

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

September 10, 2024

Online Only via Teams

CONVENE: 1:40 p.m.

PRESENT: Councilmember Nohelani U‘u-Hodgins, Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member (Out 4:10 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Tamara Paltin, Vice-Chair
Councilmember Tasha Kama, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Kasie Apo Takayama, Senior Legislative Analyst
Clarissa MacDonald, Legislative Analyst
Eric Arquero, Legislative Analyst
Maria Leon, Committee Secretary
Megan Moniz, Legislative Attorney
Richelle Kawasaki, Deputy Director
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Christian Balagso, West Maui Residency Area Office

ADMIN: Cody Minatodani, Deputy Corporation Counsel, Department of the
Corporation Counsel (All)
Yukari Murakami, Deputy Corporation Counsel, Department of the
Corporation Counsel (GREAT-2(24))
Glen Pascual, Deputy Corporation Counsel, Department of the
Corporation Counsel (GREAT-11(48))
John J. Gores, Deputy Corporation Counsel, Department of the
Corporation Counsel (GREAT-11(38) and -11(41))
Cory Vicens, Boards and Commissions Liaison, Office of the Mayor
(GREAT-2(24))
Wade Maeda, Deputy Chief of Police, Department of Police (GREAT-11(48))

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OTHERS: Umialiloa Harding (GREAT-2(24))
Lionel W. Montalvo (GREAT-2(24))
Brian Thomas Ward (GREAT-2(24))
Davelyn Lokelani Han (GREAT-2(24))
Craig K. Shikuma, Kobayashi Sugita & Goda (GREAT-11(38) and -11(41))

Testifiers

Zandra Amaral Crouse (GREAT-2(24))
Christopher Fishkin (GREAT-11(38) and -11(41))
Sam Small (GREAT-11(38) and -11(41))
Chris Salem (GREAT-11(38))

(15+) additional attendees

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

CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon. Will the Government Relations, Ethics, and Transparency Committee meeting of September 10th, 2024, please come to order. It is 1:40 p.m. I’m your Chair, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, workspace with you today. Minors do not need to be identified. Let’s begin with Council...our Committee Vice-Chair Tamara Paltin is excused for today. Councilmember Tom Cook, good afternoon.

COUNCILMEMBER COOK: Aloha. Good afternoon, Chair.

CHAIR U‘U-HODGINS: Good afternoon. Councilmember Gabe Johnson, good afternoon.

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

CHAIR U‘U-HODGINS: Thank you. Councilmember Tasha Kama is excused. Council Chair Alice Lee, good afternoon.

COUNCILMEMBER LEE: Hello and taloha from Cook Islet in Pukapuka. Thank you.

CHAIR U‘U-HODGINS: Taloha, Chair. Councilmember Rawlins-Fernandez is excused as well. Councilmember Shane Sinenci, aloha. Good afternoon.

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COUNCILMEMBER SINENCI: Taloha, Chair, and aloha ‘auinalā. Here at my home office, there’s no one here, I’m by myself, and there’s no testifiers in Hāna, Chair. It just seems the sound is a little echoey on my end, so I don’t know if other Members are...are hearing that too. Thank you.

CHAIR U‘U-HODGINS: Okay. Thank you for letting me know. Members online, is it echoey for you as well? Members Sugimura and Chair Lee? No?

COUNCILMEMBER SUGIMURA: No.

CHAIR U‘U-HODGINS: Okay. Okay. Thank you, Member Sinenci. Councilmember Yuki Lei Sugimura, good afternoon.

COUNCILMEMBER SUGIMURA: Good afternoon, everybody. I’m in my office, and I’m the only one here, and looking forward to a productive meeting. Thank you.

CHAIR U‘U-HODGINS: Thank you. We have from Corporation Counsel, Cody Minatodani, Deputy Corporation Counsel; Yukari Murakami, Deputy Corporation Counsel; Glen Pascual, Deputy Corporation Counsel; and John Gores, Deputy Corporation Counsel. It looks like we have somebody else. Okay. We also have with us, or will have with us later at this afternoon, is Deputy Chief Wade Maeda from the Police Department. We also have our Committee Staff. Maria Leon, Committee Secretary; Kasie Apo Takayama, Senior Legislative Analyst; Clarissa MacDonald, Legislative Analyst; Eric Arquero, Legislative Analyst; Megan Moniz, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; and Jean Pokipala, Council Services Assistant Clerk. Please see the last page of the agenda for information on meeting connectivity. Testimony. Testifiers wanting to provide testimony should sign up in the lobby, join on the online meeting via Teams link or call into the phone number noted on today’s agenda. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas as well. Under the Sunshine Law, the Chair will receive oral testimony for agenda items at the beginning of the meeting and as the item is called up. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button. If calling in, please follow the prompts via phone, star-five to raise and lower your hand and star-six to mute and unmute. Staff will add names to the testifier list in the order testifier sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you’re logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you’re done testifying or you do not wish to testify, you can

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also view the meeting on *Akakū* Channel 53--not Facebook Live today, we're having issues--or mauicounty.us/agendas. We will do our best to take up each person in an orderly fashion. We will now call on testifiers wishing to testify at the beginning of the meeting. So, Staff, if you please, call the first testifier. Thank you.

MS. MACDONALD: Yes, Chair. The first individual signed up to testify is Zandra Amaral Crouse, to be followed by Lokelani Han.

. . . BEGIN PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

MS. AMARAL CROUSE: Good afternoon. Oh, my God, I'm talking to screen. Sorry. Okay. Good afternoon, Council Chair and esteemed Councilmembers. And I really want to thank both of you Council people who took the time out to be here at your Chambers, and as Johnson said, to...to work. We appreciate that, we really do, as...as does the public. But I'm here to testify. 'O Zandra Amaral ko'u inoa. Makemake au, kēia manawa, e ha'i 'oukou, ko'u Resolution 24-149. And this is regarding the appointment of Brian Thomas Ward to the South Maui seat for the Planning Commission for the County of Maui. I had the privilege of meeting Brian and working with him while attending the South Maui Community Plan CPAC meetings. Brian demonstrated both knowledge of, and a sensitivity to, the needs of the South Maui community, as well as its culturally-sensitive areas, our ahupua'as, our moku, our gulches, our wetlands, and et cetera. He worked very closely with one of South Maui's most knowledgeable Hawaiian young men, Vernon Kalanikau. If any of you know Vernon, you know that he is very educated and informed. That moku has been in his family for centuries. And Brian worked very closely with all of the cultural specialists. And this is something that we desperately do need for South Maui. And I want to say thank you. Thank you to all of you, and I...my hope that you guys approve his nomination because that gives us someone from South Maui to sit on the behalf of the citizens of South Maui. Mahalo. A hui hou. Mālama.

CHAIR U'U-HODGINS: Thank you very much for your testimony. Members, do you have any clarifying questions? Seeing none. Thank you so much.

MS. AMARAL CROUSE: 'A'ole pilika. A hui hou.

CHAIR U'U-HODGINS: A hui hou. Staff, next testifier, please.

MS. MACDONALD: Yes, Chair. The next testifier is Lokelani Han, to be followed by Christopher Fishkin. Han, your camera and microphone have been enabled, so you'll just have to unmute yourself on your end.

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MS. HAN: Aloha kākou.

CHAIR U‘U-HODGINS: Aloha.

MS. HAN: My name is Davelyn Lokelani Han. I’m a teacher on Molokai at Ke Kula Kaiapuni o Kualapu‘u. I’m here to speak to Resolution 24-152 with a nomination to the Public Works Commission. And full disclosure, I’m in my classroom, and my kids are watching this --

CHAIR U‘U-HODGINS: Aloha, kids.

MS. HAN: -- on our TV, because it’s 1:30 in the afternoon, and we still have school. Kala mai. . . .*(inaudible)*. . . hāmau. And so, yeah, I just wanted to make that statement in front of everyone. And e kala mai, I couldn’t hear what was being said in the Chamber, the sound, like Brother Shane said, was kind of like muffled. So, I know that I’m supposed to speak to my qualifications in being hopefully appointed to the Public Works Commission. I am a haumāna o ka ‘ōlelo Hawai‘i first, and then a kumu kula kaiapuni, a he makua kēia, he kūpuna kēia. I have 11 grandchildren. He keiki o kēia ‘āina o Molokai, and I would be honored to help serve in this capacity with guidance from the senior members, of course. But ‘oia wale. ‘O wau iho nō, ‘o Loke Han. Mahalo.

CHAIR U‘U-HODGINS: Thank you very much, Ms. Han. So, this is the testimony period. I’m really glad you spoke up. In a few minutes, we will take up your resolution, and at that time, the Members will be asking you questions. Can you hear me? Okay. Okay. So, at that time, the Members will have an opportunity to ask you questions, and I appreciate you being here. And mahalo for your students being with us as well. Thank you, Ms. Han. Staff, next testifier, please.

MS. MACDONALD: Yes, Chair. The next and currently final testifier is Christopher Fishkin.

MR. FISHKIN: Hello, Councilmembers.

CHAIR U‘U-HODGINS: Hello.

MR. FISHKIN: Can you hear me?

CHAIR U‘U-HODGINS: We can.

MR. FISHKIN: Okay, thank you. I’m testifying on resolutions...the two resolutions, 21-71, and I think -81, or -72 and -82, I’m...I’m just...I’m not sure which. I’m going to read into the...into the record my testimony I submitted to *The Maui News* today as...as a letter. The County Council keeps paying out taxpayer

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money to a private law firm in Honolulu to defend the County from numerous documented, substantiated allegations of corruption by a citizen resident whistleblower who worked for the County. You are now authorizing almost half a million dollars in funds to this...to this...to this private counsel instead of working with the whistleblower, who is actually representing himself. He even got the County Attorneys and a judge to recuse themselves for conflicts of interest. This trial should be a showstopper. Even a former director of the Corporation Counsel and the County Auditor are now being named, as well as a well-known engineering firm, and the judge in this case has compelled discovery, which has been withheld by the County for years, and even sanctioned the County recently for that. This pro se whistleblower is demonstrating the power of truth and perseverance. The County Councilmembers, respectfully, should be ashamed of themselves for perpetuating harm to the whistleblower and turning a blind eye to corruption, harming the County for decades, while giving lip service to the concept we call pono. You know, that...that went into *The Maui News* today. The ironic and tragic thing about this situation, and--and, you know, none of you are really going to take in what I'm saying as far as I can tell because it's--you know, I've been an advocate for decades, and...and it's...it's ironic. This stuff is under your nose, and you don't...you're not interested in it. You...you don't learn about it. You give...you've now paid 500 million...you're being asked to authorize close to 500...a half a million dollars. You're fighting a citizen who doesn't even have a lawyer, and he's winning. And when you get to trial, I'm telling you guys, I've been looking forward to this for years. Patrick Wong, I mean, gosh, Unemori Engineering, Michael Victorino, this is going to be the show of the century. But basically, you know, there's one of you Councilmembers--I'm not going to name them, you know, out of decorum and protocol--that when they first were running for Council in 2012 and I was bringing the deferral stuff to the attention of the...the Budget Committee, which never did anything, they basically said, gosh, if this really was what you're saying, it would shut down the County, it could shut down the County. And so, the chicken's coming home to roost. . . (timer sounds). . . It...it...it's just amazing what's been allowed to happen. The ironic and tragic thing is that this whistleblower has the solutions to many of these problems and you have never, ever been interested in hearing from him personally. You've never reached out to him. You've never inquired. You don't even know what this case is about, and you're spending over almost \$500 million in taxpayer money to fight...to fight someone bringing forth issues of County corruption, making believe as if somehow it really doesn't exist, turning a blind eye to it, acting like it doesn't really matter. But it's going to, and it's going to be quite...quite the spectacle in court. And so...and I've sent my stuff to the corruption reporters for *The New York Times*, for *Civil Beat*. So, you know, Councilmembers, you know, if you do end up resolving this for some reason and doesn't go to court, you know, do yourselves and the County a favor, and take advantage of this person's knowledge and let him help you actually tar...he's got the solutions for all this stuff, for many of it, and you've never even bothered

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to...to speak to him. I think it's a disgrace. I think it's a tragedy for the County and you guys. It's just business as usual, I guess. So, I've been involved with this case for numerous years, and I am really looking forward to finally, respectfully, the shit hitting the fan. So, thank you for letting me express my opinions --

CHAIR U'U-HODGINS: Thank you, Mr. Fishkin.

MR. FISHKIN: -- today.

CHAIR U'U-HODGINS: Members, any clarifying questions?

MR. FISHKIN: God bless.

CHAIR U'U-HODGINS: Seeing none. Thank you very much.

MR. FISHKIN: Thank you.

CHAIR U'U-HODGINS: Staff, next testifier, please.

MS. MACDONALD: Yes, Chair, the next individual signed up to testify has the last four digits phone number 0788. 0788, I have unmuted you. You'll have to unmute yourself on your end as well with star-six.

CHAIR U'U-HODGINS: They're unmuted?

MS. MACDONALD: Yes, Chair. They're unmuted on our end, so they will have to select star-six to unmute on their end.

CHAIR U'U-HODGINS: Okay. We can give them a few seconds before we move on. (pause) Okay. Moving on. They can testify later in the agenda as well.

MS. MACDONALD: Yes, Chair. There's currently no one else who has signed up to testify. Would you like me to do a last call?

CHAIR U'U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know. On Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you very much. Oh.

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MS. MACDONALD: I do see a hand was just raised. They are unmuted on our end, so it looks like for them, they'll have to click on the...

MR. SMALL: Hi.

MS. MACDONALD: Oh, yeah. There you go.

CHAIR U'U-HODGINS: Okay. We can hear somebody.

MR. SMALL: I'm trying to testify. Hang on. I...I...I'm...

CHAIR U'U-HODGINS: We can hear you.

MR. SMALL: I needed to call on the phone. Can you open my phone?

MS. MACDONALD: Sorry. We have unmuted your cell phone, so you should be able to unmute on your end if you click star-six.

MR. SMALL: Star-six. (echoing) Thank you. (echoing) Maybe that's better.

MS. MACDONALD: We can hear you, and I do see –

MR. SMALL: Okay.

MS. MACDONALD: -- your cell phone is unmuted.

MR. SMALL: Okay. You can hear me now?

CHAIR U'U-HODGINS: We can hear you.

MR. SMALL: Okay. Thank you. Sorry for the confusion. This...this is a new system for me. This is Sam Small, testifying on the two Chris Salem resolutions. I'm just going to go for six minutes on the two resos. Please do not interrupt me. I am so thankful to Michael Victorino for allowing Chris Salem and I to convince him to hire Chris Salem to rout out how corruption takes place in Maui County's Administration of Planning, Public Works, all facilitated by and protected, mind you, by Corporation Counsel for decades. Thanks to Michael Victorino's commitment to clean up this garbage, we now have a venue in the courts that never previously existed. And through the courts, we are revealing absolute truth of fraud facilitated and protected by Corporation Counsel, who has been conflicted out of this case, who should not be participating in executive sessions with the Council. Chris Salem's new amended complaints are based on Government documents that Corporation Counsel wrongfully withheld for over two years. That's why it's happening so late in the process. KSG will tell you

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that that's a problem. The only problem it is, is for Corporation Counsel. They have been wrongfully obstructing. Why? Because they have been covering their own asses. And there's no accident that KSG has been hired because KSG is actually part of the harm that was intentionally perpetrated against Chris Salem because he blew the whistle on the deferral agreement, and had the audacity to stand up to corrupt high-powered developers and their corrupt attorneys. It's no accident that the Auditor abandoned the audit into the deferral agreement, and that's why he's now named. You are being hoodwinked by Corporation Counsel and KSG. Read the new complaints. They are thorough. The truth is all in the discovery already, and there's a whole new wave of discovery coming because these new counts involve high-level individuals within the County--from Corp. Counsel, to department directors, to developers, to their engineering firms, and to their lawyers. They are all culpable, and they are all going down. Somebody's going to go to jail, and probably more than one person deserves to go to jail. Here, listen about who's responsible here.

UNIDENTIFIED SPEAKER (FROM AUDIO PLAYED BY MR. SMALL): I know Pat Wong. I know a lot about his life. Sometimes they drink and they talk. I know David Goode. I know the shit he's pulled. A lot of it was borderline illegal. Sometimes it may cross one way or the other, but it's borderline. They know I know. . . .(inaudible). . . going to come back and . . .(inaudible). . .

MR. SMALL: The plan with Mike was to hold the developers and their professional consultants responsible for the fraud and financial harm that they brought to Chris Salem. Chris even agreed to hold the County harmless in return for bringing the developers into the room to negotiate. We have the documentation that shows that Michael Victorino tried to honor his commitment, and he was blocked from doing so by Michele McLean and Moana Lutey. They used Chris Salem's legitimate criticisms of Greg Brown's monster hotel as falsified ammunition to terminate his job. And thank you for doing so because that wrongful termination is why we are in court today, and we are going to reopen discovery, and get more dirt on what these people have done and what this Council should be holding them accountable for. That is your job. The Charter gives you the authority to do that. Corp. Counsel is asking for nearly half a million dollars, and that is before these new complaints. KSG is going to come back to you eventually. It'll be \$1.5 million just so Corp. Counsel can defend their own demonstrated wrongdoing against a pro se whistleblower, who time after time has been proven right. Wouldn't that money be better spent on a full-fledged Council investigation into all of this crap? Work with us to hold the developers and their professional consultants responsible for their fraud. Let the financial liabilities be on them, not on the citizens of Maui County. So, thank you, Mike Victorino. This will be your strongest legacy. Thank you for setting it all in motion.

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CHAIR U‘U-HODGINS: Thank you, Mr. Small. Thank you, Maria. Members, any clarifying questions? Seeing none. Thank you very much. Staff, next testifier, please.

MS. MACDONALD: Yes, Chair. There is currently no one else who signed up to testify. Would you like me to do another last call?

CHAIR U‘U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

. . . CLOSE PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

CHAIR U‘U-HODGINS: Thank you. Well, Members, let’s move on to the first item on our agenda.

**GREAT-2(24) RESOLUTIONS RELATING TO THE APPOINTMENT OF MEMBERS TO
VARIOUS BOARDS (RESOLUTIONS 24-144, 24-146, 24-147, 24-149, 24-150, AND
24-152)**

CHAIR U‘U-HODGINS: We have before us the following resolutions. Resolutions [sic] 24-144, relating to the appointment of Jake Dylan Musson and Umialiloa Harding to the Board of Water Supply. Resolution 24-146, relating to the appointment of Lee Allen Chamberlain and Kevin Blair Spellman to the Cost of Government Commission. Resolution 24-147, relating to the appointment of Lionel W. Montalvo to the Fire and Public Safety Commission. Resolution 24-149, relating to the appointment of Brian Thomas Ward to the Maui Planning Commission. Resolution 24-150, relating to the appointment of Chelsea--I’m not going to read her entire name--Kau, to the Maui Redevelopment Agency. And Resolution 24-152, relating to the appointment of Davelyn Lokelani Han to the Public Works Commission. Members, these are the Mayor’s nominees to replace those who withdrew their names or who were disapproved on Resolution 24-109, CD1, FD1. And at this time, I’m going to ask Ms. Cory Vicens to introduce the nominees one by one. Then, Members, we will take more testimony, and we will have our opportunity to interview all of the applicants. But I will let you know, because of the timing of everything, today we are going to use this opportunity to interview everyone. On Friday, we will vote. The deadline is September 18th. We will vote at full Council, but today is our time to vet all the applicants. Ms. Vicens?

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MS. VICENS: Thank you, Chair U‘u-Hodgins, Council Chair Lee, and Members Johnson, as well as Sugimura, and Mr. Cook, Chair...Councilmember Cook. We have seven members of the community here today to fill out the rest...some of our mass nominations. They have...some have already appeared before you earlier this year, so you may be familiar with them already. The Mayor asks for your consideration of these individuals to the various boards and commissions. We appreciate your time and...to successfully continuing to fill our much-needed vacancies on our boards and commissions. Mahalo. Should I go ahead?

CHAIR U‘U-HODGINS: If you could.

MS. VICENS: Okay.

CHAIR U‘U-HODGINS: If you could introduce the...the individual nominees, and then we can take more testimony, and our Councilmembers will have an opportunity to . . .*(inaudible)*. . .

MS. VICENS: Thank you, Chair U‘u-Hodgins. For the Board of Water Supply, we have nominee...two nominees. We have Mr. Jake Musson, we also have...Jake Dylan Musson and Mr. Umialiloa Harding. I’m sorry, Chair. Do you want me to do their bios at the same time? Okay. Thank you. With regards to Mr. Musson, you have met him on multiple occasions. He is a Makawao resident, and also a business owner with . . .*(inaudible)*. . . He came before this Committee earlier this year, and really is flexible. And we...Mayor originally nominated him to a different board, but we were able to determine that this was the best fit for him to be a member of the Board of Water Supply. So, you have already met Mr. Musson. The second individual is also a member of the community. His name is Mr. Umialiloa Harding, he goes by Umi. He is with the Department of Water, and he is a water quality lab. So, he’s out in the field checking our water sources. He is an environmental analyst. He has a Bachelor of Science in Biological Science from the UH. His title with the County is Water Meteorologist. He is a member of the American Water Works Association, the Maui Drug Court, as well as Wailuku Weightlifting Clique...Club. This is his first putting his toes into our boards and commissions, where we’d be very fortunate to have him on the Board of Water Supply with his experience as well. He is...has done public speaking with the Maui judiciary system with Aloha House. We ask that you consider Mr. Umialiloa for this position. Next, we have Mr. Lee Chamberlain. You met Mr. Chamberlain earlier this year for the Cost of Government. He is a...he digests things very thoughtfully, and he is from the Lahaina area. He brings a lot of integrity to his role here. We thank him for his service to our Government with the Air Force and with the DEA. His knowledge would be beneficial to the Water...to this board as well. So, that’s Mr. Chamberlain. The second individual for the...or for the Cost of Government--not Water, Cost of Government--is Mr. Kevin Spellman. He is currently a County of Maui employee.

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We know Kevin to be very committed, wanting to serve our community in this role. He has flexibility. When asked by this Council if there are other roles or boards that he'd be willing to participate and be a member of, Mr. Spellman was more than willing to. He respectfully wants to serve our community in the capacity with the knowledge that he has. He is a County of Maui Staff Planner for the Maui...the Planning Commission [sic]. I'm sorry. . . .(laughing). . . The next individual we have for board or commission is Mr. Lionel Wayne Montalvo. He is the former chief with MPD, and he had retired in 2018. He has served in various capacities with the County, originally with the Maui Fire Department, then...or first with the mili...Police from '85 to '91, then with the Maui Fire Department from '91 to 2018. He has a military background. He has been...received accommodations [sic] from the Maui Fire Department. He retired in 2018, and decided that enough time had lapsed between his serving as the deputy, the former deputy, to come back and serve this community. We'd be very fortunate. His wealth of knowledge would be invaluable to this particular board. For the Maui Planning Commission, we have Mr. Brian Thomas Ward. He's currently on the South Maui Advisory Committee. He was reappointed by this body a little bit earlier...or later in the month here. He's retired, and he is now a consultant. He's been in Maui for over eight years. In speaking with Brian, one of the things that really resonates with him is his community. He recognized that he was not born and raised; therefore, he really took his time in learning about the culture, and introducing himself within his community, and starting to do his civil service on various boards. He sat on the Wailea Community Association, the Kai Malu board. He's been on this board, the South Maui Advisory, and agreed that he would like to be considered for the Maui Planning Commission. He has been im...he has implemented...implemented and collaborated with the Hui O Ka Wai Ola, implementing some water quality and monitoring positions. So, I think...we think that he would be a great candidate, and has proven his value within the community up to date. Thank you. From Molokai, you heard Ms. Lokelani Han speak. She is a Native Hawaiian cultural practitioner, fluent in 'ōlelo, as you heard, and teaching students as well at the Kualapu'u Conversion and Charter School, an educator. She has a Master from the University of Hawai'i. Ms. Han originally applied for a different board, but felt that her knowledge in Hawaiian would be beneficial to the Public Works Commission. It was also...this is her first board that she is participating in, and wanted to serve the community, and thought that this would be a good jumping off point with her 'ōlelo as the cultural practitioner. We are grateful for her willingness to step forward. Chair, that are our candidates for consideration today. We ask that you consider them and vote them through. Thank you.

CHAIR U'U-HODGINS: Thank you. Before we get into discussion, if we could please also receive testimony for GREAT-2(24). So, Staff, if you could please call any testifiers wishing to testify for this item.

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MS. MACDONALD: Yes, Chair. There is currently no one who has signed up to testify. Would you like me to do a last call?

CHAIR U‘U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U‘U-HODGINS: Thank you, Clarissa. Members, if there are no objections, I will close written...or oral testimony for this item, and written testimony will continue to be accepted. Thank you, everyone.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-2(24) . . .

CHAIR U‘U-HODGINS: Thank you. We’re now going to go into a three-minute questioning period. We will begin with Resolution 24-144, regarding the Board of Water Supply. As you may remember, Members, we had an opportunity to interview Mr. Musson earlier this year, but not Mr. Harding. Do you guys want to still interview Mr. Musson? We all decided he was fit for this board. We can move on to Mr. Harding if you guys want to. If not, we can continue to interview Mr. Musson. Are you guys ready to move on to Mr. Harding? Okay. If Mr. Harding --

COUNCILMEMBER SUGIMURA: Yes.

CHAIR U‘U-HODGINS: -- is with us, if you would like to come to the front, and then our Members will have their opportunity to ask you questions. Aloha, Mr. Harding.

MR. HARDING: Good afternoon, esteemed Councilmembers. It’s a privilege to be standing here in front of you. Thank you.

CHAIR U‘U-HODGINS: Thank you. I know Ms. Vicens did your bio, but if there’s anything you would like to add, please feel free to do so, and then the Members can ask you some questions.

MR. HARDING: No, I’m ready for...to receive any questions you have, please.

CHAIR U‘U-HODGINS: Sounds good. Thank you. Members, questions for Mr. Harding? Go ahead, Member Johnson.

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COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Harding. Thank you for your willingness to serve. This is a common question we're going to ask everybody. You know, the scheduling of it all, can you make the meetings? We often worry about these committees not having enough folks to do quorum...to have quorum, to actually commit to meetings. So, in your life, in your schedule, are you able to make these meetings?

MR. HARDING: Yes, sir. I'm very fortunate to have a very flexible schedule. I spoke with my superiors, my lab director and my chief of operations, about this potential appointment, and they're...they gave me their full back...you know, 100 percent behind me on this one, so...

COUNCILMEMBER JOHNSON: Great. And remind me again where you work at?

MR. HARDING: I work for the Water Quality Laboratory for the Department of Water Supply as a Water Microbiologist II.

COUNCILMEMBER JOHNSON: Wow.

CHAIR U'U-HODGINS: Cool.

COUNCILMEMBER JOHNSON: So, you obviously know the subject, the topic matter, the subject matter. I'm sure you...

MR. HARDING: I'm very...11 years' experience in the analytical portion of water chemistry and microbiology. I supply most of the data that keeps our systems running and potable, so...

COUNCILMEMBER JOHNSON: So, I'll give you a hypothetical because that's a really interesting point, where you work, is what if you disagree with something and you're...as a...you have to look at the...the...the problem through the eyes of a commissioner? Like if you were on the commission, and maybe the County might have a position but you don't agree with that position, how would you attack that hypothetical?

MR. HARDING: That's a very interesting question, Councilman Johnson. I...I...I really don't have any experience of that nature yet. I watched a few quorums last night, and for me, I'm in a very obscure corner of the Water Department. It's a small laboratory...you know, it's a laboratory, and there's maybe seven of us at the most. We're...we're very isolated. I hardly interact with any Water Department people except, you know, distribution people, water plant operators. I'm mostly out in the fields with the wells. I haven't been approached with anything like that scenario. You have...you know, I deal in data and just numbers, you know, and numbers don't lie. So...but I do have, you know, a moral ethics. You know, I do

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have a brain that can determine what's right and what...you know, and I won't...wouldn't hesitate to question something that's...you know, it...that it just doesn't seem right.

COUNCILMEMBER JOHNSON: Well said, Mr. Harding. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you, Member Johnson. Member Cook, do you have any questions?

COUNCILMEMBER COOK: Thank you, Mr. Harding.

MR. HARDING: Yes, sir.

COUNCILMEMBER COOK: So, you do well testing is one of the things you do?

MR. HARDING: I...I test our...our...our water system from it's very rawest source, as well as...as wells are also like a cleaner form of raw water, as well as surface water, all the way until it comes out to our tap.

COUNCILMEMBER COOK: I'm just curious, are you familiar with the Hamakuapoko Well? Is that one that you...

MR. HARDING: The H'poko, yes.

COUNCILMEMBER COOK: H'poko?

MR. HARDING: Yes, sir, I am.

COUNCILMEMBER COOK: Is that currently being used, or is it still a backup well?

MR. HARDING: You know, we use that in...in cases of drought. And what seems ironic is, every time we have a very severe case of drought, we start ramping that well system up to be used. You know, we've put granulated activated charcoal systems, which is very expensive, preliminary, because that well has been exposed to a lot of nitrates, you know, fertilizers, pesticides, and such in the past. So, we always get that well ready to ramp up and used, you know, so we do a lot of extreme testing to see that the water that's finally coming out, you know, is...it passes the grade. And then the droughts end, so then it ramps down, and we never get to put it online yet. So, it's...to answer your question in a short form, it's still as an auxiliary well. We haven't really put it online yet.

COUNCILMEMBER COOK: So...

MR. HARDING: We get close.

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COUNCILMEMBER COOK: So, the well...that aquifer, those wells, can provide potable water, but it needs to be treated, and the treatment is effective?

MR. HARDING: Yes. But we need to make sure that we run a survey of tests that come out, you know, consistently within EPA/DOH standards, you know, a series of testing. You know, in the beginning, like when you turn on a faucet that hasn't been used for a long time, the water's going to come out orange or brown. But we make sure we run it long enough, and we test its quality, you know, its chemistry, its biology, and...to make sure it passes all of the compliances before we actually put it online.

COUNCILMEMBER COOK: Thank...thank you, sir. I think you've demonstrated your...your capacity and qualities to serve in this position. And thank you for your answers, and your enthusiasm and your passion for the work. Thank you.

MR. HARDING: Thank you, Councilman Cook.

CHAIR U'U-HODGINS: Thank you, Mr. Harding. Members online, Chair Lee, Member Sinenci, or Members Sugimura, do you have any questions? Chair Lee, go ahead.

COUNCILMEMBER LEE: Hi. I just have a follow-up question. I know the H'poko wells were intended to be backup wells, but considering that the Water Department hasn't really produced a new source in any substantial way, why wouldn't the H'poko wells be used on a regular basis so that it wouldn't...so the other sources that we have aren't stressed? And we...and, you know, for the longest time, for example, that we have this Upcountry wait list, and thousands of people have been waiting. So, why wouldn't we use this backup well?

MR. HARDING: That's a great question, Chairman Lee. I...as I said before, I come from an obscure part of the...our Water Supply Department, and I'm an analyst right now. The reason why I'm standing before you is I'd like to elevate my capacity to do due diligence to find out the answers to your questions right now. As of now, I don't have the capacity, or I've never queried as to the reasons why. I've always left that up to my superiors, you know, and I've just been an analyst to make sure that that well produces water that's clean when we need it. But I would like an opportunity to be on a commission board that does seek out the solutions or the answers that you just asked me. I think that was on the quorum that I observed last night in regards to opening up three new wells up in Kula with a contracting company called Ventures (*phonetic*), and I believe it was shut down. Our Director posed the same question that you're asking, and it was the Board of Commissions, if I...if I watched it correctly, that kind of shut that idea down. So, you know, I'd like to be a part of finding out solutions like that. Right now, you know, my...my scope of understanding is very analytical. It's in the

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laboratory. I've...you know, I'm like an ant on a whale. I don't know what that whole whale looks like until I elevate myself into a bigger position so I can see what that whole creature looks like, and I'd like an opportunity to stand before you one day and answer your question with confidence, ma'am.

COUNCILMEMBER LEE: Okay. It sounds like you're bigger than an ant, but thank you very much for your candidness. Appreciate it.

MR. HARDING: Thank you, ma'am.

CHAIR U'U-HODGINS: Thank you, Chair. I know you're not in person, but if you were to see him, you would realize he's a lot bigger than an ant. But I know you --

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

CHAIR U'U-HODGINS: -- saw his application, and you can see that he's part of the Wailuku Weightlifting Club, so yeah, yeah, yeah. A little bit bigger than an ant, but I appreciate that analogy. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Can you hear me okay?

CHAIR U'U-HODGINS: We can. Thank you, Member Sinenci.

COUNCILMEMBER SINENCI: Okay.

CHAIR U'U-HODGINS: Can you hear us okay?

COUNCILMEMBER SINENCI: All right. Still a little echoey, but I can manage.

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

COUNCILMEMBER SINENCI: Just mahalo to Mr. Harding for his willingness to serve on this board, and I'm...I'm getting to hear a little bit of...of his expertise, so I was...just wanted to give him some time. Normally, we'll give you some time to...I guess my question is, with your expertise and...and you as an environmental analyst, moving forward and with some of the County's challenges, how do you see yourself contributing to this board?

MR. HARDING: Well, first of all, I would contribute 11 years' of experience as a water analyst. You know, I don't...I know the present state of our water. Being a part of this board will give me knowledge of the history of where this water that I'm analyzing comes from. You know, if say we purchase a well like up in Kula, and it produces water that's just not usable, you know, I would be one of the first people to find that out. And as a...as a board member, you know, I...I could

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supply that information, you know, directly. You know, I don't know, I heard this was a conflict of interest to belong to the Department that you're looking to be a commissioner for, but I don't really see the conflict from my point of view, from my...from where I sit in...in the scheme of things. You know, like I said, I'm an analyst, but mainly I would be giving 11 years' of scientific and environmental compliance experience to the decision-making process in the future of the Water Department, the Water Supply Department, sir. And I would add on to my knowledge.

COUNCILMEMBER SINENCI: Mahalo for that response.

MR. HARDING: Yes.

CHAIR U'U-HODGINS: Thank you, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you. Thank you, Mr. Harding.

MR. HARDING: Yes, sir.

CHAIR U'U-HODGINS: Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Mr. Harding --

MR. HARDING: Yes, ma'am.

COUNCILMEMBER SUGIMURA: -- it's pretty exciting to just hear what you're saying because a lot of my residents are asking very similar kind of questions. And I wonder if you would be willing, if you get approved to be on this Board of Water Supply, just because of some of the greater knowledge that you do have and share, would you go before the Board of Ethics to be sure that you don't have a conflict of interest?

MR. HARDING: Definitely, ma'am. Total transparency. You know, I didn't know that's what GREAT stood for. I thought it was just the greater Council. You know, I didn't know it was an acronym. But yes...yes, ma'am. I have...I have no other agendas but than to just serve the community. You know, I'm the lead man in our consumer complaints part where people actually call me and say hey, my water smells like fish, or there's all kinds of weird stuff going on. But I'm the one who responds to that. And it's...I'm passionate about trying to help people solve this stuff. You know, but yes, ma'am, I have no problems going in front of the ethics or transparency...the Ethics Committee, ma'am.

COUNCILMEMBER SUGIMURA: Okay. That would be good, to just be sure that what you do in your day job and the contributions that you make, there's no...any

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questions for crossover of information. And...but thank you very much. Thank you, Chair.

MR. HARDING: Thank you, ma'am.

CHAIR U'U-HODGINS: Thank you, Member Sugimura. Members, do we have any other questions for Mr. Harding? No? Thank you so much for being with us. On Friday, we will vote. And I appreciate your service to not only hopefully the Board of Water Supply, but to our community as well. Thank you, Mr. Harding.

MR. HARDING: Thank you . . .*(inaudible)*. . .

CHAIR U'U-HODGINS: Thank you. Members, let's move on to the next resolution, 24-146, relating to the appointment of Lee Allen Chamberlain and Kevin Blair Spellman to the Cost of Government Commission. So, if you might recall, although we have interviewed several people, we interviewed both, and we recommended them both to this exact commission. However, I did reserve this so we could discuss with Corp. Counsel and Ms. Vicens because it is our understanding that Sterling Higa has resigned from the Cost of Government Commission. And I think we discussed this earlier, but if you could have an opportunity to speak to this, whether this is true, and if so, to provide the date of resignation, and if this nomination can be included in the mass nominations, or where would this nomination then have to come from, and how many seats then do we have available for this commission? I think we discussed this before the meeting, but you can...you can let the public know what we talked about. Thank you.

MS. VICENS: Thank you, Chair, for the question. We...so, yes, we did have an opening, and I think there is...was the timing that we were looking at and that may have...we put these two names forward. One is a replacement for Mr. Higa. As of July, we were...he was not considered a member. There's just some...some confusion about the appointment and whether it was appointed. Mr. Higa notified the boards and commissions in early May, prior to July, that he had accepted another position and would not continue forward in any capacity. And at that point in time, we didn't know what the outcome would be as well. I don't think we had it resolved as well in July. Hence, we put Mr. Chamberlain and Mister --

CHAIR U'U-HODGINS: Spellman.

MS. VICENS: -- Spellman both forward.

CHAIR U'U-HODGINS: Right.

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MS. VICENS: Yeah.

CHAIR U'U-HODGINS: Yukari, can you please talk to the timing of it all? If this seat...I believe it's Mr. Chamberlain that is replacing Mr. Higa, and if this nomination can come from the Mayor's office or if it needs to come from the INB.

MS. MURAKAMI: If I may, Chair, if I can, I'll look into that. I do...would look into the dates of everything --

CHAIR U'U-HODGINS: Okay.

MS. MURAKAMI: -- so that I make sure I have the correct dates to give and advise the Council. So, if I may have time until Friday.

CHAIR U'U-HODGINS: You have until Friday. Thank you.

MS. MURAKAMI: Thank you.

CHAIR U'U-HODGINS: Okay. Members, did you want to have an opportunity to re-interview Mr. Chamberlain or Mr. Spellman? Again, we have done that several times before, and we have recommended them both, but it was more a consideration of timing. Does anybody else want to interview either of the applicants or nominees?

COUNCILMEMBER JOHNSON: No questions, Chair.

CHAIR U'U-HODGINS: Thank you.

COUNCILMEMBER COOK: I have no questions, Chair. I recall both of the gentlemen.

CHAIR U'U-HODGINS: Thank you. Okay. Moving on. Resolution 24-147, relating to the appointment of Mr. Lionel Montalvo to the Fire and Public Safety Commission. Mr. Montalvo, if you would like to join us in the front. Thank you so much.

MR. MONTALVO: Hello.

CHAIR U'U-HODGINS: Hello, Mr. Montalvo. I know Ms. Vicens provided us with a short bio, but I saw you melting. I think that there's a correction. You left the Fire Department and not the Police Department as Deputy Chief.

MR. MONTALVO: Yes.

CHAIR U'U-HODGINS: But you're welcome to add anything else you would like to.

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MR. MONTALVO: Yes, that's correct. And...and she mentioned also that I was a police officer and I left the Police Department in 1991 to join the Fire Department, which I was there for 38 years, and then retired as the Deputy Fire Chief back in 2018. So, it's been a couple of years since I have been removed from the Department.

CHAIR U'U-HODGINS: Thank you. Sorry, I had to coordinate pickup of my kid. Members...Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Montalvo. Thank you for considering serving for a commissioner, and thank you for your service in your previous career. It's...the same question I'm going to ask is, how busy are you? Can you make the schedules? We really want to put people on these boards that actually will show up so that they can have quorum and do business.

MR. MONTALVO: Yes. And thank you for the question. I was going to mention that earlier, but I figured I'd wait for the question. And yes, the meetings are very important. Having quorum to accomplish anything is...is important. And I appreciate all of you being here, you know, via the Zoom or in person. And thank you guys for that. Yeah. So, those meetings, the agendas, staying on schedule is...I look at that as being very important. And my schedule, my family, I will be able to attend the...the meetings.

COUNCILMEMBER JOHNSON: Okay. Wonderful. Thank you, Chair. No further questions.

CHAIR U'U-HODGINS: Thank you, Member Johnson. Member Cook, do you have any questions?

COUNCILMEMBER COOK: I don't have any. My question has been answered. Thank you for your willingness to serve, and your bio speaks for itself. Thank you.

MR. MONTALVO: Thank you.

CHAIR U'U-HODGINS: Members online, do you have any questions? No? Mr. Montalvo, I understand you applied to be Fire Chief I, whatever the term we use, before. Do you feel like you can be unbiased?

MR. MONTALVO: Yes. I did apply before I got out. And we went through the process, and the committee...the Fire Commission at that time made their decision. And so...and...and that's part of the process. You know, as elected officials, that's what we've got to live with, the decisions that are made. So, yeah, totally impartial. Impartiality is very key, yeah. And I'm...I feel I've been, you know,

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distant enough from the Department as it is that although we still know each other, you know, I know the importance of, you know, being fair, and part of the evaluation and critique is part of the job. So...but that's the way we learn and we grow.

CHAIR U'U-HODGINS: Thank you. Members, any other questions before moving on? Seeing none. Thank you so much, Mr. Montalvo. Again, we will be voting on Friday.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR U'U-HODGINS: Okay. Member Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: Sorry...yeah, sorry, I didn't get there fast enough. So --

CHAIR U'U-HODGINS: That's okay.

COUNCILMEMBER SUGIMURA: -- I just want to ask you, you know, you said you applied for the Chief's job. Is it the current Chief, or what Chief did you apply...I mean when, I guess?

MR. MONTALVO: Yeah, that was back when...so Chief Thyne was selected by the commission at that time, Chief David Thyne. So...and then the Administration has changed since then. So, does that answer your question?

COUNCILMEMBER SUGIMURA: Have you worked with...have you worked with the current Chief?

MR. MONTALVO: Chief Ventura and I have gone through training together. We have worked and--not side-by-side, but it was...it's nice to see him grow into the person and the administrator that he is now.

COUNCILMEMBER SUGIMURA: So...and you've been...you've been retired since--what year did you say?

MR. MONTALVO: 2018.

COUNCILMEMBER SUGIMURA: Sorry, what? Since?

CHAIR U'U-HODGINS: 2018.

COUNCILMEMBER SUGIMURA: Oh, 2018. Okay. Thank you.

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MR. MONTALVO: You're welcome.

CHAIR U'U-HODGINS: Thank you, Mr. Montalvo. Member Sugimura, I believe...I think to make it clear, it was the Administration before the current Administration, yes?

MR. MONTALVO: Yes.

CHAIR U'U-HODGINS: Yeah. Thank you. Thank you, Mr. Montalvo. Again, we'll be voting on Friday.

MR. MONTALVO: Okay.

CHAIR U'U-HODGINS: Thank you so much for being with us today.

MR. MONTALVO: Thank you, guys.

CHAIR U'U-HODGINS: Thank you. Members...okay. I'm sorry. You know, four kids, got to juggle doing both at the same time. Okay. We're going to move on to Resolution 24-149, relating to the appointment of Brian Thomas Ward--if you could please join us at the front--to the Maui Planning Commission. Same for you, I know Ms. Vicens was able to give us a short bio, but if there's anything you'd like to add before the Members have an opportunity to ask you questions.

MR. WARD: Thank you, Chair. I actually just wanted to make sure it was clarified. The appointment that you guys made for me was to the South Maui Advisory Committee. The role that I previously had was on the South Maui Advisory Community Plan Committee, which was developing the draft plan for South Maui community. So, that's done. So, I just wanted to clarify that that was a previous role, and then you guys appointed me to the advisory committee.

CHAIR U'U-HODGINS: Okay. Thank you so much. Members, any questions? Go ahead, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Mr. Ward, you may assume this question is going to be the same one, and your assumption's right. We have a busy calendar for our commissioners. Can you make it in your time to be at these commission meetings?

MR. WARD: Thank you, Member Johnson. Yes, I can. Actually, I've been attending the Maui Planning Commission meetings for the past approximate year--if not attending them, at least listening in via...to the videos. But I've also recently been attending the South Maui planning review. I've also extended my...the opportunity, if they need me as a resource, during their discussions. So, they

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have extended that, and they've asked me to actually put together some recommendations for them to consider, which I'm –

COUNCILMEMBER JOHNSON: Great.

MR. WARD: -- in the process of doing.

COUNCILMEMBER JOHNSON: Is this your first choice as a commission?

MR. WARD: Yes, it is.

COUNCILMEMBER JOHNSON: Okay. I noticed you said in your bio, you were here...you've been here about eight years?

MR. WARD: Correct.

COUNCILMEMBER JOHNSON: So, I'm going to back up on a little bit of my story. Like, I came on...I came on as a commissioner once, many, many years ago before I was a Councilmember, on the Commission for Americans with Disability. It wasn't my first choice, but it got me...all I wanted to do is serve my community, right, and being not from Lānaʻi, and not being from here, I thought I have to really listen to what the folks are saying, what they need. So, you yourself is not...is not from South Maui, you don't have generational knowledge, just like me. How do you...how do you balance that as someone who's not from here, to kind of look at the needs of the community that you'll be representing on the commission?

MR. WARD: I believe that the year that I spent on CPAC provided me with a unique opportunity. One, it was education, but two, we had approximately--I believe it was 42 meetings, of which I think it was 40-ish that I was able to attend--at each one, for the majority that we received public testimony. So, I have extensive hours of listening to both written and verbal, of reviewing the written as well as the verbal that we received, and I think this provided me a significant amount of insight to understand what the community's looking for. What was interesting, I think, also was that different subregions have different needs and different desires, so it's not one blanket kind of statement of everybody in South Maui needs "X." So, I think going through that process really kind of put me on a fast track, so to speak, to obtain the knowledge, be able to then work with my fellow members on the committee, which I continue to. We're working on a number of different projects that will support all of South Maui. And when I don't understand something or need help, I actually lean on those resources, specifically Vernon, Tova, Zandra that I've worked with. So, I think I've also established relationships with some key individuals that at least can point me and guide me in the right direction.

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CHAIR U‘U-HODGINS: The mic is on. Sorry.

COUNCILMEMBER JOHNSON: Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you.

COUNCILMEMBER JOHNSON: Thanks for reminding me of that. Thank you for your response, Mr. Ward. I kind of . . . *(timer sounds)*. . . Googled your...who you were. I don't know you. I don't live in South Maui. You...you...do you own ProDeal Consulting?

MR. WARD: ProDeal is a company that I do consulting for.

COUNCILMEMBER JOHNSON: Okay. I see.

MR. WARD: So, I do have an LLC that is my consulting company. It also is under the umbrella for my...I officiate weddings.

COUNCILMEMBER JOHNSON: That's right. I did find that. Right. Okay. Any...any business with the County on your consulting?

MR. WARD: No.

COUNCILMEMBER JOHNSON: Okay. Thank you. Thank you, Chair. No further questions.

CHAIR U‘U-HODGINS: Thank you, Member Johnson. Member Cook, do you have any questions?

COUNCILMEMBER COOK: Thank you, Mr. Ward, for your willingness to serve. I know that you were very diligent in your attendance to all the CPAC meetings, and very passionate about the community. What's your perspective, like when we say South Maui? South Maui District is actually in Mā'alaea, Kihei North, Kihei Central, Kihei South, Wailea, Mākena. And are...do you have communication with people from pretty much the whole spectrum?

MR. WARD: Yes, I do. And...and that actually really comes from the CPAC experience because there was representation from each of those different districts, or subregions, however you want to classify it. So, I've formed and established relationships with each individuals *[sic]* across those spectrums. And then they've actually introduced me to wider individuals...such as I'm working with the Maui Nui Marine Research *[sic]* Council--I always find that one to be a mouthful to say--but I've been working with them. They've actually reached out

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to me to explore a couple of different projects and programs to pilot or potentially have interest in doing, so I'm working with them. That, again, benefit all of South Maui. So, it's things such as stormwater management, event management or monitoring, brown water monitoring, algae testing, expanding the program of water quality monitoring to a wider subset, doing bio studies, reef restoration. So, I've actually have had them approach me versus me actually reaching out to them, which is nice.

COUNCILMEMBER COOK: Well, thank you for your willingness to serve. As the representative from South Maui, I'm excited that we're going to have a representative from South Maui on the Planning Commission. I don't know you well, but I know that you're objective and fair. So, thank you for your willingness to serve.

MR. WARD: Thank you, Member Cook.

CHAIR U'U-HODGINS: Thank you, Member Cook. Members online, do you folks have any questions? Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I did hear Member Johnson's questions about your consultant business. And mahalo, Mr. Ward, for your willingness to serve. So, I know that South Maui is one of the fastest-growing communities in Maui County beside the West Side, of course, but do you see any conflicts or your need to recuse yourself with your consultant business?

MR. WARD: Not with my consulting, absolutely not. I don't do that much consulting anymore. The majority of the consulting that I do is with individuals that I've worked with previously, and they have a very specific project with specific timelines that I either can commit to or I don't commit to. So, it's not something that's a regular, ongoing basis. It's very project-specific, and it's only with individuals that I've worked with in the past.

COUNCILMEMBER SINENCI: Okay. Thank you for that clarification. Okay. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you very much, Member Sinenci. Member Sugimura or Chair Lee, do you guys have any questions?

COUNCILMEMBER LEE: No questions.

CHAIR U'U-HODGINS: Thank you, Chair Lee. Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: I will...I like that you are open and dealing with and talk to, and just hearing Zandra Amaral testify to support you, I know if she

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thought otherwise, she would definitely say so also. So, I'm sure you, you know, had the experience of working with her. But it sounds like you're community-driven, and...and, you know, is...is someone who can dive in because that would...that's really what this board does, and taking information, and talk to the community, and...and make decisions. So, I support you. Thank you.

MR. WARD: Thank you, Member Sugimura.

CHAIR U'U-HODGINS: Thank you, Member Sugimura. Mr. Ward, we recently put you on the Maui...or the South Maui Advisory Committee. Are you willing to resign from that? Excuse me, I just put a Ricola in my mouth.

MR. WARD: Thank you for that question, Chair. Yes, I'd be willing to resign from that.

CHAIR U'U-HODGINS: Okay. Good. And then I understand you are on WCA. Are you planning on staying on that, or are you going to resign from that as well?

MR. WARD: So, my term is up in March. There are a number of initiatives through the Wailea Community Association that I am working on. If appointed, and need be, I would step down. I would like to potentially fulfill my term, if possible. If that's not possible, or need to step down, I'm more than willing to. I would ask, if there are a couple specific projects that I am working on, to either be able to transition them or see them to completion so that they actually are implemented. That would kind of be my request.

CHAIR U'U-HODGINS: Okay.

MR. WARD: But I understand if that's not feasible.

CHAIR U'U-HODGINS: Okay. Thank you. And then in looking at your application, can you please tell me what global corporate restructuring means?

MR. WARD: Thank you for that question.

CHAIR U'U-HODGINS: . . .*(inaudible)*. . .

MR. WARD: Lots of people don't understand. It is basically reorganizing. So, I brought in as a consultant to evaluate a company and organization. Sometimes it's limited departments, sometimes it's the entire company. And it's looking to optimize where they have weaknesses, strengthen areas that they need to correct, providing the guidance and recommendations on how to actually restructure, rebuild, for whatever their next goal is. So, it's a pretty intense...you're not necessarily the most favorite person at a company.

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CHAIR U'U-HODGINS: Oh, I can understand that. Oh, I don't know. Sometimes I think maybe our County could use some of your services. But thank you very much. I appreciate you being here.

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

CHAIR U'U-HODGINS: Again, this is the GREAT Committee. We're being very transparent. Again, we're not going to be voting today. So, this is just our opportunity to interview you. And we will be voting on Friday. Thank you –

MR. WARD: Thank you, Chair.

CHAIR U'U-HODGINS: -- so much for your service. And thank you for being here. And we'll again vote on Friday.

MR. WARD: Thank you, Chair. And thank you to the rest of the Council.

CHAIR U'U-HODGINS: Thank you very much. Members, if we could move on. And then after this item, if we don't mind taking a short recess as we transition out. So, before us is Resolution 24-150. Unfortunately, Ms. Kau has rescinded her name. She feels she's a bit overcommitted at the moment. So, we no longer have her as the nominee to the Maui Redevelopment Agency. And that one...I guess you folks will go back to the drawing board and...as will we. So, we will move on to then 24-152, relating to the appointment of Davelyn Lokelani Han to the Public Works Commission. So, if Ms. Han can please turn on her camera if it's not on and join us online. Is she still with us?

MS. MACDONALD: Chair, she was online, but now I don't see her online anymore.

CHAIR U'U-HODGINS: Ms. Han?

MS. MACDONALD: It appears that she's dropped off the meeting.

CHAIR U'U-HODGINS: Okay. Well, how about we take a five-minute recess, to come back at 2:56, and we can give her a phone call and see if she can join us again. Thank you. We are in recess until 2:56. . . .*(gavel)*. . .

RECESS: 2:51 p.m.

RECONVENE: 3:09 p.m.

CHAIR U'U-HODGINS: . . .*(gavel)*. . . Welcome back to the GREAT Committee. It is 3:09. Thank you for allowing us a brief recess. We're going to continue where we left off, our Resolution 24-152, relating to the appointment of Davelyn

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Lokelani Han to the Public Works Commission. We are now going to have the Members ask the nominee their questions. So, let's begin. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Good to see you, Ms. Han, and I hope the kids didn't wear you out too much because this question is about that, like making sure that you have the time in your life to come and do a commission. Can you talk about, you know, your availability for these commissions, and the work that it entails?

MS. HAN: Thank you. You know, I...I do my best to organize myself, schedule myself, try not to make conflicting appointments at the same time, but sometimes no can help, yeah? So, I will do my best to attend the meetings as...as regularly as I can. I think it's important to have that consistency when you're speaking about anything that's important, right? Whether it be a personal matter, a public matter, a community matter, or even something in the school. I...I'll...I'll do my best, I really will, and...and I want to...I want to give 100 percent to this committee. I'm still feeling it out and trying to see, you know, what this Public Works Commission does, but I'm willing to try, I really am.

COUNCILMEMBER JOHNSON: Okay. Thank you, Ms. Han. I see that you're able to conduct meetings in a car, and some of us as Councilmembers have done plenty of those, so welcome aboard.

MS. HAN: Thank you.

CHAIR U'U-HODGINS: Thank you, Member Johnson. Member Sugimura?

MS. HAN: I'm interested as well, so it takes a lot...it takes a lot to get on.

CHAIR U'U-HODGINS: Thank you. Member Sugimura? *(echoing)*

COUNCILMEMBER SUGIMURA: Thank you. *(echoing)* Okay. So, I first want to thank you because I can tell that you are committed by bringing your whole class into your first introduction to us, and I like your spirit. And I can imagine you must be a good example for your students, so I look forward to you working and helping our community through this commission. And so, before I...before I just say that I support you, I have to ask you, are you related to Maxwell Han, my classmate, the Han family?

MS. HAN: I'm married to a Han. Probably, all the Hans related on this...on this small . . . *(inaudible)* . . .

COUNCILMEMBER SUGIMURA: And quite a...quite a great family, so figured so. Thank you.

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MS. HAN: Yes, they are. Yes, they are. Thank you.

CHAIR U‘U-HODGINS: Thank you, Member Sugimura. Member Cook?

COUNCILMEMBER COOK: Thank you, Mrs. Han, for your willingness to serve. And have you watched various commission meetings to get an understanding of what the Public Works Commission functions are?

MS. HAN: Well, I have read through the description on the County website. One of the commission members is my classmate, Nathan Ignacio, so I’ve been hunting him down to find out what exactly it is that the Public Works Commission does. I’m very familiar with our Councilmember Keani Rawlins-Fernandez, you know, and I’m very familiar with Auntie Stacey, Tom Crivello as well. So, I’m looking at these people to kind of give me guidance, and anyone else that’s sitting on the commission currently. I...you know, I come with a willingness to learn and to work, and I think being a part of the...the process is important, which is why I asked my kids to sit in. They need to know that...that this is government working, and this is what our government does. You know, they...they vet people very carefully. They no like crazy people coming inside and running our...running our government. So, you know...sorry. But I think it’s important to...to introduce that to...to the kids at a young age, and let them know that they can be part of that process as well. So, I’m willing to work. I’m willing to do what needs to be done. Thank you.

COUNCILMEMBER COOK: Well, thank you. Thank you. Your...your candor and your enthusiasm is refreshing. The fact that you are a teacher and engaged in...at a very early age, showing our...introducing our youth into the community. So, thank you for your willingness to serve.

CHAIR U‘U-HODGINS: Thank you, Member Cook. Members online, do you folks have any questions? Chair Lee and Member Sinenci? Member Sugimura has now joined us in person. So, Chair Lee?

COUNCILMEMBER LEE: I just wanted to say to Ms. Han, I appreciate your candor and your positive attitude, and I wish you all the luck. Thank you. Thank you for your willingness to serve.

CHAIR U‘U-HODGINS: Thank you, Chair Lee. Members Sinenci, do you have any questions?

COUNCILMEMBER SINENCI: Yes, Chair. Just welcome aboard. Happy to be supportive.

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CHAIR U‘U-HODGINS: Thank you, Member Sinenci. I don’t have any questions for you, Mrs. Han, but again, we’ll be voting on Friday. So, I look forward to your seat on the Public Works Commission then. Thank you so much for being with us. Aloha. And thank you for having your students, it’s like a poli-sci class, yeah. Okay. We are now moving on. So, thank you, folks, for being with us. You are relieved of your current duties. And we will now take, I think, you, Mr. Glen Pascual.

**GREAT-11(48) RESOLUTION 24-137, AUTHORIZING SETTLEMENT OF LLOYD
ADAMS, ET. AL. V. TIMOTHY FORSBERG, ET AL. V. MAUI COUNTY
POLICE DEPARTMENT AND ANTHONY BUCHANAN; CASE
2CC16-1-0000162**

CHAIR U‘U-HODGINS: While you guys are switching out, I’m going to read what we have before us, which is Resolution 24-137, entitled “AUTHORIZING SETTLEMENT OF LLOYD ADAMS, ET AL. V. TIMOTHY FORSBERG, ET AL. V. MAUI POLICE DEPARTMENT AND ANTHONY BUCHANAN, CIVIL NUMBER 2CC16-1-00000162 [sic].” Resolution 24-137’s purpose is to approve the settlement of the claim filed on March 30th, 2016. The claim alleges negligence from a motor vehicle versus pedestrian accident that occurred on March 26th, 2015 in Ho’olehua, Molokai, Hawai‘i. And now I’m going to ask for opening comments from Mr. Pascual.

MR. PASCUAL: Good afternoon. Can you hear me? Good afternoon, Chair U‘u-Hodgins and Members of the GREAT Committee. Thank you for the opportunity to allow me to present this resolution today. Just a bit of background, the Adams versus Forsberg matter involves a lawsuit filed by plaintiffs Lloyd and Amanda Adams for injuries and damages that arose from a motor vehicle versus pedestrian accident that occurred on March 26th, 2015, on the island of Molokai. At around 4:27 a.m. that morning, Officer Anthony Buchanan of the Maui Police Department was assigned to respond to a report of a safety condition-type case near the area of the Molokai Airport, located at Mauna Loa Highway and Keonelele Avenue in Ho’olehua, Molokai. Upon arrival, Officer Buchanan observed low-hanging utility lines approximately five to six feet off the ground, and partially obstructing the eastbound lane travel of the highway. Officer Buchanan then proceeded to park his patrol car facing west within the eastbound lane approximately 20 feet east of that low-lying utility line. He activated his emergency flashing lights, activated the high beams of his headlights, and also used a spotlight that was installed on the driver’s side door of his vehicle to illuminate the low-hanging utility line. He did this to alert motorists of the hazardous condition. Officer Buchanan then contacted Maui Electric Company. He then put on a Department-issued high-visibility raincoat, and used his Maglite flashlight with an orange cone attached to it to direct traffic. It was his intention

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to contraflow the traffic. He was blocking the eastbound lane. Traffic coming either from the west or the east would use the westbound lane to go through. About an hour later, at 5:33 a.m., Lloyd Adams arrived in his Maui Electric Company work truck. He also parked his vehicle facing west in the east...on the shoulder of the eastbound lane, about 20 feet east of Officer Buchanan's police car. As Mr. Adams inspected the low-hanging utility line, he determined that it was not a Maui Electric line, but a Hawaiian Telephone line. However, he did stay to lift up the utility line so that traffic could go through. During this time, Officer Buchanan had been directing all traffic into the contraflow, utilizing that westbound lane. He recalled directing about ten vehicles without incident. However, as Mr. Adams was finishing up--this is about 5:57 a.m.--Officer Buchanan observed the vehicle approaching from the west, heading east, traveling at a high rate of speed and not slowing. This vehicle was a 1996 Dodge Power Ram pickup that was driven by defendant Timothy Forsberg. Officer Buchanan ran towards Forsberg's approaching truck, waving his Maglite with the orange cone above his head, trying to get Forsberg's attention. Forsberg's truck continued toward Officer Buchanan's vehicle. Officer Buchanan yelled out to Mr. Adams to run. At the last moment, Mr. Forsberg's truck swerved to the right, narrowly missing colliding into Officer Buchanan's police vehicle. But in doing so, he struck Mr. Adams, who was on the shoulder of the road, throwing him 10 to 15 feet, with Mr. Adams ultimately landing in the brush along the shoulder of the highway. Forsberg's truck then went on to collide into Mr. Adams' work vehicle. Plaintiff Adams has alleged that he suffered serious and permanent injuries as a result of this incident, which has caused him to suffer significant pain, emotional distress, mental anguish, loss of enjoyment of life, as well as to incur significant medical expenses, loss of earnings both past and future, and significant out-of-pocket expenses. In this lawsuit, his wife, Amanda Adams, has also made a claim for loss of consortium. Now, the plaintiffs had initially filed their complaint on March 30, 2016, against defendant Forsberg only. However, three years later, on October 10, 2019, plaintiffs filed a first amended complaint which added the Maui Police Department and Officer Buchanan as defendants. And I'm going to refer to MPD and Officer Buchanan as the County, okay? Their complaint alleged claims of negligence on the part of Officer Buchanan, a negligent hiring, training, supervision, and negligent retention on the part of Maui Police Department. The County filed a motion to dismiss on the basis of the statute of limitations, which the court granted. However, the court granted defendant Forsberg's motion for leave to file a third amended complaint...oh, I'm sorry, to file a third-party complaint. And this third-party complaint was against the County. Defendant Forsberg made the same types of allegations in his third-party complaint, alleging negligence on the part of Officer Buchanan and negligent hiring, training, supervision, and retention on the part of MPD. The court granted this motion, and allowed the third-party complaint to go forward. The...the County did file a motion to dismiss, but again, the...the court denied our motion. So, in this case, just so we're clear, the plaintiffs do not have a direct

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claim against the County. However, defendant Forsberg does have a claim against the County, so...and I can discuss the ramifications of that in executive session. Trial in this matter was set for September 30, 2024, which is just a couple of weeks away, before the Honorable Judge Kelsey Kawano. However, yesterday, the parties filed a stipulation, and we've agreed to continue the trial shortly to December 9, 2024, to allow me time to obtain settlement authority. And that's why here...that's why we're here today. Now, because this case involves ongoing litigation, we request the opportunity to convene an executive meeting to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities...liabilities of the County, as well as settlement-related matters.

**GREAT-2(24) RESOLUTIONS RELATING TO THE APPOINTMENT OF MEMBERS TO
VARIOUS BOARDS (RESOLUTIONS 24-144, 24-146, 24-147, 24-149, 24-150, AND
24-152)**

CHAIR U'U-HODGINS: Thank you, Ms. [sic] Pascual. Members, I'm so sorry, but if we could real quick go back to our first item, Resolution 24-144, Resolution 24-146, Resolution 24-147, Resolution 24-149, Resolution 24-150, and Resolution 24-152. If you don't mind, Members, that we will defer those items. Sorry, I forgot to ask for that.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TP, TK, KRF)

ACTION: DEFER, PENDING FURTHER DISCUSSION.

CHAIR U'U-HODGINS: Thank you. That's all. Thank you. Again, it'll be on the Council's agenda for Friday. Our deadline to approve or disapprove is September 18th, which is why we're doing this way. Sorry to interrupt the flow. Thank you so much.

**GREAT-11(48) RESOLUTION 24-137, AUTHORIZING SETTLEMENT OF LLOYD
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CHAIR U'U-HODGINS: Were you done?

MR. PASCUAL: Yes, Chair.

CHAIR U'U-HODGINS: Okay. Thank you. Before we get into discussion on this item, can we please do a last call for testimony?

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MS. MACDONALD: Yes, Chair. There is currently no one who has signed up to testify. If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you. Members, if there are no objections, I will now close oral testimony for this item GREAT-11(48).

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-11(48) . . .

CHAIR U'U-HODGINS: Thank you. Thank you. As a reminder, written testimony will continue to be accepted. Members, we're going to go into our questioning period, so we all have three minutes. And please ask your questions in open...in open session before we move on to executive session. So, now is your opportunity, Members. Do you guys have any questions? I have a couple of questions, if you don't mind. Oh, Chair Lee, go ahead.

COUNCILMEMBER LEE: Yes. Was the speeding person given a ticket for speeding or reckless driving?

CHAIR U'U-HODGINS: Oh, no, you got to press it.

MR. PASCUAL: Is my microphone on?

CHAIR U'U-HODGINS: Now it is.

MR. PASCUAL: Okay. Thank you. Thank you for the question, Chair Lee. No, he was not given a ticket for speeding or reckless driving.

COUNCILMEMBER LEE: Oh, okay. Was it determined he wasn't speeding? Because I thought I heard you explain that he was coming at the officer fast while the officer was trying to call...you know, get his attention to stop and to slow down, and apparently he didn't. So, isn't that reckless driving?

MR. PASCUAL: I can't speak for the officer at the scene, but as far as I know, there were no tickets issued for speeding or reckless driving. What I recall from --

COUNCILMEMBER LEE: Oh, that's interesting.

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MR. PASCUAL: -- the police report was that the officer who was there, Officer Buchanan, was immediately dealing with trying to locate Mr. Adams and trying to...looking out for his health and well-being.

COUNCILMEMBER LEE: Something doesn't fit here, but all right. Thank you. Maybe we can delve into it in executive session. Thank you.

MR. PASCUAL: Okay. Actually --

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

MR. PASCUAL: -- Chair Lee, let me clarify. It's been brought to my attention that there was a charge of inattention to driving that was issued in this case.

COUNCILMEMBER LEE: All right. Thank you.

CHAIR U'U-HODGINS: Thank you, Chair Lee. Members, does anybody else have any questions? You said in your opening comments that the officer turned on his high beams and his lights. It doesn't say though, in the description of this case, what time this accident was. Was it nighttime?

MR. PASCUAL: Thank you for that question.

UNIDENTIFIED SPEAKER: Early morning.

MR. PASCUAL: Yeah. To clarify, it was early in the morning. It was about 4:27 in the morning when Officer Buchanan arrived at the scene to see that the low-hanging utility line was causing an obstruction. The accident itself occurred at about 5:57 a.m.

CHAIR U'U-HODGINS: Okay. And then to follow up on Chair Lee's questions, what's the speed limit on that road, and how fast was the driver going? *(pause)*

MR. PASCUAL: The speed limit at that location was 45 miles an hour. There was not a determination as far as what speed defendant Forsberg was traveling.

CHAIR U'U-HODGINS: And you said he was driving a Dodge Ram?

MR. PASCUAL: Yes.

CHAIR U'U-HODGINS: Okay. Okay. That's a big truck. Thank you. Members, does anybody else have any questions before we go into executive session? Okay. Thank you. I would now entertain a motion to convene an executive meeting in accordance with Section 92-5(a)(4), Hawai'i Revised Statutes, to consult with legal

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counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. And Section 92-5(a)(8), Hawai'i Revised Statutes, to deliberate or make a decision upon a matter that requires a consideration of information that must be kept confidential pursuant to a State or Federal law or court order. Thank you. I have a move made by Member Sugimura and a second by Member Cook. Is there any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's six "ayes," zero "noes," three excused, Members Kama, Paltin, and Rawlins-Fernandez. The motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Paltin, and Councilmembers Kama
 and Rawlins-Fernandez.**

MOTION CARRIED.

**ACTION: APPROVE; RECESS open meeting and CONVENE
 executive meeting.**

CHAIR U'U-HODGINS: Thank you very much. Give me a second. For the record, the following personnel will be attending this executive session meeting. All Councilmembers in attendance, including myself, Committee Chair Nohe U'u-Hodgins, Councilmember Tom Cook, Councilmember Gabe Johnson, Council Chair Alice Lee, Councilmember Shane Sinenci, and Councilmember Yuki Lei Sugimura. Office of the Council Services Staff to attend the meeting will include Megan Moniz, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; Maria Leon, Committee Secretary. And who from Corporation Counsel will be joining us? If you could please state your name--I know it's you, but I don't know if it's her too--but please state your name and your title and if Mister...or Deputy Chief Maeda will be joining us as well.

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MR. PASCUAL: Yes. Glen Pascual, Deputy Corporation Counsel, and Assistant...or Chief Wade Maeda from the Maui Police Department will be attending.

CHAIR U'U-HODGINS: Thank you very much.

MR. PASCUAL: Oh, as well as Cody Minatodani, Deputy Corporation Counsel.

CHAIR U'U-HODGINS: Thank you. At this time, we are going to take a five-minute recess to go into executive session. It is now 3:31 p.m., and this GREAT Committee is now in recess. . . .(gavel). . .

RECESS: 3:31 p.m.

RECONVENE: 4:08 p.m.

CHAIR U'U-HODGINS: . . .(gavel). . . Will the Government Relations, Ethics, and Transparency Committee meeting please reconvene. It is 4:08 p.m. Members, we have just completed our executive meeting on GREAT-11(48). So, now I'm going to refer to Ms. Moniz so she can please provide us the summary in accordance with Act 19 (2023).

MS. MONIZ: Thank you, Chair. Your GREAT Committee met to discuss settlement efforts, as well as the rights and liabilities of the County. There were no other matters discussed. Thank you.

CHAIR U'U-HODGINS: Thank you, Megan. Do we need to turn up the volume post-exec sesh [sic]? If so, is there any other discussion before I call for the recommendation? Thank you. Huh? Oh, we're deferring? Oh, we have it on Friday too? Perfs [sic]. Okay. Well, without any further discussion, if it's okay with you folks, I'm going to defer this, and we'll have this on Friday.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TP, TK, KRF)

ACTION: DEFER, PENDING FURTHER DISCUSSION.

CHAIR U'U-HODGINS: Thank you very much. Moving on. I think we're going to switch you folks out. Thank you so much for coming to the party.

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**GREAT-11(38) RESOLUTION 24-71, RELATING TO AUTHORIZATION OF
ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL KOBAYASHI
SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF
MAUI, ET AL., CASE 2CCV-21-0000048**

CHAIR U‘U-HODGINS: Okay. We have before us Resolution 24-81, entitled “AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM VERSUS COUNTY OF MAUI, ET AL., CIVIL NUMBER 2CCV-21-0000048-(2) [sic].” Resolution 24-81’s purpose is to authorize a settlement...this is 71. Never mind, I’m moving on too fast. Okay. One second. Sorry, Members. This is what happens when I have to move back and forth through my notes. Okay. Psyche. We have before us Resolution 24-71, entitled “AUTHORIZING ADDITIONAL COMPENSATION RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL., CIVIL NUMBER 2CCV-21-0000048.” Resolution 24-71’s purpose is to authorize additional compensation in the amount of \$325,000 for total compensation not to exceed \$450,000 to Kobayashi Sugita & Gouda [sic], LLP, a special counsel to represent the County of Maui, Richard T. Bissen Jr. in his official capacity, and Kathleen Aoki in her official capacity in this case. At this time, I’m going to ask for comments from Deputy Corporation Counsel John Gores, and ask him to please introduce any special counsel representatives with us today.

MR. GORES: Thank you, Chair. I’m here today with Mr. Craig Shikuma from Kobayashi Sugita & Goda, our special counsel in this case. As the Chair has adequately pointed out, we’re here seeking additional compensation to take this case through trial. The Council, I believe, is fully aware of what this case is about. We’ve discussed it before. And, you know, any real questions about this, I’m prepared to address and Mr. Shikuma is prepared to address in executive session.

CHAIR U‘U-HODGINS: Thank you. If there are no objections, I’d like to designate our special counsel as resource persons under Rule 18(A) of Rules of the Council. No objections?

COUNCILMEMBERS: No objections.

CHAIR U‘U-HODGINS: Thank you so much. Mr. Shikuma--did I say that right?--Can you please provide any opening comments?

MR. SHIKUMA: Chair U‘u-Hodgins, thank you very much.

CHAIR U‘U-HODGINS: Thank you.

MR. SHIKUMA: Councilmembers, thank you very much. Like Deputy Corporation Counsel Gores, I would like to reserve specific comments for executive session.

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But if there are any questions that people want to ask in open session, I'm happy to answer those questions.

CHAIR U'U-HODGINS: Are you going to be with us for the next two items?

MR. SHIKUMA: Yes, I will.

CHAIR U'U-HODGINS: Okay. Thank you. Before we get into the discussion though, Members, can we please do a last call for testimony on this item GREAT-11(38)?

MS. MACDONALD: Yes, Chair. There's currently no one who has signed up to testify. If somebody would like to testify in the Chamber, please let Staff know. Oh, I do see someone has raised their hand. I'm just going to allow their microphone. It is the phone number with the last four digits 6050. If you're on a phone, you'll have to unmute via star-six.

. . . BEGIN PUBLIC TESTIMONY ON GREAT-11(38) . . .

MR. SALEM: Good afternoon, Councilmembers. I just want to confirm that I'm no longer muted. This is a challenging system, to say the least.

MS. MACDONALD: We can hear you.

CHAIR U'U-HODGINS: You're welcome to testify. Your three minutes --

MR. SALEM: Thank you.

CHAIR U'U-HODGINS: -- start now.

MR. SALEM: Thank you. I think that there's two items on the calendar today...the agenda today, both of which are regarding myself. So, I'll try not to make the six minutes. I'll try to...let me turn the television down. So, I'm actually getting an --

CHAIR U'U-HODGINS: Sure.

MR. SALEM: -- an echo.

CHAIR U'U-HODGINS: We're...we're on item Resolution 24-71, so you're...you can only testify on this item right now. And if you need to testify on the next item, you can do so then.

MR. SALEM: Okay. We do that separately, I assume.

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CHAIR U‘U-HODGINS: Yes.

MR. SALEM: Okay. So, I'll...I wasn't prepared to testify today, but you know, seeing the very nice gentleman who...who was looking to be on one of the boards or commissions, and his visual metaphor about being an ant on a whale and how he wanted to get more involved and use his expertise to benefit his community. I know it's pretty hard to imagine, but once upon a time, I was the haole version of that ant on the whale years and years ago. It happened when...and I'm not going to go into any litigation or any cases as far as that goes. I just want to make this more on a human or a personal level that the Council understand how this all began. *It began* because I was minding my own business, planting my own garden in West Maui. I'd just buried my father at sea. He was a colonel in the United States Air Force. And I was celebrating the fact that I could plant a garden along Lower Road. And on from the powers to be that Public Works, I get a notice about a CIP that's about to commence from McDonald's on up to Nāpili Market. So, I'm...I crawl on over as that little ant over to the County and meet with the head of engineering and ask them a question. When we do this CIP, how about we make it beautiful? How about we put stone walls along Ka'ōpala Bay like out in Hālawā Valley? How about we underground the power lines instead of having this jungle gym that runs along Lower Road that's extremely unsightly and unsafe? At the time I met with HECO, I met with the people out there saying, you know, in my professional career, I've done 450 residential units, mostly in the entry-level housing. On a sidebar, Mr. Cook, I've researched you a little bit to find out your father was an excellent builder. I think you and I actually could take the time to meet with me that we have...maybe have a lot in common. I understand you were a very good builder, and kind of on the fence between yourself and Kelly King in South Maui as a voter. The point being is, I go in the Engineering Division and I asked that question. How about we do this nice? This is a scenic byway. Maybe there's Federal funds available. I have...I'd have to say I'm one of the most qualified people in development probably in West Maui, which is painful. Councilmembers, it's painful to be banging on these keyboards and litigation when I should be part of healing this community, and leading the redevelopment and rebuilding of people's homes that I personally have been involved with for 25 to 30 years in the youth programs. It's painful to be doing this. There's an extreme level of guilt. So, the point of this end of this first story is very clear. I'm told by the head of engineering, ho, brah . . . *(timer sounds)*. . . we got no money for that. And I ask him, what about the money that I'm going to give you? I've got this deferral agreement on my land title.

CHAIR U‘U-HODGINS: Mr. Salem --

MR. SALEM: -- and he starts laughing.

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CHAIR U‘U-HODGINS: -- if you could please wrap up your testimony, I would appreciate it. Thank you.

MR. SALEM: Yeah, I will wrap it up.

CHAIR U‘U-HODGINS: Thank you.

MR. SALEM: Please allow me just to finish this, and then we’ll deal with the rest. I’m told by the head of engineering, they have no money for beautification or safety. And I asked him, what are you going to do with my money? And he tells me they never collect those, and he starts laughing. And I asked him, what? People do oceanfront subdivisions, do no improvements, no environmental mitigations, no park fees, nothing, and you don’t keep track and you don’t collect them? That’s where it all begins.

CHAIR U‘U-HODGINS: Okay. Thank you, Mr. Salem.

MR. SALEM: JoAnne Johnson becomes involved. I’m not done. I’d have people who gets involved...

CHAIR U‘U-HODGINS: But your time is up now. So, I understand that you’re not done, but you have three minutes to testify on this item. You’re welcome to come back and testify on the next item. But your three minutes are now up.

MR. SALEM: Thank you, Chair. That’s why we...that’s...

CHAIR U‘U-HODGINS: Thank you.

MR. SALEM: Thank you, Chair.

CHAIR U‘U-HODGINS: Your three minutes are up.

MR. SALEM: I’ll stop there.

CHAIR U‘U-HODGINS: Thank you so much. Members, do you guys have any clarifying questions? Seeing none. Thank you very much. Staff, any other testifiers on this item?

MS. MACDONALD: There is no other testifiers on this item, so I can do another last call. If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

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CHAIR U‘U-HODGINS: Thank you very much. Members, seeing there are no individuals wishing to testify...no further individuals wishing to testify, without objection, I will now close oral testimony for this item GREAT-11(38).

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-11(38) . . .

CHAIR U‘U-HODGINS: Thank you.

COUNCILMEMBER LEE: No objections.

CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. We are also going to have a three-minute questioning period with a one-minute follow-up round if necessary, Members, so please ask your questions in open session. I do believe this is for additional compensation, and we do have another resolution right after this one about a very similar item, so I’m hoping we can reserve open...executive session for the next one, unless it’s absolutely necessary for this one. So, Members, do we have any other questions, other than what they described earlier? I cannot see...Chair Lee and Member Sinenci, any questions?

COUNCILMEMBER LEE: No.

CHAIR U‘U-HODGINS: Thank you. Members, I would...I’m so sorry to say this, but we are at bare quorum, so if you do need a...leave or something, can you please let us know, and we will take a quick recess? Other than that, we all have to just stay put for a bit. Thank you. Members, if we have no other questions, I would like to entertain a motion to recommend the adoption of Resolution 24-71, including any nonsubstantive revisions.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER COOK: Second.

CHAIR U‘U-HODGINS: Thank you. I have a motion made by Member Sugimura, second by Member Cook. Any further discussion? Seeing none. All those in favor, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that’s five “ayes,” zero “noes,” four excused, Members Johnson, Kama, Paltin, and Rawlins-Fernandez. The motion carries.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Vice-Chair Paltin, and Councilmembers
Johnson, Kama, and Rawlins-Fernandez.**

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION 24-71.

CHAIR U‘U-HODGINS: Thank you so much. Members, moving on.

**GREAT-11(41) RESOLUTION 24-81, RELATING TO SETTLEMENT
AUTHORIZATION: CHRISTOPHER SALEM V. COUNTY OF MAUI, ET
AL., CASE 2CCV-21-0000048(2)**

CHAIR U‘U-HODGINS: We have before us Resolution 24-81, entitled “AUTHORIZING SETTLEMENT OF CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL., CIVIL NUMBER 2CCV-21-0000048(2).” Resolution 24-81’s purpose is to authorize the settlement of Christopher Salem v. County of Maui, et al., case 2CCV-21-0000048(2). The claim alleges breach of contract, tortious injury, unlawful termination, and seeks special, general, and punitive damage, and declaratory and injunctive relief. At this time, I’m going to now ask for opening comments by Deputy Corporation Counsel John Gores and our special counsel representative, Mr. Shikuma.

MR. GORES: Thank you, Chair. Mr. Salem submitted a settlement proposal a while ago, back when we submitted this resolution for the Council to hear it and consider it. Mr. Shikuma is here to discuss that with you, and the status of matters, and what has transpired since then. A lot of what he will probably have to say about it will likely have to be in executive session.

MR. SHIKUMA: Chair, I have the same comment as the last resolution. Happy to answer any questions in open session, but otherwise, I’d prefer to answer the questions and...and make some comments in the executive session.

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CHAIR U'U-HODGINS: Sounds great. Thank you. Before we get into discussion, can we please do a last call on testimony for this item GREAT-11(41)? And Mr. Salem, if you are still on, you're welcome to now testify on this item for three minutes as well.

MS. MACDONALD: Yes, Chair. We do have Christopher Salem under the last four digits, 6050, signed up to testify. I did see him try to log on, and now I don't see him on the meeting.

CHAIR U'U-HODGINS: We can give him a little bit to see if he's going to come back on. Do we have anybody else willing to testify on this item?

MS. MACDONALD: Not at the moment. He's the only one signed up to testify on this item.

CHAIR U'U-HODGINS: Okay. We can give him a few seconds to log back on if that's necessary.

MS. MACDONALD: Okay.

CHAIR U'U-HODGINS: Any movement? Any movement?

MS. MACDONALD: I don't see any movement, Chair.

CHAIR U'U-HODGINS: Okay. Well, do we have anybody else ready to testify on this item?

MS. MACDONALD: No. Would you like me to do a last call?

CHAIR U'U-HODGINS: Please.

MS. MACDONALD: If somebody would like to testify in the Chamber, please let Staff know, or on Microsoft Teams, please raise your hand. This is final call...three, two, one. Chair, it appears that nobody wishes to testify.

CHAIR U'U-HODGINS: Thank you. Members, seeing there are no individuals wishing to testify on this item, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON GREAT-11(41) . . .

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CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. I will be implementing a three-minute questioning period, with a one-minute question follow-up round. We do have only about six-ish minutes left in this Committee, and I do understand we’re going to go a little bit longer, so when we go into executive session, I will ask you to be as concise as we can. Members online, do you folks have any questions for open session?

COUNCILMEMBER LEE: No.

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER LEE: No.

CHAIR U‘U-HODGINS: Thank you. If...considering we do not have any questions for open session, I would now like to entertain a motion to convene in executive session in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. And Section 92-5(a)(8), Hawai‘i Revised Statutes, to...to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to a State law, Federal law, or a court order. Can I have a motion, please?

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U‘U-HODGINS: I have a motion made by Member Cook. Thank you. And second by Member Sugimura.

COUNCILMEMBER LEE: Second.

CHAIR U‘U-HODGINS: Thank you, Chair Lee. To enter into executive session for this item GREAT-11(41). All those in favor, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that’s five “ayes,” zero “noes,” four excused, Members Johnson, Kama, Paltin, and Rawlins-Fernandez. The motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Paltin, and Councilmembers Johnson, Kama, and Rawlins-Fernandez.

Nohelani U'u-Hodgins

MOTION CARRIED.

ACTION: APPROVE; RECESS open meeting and CONVENE executive meeting.

CHAIR U‘U-HODGINS: Thank you. For the record, the following personnel will be attending this executive session meeting. All Councilmembers in attendance, including myself, Committee Chair Nohelani U‘u-Hodgins, Committee Vice-Chair is not present, Councilmember Tom Cook, Councilmember Gabe Johnson is now excused, Council Chair Alice Lee, Councilmember Shane Sinenci, and Councilmember Yuki Lei Sugimura. Office of Council Services Staff include Megan Moniz, Legislative Attorney; Richelle Kawasaki has now left, so not her; Maria Leon, Committee Secretary. And at this time, we are also going to include Mr. John Gores, Deputy Corporation Counsel; Cody Minatodani, Deputy Corporation Counsel; and Mr. Shikuma, our representative for this case for special counsel. Any...did I miss anybody else? Negative. Okay. At this time, I’m going to call for a two-minute recess to transfer into executive session. It is 4:27, to come back at 4:29. This meeting is now in recess. . . .(gavel). . .

RECESS: 4:27 p.m.

RECONVENE: 5:03 p.m.

CHAIR U‘U-HODGINS: . . .(gavel). . . Welcome back to the GREAT Committee. It is 5:03 p.m., and Members, we have just completed our executive meeting on GREAT-11(41). And right now, I’m going to refer to Megan to please provide us a summary in accordance with Act 19 (2023).

MS. MONIZ: Thank you, Chair. Your GREAT Committee met to discuss settlement efforts, as well as the rights and liabilities of the County, and there were no other matters discussed. Thank you.

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CHAIR U'U-HODGINS: Thank you, Megan. Members, do we have any further discussion before my recommendation? Seeing none. I would like to entertain a motion to recommend the adoption of Resolution 24-81, including any nonsubstantive revisions.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR U'U-HODGINS: I have a motion made by Member Sugimura --

COUNCILMEMBER COOK: Second.

CHAIR U'U-HODGINS: -- thank you, Chair -- and a second by Member Cook. Any further discussion? Seeing none. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Madam Chair, that's five "ayes," zero "noes," four excused, Members Johnson, Kama, Paltin, and Rawlins-Fernandez. Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Paltin, and Councilmembers
 Johnson, Kama, and Rawlins-Fernandez.**

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION 24-81.

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CHAIR U‘U-HODGINS: Thank you very much, Kasie. Thank you, Members. This item will move on to full Council for its consideration. And Members, this concludes the Government Relations, Ethics, and Transparency Committee meeting. Thank you very much. It is now 5:04 p.m. and this meeting is adjourned. . . .(gavel). . .

ADJOURN: 5:04 p.m.

APPROVED BY:



NOHELANI U‘U-HODGINS, Chair
Government Relations, Ethics, and
Transparency Committee

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Transcribed by: Daniel Schoenbeck


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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 48 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 October 2024, in Wailuku, Hawai'i



Daniel Schoenbeck