't need it, then I'd rather skip over it. So, we have then before us the motion to recommend passage.

COUNCILMEMBER RAWLINS-FERNANDEZ: The Chair will entertain a motion to pass on first reading.



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CHAIR BATANGAN: Okay. And am I able to utilize the motion made by Chair Lee and seconded by Member Sugimura, or do I need to go through this again? Corporation Counsel?

MR. KOLBE: Chair, I just had one procedural issue, and...and that's that I see potential change we need to make to 26-93, and I don't know if that needs to happen before you guys take the matter up for deliberation or not.

CHAIR BATANGAN: Try that again?

MR. HANANO: I think he has a recommended amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think that...is...is that the Section 10 that you want to bring up?

MR. KOLBE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, first we're going to do the procedural thing, and then we'll bring up discussion, and then that's when we'll...we'll bring up the Section 10.

MR. KOLBE: Thank you.

CHAIR BATANGAN: Understood. Okay. So, we have before us a motion to recommend on first reading Resolution...shoot, I'm out of order.

COUNCILMEMBER RAWLINS-FERNANDEZ: 26-93.

CHAIR BATANGAN: 26-93.

COUNCILMEMBER RAWLINS-FERNANDEZ: Moved by Chair Lee, seconded by Member Sugimura.

CHAIR BATANGAN: Okay. Thank you. So, now that we're on discussion, Corporation Counsel?

MR. KOLBE: Thank you, Chair. Section 10 to 13-2 does two things. One thing is it...is it adds in language about additional policies on the process for appointments to boards and commissions may be established by ordinance. That language is fine. The next sentence, "policies may include requirement that the Mayor identify applicants and initiatives to recruit and vet applicants" could be problematic, and here's the reason. The OIP and HRS 290...92F have recognized that unsuccessful applicants to certain boards and commissions have significant privacy interests. Now, there may be ways to work around that and provide a mechanism for them to be identified, but I don't think it needs to be in the Charter. So, my recommendation was that the second sentence that's underscored be taken out. The other suggested change is that Section 10 pretty much says that all boards and commissions shall hold public

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hearings whenever required or deemed necessary and shall provide due notice to the public. That language has been kind of in the Charter forever. I don't see a reason to need to bracket that out and remove that language, so my recommendation would be to leave it as...leave...to leave it in.

CHAIR BATANGAN: Okay. So, I caught the second part of that regarding the bracketed language in Section 10. Can you repeat the first one?

MR. KOLBE: Yeah.

CHAIR BATANGAN: Because that's the language that's coming down from the Administration.

MR. KOLBE: Yeah. The...

CHAIR BATANGAN: So, how do you recommend resolving the legal issue?

MR. KOLBE: To resolve a legal issue, I think you can leave the first sentence in that starts with "additional" and ends with "ordinance," and then just simply leave out the second sentence, "the policies may include, et cetera," that one.

CHAIR BATANGAN: Okay. Can you refer to the section of the Section 13-2, and then read it as you would like it to...as you would like us to consider it?

MR. KOLBE: Sure. It's 13-2, Section 10, and it would...it would read, all boards and commissions shall hold public hearings whenever required or deemed necessary and shall provide due notice to the public by publication in a newspaper of general circulation in the County. Additional policies on the process for appointments to boards and commissions may be established by ordinance.

CHAIR BATANGAN: Period. So, just take out that last sentence from the proposal?

MR. KOLBE: Yes. That would --

CHAIR BATANGAN: Okay.

MR. KOLBE: -- be my recommendation.

CHAIR BATANGAN: Okay. So, did everybody understand that? Member Johnson? And then I'll go to Chair Lee.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, Corporation Counsel, you're basically saying that we want to protect the applicant's privacy? Is that the reason why you want this out? Because remember, this is a public committee in a public forum. I...I...I don't understand that how they...you know, you're supposed to have...what's the term?

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COUNCILMEMBER PALTIN: Sunshine.

COUNCILMEMBER JOHNSON: Yeah, but there's an expectation of privacy, but you're applying for a public commission. What is the expectation?

MR. KOLBE: I...I can only read from what the OIP said, and that --

COUNCILMEMBER JOHNSON: Okay.

MR. KOLBE: -- was that...and...and I...I want to distinguish between nominees and applicants. So, if --

COUNCILMEMBER JOHNSON: Oh.

MR. KOLBE: -- somebody applies, or if somebody is nominated, and then considered by you guys, they wouldn't have the same protection. So, it says, we found that applicants not nominated to fill a vacancy have a significant privacy interest in their application for a position on a board or commission, and that the disclosure of these unsuccessful applicants' identities would not shed significant light upon the actions of the Governor in selecting the appointee. Thus, we could find no public interest in the disclosure of this information, and concluded that such a disclosure would constitute a clearly unwarranted invasion of privacy under Section 92F-13(1), Hawai'i Revised Statutes. And this is...this is in...to distinguish unsuccessful applicants from people who...there is a public interest, for instance, nominee of a judge, nominee of a person to serve on the Board of Ethics. I think under those circumstances, the significant privacy interest would be outweighed by the public's right to know.

COUNCILMEMBER JOHNSON: That's very lawyerly of you, but I just feel like, you know, it's not very...what are they expecting? There's no expectation of privacy when you come before a public commission. But if that's the difference between a nomination and an applicant, I hear where you're coming from, but wow, that's one way to look at it. Thank you, Chair.

CHAIR BATANGAN: Thank you. Before I recognize...so I said I would call on Chair Lee next, but it has been brought to my attention that, had I kept reading the letter from the Administration, that the Mayor would have made a similar point, and that I just didn't go far enough to bring that to the public light. So, I want to...I want to acknowledge that mistake on my behalf. I saw Chair Lee's hand next, and then Member Sugimura.

COUNCILMEMBER LEE: I just wanted to ask Mr. Kolbe, why leave that second sentence out?

CHAIR BATANGAN: I think that's what he just...

COUNCILMEMBER LEE: Because it clearly says that we...we have, you know, the opportunity to make changes by ordinance...well...you know, not...not changes, but...

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MR. KOLBE: Right. I think that sentence provides you with all the flexibility that you would need as...as the County Council to establish what...what information needs to be, and if there was an intent to change the application process to put people on notice that their information and identification would be public, then that may be something you could do. I just don't...

COUNCILMEMBER LEE: And that's the reason for deleting the second sentence?

MR. KOLBE: The...the...the second...the last sentence of that paragraph.

COUNCILMEMBER LEE: Okay.

MR. KOLBE: Not the second sentence. Yeah.

COUNCILMEMBER LEE: All right. Thank you.

CHAIR BATANGAN: Okay. And so, Member Sugimura, followed by Member Paltin.

COUNCILMEMBER SUGIMURA: So, I believe going through this INB, that's the exact problem that we were being told, difficulties of the applicants that we...they...their privacy had to be protected. So, are you saying then by eliminating that last sentence, then we do not have to worry about that?

MR. KOLBE: I...I...so, there's three sentences here. The first one is we've already talked about, and that has to do with what boards and commissions do. The second sentence allows you guys, by ordinance, to set policies. But the third sentence specifically identifies having the Mayor identify applicants. And I think that that language, it's not necessary because if you're allowed to do things by ordinance, then we could take that up as appropriate without having it in the Const...in the...in the Charter. That's all I'm saying. And because the OIP has, at least in some circumstances, found applicants to have this privacy interest, we...we shouldn't put it in there if we don't have to. That's my suggestion.

COUNCILMEMBER SUGIMURA: Okay. Okay. Thank you.

CHAIR BATANGAN: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. For the redacted part...or the bracketed part that you wanted put back in, can we go back to your language about the State's process on due notice to the public by publication in newspaper of general circulation in the County, and say like in accordance with State law? Because we're trying to...we don't have a great --

CHAIR BATANGAN: A public...a publication of --

COUNCILMEMBER PALTIN: -- newspaper of general circulation in this County?

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CHAIR BATANGAN: -- general circulation.

MR. KOLBE: . . .*(inaudible)*. . . I think I took the piece of paper that I wrote all that stuff down out of my folder when we took our break.

COUNCILMEMBER PALTIN: No.

MR. KOLBE: But...but the...but the language, I mean, you could do something like that, I think. In essence, I know what you're saying.

COUNCILMEMBER PALTIN: Legislative intent. Is that okay?

CHAIR BATANGAN: Fine by me, but I guess I would look to...I would want us to give Staff some guidance on how that language should be then written.

COUNCILMEMBER PALTIN: Rewind the tape.

COUNCILMEMBER RAWLINS-FERNANDEZ: I have it.

CHAIR BATANGAN: Member...Member Rawlins-Fernandez, can you read --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR BATANGAN: -- back for us how we addressed this earlier?

COUNCILMEMBER RAWLINS-FERNANDEZ: Conforming with State law.

COUNCILMEMBER PALTIN: Conforming with State law.

MR. KOLBE: Conforming with notice requirements under State law.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER PALTIN: Conforming with notice requirements.

COUNCILMEMBER RAWLINS-FERNANDEZ: And shall provide due notice conforming with State law.

COUNCILMEMBER PALTIN: State requirement notice under...

MR. KOLBE: Is that what I said, notice?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's what I wrote down.

MR. KOLBE: Okay. I have it here.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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MR. KOLBE: Comply with publication of notice requirements under State law.

CHAIR BATANGAN: Okay. Staff, did you get that?

COUNCILMEMBER RAWLINS-FERNANDEZ: It would be all boards and commissions shall hold public hearings whenever required, or...and then that section you just read?

COUNCILMEMBER PALTIN: Or deem necessary, and shall provide due notice to the public --

MR. KOLBE: In conformance with...

COUNCILMEMBER PALTIN: -- in conformance with the requirements of State law.

MR. KOLBE: Public notice requirements of State law.

COUNCILMEMBER PALTIN: In conformance with the public notice requirements of State law.

CHAIR BATANGAN: Okay.

COUNCILMEMBER PALTIN: That's my motion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR BATANGAN: Okay. Wait.

COUNCILMEMBER PALTIN: That's my preference.

CHAIR BATANGAN: Okay. Since Member Paltin brought it back to the...

COUNCILMEMBER RAWLINS-FERNANDEZ: I have it written. I think if we're going to take up that motion...

CHAIR BATANGAN: So, the motion on the floor was to pass...

COUNCILMEMBER RAWLINS-FERNANDEZ: Recommend passage on first reading 26-93.

CHAIR BATANGAN: 26-93. There's no motion to amend at this point, right? We were just discussing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, I...I can make the motion for all the things one time.

CHAIR BATANGAN: Okay. Sure. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: After we pau discussion.

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CHAIR BATANGAN: Okay. Would you like to make that...would you like to offer that...the motion to amend at this point?

COUNCILMEMBER RAWLINS-FERNANDEZ: After we pau all of our discussion. I wrote it down. So, I...I can include that to strike the last sentence, to restore the language, to add the...so I can make all that motion one time.

CHAIR BATANGAN: Okay. I don't see anybody else looking to comment or question on the main motion at this point. So, if you would like to offer that amendment, I think this --

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure.

CHAIR BATANGAN: -- would be an opportune time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I move to amend Section 10 on page 4 by restoring...by removing the back...brackets around "all boards and commissions...circulation in the County." So, we would remove the brackets, which would restore that language. Then to that first sentence, it would read, all boards and commissions shall hold public hearings whenever required or deemed necessary, and shall provide due notice in conformance with public notice in State law.

CHAIR BATANGAN: Deputy Corporation Counsel, I think she's looking to you for like acknowledgement or agreement that that is what you had recommended?

MR. KOLBE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. KOLBE: With one exception, right after the word "notice," I think "requirements."

COUNCILMEMBER RAWLINS-FERNANDEZ: Notice requirements. Sorry. Okay. Thank you.

MR. KOLBE: In State law.

CHAIR BATANGAN: Okay.

MR. KOLBE: And then...yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Notice requirements in State law. Further, to strike the last sentence that's underscored. Strike "the policies may include a requirement that the Mayor identify applicants and initiatives to recruit and vet applicants." And that is my motion to get a second.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. Can I get a second?

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COUNCILMEMBER JOHNSON: Second.

CHAIR BATANGAN: I don't know if you and I can.

COUNCILMEMBER RAWLINS-FERNANDEZ: You can. Why would you not be able to?

CHAIR BATANGAN: Oh no, we were here for this one. Sorry, we weren't here for the January...or the June 2nd one.

COUNCILMEMBER RAWLINS-FERNANDEZ: You just couldn't make the motion for reconsideration.

CHAIR BATANGAN: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR BATANGAN: So, then moved by Member Rawlins-Fernandez, seconded by Member Johnson. Any discussion? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, mahalo for taking this one up. And...okay. So, in Section 16, that is being stricken from the Charter, or is being proposed to be stricken, it says any applicant for nomination shall not be public. So, that is being removed, which would help with what Member Johnson was explaining about wanting that transparency. And that I...when drafting the legislation, I worked with OCS to put something stronger so that it wouldn't just be silent. So, you know, I'm removing the prohibition, or, you know, the any applicant for nomination shall not be public. So, removing that, and then taking a...taking a step further and saying that there will be an expectation that applicants will...it'll be available to...the list will be available to the public. And that can be added to the application form that would inform anyone applying to a board and commission that their names would not be private. And then they would be waiving that right to privacy, or expectation to privacy. And that was something I spoke with Deputy Corp. Counsel Kolbe about on Tuesday, about whether the fact pattern that OIP opined on included that consideration of waiving that right to privacy in an application. And I think he said no, but we...I can ask him.

CHAIR BATANGAN: Deputy Corporation Counsel?

MR. KOLBE: Without looking at exactly what you guys are going to propose in an ordinance, I can't say what exactly. But certainly, some information, it's...it's a balancing test. Significant privacy interest versus the rights to know. So, we always redact some information and don't provide it to the public in an application. And I think if you put language into an application form, we could go through that analysis and...and...you know, but if it's...if it's...if it's a Code provision and it's objected to, we can fix it.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, I mean, that doesn't say that in the...in the Charter. It was just...that's what this section, additional policies on the process



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for appointments to boards and commissions may be established by ordinance means, that we could clarify that process and waive that privacy interest. And it would just be the name, like it wouldn't be their contact information and all that stuff, their birth dates, their Social Security numbers, it wouldn't be that. But yeah, so that...that's the purpose of that section. Mahalo for allowing me to make the motion. I saw my neighbor with his hand up.

CHAIR BATANGAN: Neighbor with your hand up?

COUNCILMEMBER COOK: Yeah. Thank you. I just...for...for my clarification, an applicant...there's ten people who apply. Their names are not private. Three people are selected, they're nominees. The seven people who were not selected have total privacy, just their name. They don't have their...their...their professions and all the other stuff, the criteria. The three actual nominees who would be coming before us, or before a group to be assessed, would have all...full disclosure so that you could make a thorough assessment of their suitability and any potential conflicts. But the seven people who were initially asked and volunteered and were interviewed by the Blue Ribbon Committee or whoever, their information that was given to them would be private. Is that...that's...is that what we're talking about?

COUNCILMEMBER PALTIN: Except for their name you said.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Except for the name. And that's what he said, except for the name.

COUNCILMEMBER COOK: Yeah, except for the names.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER COOK: I'm saying --

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, the answer to your question is yes.

COUNCILMEMBER COOK: -- their...their information --

COUNCILMEMBER PALTIN: I like that.

COUNCILMEMBER COOK: -- would be disclosed to the Blue Ribbon Committee or the INB because they have to know that. But if they don't make the cut for whatever reason, they won't, because that's one of the impediments for people willing to volunteer. It's like, yes, indeed, I'm going to volunteer, so of course I'll do that. But if I'm not selected, I'm not going to go through all that. But you can keep all the information because I do want to serve. So, I just...I just want to see if we're on the same page with that because I think that lack of disclosure was maybe being a little misunderstood.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. If I understand you correctly, the answer is yes. And that would be something that we would further delve deeper into when...when we introduce a bill and is not affected by this particular...this just wouldn't prohibit us from doing that.

COUNCILMEMBER COOK: Okay. Does that meet with Mr. Johnson's interpretation?

COUNCILMEMBER JOHNSON: Yeah. I'm following along, and it sounds like exactly where we want to go with this.

COUNCILMEMBER COOK: Okay. Thank you. Thank you, Chair, for indulging me.

CHAIR BATANGAN: Thank you, neighbor with your hand up.

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

CHAIR BATANGAN: Any additional discussion on the motion to amend? Seeing none. All in favor...oh, you have additional discussion?

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

CHAIR BATANGAN: Okay. So, all in favor of the motion to amend, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed?

MR. HURDLE: Chair, I see eight “ayes,” zero “noes,” and Member U‘u-Hodgins excused.  
Motion passes.

**VOTE: AYES: Chair Batangan, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES: None.**

**ABSTAIN:     None.**

**ABSENT: None.**

**EXCUSED: Vice-Chair U'u-Hodgins.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

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CHAIR BATANGAN: Okay. So, back to the main motion as amended. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, Section 5 in this proposal is also being proposed to be amended by the...let's see, Board of Ethics' reso, which is Reso 26-95. And so, we need to make sure that if both resolution...or if both proposals pass, that Section 5 in this resolution is consistent with Section 5 in the Board of Ethics' resolution.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. My understanding was that if they both pass, that that would occur, but I guess I would defer to Mr. Hanano or Corporation Counsel on the matter. So, the question, gentlemen, before us is, if both this proposal passes and the proposal to allow for the Board of Ethics to have that second consecutive term pass, that Section 5 will automatically be adjusted?

MR. HANANO: Yes. I think what happens is the...and I don't know, maybe OCC has a better understanding of how this works, but the revise of statutes has to like merge it together to, you know, turn into one section that encompasses both amendments. Because I don't think we can like incorporate it and put it on the ballot. It has to be considered separately. And then once it...if it passes...because one may pass, one may not. If they both pass, then I think there needs to be some kind of adjustment on the final.

COUNCILMEMBER RAWLINS-FERNANDEZ: And Chair, we did make a provision in the Charter empowering the Clerks to make housekeeping changes for us. Deputy Clerk.

CHAIR BATANGAN: Deputy Clerk?

MS. THOMSON: Without looking at the language that we're talking about, I don't have those right in front of me, but yes...if both passed and they didn't conflict, then the language in both would be included in the new version of the Charter.

CHAIR BATANGAN: Thank you very much. Member Paltin?

COUNCILMEMBER PALTIN: Am I wrong in the reading of that number 5, that it is kind of housekeeping-ish? And so, we could just not...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. So, it...it...my proposal has housekeeping, and I just wanted to make sure that the housekeeping in both were the same. Because when I look at it, there's...there's a few differences, which is not substantive, but as much as possible for the housekeeping to be consistent.

COUNCILMEMBER PALTIN: I'm okay with consistency, but if it's just housekeeping in this section, does it need to be there?

CHAIR BATANGAN: I would defer to our lawyers on the matter.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I can...I think I can kind of make them as consistent as possible in a motion.

MR. HANANO: Yeah. I mean, it seems like, based on my reading of it, that it's just housekeeping and trying to make the language in that section conform to the drafting requirements of Office of Council Services.

CHAIR BATANGAN: I guess my question is, if one is substantive, meaning that, you know, the proposal to allow for the Board of Ethics to have consecutive terms, you know, that's like the whole point of that one, and then in this one, it's housekeeping. Should this Committee choose to recommend both, can we ask Staff to revise the second one so that it's consistent with the first one after it gets passed out of Committee so that it would be clean before it comes to full Council? Or is that something we have to wordsmith on the floor?

COUNCILMEMBER PALTIN: I think the word you're looking for is legislative intent. Can we legislative intent that?

CHAIR BATANGAN: I'm looking to Mr. Hanano and Mr. Kolbe on this one.

MR. HANANO: Yeah. I mean, if anything, it would be conforming 26-95 to match 26-93, which appears to be maybe, like I said, amendments to make it conform to OCS drafting standards, as well as there may be some clarity amendments --

CHAIR BATANGAN: Okay.

MR. HANANO: -- but I don't see any substance.

CHAIR BATANGAN: So, that being the case, my preference would be to move forward with the main motion, and that if there are conflicts in between now and when it comes before us in...at...at full Council, that OCS help us to make sure that the two proposals are able to work...be worked together. Any further discussion on the main motion as amended? Okay. Seeing none. All in favor of the main motion as amended, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: Chair, that's nine "ayes," zero "noes." The motion passes.

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**VOTE:**      **AYES:**    **Chair Batangan, Vice-Chair U'u-Hodgins, 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 26-93, CD1.**

CHAIR BATANGAN: Thank you, Members. Okay. So, that's the INB. The other two that I heard strong preferences for reconsideration are Claims and the Vacancy on a Council. Is there a preference for which ones we take up first?

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

CHAIR BATANGAN: Claims, okay. Can I have a motion to reconsider Claims? Moved --

COUNCILMEMBER SUGIMURA: So moved.

CHAIR BATANGAN: -- by Member Sugimura. I'll take --

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR BATANGAN: -- second from Member Rawlins-Fernandez. Member Sugimura, would you like to speak to this one, or would you like the introducers to speak to this one?

COUNCILMEMBER SUGIMURA: I think the introducers can, but we sure have talked about this. Please, Clerks.

CHAIR BATANGAN: Okay.

COUNCILMEMBER SUGIMURA: Important one we're...

CHAIR BATANGAN: Let me find my notes on this one.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I can...I can introduce it if you want. It's just changing Clerks to Corp. Counsel.

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COUNCILMEMBER SUGIMURA: Corp. Counsel.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's all it is. That's the whole amendment.

MR. KOLBE: Chair, can I just really briefly...this is Tom Kolbe.

CHAIR BATANGAN: Yes.

MR. KOLBE: Can I identify as resources on...if there's any debate on this, Mr. John Gores and Heather Andradington, and the Risk Manager, Lydia Toda?

COUNCILMEMBER RAWLINS-FERNANDEZ: No objections, Chair.

UNIDENTIFIED SPEAKER: No objections, Chair.

CHAIR BATANGAN: No objections. Okay. Wait. I finally found my notes on this matter, and there is a little bit more to it than that. So, I guess, Members, for your consideration and to help with our discussion, I've transmitted the Committee report and minutes to the Policy, Economic Development, and Agriculture Committee...or from the Policy, Economic Development, and Agriculture Committee. In 2018, that Committee passed the Charter amendment that would require claims to be filed with the Department of Corporation Counsel instead of the Office of the County Clerk. The proposal appeared on the 2018 ballot, but ultimately did not pass, receiving a 38.8 percent yes votes and 43.3 percent no votes. These results are also included in my transmittal. It's number 5 on Granicus. I also did want to recognize that Deputy Corporation Counsel had additional resource personnel he wanted to have designated. I did not see objections to them being designated. So, can I ask those individuals please come down to the floor at this time? Okay.

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

CHAIR BATANGAN: Oh, that's what you were trying to tell me. See, you were mentioning chair, I thought you were trying to talk to me. I didn't even realize you meant a physical chair. Okay. So, I understand that this was a very spirited debate on the 2nd. You know, Member Johnson and I were not here for that, and so I'd like to offer both the Clerks and Corporation Counsel the ability to make remarks before we get into discussion. I'll give you each two minutes. For Corporation Counsel, I recognize that there's a lot of you, so I'll look to Mr. Kolbe to manage the time on that point. But just so that we can all --

COUNCILMEMBER RAWLINS-FERNANDEZ: You're going to give each?

CHAIR BATANGAN: -- be brought back. No, the Clerks, two minutes --

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

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CHAIR BATANGAN: -- yep, and Corporation Counsel, two minutes. Not two minutes per body that's in a chair.

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

CHAIR BATANGAN: Yes, it is two minutes per organization just to bring us back up to speed and to make any remarks that you think are pertinent for our consideration on this matter. I'll start with the Clerks.

MS. LUTEY: Thank you, Chair. So, to get us up to speed, we presented this because the...currently what happens is, claimants come in and file with us. They believe that we are their point of contact, and they are frustrated when we are not able to give them any type of information on status and so forth. So, it would be more appropriate to have this at Corporation Counsel, who has access to status and so forth, as opposed to what's happening right now is, we're calling down there, referring the people that come in, and then trying to give them the information when they show back up. So, we're just looking to put it in the department where it is actually handled, similar to what Honolulu City and County does. They file there at Corporation Counsel as well.

CHAIR BATANGAN: Thank you. All right. Corporation Counsel, Mr. Kolbe, I will defer to you on managing time for opening remarks on this matter.

MR. KOLBE: Okay. Just briefly, I...at the last meeting, I indicated that there was a conflict issue, and I'm going to defer to Mr. Gores, who is a litigator, to explain that further.

MR. GORES: Thank you, Mr. Chair, Members of the Council. This is not just a claims issue, as it seems to be cutely phrased in the reso. There is a significant issue here. The filing or giving of the notice of claim is technically a jurisdictional act for purposes of a lawsuit. In other words, if it isn't done properly, if it isn't done timely, or if it doesn't...isn't done at all, that lawsuit can be dismissed. Now, in the last six to eight months, I've had five lawsuits involving fact issues concerning the filing of the claim. If it comes to our office, it will become...our office becomes the witness, and we can no longer be the advocate or the legal representative in the legal proceedings. That, in turn, will--as much as you like or don't like--will result in our coming here and requesting special counsel. Now, that's not cheap. And given the fact that I've had five in the last six to eight months, let's assume 100 grand of special counsel, that's a half-million dollars. We have ten litigators in our section. If each one of them has that, now we're up to \$5 million for simply changing it to the Corp. Counsel. Now, when we look at the HRS, the Legislature has made it clear that they're...they prefer to have a certain designated representative from the Council be the recipient. You get to designate the person in the Charter, but if you don't, the default is either the Council Chair or the Clerk of the County, because they receive the filings, the important papers. It's the second . . .*(timer sounds)*. . . most important duty the Clerk has. All right?

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CHAIR BATANGAN: Thank you, Mr. Gores. Okay. So, I understand that there was some very lively debate the last time around. Since Member Johnson and I were not here for that, I would...

COUNCILMEMBER JOHNSON: Do you have me mistaken for some other...someone else? Because I think I...

CHAIR BATANGAN: I thought you were...I don't know, my notes say that you weren't here on the...for the first round of...

COUNCILMEMBER PALTIN: He wasn't physically --

COUNCILMEMBER JOHNSON: Were you not here? Sometimes I think...

COUNCILMEMBER PALTIN: -- here, but I think he was virtually here. He was --

CHAIR BATANGAN: Oh.

COUNCILMEMBER PALTIN: -- virtual...

CHAIR BATANGAN: Yeah, so my notes said that you and I were not, and so I thought...

COUNCILMEMBER JOHNSON: I certainly remember this debate, but...

CHAIR BATANGAN: Oh, I was going to give you the opportunity to start your round of questioning, because you weren't here, but...

COUNCILMEMBER JOHNSON: Even so, it just doesn't mean that I can't bring it back up.

CHAIR BATANGAN: No, no, no.

COUNCILMEMBER JOHNSON: So...

CHAIR BATANGAN: But since...I guess my logic was that because you did not have the opportunity to ask questions the first time around, I was going to give you first crack this time.

COUNCILMEMBER JOHNSON: Oh, I remember this, and I...I could...I could see the Clerks shaking their head today, so we might have...it shouldn't be about me...he being here or not, we should hear it from them.

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

CHAIR BATANGAN: No, that wasn't it, I was just giving you first opportunity.

COUNCILMEMBER JOHNSON: My opportunity to speak is to ask questions to the Clerk. What say you, what we just heard from Corporation Counsel?



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MS. LUTEY: I have a lot to say about that, the...what the law says, because I am a litigation attorney as well, and was in Corp. Counsel handling claims...

CHAIR BATANGAN: Wait. Hold up. Before we get to that. So, I guess we will start the questions and comments from the Members. I started with Member Johnson. Can we do three minutes in this round? Staff, can you start the timer?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, what's the calculation? Three minutes, that's 27 minutes, and we have to adjourn at 4:00 p.m.?

CHAIR BATANGAN: Oh, I forgot it was 4:00.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or, I don't know, what time are we adjourning?

CHAIR BATANGAN: No, no, there were Members who had to leave at 4:00, you're right.

COUNCILMEMBER PALTIN: You can keep going, I'm out of here at 4:00, because I've had enough of this talking.

COUNCILMEMBER JOHNSON: I will keep my comments quick.

CHAIR BATANGAN: Okay.

COUNCILMEMBER JOHNSON: So, moving forward, Clerks, what say you?

MS. LUTEY: It's...it's that it's dismissal of State law claims, so that is the precursor, is that you must file a claim first. But I think really what is being missed here is that ultimately, Risk Management handles it. So, coming before this body and saying that we're making witnesses of the attorneys is really just a red herring. You can have it accepted by Risk Management, which is directly responsible to responding to these claims and has oversight of these claims. But giving it to us makes absolutely no sense, and it's not our second-most important role. Our most important role is elections, and our second is handling Council matters up here and acting as parliamentarians. Claims is not.

COUNCILMEMBER JOHNSON: Risk Management is in your Department?

MR. GORES: Risk management is the Department of Corporation Counsel. We are it, all right? We don't actually process those claims. The claims are actually processed by the third-party administrator. That's who processes them. But I want to touch on for you, Councilmember Johnson, and Councilmember Cook, Councilmember Rawlins-Fernandez, Councilmember Paltin...everybody. The second paragraph of the Clerk's Charter-designated duty is to take charge of, safely keep, and dispose of all books, papers, and records which may properly be filed in the Clerk's Office. Our office doesn't have that duty, only the Clerks do. And there's a reason why it's filed in the Clerk's Office, because...and I heard Chair Lee mention it

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this morning, you hold the purse strings. You get to see, as they come in, what the potential exposure is. The public has known this for decades and decades. It's pretty much the way of the world throughout the country, except for, apparently, Honolulu, who's willing to bear the burden of hiring special counsel, but they have a bigger tax base than we do, okay? So, the real question is, do you want us as your lawyers, or do you want us as your witnesses? We can't really go into court and try to vouch for the fact, yeah, we received this, or we didn't receive this, or in the most recent case I had, what they were claiming they filed was something completely different than what the Clerk's Office was telling us they had filed. You don't want us to be in that position, because once that happens, we're out.

COUNCILMEMBER JOHNSON: Okay. I appreciate your comments, Mr. Gores, and the amount of money we spend on private counsel, special counsel, is absurd. So, I hear where you're coming from, but obviously there's other Councilmembers to speak on this, and it sounds like the Clerks don't agree with that assessment. So, I'll pass it on. Thank you, Chair.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I guess, how does the Honolulu City and County handle the filing of claims? Do they have to hire a special counsel, because they then conflict themselves out?

MS. LUTEY: No, they don't handle it that way, and there's a way for Corporation Counsel and Risk Management to work this out so that they can handle it the same way City and County does. It really just comes down, ultimately, to the fact that our members of the public need someone forward-facing that can give them status, and that's why I believe Corporation Counsel and City and County handles it that way. They can have their Risk Management go out and speak to them, just like our Corporation Counsel can do as well, and timestamping will address when things are received. The Legal Department takes all kinds of very important documents every single day, and can easily keep track of when claims are received for purposes of litigation matters, if it gets to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. Gore [sic], so Risk Management is a different division than the Litigation Division, so why would litigators then be conflicted out if Risk Management receives the claims?

MR. GORES: They are us. It's that simple. They are the Department of Corporation Counsel, just like the Litigation Section is a section, they are also. And the reality is, is that if we accept these and we have to, we are now taking on a different role, a whole new perspective of, okay, we are going to have to vouch for this, all right? That's really what it comes down to, and...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. Gore [sic], I'm inclined to pass this and put it on the ballot for the voters to decide. Do you know how you would make that work, would like...you know, I...I'm also supportive of adding more resources to

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Risk Division to enable this to, you know, work out, but if Honolulu can do it, then I think we can too.

MR. GORES: Well, I'm well aware...I actually requested input from colleagues throughout the country who are actually litigators and are continuing to litigate and haven't taken any breaks from litigating, and they said, so you're trying to make yourself a witness. That's what you're trying to do. You really can't have it both ways. And I will tell you, as a plaintiff's lawyer, I always made it a point to try to figure out a way to conflict out the defense counsel on the other side, and there was a reason for that. Drove up the expenses and forced them to try to settle the case, all right? It really isn't much different here, and you would probably notice that with some of the cases I've had to come in here with.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, Mr. Gore [sic], have you seen that happen in Honolulu?

MR. GORES: I don't practice in Honolulu, okay?

COUNCILMEMBER RAWLINS-FERNANDEZ: Because I...I understand what you're saying to us, but if there isn't evidence that that's happening in Honolulu, and they're handling claims this way, then, you know, perhaps we can find . . . *(timer sounds)* . . . that same way to balance it.

MR. GORES: Well, you're assuming it's working in Honolulu. You don't know what they're doing in terms of having to hire special counsel.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I...I asked the Clerks and...

MR. GORES: Well, that's great, but we don't have anybody here from Honolulu to actually explain what they're doing or how they're doing it. And I think that would be...

COUNCILMEMBER RAWLINS-FERNANDEZ: I heard the timer, and maybe my neighbor can then follow up with the...the Clerks on citing their source of the information that I had asked for.

CHAIR BATANGAN: Neighbor with your hand up?

COUNCILMEMBER RAWLINS-FERNANDEZ: Decorum in the court.

COUNCILMEMBER JOHNSON: . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR BATANGAN: We're just going down the line --

COUNCILMEMBER RAWLINS-FERNANDEZ: I think he's going down the line.

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CHAIR BATANGAN: -- but if you're willing to defer to Member Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's not by raise of hand.

COUNCILMEMBER COOK: Okay. Well --

COUNCILMEMBER RAWLINS-FERNANDEZ: It's you are next.

COUNCILMEMBER COOK: -- I put my hand down. Somebody else had their hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Go ahead.

COUNCILMEMBER COOK: May I?

CHAIR BATANGAN: Yeah, if...if you would like to defer to Member Paltin, I can switch up the order. Member Paltin?

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

COUNCILMEMBER PALTIN: I'm...I'm just wondering, if this was on the ballot in 2018, what has changed significantly until 2026? I know Lahaina burned down, that's a significant...there's COVID, but what...what changed that we think that the voters are going to have a...like we have a limited number of slots of things, Charter amendments that we don't want to overwhelm, and if it's already been on the ballot, like within our recent lifetime history of memory, why are we putting it on again when the voters already told us no? It would be like us asking again, do you still want ten lifetime terms like for us? Because we're so awesome, and the previous people weren't so awesome, and so do you still want ten lifetime terms, or no? Like you want us to continue, keep going merry-go-round like how Kaua'i does? So, that's...that's my question. Like it already went on the ballot, we have a limited number of...like we have more Charter amendments than we want to put on it, so why would we put it on again when they kind of told us what they wanted? Like they told us they wanted us to serve ten years and be pau, and I'm...I'm going to listen to that. I'm not going to say you sure, because how awesome I am?

CHAIR BATANGAN: I think we...

COUNCILMEMBER PALTIN: Sure you don't want me to serve longer? Because I don't want to serve longer.

CHAIR BATANGAN: I think we understand the question. Clerks --

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

MS. LUTEY: Thank you.

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CHAIR BATANGAN: -- can you respond to the question of what changed since the last time this went before the voters?

MS. LUTEY: I think it's exactly what you just pointed out. The Lahaina fires and the Kula fires, and just the overall increase in the number of claims that we've received is what's generating us trying to resolve this problem and provide a better service to our public.

COUNCILMEMBER PALTIN: So...so, when there weren't a lot of claims, people said, no, it's not a problem. But do we know the number of claims that there were like in 2016 versus the number of claims there are in 2026?

MS. LUTEY: I could get that information for you if...

COUNCILMEMBER PALTIN: Ms. Toda?

MS. LUTEY: Yeah.

UNIDENTIFIED SPEAKER: Yeah, it was three years ago.

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

COUNCILMEMBER PALTIN: Oh, 2025 and 2018.

MS. TODA: Yeah. Thank you.

COUNCILMEMBER PALTIN: Thank you, Ms. Toda.

MS. TODA: Thank you, Chair. So, to answer your question, we had, in the calendar year of 2023, 92 claims; 2024, 59 claims; and last year, 70 claims.

MS. ANDRADINGTON: 70.

MS. TODA: 70. 7-0.

COUNCILMEMBER PALTIN: And do we know how much we had in like 2017, 2018?

MS. TODA: I don't have that information in front of me, but that's easy to get.

COUNCILMEMBER PALTIN: Okay. Yeah, I'll...can we write it down?

MS. LUTEY: And can I ask my Staff to check that? Because I don't think...with the wildfires alone, we were getting massive packets. If you combine them and say this is a wildfire claim and it has 200 people in it, that's one thing, but it's a different . . .*(timer sounds)*. . . ballgame for us.

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COUNCILMEMBER PALTIN: Okay. So, can we ask that question in writing so we can get like...maybe ask it to both.

CHAIR BATANGAN: Staff, did you get the question?

COUNCILMEMBER PALTIN: The plaintiff and the defendant, whoever is whoever.

CHAIR BATANGAN: Member Paltin, can you repeat the question for Staff so that they can transmit it in writing to both the Clerks and Corporation Counsel?

COUNCILMEMBER PALTIN: Oh, Clerks and Corporation...yeah. Can...can we know the number of claims annually for like '23, '24, '25, and '16...2016, 2017, 2018, and, you know, for the plaintiffs, defendants, Corp. Counsel, the Clerks?

MS. TODA: Going back ten years.

COUNCILMEMBER PALTIN: I guess the three years leading up to the 2018 Charter amendment and the three years leading up to this 2026 Charter amendment would help me make my decision, I guess.

CHAIR BATANGAN: Staff, did you get that? Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR BATANGAN: Thank you, Member Paltin. Back to you, Member Cook.

COUNCILMEMBER COOK: Thank you. So, my question for Corp. Counsel is, is there any procedures where you have a firewall within your Department to insulate from the prosecution and Risk Management? Because this is what I think we're looking at is...and what I hear is that no, if it's given to Corp. Counsel, then it's sort of like, you're going to negate. So, I'll give you a chance to...

MR. GORES: The problem we have is, is if it becomes an issue, Councilmember Cook, we have to come into the courtroom, and the witness that's going to testify is going to be Ms. Toda, let's say. Ms. Toda, you work for the Department of Corporation Counsel, correct? Yeah. And you work with them on a daily basis, right? Yeah. And you're here to help the County and the lawyers that you work for defend this case, right? Yeah. They're going to impugn the credibility is really what it comes down to. In this situation where we've got it right now, we've got independent people who are charged with the duty to keep things safe. Now, I want to comment, Ms. Lutey mentioned, when we receive filings all the time...we don't receive filings. We are served with process. Process is a summons, which is an order from the court to answer something, all right? That document has already been filed, and who has it been filed with? The clerk of court. The...it's typically the duty of a clerk to accept filings of important papers.

CHAIR BATANGAN: Thank you, Member Cook. Oh.

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COUNCILMEMBER COOK: Yeah, I...I hear it going back and forth. I'm just saying...so --

MS. LUTEY: Can I just...

COUNCILMEMBER COOK: -- I'm...I'm really curious how Honolulu does it. And there again, it's like I hear when you say, well, we don't know how Honolulu's doing it, but...so that...that, to me, is really the pivotal point that I would like, Chair, if we could inquire of some type of reference of how they do it and whether it's working or not. I wouldn't want to duplicate something that isn't working, and if it is working, maybe there's a methodology that we could adapt.

CHAIR BATANGAN: Thank you, Member Cook. I hear your question. I think part of the issue is going to be that if we don't take action today, I don't know what...if we're going to have enough time to revisit this before it needs to be passed through full Council and then be put on the ballot. So, we might have to make a decision with incomplete information. I'm just giving you that heads-up now. But I...I hear the question. Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. Can somebody remind me of the situation in which Corp. Counsel would require to be a witness? If what now? If it's not done correctly, if there's some sort of...can you say that again?

MR. GORES: There are issues that come up in litigation regarding the act of filing or what was filed, all right? The most recent one that I finished, there was an issue about what actually got filed because they were trying to change their claim. All right?

VICE-CHAIR U'U-HODGINS: Okay.

MR. GORES: They have to file the claim with us, tell us how much it is, and there's the requirements under the statute.

VICE-CHAIR U'U-HODGINS: Okay.

MR. GORES: In that situation, I had already told them I'm going to be calling the Clerks. And because I was able to do that, they backed down and we got rid of the case. All right?

VICE-CHAIR U'U-HODGINS: So, what is the difference between when somebody files with either the Clerks for their claims and when somebody files like a building permit or an SMA application, all of which are reviewed by the same department that they filed with?

MR. GORES: The other departments do not represent the County in legal proceedings.

VICE-CHAIR U'U-HODGINS: Right.

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MR. GORES: We represent the County in legal proceedings, and that's where the issue comes up. If we're going to be the party that is the witness, for example, and...

VICE-CHAIR U'U-HODGINS: I think SMAs sometimes go to court as we see some...and some of our buildings and some of our subdivisions.

MR. GORES: But we're not the witness in the Department of the Corporation Counsel, a different department is, okay? We can use the people in the departments to be the witnesses...that's...that's our client, okay? But when it comes into our office, we are the advocate, and suddenly we are also the witness. And there is one particular judge that wasn't happy about it here and it has cost us a lot of money because a Corp. Counsel was considered to be a witness, okay? And that has become very expensive, my understanding.

VICE-CHAIR U'U-HODGINS: How often does that happen?

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

VICE-CHAIR U'U-HODGINS: That's an off-the-record conversation.

MR. GORES: Well, you know how many times I've been here already on special counsel where we have conflicts. The witness issue is what we call a conflict issue, okay? If we're a witness, we can't be an advocate.

VICE-CHAIR U'U-HODGINS: And that would be the same for Risk Management, or if you had somebody solely dedicated to receiving claims?

MR. GORES: They're us, that's the whole deal. The designation is going to be, the Department of Corporation Counsel receives these. We're the Department of Corporation Counsel. We are the people vouching for what was filed, what wasn't filed. And then at the same time, we're going to go in and vouch for the credibility in the courthouse, not on a minor issue, but most likely . . .*(timer sounds)*. . . on a major one.

VICE-CHAIR U'U-HODGINS: Then how do you folks find a fire all...firewall for certain things when some people...like we...like when we have our GREAT meetings, and some people are conflicted out but others are not...like when you join us on the floor for certain cases, where do you find that firewall?

MR. GORES: All right. Let me...

VICE-CHAIR U'U-HODGINS: I don't want to say any names because those people are extremely litigious --

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



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VICE-CHAIR U'U-HODGINS: -- right? We're not name dropping here. But there are times when you join us on the floor for other situations with Corp. Counsel has been conflicted out.

MR. GORES: Well, let me explain that one for you so you understand.

CHAIR BATANGAN: Succinctly, please.

MR. GORES: I wasn't --

VICE-CHAIR U'U-HODGINS: Yeah.

MR. GORES: -- I wasn't here for the events alleged. I was never --

VICE-CHAIR U'U-HODGINS: Right.

MR. GORES: -- in this office.

VICE-CHAIR U'U-HODGINS: And if you weren't there when the items are collected, is that not the same argument?

MR. GORES: No, because I am there right now. I'm here, all right?

VICE-CHAIR U'U-HODGINS: But you're here --

MR. GORES: I'm...

VICE-CHAIR U'U-HODGINS: -- but you wouldn't be there when it's collected.

MR. GORES: Yeah, but I'm in --

VICE-CHAIR U'U-HODGINS: Okay.

MR. GORES: -- I'm in the office.

VICE-CHAIR U'U-HODGINS: Okay.

MR. GORES: The problem is, is if I had been --

VICE-CHAIR U'U-HODGINS: You're here.

MR. GORES: -- in the office at the time the events that we were alleged to be witnesses in, I have a problem, okay?

VICE-CHAIR U'U-HODGINS: Okay. I hear you.

MR. GORES: But now I want to go back to your firewall issue.

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VICE-CHAIR U'U-HODGINS: Oh, yeah.

MR. GORES: The one...the one question...the one thing that was just pointed out to me is that Risk Management in Honolulu is not part of the Department of Corporation Counsel.

VICE-CHAIR U'U-HODGINS: Oh. So, you're telling me you guys need to be separated?

MR. GORES: I'm just telling you that Risk Management in Honolulu is part of the Department of Finance.

VICE-CHAIR U'U-HODGINS: Oh, okay.

MR. GORES: Okay. And from a litigation perspective, given privilege and things like that, I would prefer to keep the Risk Management Division inside of Corporation Counsel because they are working for, at our direction, in Corporation Counsel. It becomes protected work product.

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

MR. GORES: Wait just a minute. Now, Lydia wants to add to this, so just a moment.

CHAIR BATANGAN: Very, very quickly, please.

MS. TODA: Thank you. Sorry, I won't belabor this, but just for some historical information, the...when I started in 2012, the Risk Management Division was lodged within the Department of the...Finance. And a year later, we got moved to the Department of the Corporation Counsel, with Patrick Wong at that time as the head of Corp. Counsel. So, he was the one who moved us over. And this is the situation we currently have. But in Honolulu --

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

MS. TODA: -- Risk Man...and I'm in touch with the other Risk Managers in the State, and in Honolulu City and County, and in the State of Hawai'i, they are not lodged within the Department of the Corporation Counsel, they're with DAGS. So, there's no...no conflict in that sense.

CHAIR BATANGAN: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo for the discussion. Yeah, I'm not...great discussion. I'm...at this point...I would leave it to the voters at this point. Thank you.

CHAIR BATANGAN: Thank you, Member Sinenci. Chair Lee, and then Member Sugimura.

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COUNCILMEMBER LEE: I would not...I would never leave this to the voters because they don't understand how the County works. And, you know, judging by the strong arguments that Corp. Counsel is putting up against the small crew of the Office of Council...County Clerks, you know, I can't imagine why...you should have put Risk Management back into Finance where it belongs. That's the answer, you know, instead of making up all these scenarios where you'd be in conflict. I doubt that, I highly doubt that. And look at...look at the...how the Charter was formed, with...with the default being the Council Chair. Now, how ridiculous is that? Why not put the Councilmember from Lānaʻi? He has just as much Staff as I do. You know, it's...it's totally ridiculous. This whole issue is ridiculous. It doesn't belong...the claims doesn't belong in the County Clerk's Office. Look how much responsibilities they have with elections alone. And then they have us, which makes their life miserable. So, I think, you know, realistically, claims should be in...in Finance or another place, but not in the County Clerks. And I don't think that it...look at us, having all these long discussions, which the public does...does...is not privy to. Who the heck wants to watch this, you know, at night? It's ridiculous, it's boring. So, yeah, the public is not in a position to be aware of all the nuances and all the information that we have, we are privy to. I say, let's not leave claims in County Clerk's Office and...for all the reasons I just gave. Thank you.

CHAIR BATANGAN: Thank you, Chair. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I...I...I think that's the answer, that claims should be in Finance. State, it's with DAGS, which is Department of Accounting and General Services, so it has same...similar functions. But...so, what do we do with this proposed resolution?

COUNCILMEMBER LEE: Throw it in the rubbish can. . . .*(laughing)* . . .

COUNCILMEMBER SUGIMURA: And do...can we just do a Code --

COUNCILMEMBER LEE: No, no, no, kidding.

COUNCILMEMBER SUGIMURA: -- amendment? Can we just do a Code...I mean, how did...how did Pat Wong move this at that time?

CHAIR BATANGAN: So, I guess to your question, there's...those are two separate items, right? Like --

COUNCILMEMBER SUGIMURA: Right.

CHAIR BATANGAN: -- Risk Management being moved from Finance over to Corporation Counsel is one thing. Who is responsible for accepting claims is a Charter question because it's set forth in Charter. But I guess, who are you asking the question of? Or...

COUNCILMEMBER SUGIMURA: Whoever. I'm trying to get --

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CHAIR BATANGAN: Okay.

COUNCILMEMBER SUGIMURA: -- rid of this.

CHAIR BATANGAN: So, I guess...so to Corporation Counsel, can you please explain how Risk Management was moved? And then, what was the second question? Oh, to the Clerks who introduced this, can you explain why it's necessary to be a Charter amendment?

COUNCILMEMBER RAWLINS-FERNANDEZ: I have important information that I'd like to share.

CHAIR BATANGAN: Well, the clock is Member Sugimura's, so she posed two questions, I just directed them.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR BATANGAN: Can I ask Corp. Counsel to respond? How did Risk Management get moved?

MS. LUTEY: I was there, even though I've taken a break.

CHAIR BATANGAN: Sure.

MS. LUTEY: I was there. So, what happened was, at the time, Risk Management was over at One Main Plaza, and we were going through Risk Managers. I think we went through three in about a six-month period. And so, there was no one really supervising them at the time, and I was actually on the hiring committee for Ms. Toda, and Pat Wong decided to have their...you don't remember me?

MS. TODA: I don't.

MS. LUTEY: Well, I do. And so, we moved them over. We had interviewed about three different people on that particular round, and so we moved their...Risk into Corporation Counsel during that time, in part to provide supervise...supervision.

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

MS. LUTEY: Yeah. Maybe what we should do is amend this to have the claims filed at Finance.

COUNCILMEMBER SUGIMURA: Okay. Let's do that.

COUNCILMEMBER PALTIN: Can...can we amend the Charter amendment to say that it'll be done by ordinance, and then just deal with it later on?

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COUNCILMEMBER SUGIMURA: Richelle knows.

CHAIR BATANGAN: Yeah. So, I guess back to Member Sugimura's question about why this is a Charter amendment question, and is there an opportunity to have it addressed via ordinance? Deputy Corporation...or Deputy Clerk?

MS. THOMSON: Thank you. Sorry. It would need to be done by the Charter via State law. It says that the County Charter specifies where claims are filed. So, it does need to be a Charter amendment, not by ordinance.

COUNCILMEMBER SUGIMURA: So, we can't amend that.

COUNCILMEMBER PALTIN: Okay. But then it doesn't make any sense what Chair Lee and Member Sugimura was saying, that they don't want the voters to decide. Because that's what's up for discussion, if we're going to let the voters . . .*(timer sounds)*. . . decide.

CHAIR BATANGAN: I guess Member Sugimura --

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . . say that.

CHAIR BATANGAN: -- the rest of us utilized a bunch of your time --

COUNCILMEMBER LEE: I didn't say that.

CHAIR BATANGAN: -- so can we give her another 30 seconds if she has any additional questions or comments? Did...did you have anything else to add?

COUNCILMEMBER SUGIMURA: No, that's done.

CHAIR BATANGAN: Okay. So, I am still up next, but it seems like Member Rawlins-Fernandez has a burning question or comment...

COUNCILMEMBER RAWLINS-FERNANDEZ: No, it's not a question. I have three things. Okay. One, it could be what Member Paltin is saying. The extent of the injuries and the amount claim has been filed in accordance with County Code within the time period as provided by law. One. So, then that would be directed by Charter to look at Code. And then I looked in the Honolulu City and County Charter, Section 13-111, and it does go to Corporation Counsel explicitly, not to Risk Management. And I texted a councilmember, a sitting councilmember on the Honolulu Council, and he said that they have not run into the situation where their attorneys have been conflicted because they've received claims and needed to hire special counsel frequently. That's all the information I wanted to provide for everyone's consideration because I did that research. Mahalo, Chair.

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CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez.

COUNCILMEMBER LEE: Thank you.

CHAIR BATANGAN: I guess my turn to ask some questions. So, Mr. Gores, one of the arguments you make is that, you know, the people who would receive the claims, are...they are you, and you are them. Corp. Counsel is all one entity. But when it's convenient for your Department to come before us and put up firewalls, you're able to do so. Can you explain how you're able to do so in certain circumstances and not others?

MR. GORES: I just answered that for Councilmember U'u-Hodgins. For me, I was never there. I was not potentially a witness.

CHAIR BATANGAN: But you...the Department has claimed that there are firewalls since you have joined the Department.

MR. GORES: The...the...

CHAIR BATANGAN: I'm not talking about you specifically. I'm talking about how does the Department put up firewalls to insulate themselves from certain conflicts and not others?

MR. GORES: I am aware of another conflict situation where the newer deputy who wasn't there at the time is also the individual who is the liaison. That's how we have been managing it, is that we have been having people who aren't there at the time that can become the liaisons because they don't know anything about it, okay? And that's how that firewall is created, all right?

CHAIR BATANGAN: Okay. And so, that exists within attorneys, but you're arguing that this firewall cannot be set up with...with Staff at the Department?

MR. GORES: Well, you're now asking for a firewall between the attorneys and the Staff that are there when something happens, and therein becomes the problem. I'm talking about attorneys who were never there at the time the event happened, and the...and they're...they're now the walled-off person, so to speak.

CHAIR BATANGAN: Okay.

MR. GORES: That's the difference.

CHAIR BATANGAN: To the Clerks, how many times have you been called as a witness in one of these claim cases?

MS. LUTEY: Never.

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CHAIR BATANGAN: Okay. And you're...so, I guess we don't have a solid number that...that you guys can agree upon as to how many claims were actually filed.

MS. LUTEY: I've got that.

CHAIR BATANGAN: But...oh.

MS. LUTEY: My Staff sent it to me. So, in 2016 and 2017, there were 91; 2018, 102; 2019, 114; 2023, 80; 2024, 170; 2025, 146...but the numbers that I've given you for 2024 and 2025 don't include every single claimant that came, per spreadsheets.

CHAIR BATANGAN: Okay. Understood.

MS. LUTEY: Because we got spreadsheets for the fire victims.

CHAIR BATANGAN: So, I guess to Mr. Gores, if this has never been an issue in the past, why are you so concerned with it becoming a problem moving forward?

MR. GORES: It hasn't been an issue in the past because we have a witness we can share with them that we're going to use. Now, what you're going to do is take the witness away from us and make us the witness. That's the difference. Part of it is, you don't have to call someone if you can get them to back down, and that's part of the litigation process. And so, you know, if you take a look at how many cases actually go to trial, ultimately, it isn't very many. But the reality is, you got to build your case, and you got to know who you can use, and you got to tell them who you're going to use. And if suddenly it becomes people in your own office, guess what? You're out, okay? And then so when the other side realizes they're going to have a problem because we have witnesses that are going to pull them out of the water because they have the duty and the obligation to keep things safe so that we can later use them in litigation, that's why.

CHAIR BATANGAN: Thank you, Mr. Gores. Okay. So...oh, I see Member Paltin. You have a follow up to that?

COUNCILMEMBER PALTIN: If we're giving folks a roadmap on how to win cases against us, shouldn't this have been in executive session? Just checking. Because like, now we're not dismissing cases. Mr. Hanano, looking at me, got an answer?

MR. HANANO: I think we're fine. We're just talking about it.

MS. LUTEY: This doesn't happen.

MR. HANANO: We're talking about theories --

MS. LUTEY: And it doesn't happen.

MR. HANANO: -- and things in general. It's not anything...

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COUNCILMEMBER PALTIN: They're being spared the --

CHAIR BATANGAN: Okay.

COUNCILMEMBER PALTIN: -- torture that we're subjecting ourselves to.

COUNCILMEMBER LEE: Chair?

CHAIR BATANGAN: Chair Lee?

COUNCILMEMBER LEE: Yeah. Thank you. I just wanted to clarify for the record. When I said that the...the people, the voters, would probably not be capable of making a good decision on a...on a question like this is because of the complexity of this matter, and they don't really know how the...the County operates, you know, internally. So, my position is that...and...and thank you, Member Rawlins-Fernandez, for dredging up all of that good information about City and County, and...and why we should not continue to expect the County Clerk's Office to continue to accept these claims. It...it...it should be placed in another office, and if the voters have to vote on it, that's fine. But I don't know how...I don't know why the State required a Charter amendment for something like this. You know, it...it just doesn't make sense. But thank you.

CHAIR BATANGAN: Thank you, Chair Lee. Okay. So, we've now done one round of questions, and it's been about an hour and a half since we've reconvened. I would like to ask for a quick recess so I can confer with Staff, because I am unclear on how to proceed from here. So, can I ask for a ten-minute break? We will reconvene at 2:55. . . .(gavel). . .

**RECESS:** 2:45 p.m.

**RECONVENE:** 2:57 p.m.

CHAIR BATANGAN: . . .(gavel). . . Thank you, Members. Will the GREAT Committee meeting please come back to order. It is 2:57 p.m. So, we have roughly an hour left with the full body here with us. So, to keep things moving along, I'd like to propose the following course of action. We recommend passage of Resolution 26-61 on first reading. That will then bring the total number of Charter amendments that we have recommended passage to, to eight. We have one more that the body indicated that they wanted to bring up for reconsideration, that's vacancies. So, that would potentially bring us up to ten, right? So, this would be nine, that would be ten. I got the sense from the body that we would probably want to whittle down the number of valid questions. So, at that point, if we wanted to cut this, we could. I...I would just look to the body to get a sense of what a digestible amount of questions would be for...for the public, and then what are the ones we want to prioritize. My...my personal feeling on this one is that, you know, it doesn't belong with the Clerks, and I think that there are some issues that were brought up by Corporation Counsel with it



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being them. I don't know if solving some of those...all of those issues would require Charter amendments. I think there are paths towards resolution in the future. But I think the first step would be to us, one, decide it should go on the ballot; two, the public should weigh in as to whether or not it should be an amendment, and then at that point, we can consider mitigation measures. Because I do think that there are departmental reorgs that can be done, or Code amendments that can be done to address most of the concerns that were brought before us. So, that being the case, for the rest of this meeting, I'd like to start with...by entertaining a motion to pass Resolution 26-61 on first reading.

COUNCILMEMBER LEE: So moved.

CHAIR BATANGAN: Okay. Wait, I...I missed who it came from. I got Member U'u-Hodgins...okay. So, Chair Lee, and then can I get a second from Member...or from Vice-Chair U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Second.

CHAIR BATANGAN: Okay. I guess for discussion, I ask that we keep it brief, because I...I actually think that most of the questions and comments have been...and...said already, and that, you know, if this becomes one of the ones we really want to push for when we prioritize the ballots, we...we have...have that discussion at that time. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, based upon the discussion from Clerks and Corp. Counsel, and looking at where we are, I would like to propose an amendment to take out on page...what is it? Oh, item number 1...be it resolved, number 1, and to the top of the first page, and delete "Corp. Counsel" and add "Director of Finance." So, put...put Risk Management where it was, in the Department of Finance, because it sounds like it's being misplaced where it is with Corp. Counsel, as well as with Clerk's Office.

COUNCILMEMBER LEE: Second.

CHAIR BATANGAN: So, we have a motion to amend on the floor. It's made by Member Sugimura, seconded by Chair Lee --

COUNCILMEMBER SUGIMURA: Oh, thank you.

CHAIR BATANGAN: -- and it would be to place the...the onus for receiving claims with the Director of Finance. Is that correct?

COUNCILMEMBER SUGIMURA: Correct. Thank you.

COUNCILMEMBER PALTIN: Second.

CHAIR BATANGAN: Oh, we already had a second from Chair Lee.

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COUNCILMEMBER PALTIN: Oh, sorry.

CHAIR BATANGAN: But if you would like to speak in support of the amendments, I'm happy to...yeah, Member Paltin.

COUNCILMEMBER PALTIN: I think this would be just step one, and then step two would have to be to move Risk Management back to Finance, right?

COUNCILMEMBER SUGIMURA: Uh-huh.

COUNCILMEMBER PALTIN: Okay. I can be supportive.

COUNCILMEMBER SUGIMURA: And...and that would be by...just by...

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

COUNCILMEMBER SUGIMURA: Not today. I mean not --

COUNCILMEMBER PALTIN: It would need to be --

COUNCILMEMBER SUGIMURA: -- not through this.

COUNCILMEMBER PALTIN: -- a Charter amendment to move --

COUNCILMEMBER SUGIMURA: Yeah, it's not...

COUNCILMEMBER PALTIN: -- Risk Management back to Finance.

CHAIR BATANGAN: No.

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER PALTIN: So, if it passes, then we do that.

COUNCILMEMBER SUGIMURA: Administrative.

CHAIR BATANGAN: Sure.

COUNCILMEMBER PALTIN: If it goes on the ballot.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER PALTIN: Okay.

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CHAIR BATANGAN: Yeah. So, I guess this would be step one, to move it out of the Clerk's Office. It sounds like there's appetite to move it to Finance. Any further discussion on the matter?

COUNCILMEMBER SUGIMURA: No.

CHAIR BATANGAN: Member Johnson.

COUNCILMEMBER JOHNSON: Well, of course, I'd like to hear from Department of Finance before we just give...give this responsibility to them. I don't like doing bills where we don't work with the Administration, that kind of is one of my things. But I also feel like, let's hear what Corporation Counsel has to say. What do you guys say about moving it over to Finance?

CHAIR BATANGAN: Mr. Gores?

MR. GORES: Well, first of all, I do not know if Finance has the infrastructure, the resources, the capabilities, the communication networks that are required that the Clerks currently have. That's my first concern. I'm not really sure if the Finance Department knows how to communicate with the third-party administrator, there is that aspect, too. So, I'm not sure how this is going to work. It just seems like there needs to be...if you're going to do that, there needs to be more discussion about can it be done, how would it be done.

COUNCILMEMBER JOHNSON: Well, that's the issue we have right now. It's 3:00 and we have to decide by today.

MR. GORES: Yeah.

COUNCILMEMBER JOHNSON: And I don't think...I don't like being backed in a corner on a timeline. I felt like this could be kind of discussed with the departments. Everybody who's at play here should have come to the Council a little bit with the...discussions have happened. Because like we've been talking about, we have a lot on the...one the ballot already. And to add one more where...Finance isn't even here, you know. We're just going to say, here you go. So, this is...this is hard for me to amend it, and it's also hard for me to vote it as a main motion, as amended...or the main motion. Thank you, Chair.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. If it's going to be changed to Finance, then the effective date...and the intention is to move Risk Management back to Finance Department, I think it would take longer than two months to do. So, the effective date would also need to be changed. And I don't have a suggestion for how long that would take, but I know not January 2nd or 1st, 2027.

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CHAIR BATANGAN: I hear you, Member Rawlins-Fernandez. Any further discussion on the matter? Okay. It sounds like we would need a roll call for this particular amendment. Staff? So, the motion on the floor is to amend Resolution 26-61, to change the recipient of the claims from Corporation Counsel to the Director of Finance. Okay. Everybody clear on the...on the vote that we are about to take? Okay. Staff, can you please do a roll call?

MR. HURDLE: Chair, proceeding with roll call vote. Councilmember Cook.

COUNCILMEMBER COOK: Aye.

MR. HURDLE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MR. HURDLE: Council Chair Alice Lee.

COUNCILMEMBER LEE: Aye.

MR. HURDLE: Councilmember Paltin.

COUNCILMEMBER PALTIN: No.

MR. HURDLE: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

MR. HURDLE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MR. HURDLE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MR. HURDLE: Committee Vice-Chair U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Aye.

MR. HURDLE: Committee Chair Batangan.

CHAIR BATANGAN: No.

MR. HURDLE: Chair, that's five "ayes," four "noes," motion passes.

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

**NOES:**    **Chair Batangan, and Councilmembers Johnson, Paltin, and Rawlins-Fernandez.**

**ABSTAIN:**    **None.**

**ABSENT:**    **None.**

**EXCUSED:**    **None.**

**MOTION CARRIED.**

**ACTION:**    **APPROVE amendment.**

CHAIR BATANGAN:        So, we’re back to the main motion as amended. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: I don’t know. The Finance Department should be included immediately if this is where it’s going to go. Like they...they’re...

CHAIR BATANGAN: Yes, I...I --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR BATANGAN: -- voted no, and that’s why I voted no.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR BATANGAN: But the measure passed, five-four.

COUNCILMEMBER RAWLINS-FERNANDEZ: Wait, can we count it again? Because...

CHAIR BATANGAN: I counted five-four ayes.

VICE-CHAIR U‘U-HODGINS: Did Shane say no?

COUNCILMEMBER SUGIMURA: Gabe Johnson said yes [sic].

CHAIR BATANGAN: Shane said yes.

UNIDENTIFIED SPEAKER: Got it. Okay.

CHAIR BATANGAN: So, the measure passed.

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COUNCILMEMBER RAWLINS-FERNANDEZ: He was the tiebreaker. . . .*(laughing)*. . . I'm just kidding, Member Sinenci.

CHAIR BATANGAN: So, the...so the measure...the amendment passed five-four. So, the bill before us now is to have claims be received by the Director of Finance.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. And my request is to have Finance Director contacted immediately, and I would like to table this. While...

COUNCILMEMBER PALTIN: I called her and she went straight to voicemail.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I texted her too. And the effective date needs to be amended as well. So --

CHAIR BATANGAN: Agreed.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I would like...I would like this to be tabled until the end of the day or something, because it...if this is the direction that the majority wants to go, like Finance Department needs to be given an opportunity to speak to this, because this is wrong.

CHAIR BATANGAN: I...I agree. That's largely why I voted no.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if we can consider either tabling it...like I'm...I'm happy, you know, to, you know, continue talking about this or, you know, moving it to first reading since today is the deadline and then taking it up there, but I would not recommend passage to Finance without talking to Finance, and without coming to some kind of better effective date if it is going to be going to them.

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

VICE-CHAIR U'U-HODGINS: Thank you. I'm happy to do the same. Can we please table this? And then depending on what they say, we can go from there. I would like to see somewhat...I mean, this is what like O'ahu does, but I want to hear from them too. But I guess tabling it for 52 minutes...or really, who knows. Forty...

CHAIR BATANGAN: No. So, tabling this would effectively kill the resolution because we wouldn't --

COUNCILMEMBER SUGIMURA: Because today's the day.

CHAIR BATANGAN: -- have enough time for it to get onto the Council calendar and then --

VICE-CHAIR U'U-HODGINS: Right.

CHAIR BATANGAN: -- onto the ballot itself.

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COUNCILMEMBER RAWLINS-FERNANDEZ: That's not true, because it would be a recommendation from the Committee Chair. It wouldn't kill it. We would still take up the recommendation from the Committee on first reading and would...then the full Council could do whatever it would want to do.

CHAIR BATANGAN: Wait, if we recommend against passage --

VICE-CHAIR U'U-HODGINS: Well, we could...

CHAIR BATANGAN: -- it would still be transmitted to the full Council?

VICE-CHAIR U'U-HODGINS: No.

CHAIR BATANGAN: So, that's why I was...

VICE-CHAIR U'U-HODGINS: So, we would have to recommend passage, if anything, and the at --

CHAIR BATANGAN: Correct.

VICE-CHAIR U'U-HODGINS: -- the full Council change...

CHAIR BATANGAN: That's what I --

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR BATANGAN: -- that was my understanding.

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR BATANGAN: It would have to be recommended out of Committee and then deliberated at full Council rather than tabled today. And...because I don't know how it would then be brought up for deliberations at full Council.

COUNCILMEMBER LEE: You would do a discharge.

CHAIR BATANGAN: Okay. So, there is a mechanism. Chair, can you...can you help me with that?

COUNCILMEMBER LEE: Well, what did...you just wanted to separate this one?

CHAIR BATANGAN: Yes.

COUNCILMEMBER LEE: So, if...if the main issue is identifying which department right now, maybe that's...that's the hang up right there. That's the impediment. Maybe we should just vote on the...the motion as it was first proposed, which didn't identify...I don't believe it identified any department.

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COUNCILMEMBER PALTIN: That's what I recommended half an hour ago to say, like, by ordinance. You guys remember that, right?

CHAIR BATANGAN: Yeah.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER LEE: Yeah. So, it's better...

CHAIR BATANGAN: My understanding was that we couldn't do that because the Charter...HRS says that the Charter has to be the...the vehicle through which the recipient of claims is identified. So, I guess the options before us now are to recommend passage out of Committee so that it could be then debated at first reading or, I guess, Chair Lee, you can correct me if I'm wrong, but it sounds like we could still discharge the resolution from Committee without a recommendation. Is that correct?

COUNCILMEMBER LEE: Yeah, but it's easier if you just have the maker of the motion withdraw. I will withdraw. We'll just go with the original motion, okay? And then any issues between now and first reading can be, you know, looked into. I can't imagine why.

COUNCILMEMBER PALTIN: I thought Sugimura --

COUNCILMEMBER LEE: If...if...

COUNCILMEMBER PALTIN: -- made the motion. I...I made the second --

COUNCILMEMBER LEE: Yeah, yeah.

COUNCILMEMBER PALTIN: -- I'll withdraw it.

COUNCILMEMBER LEE: Oh, okay. Yeah, then...then we can dispose of it right now, and it'll go forward.

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: Okay.

CHAIR BATANGAN: So, I guess, Member Sugimura, would you be willing to withdraw your...wait, can I...can we do that if we took the vote?

MR. HURDLE: We would need to reconsider.

CHAIR BATANGAN: Okay. So, can somebody...

VICE-CHAIR U'U-HODGINS: I move to reconsider.



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COUNCILMEMBER COOK: I second.

CHAIR BATANGAN: Okay. Okay. So, we have a motion to reconsider made by Member U'u-Hodgins, seconded by Member Cook. Any further discussion on the matter?

VICE-CHAIR U'U-HODGINS: I'm moving to reconsider considering we haven't heard from Finance. And while I understand the movement to be similar to O'ahu, I don't want to burden another agency without talking to them first, which I should have thought about before I voted yes, so...

CHAIR BATANGAN: Okay. Any additional discussion on the matter?

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

CHAIR BATANGAN: Okay. So, the motion before us is to reconsider the amendment we just passed. All in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

COUNCILMEMBER LEE: Well, we didn't pass the amendment.

MR. HURDLE: Chair, that's nine "ayes," zero "noes," motion passes.

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

**NOES:** None.

**ABSTAIN: None.**

**ABSENT: None.**

**EXCUSED: None.**

**MOTION CARRIED.**

**ACTION: RECONSIDER amendment.**

CHAIR BATANGAN: Thank you. Chair Lee, we did...we did pass the amendment.

COUNCILMEMBER LEE: We did.

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CHAIR BATANGAN: So --

COUNCILMEMBER LEE: Oh, we did pass the amendment. Okay. Sorry.

CHAIR BATANGAN: -- that was a vote for reconsideration.

COUNCILMEMBER LEE: Okay.

CHAIR BATANGAN: Now, Member Sugimura and Chair...I thought it was Chair Lee that seconded it. Would you guys be willing to withdraw? Okay. So, the motion back before us is the original proposal, which is to have Corporation Counsel to be the ones receiving claims.

COUNCILMEMBER JOHNSON: I move to discharge, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: We still...are you going to take that as an amendment to the main motion, or are you going to withdraw the main motion?

CHAIR BATANGAN: I guess that's the pleasure of the body. My recommendation when we came back from recess was just to pass it now so that it would be amongst the nine or ten resolutions that we will have before us when we prioritize resolutions. But then we went off in a very different direction.

MR. HURDLE: Chair? Chair?

CHAIR BATANGAN: Yes.

MR. HURDLE: If...if you would allow me, our Director weighed in. He said, any Councilmember can request that any resolution or bill be pulled from Committee and placed on the Council agenda. Council Chair has discretion to post. The first motion would be to discharge from the Committee from further consideration of the bill or resolution.

CHAIR BATANGAN: Okay. So, that being the case, do we want to just discharge this resolution from the Committee without a recommendation and then follow up with Finance? Okay. So, Staff, do I need to take a vote for that? I don't know, I'm not super clear on how the discharge process works.

COUNCILMEMBER JOHNSON: We just did it in...with the bill about the loud noise, so we...or loud music. So, we move to discharge, we vote on it, and then it just goes right to first reading of the --

CHAIR BATANGAN: Okay.

COUNCILMEMBER JOHNSON: -- full Council, right?

COUNCILMEMBER LEE: Yep, yep.

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CHAIR BATANGAN: Okay. So...

MR. HURDLE: So, right...right now, there's still the main motion on the floor to pass the resolution. So, you'd have to withdraw that, and then you could do the discharge.

CHAIR BATANGAN: Can I ask who made it and second that one? I lost track already.

MR. HURDLE: That was...the first was Chair Lee, followed by Member U'u-Hodgins.

CHAIR BATANGAN: Okay. Chair --

COUNCILMEMBER LEE: I withdraw.

CHAIR BATANGAN: -- Committee Vice-Chair, would you withdraw?

VICE-CHAIR U'U-HODGINS: Withdraw.

CHAIR BATANGAN: Okay. So, can I entertain a motion to now discharge this from Committee?

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Moved by Member U'u-Hodgins, seconded by Member Cook. Any further...any discussion? Okay. Seeing none. All in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: Chair, that's nine "ayes," zero "noes," motion passes.

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

**NOES:**     **None.**

**ABSTAIN:     None.**

**ABSENT: None.**

**EXCUSED: None.**

**MOTION CARRIED.**

**ACTION: Recommending DISCHARGE of Resolution 26-61.**

CHAIR BATANGAN: Thank you, Members. So, the last item...

COUNCILMEMBER LEE: Excuse me, I just --

CHAIR BATANGAN: Oh, yes.

COUNCILMEMBER LEE: -- want to say one thing, Chair.

CHAIR BATANGAN: Yes, Chair Lee.

COUNCILMEMBER LEE: I don't know of any department that would say, yes, I'll take it. Just remember that.

CHAIR BATANGAN: Understood.

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

CHAIR BATANGAN: Okay. So, the last thing I have on my notes that this body seemed to want to reconsider --

COUNCILMEMBER JOHNSON: Thank you, guys.

CHAIR BATANGAN: -- is Vacancies on the Council. Member Rawlins...thank you, resources from the Clerks and Risk Management. Member Rawlins-Fernandez, as the introducer of this resolution, would you like to...

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

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CHAIR BATANGAN: Yes, Vacancies. Would you like to speak to it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. In 45 minutes.

CHAIR BATANGAN: I really thought we were going to end early. . . .*(laughing)*. . . When I came here at 10:00, I was not expecting to be in this position.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think you're a little more optimistic, and he has so much confidence in...in us.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I will...I will speak.

CHAIR BATANGAN: Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Spinning in a very positive way, but...okay. . . .*(laughing)*. . . All right. Resolution 26-11, Vacancies. I think where we landed in the last meeting when we were discussing this was that we would give Council...

CHAIR BATANGAN: We...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry?

CHAIR BATANGAN: Sorry, I was trying to help you with your thoughts, but --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR BATANGAN: -- I should not have.

COUNCILMEMBER RAWLINS-FERNANDEZ: Give Council the ability to call a special Council up to a certain time, and our County Clerks have vacated the desk, so maybe we could call them back, because I think we would likely need their guidance and...and help in...in coming to some kind of a...

CHAIR BATANGAN: Clerk, Deputy Clerk, if you are listening, can you please make your way back to the Chamber? If not, can our Ambassador of Aloha please go ask for them to return to the Chambers? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And so, I think it was going to be up to a certain time frame. I don't know, I can't remember if it was something like six months.

CHAIR BATANGAN: Sorry, I should not have just thrown...thrown this to you that way. We had asked Staff to put together a draft CD1 or 2, I think it was.

COUNCILMEMBER RAWLINS-FERNANDEZ: Would you like Staff to --

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CHAIR BATANGAN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- distribute that now?

CHAIR BATANGAN: Can they distribute that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR BATANGAN: So, there was discussion on the matter. I think there was at least, if not consensus, broad agreement on certain points, but not others. So, Staff put together a puka draft based on what they understood our discussion to be leaning towards. The puka itself was the tie-breaking mechanism, so what happens if Council cannot make a decision? That is...that is before us now. You know, I think given the time constraints that we have and the disagreements on certain details, I just want to get a sense from the body if this is something that we still want to take up, or if this is something that would need more work, in which case we would table and then revisit, you know, in the next election cycle. If you need a few minutes to read the amendment that was just transmitted, I'm happy to recess for like five minutes so that you can have that opportunity. But the...the ASF that was just transmitted is my best understanding of what the will of the body was last meeting. Member Paltin?

COUNCILMEMBER PALTIN: It looks good to me. I just was wondering if somebody that knows the answer could explain what is meant by the...the election to fill the Council vacancy, or plural, to be held in conjunction with such other election. Like what...what does that mean practically?

CHAIR BATANGAN: So, I think I could attempt a response, but I'd like to ask the Clerks to weigh in on that. Did you get the question? Okay. So, Member Paltin, can you repeat it?

COUNCILMEMBER PALTIN: Sure, I'm...I'm not sure what number 4 means. If the election to fill the Council vacancy is to be held within 180 days of any other Special or General Election, require the election to fill the Council vacancy to be held in conjunction with such other election. What does it mean to be held in conjunction, like you hold off until the regular election, or what does that mean exactly?

MS. THOMSON: Right. So, what it would mean is that if there's a Regular Election coming up in...within six months, that we wouldn't hold a Special Election also, and then that time we would just hold it and do it at the same time.

COUNCILMEMBER PALTIN: It would just put it off for like six months?

MS. THOMSON: It would depend on the timing.

COUNCILMEMBER PALTIN: Max six months.

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MS. THOMSON: Right, max six months.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR BATANGAN: Okay. So, Members --

COUNCILMEMBER SINENCI: Chair?

CHAIR BATANGAN: -- is there appetite to revisit this...this resolution, and if so, are you...does this accurately capture the general sentiment from our last discussion on the matter?

COUNCILMEMBER SINENCI: Chair, can Staff send me a copy? Thanks.

CHAIR BATANGAN: Sorry, Member Sinenci. Staff, can we email the ASF to Member Sinenci and Chair Lee? And --

COUNCILMEMBER SINENCI: Thank you.

CHAIR BATANGAN: -- while we do that, I'll ask for a five-minute recess so that the Members have an opportunity to read through the ASF, and Member Sinenci and Chair Lee are able to receive it. So, the time is now 3:21 p.m., this meeting is in recess until 3:26 p.m. . . .(gavel). . .

**RECESS:** 3:21 p.m.

**RECONVENE:** 3:29 p.m.

CHAIR BATANGAN: . . .(gavel). . . Will the GREAT Committee meeting please come back to order. The time is now 3:29 p.m. Okay. Members, just for everybody's situational awareness, we have passed...is it eight resolutions at this point? Plus the...so this would make nine, and then the discharged one to Council, if we were to adopt that, would be ten. I also want to note that this is a puka draft, and if we don't feel confident that we can figure out how to fill that puka, which is the tie-breaking mechanism, that it may not be worth taking up today. And if that's the case, then my recommendation would be not to file, but to defer it so it can stay on the list of legislation. We can continue to work on this as a proposal in Committee at a later date, and then have it referred to the next Council for their consideration at the next election. And this one doesn't seem to be as, you know, urgent as some of the other ones, if we can't figure out a path forward this afternoon. But we do have a proposal before us. Member Rawlins-Fernandez? I saw your hand.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. A third option could be also discharge, and then we can give ourselves one last shot if we come up with something that we like.

CHAIR BATANGAN: Oh boy. Okay. That is the third option.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And then that would be Chair Lee's problem. . . .*(laughing)*. . . You're welcome. Oh, I didn't turn on my camera. There you go.

CHAIR BATANGAN: No, but she...she heard you.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're welcome. . . .*(laughing)*. . .

COUNCILMEMBER LEE: Nobody said thank you.

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

CHAIR BATANGAN: Okay. So, I guess that being the case, Members, is there appetite for taking this up right now, or is this something that we think could use a little bit more work, and, you know, we might want to work through this, you know, when there's not such a time crunch? Okay. Chair Lee?

COUNCILMEMBER LEE: Yep. Thank you, Member Rawlins-Fernandez, for that brilliant idea. However, you know, we don't...we can't spend two weeks in a Council meeting over this one item. The thing is, I didn't feel that we were that close on this one as we were on the previous one we just spoke about. And...yeah, I think...I think we just go back and forth, back and forth on...on this last one. It's...it's a much harder one, complicated.

CHAIR BATANGAN: I would agree.

COUNCILMEMBER LEE: But thank...but thank you for the suggestion.

CHAIR BATANGAN: Okay. Members, I think I'm reading the room properly when I don't see an appetite for trying to solve this here and now. So, without objection, I will defer this item. Oh, I see a hand. Is that an objection, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: It is an objection.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I...I don't have an appetite to pass it as is, incomplete. I know there's ideas, and mahalo to the Clerk's Office for continuing to help to provide...fill the...the puka for us with ideas. I...I don't...I don't love this, but I also...well, I guess, I don't see anyone like really wanting...feeling deprived of the opportunity to take action on it. I just didn't want to, you know, preempt us from being able to take action on it because the deadline would pass. So, I was going to recommend discharge.

CHAIR BATANGAN: I don't think...I mean, we...we...if that is...if that's the will of the body, we can go that route. Would you like to make that motion?



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COUNCILMEMBER RAWLINS-FERNANDEZ: Not really, but... . . .*(laughing)*. . .

CHAIR BATANGAN: I'm not recommending it --

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

CHAIR BATANGAN: -- but if you would like to, I will entertain that, and we can...we can see if there's an appetite from the rest of the body to discharge this as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: Does anyone think they're going to have brilliant ideas? Nope.

UNIDENTIFIED SPEAKER: Not tomorrow.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: At the next full Council? No? Okay. Yeah. I...I don't think I'm going to work on it anymore either, so...

CHAIR BATANGAN: Okay. So, I would like to keep it on my List of Legislation, and I think it is worth working on, just not under the constraints that we currently have. So, I'll try this again. If there are no objections, I would like to defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER pending further discussion.**

CHAIR BATANGAN: Thank you, Members. Okay. So, it sounds like that's the last one that we really wanted to bring up for reconsideration. Staff, that means we now have seven...or eight? How many do we...how many did...

MR. HURDLE: From our Committee discussion, there's seven.

CHAIR BATANGAN: Okay. So, seven, and that's today, or is that...that's inclusive or exclusive of Member Paltin's reso that had previously passed?

MR. HURDLE: That's not including, so that...that would be eight total.

CHAIR BATANGAN: So, we currently have eight that we're recommending to go on the ballot, plus the discharged resolution that would potentially bring us up to nine. Do we feel that that is too many? I don't know what the appropriate --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR BATANGAN: -- number is, but personally, I feel that that's a little high. Staff, can you read back the...the eight resolutions that are being recommended...or is it seven?

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MR. HURDLE: Well, so, besides the 25-135, the one from Councilmember Paltin that already --

CHAIR BATANGAN: Yeah.

MR. HURDLE: -- passed from...

CHAIR BATANGAN: And give us the resolution number and the title --

MR. HURDLE: Sure.

CHAIR BATANGAN: -- so that people know it by content.

MR. HURDLE: So, we have Resolution 25-216, Proposed Charter Amendment on Standardizing Deadlines Related to Voter Initiative, Recall, and Charter Amendments. That's GREAT-10(4). Number 2 is resolution 25-217, Proposed Charter Amendment on the Computation of Time. That's GREAT-10(5). And third is Resolution 26-85, Proposed Charter Amendment to Remove the English Translation of the Hawai'i State Motto from the Preamble. That's GREAT-10(8). Number 4, Resolution 26-95, Proposed Charter Amendment to Allow Reappointment of Members to the Board of Ethics for One Successive Term. That's GREAT-10(15). Resolution 26-93, Proposed Charter Amendment to Simplify the Appointment Process for Boards and Commissions and Dissolve the Independent Nomination Board. That's GREAT-10(13). Number 6 is Resolution 26-88, Proposed Charter Amendment on Appropriations...Emergency Appropriations. That's GREAT-10(11). And then number 7 is Resolution 26-89, Proposed Charter Amendment on the Transfer of Appropriations, GREAT-10(12).

CHAIR BATANGAN: Thank you. Okay. So, are there any ones that there's an appetite...or I guess, maybe I should put it this way. Are there any that we feel very strongly on? Member Rawlins-Fernandez had previously given a priority ranking of her top five. Does everybody kind of have in their head the ones that they feel very strongly about, or do they have in their head ones that they don't feel very strongly about that we could either...I guess I'm just trying to get a sense of priority and what can we easily whittle down, or what do we really need to make sure we...we keep. I guess how...yeah, how do you guys want to do the prioritization is...is the more general question. Member Johnson, I see your hand up. Do you have a recommendation on how to proceed?

COUNCILMEMBER JOHNSON: Well, Chair, first off, they're all great, all right? But if...

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

COUNCILMEMBER JOHNSON: Yeah, everybody wins. However, if you really were to box me in...because I would like this to go down a little bit, to be honest with you, I'm just being clear, and I don't want to dismiss any hard work we did or...but that transfer of

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appropriations from like the A Account to B Account, I think that would be maybe the one I would be willing to give up. Even though they're all great, but that would be the one, because...

COUNCILMEMBER PALTIN: Which one?

COUNCILMEMBER JOHNSON: 26-87, is it? I was trying to write as fast...

UNIDENTIFIED SPEAKER: 89.

COUNCILMEMBER JOHNSON: 89. Thank you.

CHAIR BATANGAN: 26-89.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR BATANGAN: That's on the Transfer of Appropriations.

COUNCILMEMBER JOHNSON: That would be the only one, but all the rest are wonderful, including this one, just not as wonderful. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Anybody else have...I guess if we're going that route, are there any other ones that people are willing to put forth for...for --

COUNCILMEMBER SUGIMURA: Delete.

CHAIR BATANGAN: -- for...yeah, taking off the list? Yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: 217, Computation of Time.

CHAIR BATANGAN: 217, Computation of Time. Okay.

COUNCILMEMBER PALTIN: Does that include the newspaper part?

COUNCILMEMBER SUGIMURA: That was...that was 215, I think.

COUNCILMEMBER PALTIN: Oh, 215.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR BATANGAN: Sorry, I was about to go into deliberations on them, but I would rather hear from the Members the ones that we think are worth bringing back up.

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

CHAIR BATANGAN: The ones that we are willing to put on the table for taking off the list.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

COUNCILMEMBER SUGIMURA: Oh, off the list.

CHAIR BATANGAN: Right. So...because Member...I guess...yeah, Member Johnson said he was...if he had to pick one to remove from the...from the list, his would be on the Transfer of Appropriations. Member Rawlins-Fernandez said that if she had to take off one, it would be on the Computation of Time. Let's continue this line of thinking. Are there any others that we can identify that are worth...

VICE-CHAIR U'U-HODGINS: I could do away with both.

CHAIR BATANGAN: Okay. But rather than going into the merits of them, are there any others that we want to put onto the list of consideration for removal? For me, it would be the...the one with the Hawaiian language --

COUNCILMEMBER SUGIMURA: 85.

CHAIR BATANGAN: -- translation. Yeah. And for me...

UNIDENTIFIED SPEAKER: Without going...

CHAIR BATANGAN: Yeah, without going...yeah, so that would be it for me. I can't figure out what the number is.

COUNCILMEMBER SUGIMURA: 26-85.

CHAIR BATANGAN: 26...I'm sorry?

COUNCILMEMBER SUGIMURA: 85.

CHAIR BATANGAN: 26-85. Are there any others that we think are worth discussing?

UNIDENTIFIED SPEAKER: Chair Lee has one.

CHAIR BATANGAN: Oh, I'm sorry, Chair. I didn't even look up. You were probably trying to get my attention for quite a while. Chair Lee?

COUNCILMEMBER LEE: No, that's okay. No, I was surprised you brought that one up.

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

COUNCILMEMBER LEE: But I wasn't here...I wasn't present for the explanation by Member Rawlins-Fernandez. Could...could you give me the truncated version?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, that's not where we are in the process right now, Chair.

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COUNCILMEMBER LEE: No, because I...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. We're...we're...we're...

COUNCILMEMBER LEE: Otherwise, I might agree with him.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm following the Chair's --

COUNCILMEMBER LEE: Otherwise, I might agree with...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- process, and that's --

CHAIR BATANGAN: I guess...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- what would you cut from the list?

CHAIR BATANGAN: Yeah. So, we currently have eight...eight total, with one potential addition since there was discharged resolution without our recommendation for or against.

COUNCILMEMBER LEE: Yeah. Chair? Chair? I was thinking of agreeing with you --

CHAIR BATANGAN: Thank you, Chair.

COUNCILMEMBER LEE: -- on that item, but I wasn't present --

CHAIR BATANGAN: Okay.

COUNCILMEMBER LEE: -- for...for that discussion. That's why, that's all. But I'll go with you --

CHAIR BATANGAN: Thank you, Chair. So --

COUNCILMEMBER LEE: -- on that.

CHAIR BATANGAN: -- I guess the three before us, then, are 26-85, 26-89, and 26-217. It doesn't sound like there's appetite to add any more for consideration since Chair Lee had asked about 89. Let's start there. Member Rawlins-Fernandez, can you explain why you brought this forth? I think that captures the question that Chair Lee had...had posed.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Okay. So, the Charter has the motto "Ua mau ke ea o ka 'āina i ka pono," which was first uttered by King Kamehameha III. And he spoke Hawaiian fluently, so he didn't say the English version. And the English version doesn't encapsulate the fullness of the statement because English is incapable of capturing the fullness of 'ōlelo Hawai'i. And by striking the English version, it

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doesn't pigeonhole it to one translation. It allows it to mean all the things it's supposed to mean. Mahalo, Chair. And...and our electorate did have a...it was a pretty clear majority that it wanted us to promote 'ōlelo Hawai'i. And this helps to promote 'ōlelo Hawai'i as a bilingual County without having to have the English version of that.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez. And I guess for Chair, since you were surprised that I brought that up, I'll...I'll share my thoughts as to why. I actually think that having the English translation can help people to better understand 'ōlelo Hawai'i. Because if you leave them no way to figure out how to translate, you know, I don't see a path towards growth. I also think that because the translation stated in our preamble is enshrined in HRS, you know, it's an easy one to adopt. And I feel like if we're going to...if we have too many proposals before the electorate, that this is one of the ones that's less substantive. I don't know...I guess, I hear what Member Rawlins-Fernandez is saying in that, you know, it doesn't...the English translation doesn't capture the fullness of the 'ōlelo Hawai'i. But I guess where I disagreed was that having the translation there is an avenue to help people learn rather than preventing them from doing so.

COUNCILMEMBER SUGIMURA: Agree.

COUNCILMEMBER RAWLINS-FERNANDEZ: And Chair, I mean, who's...who's reading our Charter that is trying to learn 'ōlelo Hawai'i? I don't know. I don't know the people that you know that are trying to learn 'ōlelo Hawai'i by reading our...

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, true. Okay. Good point. Member Paltin made a very good point. And just because the Statute wants to translate it one way doesn't mean we have to follow. We, again, have been making the most strides in not...in promoting 'ōlelo Hawai'i, in not misleading folks who are trying to learn 'ōlelo Hawai'i by cutting them off at the knees and saying, this is all that it means. Because then if there isn't an English translation, then there isn't a direction that we're, you know, telling folks like this is all it means. And if it's only 'ōlelo Hawai'i, then maybe if they're that interested in learning, they'll go look it up. And maybe when they look it up, they'll learn the fullness of the words. And maybe when they look it all up, they'll learn the history. And it'll mean something even more if you're trying to educate folks. So, if education is the point, then I think there would be more education in folks not knowing what the English translation is and actually looking it up. Mahalo, Chair.

CHAIR BATANGAN: Thank you, Member Rawlins-Fernandez.

COUNCILMEMBER LEE: I have a question.

CHAIR BATANGAN: Chair Lee?

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COUNCILMEMBER LEE: You know, I think that translation is extremely beautiful and moving. But are you saying that it's inaccurate, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. It's just one potential translation. But if you knew the history --

COUNCILMEMBER LEE: You have...you have a better one?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and I'm happy to share the history with you on another --

COUNCILMEMBER LEE: No, no, just...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- day when we have more time.

COUNCILMEMBER LEE: Yeah.

CHAIR BATANGAN: Member Cook?

COUNCILMEMBER COOK: I would be willing to eliminate this one. And as far as like the pro...the process that was dual language, and no disrespect, I understand the intent. I don't know how...I think it's...I hear the intent is a little overly deep for the masses. And I think having it in bilingual is appropriate. So, I'm just saying if as far as minimizing the amount of Charter amendments and simplifying it, this is one that I would agree, take off.

CHAIR BATANGAN: Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I was kind of the same mindset as Member Johnson. I thought they were all important. But for me, it would be okay. Would all of these fit on just one page, or would it require two or three pages? Then that's where I might do the cutoff. But for this particular one, like...like Member Rawlins-Fernandez, it's...it's dear to my heart. Our...our...I guess our Kānaka Maoli have...have always felt like they were kind of left out maybe in...in the whole political process. And this year, I am seeing more Moho 'Āina candidates, including some of ourselves that are...are on the ballot. So, having...having us, you know, promote 'ōlelo Hawai'i within the school at the very young ages, I'm hoping that we could bring out more participation. We always wanted our local people to participate in the process. And so, for...you know, even if it's just something like this, I feel that some of those marginalized people that...that never felt like they...their vote counted, you know, maybe this could help to...for them to come out and...and participate, Chair. Thank you.

CHAIR BATANGAN: Thank you, Members Sinenci. I'm being reminded that we don't actually have a motion on the floor for this one. But since I have not required that of anybody else, I don't want to disenfranchise Member Johnson. You raised your hand to speak. Would you like to do so?

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COUNCILMEMBER JOHNSON: Okay. No worries about disenfranchising me, but I'm...I'm here. So, I...I appreciate this...this proposal, and I thank Councilmember for bringing it up. My undergrad is in English. My...my...I did graduate school work in...in linguistics. Language is alive, and...and language dies when it's not being used. So, we have to look at sincere, real uses of language. And I'm...I'm not a Hawaiian on this Council. I'm blessed to be on a Council of majority Hawaiians. So, I support actually making the language a...a used language, a living language. Putting it in our Charter shows a commitment, and that's why I support that. You know, as a language teacher, when I was living in Japan, one of the things I would love to do is bring out what they call realia, right? That was the term. Real ingredients written in English, teaching people how we use our language by using the real ingredients on a ketchup bottle or whatever. Just having this on our Charter is real, and it's language in use, and I think that is...if you're a teacher of 'ōlelo, you could pull that up and say, this is...this is in our Charter and we're going to learn about it. And I think that's a teachable moment, and I...I would support that. Thank you, Chair.

CHAIR BATANGAN: Thank you, Member Johnson. Okay. So, I actually am not super clear on where the body stands on this particular one. Is it worth calling for a question, or...or should we move on to another one?

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

CHAIR BATANGAN: Okay. Let's check them off. Am I able to make a motion? Okay. Since...I don't want to put a non-Hawaiian in the position of having to eliminate this one, I will...and I was the one who first recommended it. I move to...to file at this point?

MR. HURDLE: This would be a reconsideration --

CHAIR BATANGAN: Okay.

MR. HURDLE: -- because you voted to pass.

CHAIR BATANGAN: Okay. So, I move to reconsider Resolution 26-85.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you weren't here, right?

CHAIR BATANGAN: I cannot do that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you weren't here.

CHAIR BATANGAN: That's true.

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

CHAIR BATANGAN: I...



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COUNCILMEMBER RAWLINS-FERNANDEZ: Gotta be a part of the prevailing team.

CHAIR BATANGAN: All right. Well, I guess...

COUNCILMEMBER LEE: I don't think I was here, too, because I don't remember the...this discussion.

CHAIR BATANGAN: In my note...that's what my note said. All right. Well, I guess I don't see anybody moving.

COUNCILMEMBER LEE: Excuse me. Well, was I? Does anybody have the attendance for that time?

CHAIR BATANGAN: All right. Well...

COUNCILMEMBER LEE: Because that's why I asked Member Rawlins-Fernandez for the explanation.

CHAIR BATANGAN: Okay. I don't see an appetite for reconsideration on this particular measure then.

**ITEM 10(12): RESOLUTION 26-89, PROPOSED CHARTER AMENDMENT  
ON THE TRANSFER OF APPROPRIATIONS**

CHAIR BATANGAN: Okay. Next up is 2...I'll go in numerical order, 89, which was the...Resolution 26-89, Proposed Charter Amendment on the Transfer of Appropriations. Member Johnson, you were the one who said that you'd be willing to cut this. Would you like to make a motion to that effect so that we can have something on the floor before discussing? And --

COUNCILMEMBER JOHNSON: So, I need to move...

CHAIR BATANGAN: -- if you don't, I can do it on your behalf this time. I was here --

COUNCILMEMBER JOHNSON: Oh, my God.

CHAIR BATANGAN: -- for this one.

COUNCILMEMBER LEE: Yeah, me too.

COUNCILMEMBER JOHNSON: I'm pretty sure I was.

CHAIR BATANGAN: I don't even know at this point.

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COUNCILMEMBER JOHNSON: I don't think I...yeah, I don't think I would vote against this, but... Oh, go ahead, Tom...or Councilmember Cook, go for it.

COUNCILMEMBER COOK: So moved.

CHAIR BATANGAN: So, we have a motion to reconsider --

COUNCILMEMBER LEE: Second.

CHAIR BATANGAN: -- from Member Cook, seconded by Chair Lee. This one is Resolution 26-89 on the Proposed Charter Amendment to Transfer Appropriations.

VICE-CHAIR U'U-HODGINS: Oh, I'll second, because Chair Lee didn't vote on the prevailing side.

CHAIR BATANGAN: Oh, for this one. Okay. So, we have a motion by Member Cook, a second by Member U'u-Hodgins.

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

CHAIR BATANGAN: Oh, okay. And then we can still be Chair Lee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR BATANGAN: All right. Any discussion on the matter? Oh, yes, Chair Lee and I were the...were...were very vocal about not this one. Sorry, it's coming back to me now.

VICE-CHAIR U'U-HODGINS: That was earlier today, Chair.

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

CHAIR BATANGAN: Well, I was also up with a...with an infant between like 3:00 and 4:30 this morning.

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

COUNCILMEMBER LEE: Okay. Well, if it's not going anywhere.

CHAIR BATANGAN: Well, we have a --

COUNCILMEMBER LEE: Take the vote and let's go.

CHAIR BATANGAN: -- motion on the floor. Any more...any discussion on the matter? Okay. I'll call...Do I need to call a roll call?

COUNCILMEMBER LEE: Yeah.

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CHAIR BATANGAN: This is for reconsideration, Chair Lee. Okay. So, all in favor of reconsidering Resolution 26-89, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. HURDLE: Chair, that's nine "ayes," zero "noes," motion passes.

**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: RECONSIDER Resolution 26-89.**

CHAIR BATANGAN: Okay. Any discussion on the matter before us now?

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

CHAIR BATANGAN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, for this one, I am happy to support the majority in trimming the number, because that's what we said we would do. And I would like to...okay. So, I think the motion is to pass it on first reading. That's where we're at after the reconsideration vote passed. So...but I would like to just have it discharged in case anyone changes their mind. I'll...I'll...I'll vote with you folks. . . .*(laughing)*. . .

CHAIR BATANGAN: I hope you saw Chair Lee's head fall. . . .(laughing). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Just in case.

CHAIR BATANGAN: . . .*(inaudible)*. . . discharge.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't want to deprive us of the opportunity to pass it in case we change our mind, I'm just saying.

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CHAIR BATANGAN: Yeah, we're trying not to overwhelm the electorate and our committee...our Council meeting. Is...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . We could have done it that way.

CHAIR BATANGAN: We...we could have. I didn't see anybody else raising their hand to share what their top fives were. The only three that I heard people willing to put forth for reconsideration were these.

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

CHAIR BATANGAN: All right. So, we are reconsidering this. Is there a motion to...

UNIDENTIFIED SPEAKER: Discharge.

CHAIR BATANGAN: Discharge.

COUNCILMEMBER RAWLINS-FERNANDEZ: I move to amend the main motion to discharge.

CHAIR BATANGAN: All right. Is there a second for discharge?

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Member Cook, I love the enthusiasm.

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

CHAIR BATANGAN: All right.

COUNCILMEMBER LEE: Roll call.

CHAIR BATANGAN: Yeah. Personally, I will...I would prefer to file the ones that we're going to be taking off the list rather than prolonging the...yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, if we are going to recommend filing instead of --

CHAIR BATANGAN: That would be my preference.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- deferring, then it would go to the Council anyway.

CHAIR BATANGAN: Anyway.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then if we change our mind, we can do it then, right?

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CHAIR BATANGAN: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Am I...is that correct? Is that correct procedure, right? If the recommendation is to file, we get to full Council, we change our mind, or we don't want to take up the...the recommendation of the Committee, and we want to change the recommendation to pass instead of file, we could do that at full Council on first reading.

COUNCILMEMBER LEE: Yeah.

MR. HANANO: Yeah.

COUNCILMEMBER LEE: Only if I turned on your mic.

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

MR. HANANO: Yeah, I think that's correct.

CHAIR BATANGAN: All right. So, the...the motion before us is discharge. I...I guess I would --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I can...Chair?

CHAIR BATANGAN: -- agree with --

COUNCILMEMBER RAWLINS-FERNANDEZ: I can...

CHAIR BATANGAN: -- with Chair Lee and ask for a roll call, because my preference would be...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll...I'll withdraw my motion.

CHAIR BATANGAN: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And...

CHAIR BATANGAN: You withdraw the motion and the second. And I would like to recommend filing.

COUNCILMEMBER COOK: So moved.

CHAIR BATANGAN: So, moved by Member Cook. Can I get a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR BATANGAN: Seconded by Member Sugimura.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And that's a motion to amend the main motion.

CHAIR BATANGAN: To file.

COUNCILMEMBER RAWLINS-FERNANDEZ: To file. So, we just got to take two votes, yeah?

CHAIR BATANGAN: Really? Okay. No, we already...we...we already voted to reconsider. Now we're moving to amend to have it...to file. And I guess Member Rawlins-Fernandez is telling me that that will require two votes, one on the amendment and then one back when we get to the main motion. Any discussion on the amendment? All in favor of the amendment to change it to file, please raise your hand.

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: Is that eight or nine, Member Sinenci?

UNIDENTIFIED SPEAKER: He's frozen.

CHAIR BATANGAN: No, his mouth is moving. . . .*(laughing)*. . .

COUNCILMEMBER LEE: Oh, there's his hand. There's his hand.

CHAIR BATANGAN: All right.

MR. HURDLE: That'll be nine "ayes," zero "noes," motion passes.

**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 to change the main motion.**

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CHAIR BATANGAN: So, the main motion, as amended, is to recommend filing this Resolution 26-89. Any further discussion? Member...oh, you're voting already. Okay. So, all in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, "nay."

MR. HURDLE: Nine "ayes," zero "noes," motion passes.

**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 FILING of Resolution 26-89.**

CHAIR BATANGAN: Thank you, Members. Okay. So, then that takes us to 217. Can I ask who asked for this one to be listed?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, was that me?

CHAIR BATANGAN: It might have been you.

COUNCILMEMBER RAWLINS-FERNANDEZ: To file.

CHAIR BATANGAN: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I'm sorry, I move for a reconsideration.

CHAIR BATANGAN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's the time.

COUNCILMEMBER PALTIN: Second.

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CHAIR BATANGAN: Okay. Moved by Member Rawlins-Fernandez, seconded by Member Paltin. Any discussion on the motion to reconsider? Okay. All in favor, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

CHAIR BATANGAN: All opposed, “nay.”

MR. HURDLE: Chair, that’s nine “ayes,” zero “noes” motion passes.

**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:   RECONSIDER Resolution 25-217.**

**ITEM 10(5):   RESOLUTION 25-217, PROPOSED CHARTER AMENDMENT ON THE COMPUTATION OF TIME**

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

COUNCILMEMBER RAWLINS-FERNANDEZ: I move to file. I move to amend the motion to file Resolution 25-217, Computation of Time.

COUNCILMEMBER COOK: Second.

CHAIR BATANGAN: Okay. Thank you. Seconded by Member Cook. So, the motion...the amendment before us is to file Resolution 25-217. Any discussion? I...I don’t see any from the body. I actually do want to keep this one on the list. You know, I would have been more open had we not just had a debate with the Administration on when the deadline was for a response to a Committee letter. We just had this conversation on Tuesday, where there was...reasonable minds disagreed on what the deadline should be. You know, I put in the letter, you know, a date. I kind of thought it was assumed that before the end of the workday...you know, the deadline would be the...the end of the workday. Administration took a different interpretation. And I think because of



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that, it is better to have more clarity on what...on how you...on what the deadline should be. I know this isn't one that garners a whole lot of public interest, but I do think it is helpful in the legislative process where there's no ambiguity as to what the deadline should be, given that we just had reasonable minds disagree on that matter. So, I would be asking for a roll call. Chair Lee?

COUNCILMEMBER LEE: Can you remind me who proposed that amendment?

COUNCILMEMBER RAWLINS-FERNANDEZ: You.

CHAIR BATANGAN: You on behalf of the Clerks.

COUNCILMEMBER LEE: On the Clerks, yeah. So, I'm going to go with your position.

CHAIR BATANGAN: Member Paltin?

COUNCILMEMBER PALTIN: My one on the ballot is also about how we count. So, I'm going to be supporting counting correctly. It's not in the Clerks' one, it's in the Planning Department.

CHAIR BATANGAN: Yeah. Okay. So, it sounds like we're going to need a roll call on this particular one. So, the motion before us is to file Resolution 25-217. Any further discussion? Otherwise, I'm going to call for the question.

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

CHAIR BATANGAN: This is to...oh, to file Resolution 25-217 related to the Computation of Time.

COUNCILMEMBER PALTIN: So, then if you want to keep Computation of Time, you vote no?

CHAIR BATANGAN: Correct. Okay. Staff?

MR. HURDLE: Proceeding with the roll call vote. Councilmember Cook.

COUNCILMEMBER COOK: Aye.

MR. HURDLE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Yes.

MR. HURDLE: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MR. HURDLE: Councilmember Paltin.

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COUNCILMEMBER PALTIN: No.

MR. HURDLE: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MR. HURDLE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MR. HURDLE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MR. HURDLE: Committee Vice-Chair U‘u-Hodgins.

VICE-CHAIR U‘U-HODGINS: No.

MR. HURDLE: And Committee Chair Batangan.

CHAIR BATANGAN: No.

MR. HURDLE: Okay. Chair, that’s four “ayes,” five “noes,” motion fails.

**VOTE:       AYES:   Councilmembers       Cook,       Johnson,  
                      Rawlins-Fernandez, and Sinenci.**

**NOES:   Chair Batangan, Vice-Chair U‘u-Hodgins, and  
                      Councilmembers Lee, Paltin, and Sugimura**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXCUSED:   None.**

**MOTION FAILED.**

CHAIR BATANGAN: So, Staff, can you remind us what we have total now since those are the only three --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR BATANGAN: -- proposals that...

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COUNCILMEMBER LEE: It was five-four, the other way, yeah? One...two...three...four no.

CHAIR BATANGAN: Oh, is that what you were about to say? The same thing as...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I thought...I thought my motion failed. And so, therefore --

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we're...we're going to recommend passage, but we have to take the vote on that first.

CHAIR BATANGAN: Oh, I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: We have to close it up.

CHAIR BATANGAN: I see. So, we move to reconsider. There was a motion to amend that just failed. So, we're back to the main motion of passage, correct?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR BATANGAN: Okay. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't need a roll call.

CHAIR BATANGAN: Okay. Do we need a roll call? Does anybody else need a roll call? So, we're back to the main motion to recommend passage on first reading.

COUNCILMEMBER PALTIN: Are we back to the main motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER PALTIN: Okay. If you say so.

CHAIR BATANGAN: That's kind of where I'm at too. . . .*(laughing)*. . . But I guess all in favor of the main motion, which is to recommend passage of Resolution 25-217, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. HURDLE: That's nine "ayes," zero "noes." The motion passes.

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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:**   **Recommending FIRST READING of Resolution 25-217, CD1.**

CHAIR BATANGAN: Okay. So, Staff, can you remind us where we're at? How many are...are we recommending passage for? So, out of Committee, today we'll be recommending passage of seven, plus the one that had already been approved is eight...with Member Paltin, that will take us to eight.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . Oh. And Chair, then we also have one that's kind of undetermined --

CHAIR BATANGAN: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- the...the...that we discharged, Reso 61.

CHAIR BATANGAN: Yeah.

MR. HURDLE: Sorry.

CHAIR BATANGAN: I think...

MR. HURDLE: Chair, if Staff can confirm, this is what we have for the resos that have passed...recommended passage out of Committee is Reso 25-216, the proposed amendment on the standardizing deadlines. Resolution 26-85 for the State motto in the preamble. Number 3, Proposed Charter Amendment to Allow Reappointment of Members to the Board of Ethics. Number 4, Reso 26-93, to Simplify the Appointment Process for Boards and Commissions and Dissolve the INB. Number 5, Resolution 26-88, Proposed Charter Amendment on Emergency Appropriations. And 6, Reso 25-217, Proposed Charter Amendment on the Computation of Time.

CHAIR BATANGAN: All right. Members, so that is where we're at. Is there appetite for further action in today's meeting? Member Paltin?

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COUNCILMEMBER PALTIN: Just asking a clarification. So, this isn't going to be voted on tomorrow? Oh, okay.

CHAIR BATANGAN: No, because the Committee report needs to be generated, and then it'll go to the full Council --

COUNCILMEMBER PALTIN: Bumbai.

CHAIR BATANGAN: -- following --

MR. HURDLE: Yeah. With...

CHAIR BATANGAN: -- tomorrow.

MR. HURDLE: Most likely on the July 7th agenda.

CHAIR BATANGAN: There you go.

COUNCILMEMBER PALTIN: Oh, okay. I thought we were going to do this hana hou tomorrow or something.

CHAIR BATANGAN: No, tomorrow's agenda's already been posted. And it's also pretty full. Okay. So, if there's nothing else from the Members, I think that might conclude our...our business today. We've gone through all of the remaining...we've gone through every proposal at least once. We then considered the ones...or reconsidered the ones that we felt very strongly needed to be added to the list. We whittled down that list to what we think is more digestible. I think there might be debate as to whether or not we did enough on that particular measure, but we can't...I don't see anybody raising their hand to cut more, and there is one resolution that was discharged without a recommendation. Before we adjourn, is there any homework that we want to ask of Staff or resources related to that proposal that does not have a recommendation before we consider it at the full Council?

COUNCILMEMBER PALTIN: Are you going to draft a letter to Finance?

CHAIR BATANGAN: We can. Can you remind me what we need to ask them?

COUNCILMEMBER PALTIN: If they foresee any great obstacles with accepting claims and Risk Management to accept the claims, and how long that would take if they don't see any obstacles.

CHAIR BATANGAN: So, Staff, did you get that? Can we draft a letter to Finance to that effect? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I know it's important to ask Finance, but I'd also like to recommend if we ask the Managing Director's Office, because they

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might have a suggestion on where to put it, because they're in charge of all those folks.

COUNCILMEMBER PALTIN: The Managing Director was texting me, and he texted, he tried to do that in 2018, and then he circled the 43 and whatever that they told us when I asked the question. That was the extent. But we can ask him your question if he thinks somewhere else it was good, but he literally texted me.

COUNCILMEMBER JOHNSON: He...he said Finance?

COUNCILMEMBER PALTIN: No.

COUNCILMEMBER JOHNSON: Oh, he said Clerks?

COUNCILMEMBER PALTIN: He said, why Finance? And then I told him --

COUNCILMEMBER JOHNSON: Okay.

COUNCILMEMBER PALTIN: -- whatever, and then he's like, oh, got it, and then he screenshotted me a picture of the 2018 election and circling Maui claims, yes, 38.8, and no, 43.3. And he said when he was the Clerk, that was his recommendation, and it didn't pass, and I guess he doesn't seem to think it has a great chance of passing. Again, I...I did hear like maybe 100 more, or double the claims, but I don't know, 100 more people are going to make that much of a difference when it was 21,941 to 19,629.

COUNCILMEMBER RAWLINS-FERNANDEZ: But that was to Corp. Counsel not to Finance, or it was to Finance?

COUNCILMEMBER PALTIN: It was to Corp. Counsel, and there were 9,045 blank votes, 13 other votes...so 38.8 percent said yes, 21...43.3 percent said no, and 17.9 percent didn't really care enough to say anything. So, that's what my text conversation was with him.

COUNCILMEMBER JOHNSON: Well, thanks for sharing that. I just would hope, you know...or I was hoping maybe they could get an idea, you know, like they're the Managing Director's Office, maybe we want to find that round peg, round hole kind of scenario.

COUNCILMEMBER PALTIN: I don't object to asking them, but they said okay. Said was the 2018 election, and then I said we had the fires, and he said okay.

CHAIR BATANGAN: Okay. So, I guess it doesn't hurt to ask. Member Johnson, we can write a letter to the Manager Director --

COUNCILMEMBER JOHNSON: Okay.

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CHAIR BATANGAN: -- to see if they have a different --

COUNCILMEMBER JOHNSON: Just trying to work with everybody.

CHAIR BATANGAN: -- a different...

COUNCILMEMBER JOHNSON: But if...this might be...I don't know.

CHAIR BATANGAN: Receptacle.

COUNCILMEMBER PALTIN: Hot potato.

COUNCILMEMBER JOHNSON: Yeah, it does sound like a hot potato. All right. Thank you so much.

CHAIR BATANGAN: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, so I think the conversation...the question is, is there going to be an education process so that, you know, this whole question comes out, good, bad, and, you know, how much is it going to cost, you know, for different things, and is there going to be more comprehensive education?

CHAIR BATANGAN: The cost estimate, I don't know, but I do believe that there will be voter education efforts on the proposals. You know, Staff did put together an analysis in Granicus that succinctly says what each resolution does, what it...when it goes into effect, why it's needed, and then like what happens if the proposal does or does not pass. I imagine, you know, either the Committee or individual Councilmembers would be able to take that and share it with their constituents. Maybe the Clerks would be able to, you know, do some outreach as well.

COUNCILMEMBER SUGIMURA: Good.

CHAIR BATANGAN: I...I see them conferring. I don't know if they have anything that they'd like to...to add to this conversation.

MS. THOMSON: Thank you, Chair. We wanted to let everyone know that there is a voter...a digital voter guide that was not in place in 2018, and so yes, we will absolutely do our part to educate the voters and provide information through all of the means that we have available. And so, we're...we're hoping that it was a not understanding of, you know, of the importance of...of that amendment back in 2018, but we will fix that. And just as a plug, our...we strongly believe that claims should be in Corp. Counsel. It makes the most sense, but as...as an alternative, Finance.

MS. LUTEY: And we'll sign wave.

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

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CHAIR BATANGAN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay. So, Section 3-9.2, you brought up the County Auditor. Subsection...or Section 5, the County Auditor shall assess the fiscal impact of any proposed amendment to the Charter within 60 days prior to the General Election and make such assessment available to the public. Was that the section that you were talking about? That the...that wouldn't be triggered for all of these?

CHAIR BATANGAN: I don't even know at this point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Well, that's what would need to happen, because that's what the Charter says would have to happen, 60 days prior to the General Election.

CHAIR BATANGAN: I don't even know what you referred to when I said earlier.

COUNCILMEMBER RAWLINS-FERNANDEZ: You said something about the Auditor.  
...*(laughing)*...

CHAIR BATANGAN: Did I? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Maybe. ...*(laughing)*... So, just reminding everyone.

CHAIR BATANGAN: I thought we were just having last comments, and I was doing...or just making sure that there was no business we needed to wrap up before I adjourn the meeting. I don't even remember talking about the Auditor.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, can I make sure that my top five was...went through? I just want to make sure. Emergency appropriations...

CHAIR BATANGAN: Okay. Wait, before you read that out, I want to make sure Staff has up that list of what we are recommending passage on. Member Rawlins-Fernandez just wants to make sure that her top five are all going through.

COUNCILMEMBER RAWLINS-FERNANDEZ: You want the numbers or the...you want the numbers of the reso, or the subject-matter?

MR. HURDLE: Either way.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Emergency appropriation, INB, claims, Board of Ethics, motto.

MR. HURDLE: Yes.



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CHAIR BATANGAN: I think the only one that is not being recommended on first passage is claims, because that one is discharged without a recommendation.

MR. HURDLE: Correct.

CHAIR BATANGAN: Okay. All right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR BATANGAN: Any further business, or can we conclude our...our...our meeting today? All right. Where is my notes on adjournment? Okay. This concludes the Government Relations, Ethics, and Transparency Committee meeting. Thank you very much, Members. The time is now 4:14 p.m. This GREAT Committee meeting is adjourned. . . .*(gavel)* . . .

**ADJOURN:** 4:14 p.m.

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Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 121 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 17th day of July 2026, in Wailuku, Hawai'i

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

Daniel Schoenbeck