

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

September 12, 2024

Online Only via TEAMS

CONVENE: 1:33 p.m.

PRESENT: Councilmember Nohelani U‘u-Hodgins, Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Tamara Paltin, Vice-Chair
Councilmember Tasha Kama, Member

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

Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency
Area Office

Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area
Office

Bill Snipes, Council Aide, South Maui Residency Area Office

ADMIN.: Yukari Murakami, Deputy Corporation Counsel, Department of
the Corporation Counsel
Cody Minatodani, Deputy Corporation Counsel, Department of
the Corporation Counsel

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Cory Lynn Vicens, Boards and Commissions Liaison, Office of the Mayor

John Gores, Deputy Corporation Counsel, Department of the Corporation Counsel

Kristina Toshikiyo, Deputy Corporation Counsel, Department of the Corporation Counsel

Marcy Martin, Director, Department of Finance

Maria Zielinski, Deputy Director, Department of Finance

OTHERS: Jason Stone, Chair, Independent Nomination Board
Plus (15) other people

PRESS: Akakū: Maui Community Television, Inc.

CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon, everyone. Will the Government Relations, Ethics, and Transparency Committee meeting of September 12th, 2024, please come to order. It is 1:33 p.m.--sorry, I was looking at the date--1:33 p.m. I am 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. Today, Committee Vice-Chair Tamara Paltin is excused, so we'll begin with Member Cook. Good afternoon.

COUNCILMEMBER COOK: Good afternoon.

CHAIR U‘U-HODGINS: Member Johnson, good afternoon. Where did he go? He's not here yet. He's excused for now. Council Chair Alice Lee, good afternoon.

COUNCILMEMBER LEE: Good afternoon, Chair. A‘ho from the Crow Nation in Montana. I'm home...at my home office, and no one is here with me. Thank you.

CHAIR U‘U-HODGINS: Thank you, A‘ho. Councilmember Rawlins-Fernandez, good afternoon, A‘ho.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair, and there are currently no testifiers at the Molokai District Office.

CHAIR U‘U-HODGINS: Thank you. Member Sinenci, good afternoon, A‘ho.

COUNCILMEMBER SINENCI: Hey, aloha, and A‘ho, Chair. Here at my home office, I'm here by myself, and there's no testifiers in Hāna.

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

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COUNCILMEMBER SUGIMURA: Good afternoon, everybody. I'm in Kula in my home office, and no one here with me. Looking for a productive meeting, thanks.

CHAIR U'U-HODGINS: Thank you. And I see Member Johnson, good afternoon again.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. I'm alone in my workspace, there's no testifiers at the Lāna'i District Office, and I'm here and ready to work. Sorry, I--there was a little sound issue, beg your pardon.

CHAIR U'U-HODGINS: Oh, no worries. Can you hear us now? We've been dealing with the sound issue. So, can you just let us know if there's continued issues with the sound?

COUNCILMEMBER JOHNSON: Loud and clear, Chair, thank you.

CHAIR U'U-HODGINS: Thank you. From Corpora...Corporation Counsel, today we have Cody Minatodani, Deputy Corporation Counsel; Yukari Murakami, Deputy Corporation Counsel; and John Gores, Deputy Corporation Counsel. We will also have with us Marcy Martin, our Finance Director. For our Committee Staff, we have Pauline Martins, 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 out. 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-5 to raise and lower your hand and star-6 to mute and unmute. Staff will add names to the testifiers list in order as the testifiers 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 are done testifying, or you do not wish to testify, you can also view the meeting on

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Akakū Channel 53, Facebook Live, or maucounty.us/agendas. We will do our best to take up each person in an orderly fashion, and we will now call on testifiers wishing to testify at the beginning of the meeting. Staff?

MS. MACDONALD: 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.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony.

CHAIR U‘U-HODGINS: Thank you.

GREAT-5(7) INDEPENDENT NOMINATION BOARD (RULE 7B)

CHAIR U‘U-HODGINS: Moving on, we have in front of us right now the Independent Nomination Board discussion. I've scheduled this discussion related to the Independent Nomination Board, including the Board's procedures, duties, and responsibilities, under Rule 7(B) of Rules of the Council. By correspondence dated August 30th, 2024, I transmitted questions to both the INB board...well, the INB and the Department of Corporation Counsel, those...that is noted and linked on today's agenda. Excuse me. To begin our conversation, I'd like to give each one of them the opportunity to respond to our questions before the Committee, beginning with Chair Jason Stone of the Independent Nomination Chair--Independent Nomination Board, sorry--and if there are no objections, I would also like to designate him, the INB Chair Stone, as a resource person under Rule 18(A) of Rules of the Council.

COUNCILMEMBERS: No objections.

CHAIR U‘U-HODGINS: Thank you very much. So, I'm going to request comments from him, and then we are going to then request comments from Deputy Corporation Counsel Murakami. But Mr. Stone, if you could, please.

MR. STONE: No, I do not have . . .*(inaudible)*. . . no opening comments.

CHAIR U‘U-HODGINS: Yukari, do you have any comments?

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MS. MURAKAMI: No, not at this time. I...I'm open to the questions that Councilmembers may have. Thank you.

CHAIR U'U-HODGINS: Okay. Before we get into this discussion though, if we could, again, call for last testimony on this item.

MS. MACDONALD: Yes, Chair. There is currently no one who is 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, seeing there are no individuals wishing to testify on this item, without objection, I would now like to close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-5(7).

CHAIR U'U-HODGINS: Thank you very much. As a reminder, written testimony will continue to be accepted. And we are going to do a three-minute questioning period with a one-minute follow-up round if necessary. Does anybody have any questions? I asked my questions in a letter form, but I will first provide you folks the floor to ask questions if you so choose. Member Cook.

COUNCILMEMBER COOK: Aloha and welcome. How is the Independent Nomination Board going?

MR. STONE: Yeah, we feel it's...it's going well so far. Slow start in general, just, you know, a lot of new people to council...or to community government.

COUNCILMEMBER COOK: So, are you guys having regular meetings and are fully...are there any vacancies, or is it full?

MR. STONE: There's no vacancies on INB. We're having regular meetings...in fact, we're having above and beyond our initial count of meetings that we've had, just trying to provide enough nominees for the...for the County.

COUNCILMEMBER COOK: Thank you.

MR. STONE: Thank you, Councilmember.

CHAIR U'U-HODGINS: Thank you, Member Cook. Does anybody else have any questions? Member Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, INB Chair. Sorry, I forgot your last name.

MR. STONE: Stone.

COUNCILMEMBER RAWLINS-FERNANDEZ: Stone. Okay. Mahalo for being with us. I...the last meeting was cancelled. Was it because of lack of quorum?

MR. STONE: No, I...the most recent meeting did complete, but the one before that was cancelled for a medical emergency, I believe...right?--for--our secretary was unavailable to attend.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, it was a staffing issue --

MR. STONE: Staffing, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and not...not quorum?

MR. STONE: Not...yeah, no. We --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay.

MR. STONE: Everyone was available, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. Okay. And I...I didn't review your questions. So, sorry, Chair.

MR. STONE: It's okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do...do you want to go over those? Okay. I...and I see the response on Granicus.

CHAIR U'U-HODGINS: I'm happy to read some of the questions aloud, which...it was related to...well, I'll read number 1, I guess. Which section, under Chapter 92, HRS, allows the INB to vote and receive presentations in executive session, and please explain the reasoning. Corp. Counsel responded with if we could go into executive session, and they will answer that question for us. Same answer for my question regarding minutes, and when they should be available and posted online. And then what happens for this Committee when we eventually vote on a nominee, that came from the INB when voting in executive session.

MS. MURAKAMI: And Chair, if I may clarify on that now.

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CHAIR U'U-HODGINS: Please.

MS. MURAKAMI: I apologize. On that first question, when you said vote and receive presentation. The receiving a presentation part is not done in executive session. It's done in open session. So, I think it's just the confusion with the way we have our agenda set up. So, we are looking into --

CHAIR U'U-HODGINS: Oh --

MS. MURAKAMI: Yeah?

CHAIR U'U-HODGINS: Can you please speak into the mic --

MS. MURAKAMI: Oh.

CHAIR U'U-HODGINS: -- so that the people online can hear you?

MS. MURAKAMI: Sorry, sorry, I'm not used to this. So...yeah. So, we're looking into reorganizing our agenda so it's clear that what is in a session...done in executive decision versus what is done in open meeting. Thank you.

CHAIR U'U-HODGINS: Did you have any more questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I--follow up on...on that. So, we have a procedure in place, and I...I believe the...like the guidance that we follow is from OIP, Office of Information Practices, the State Gov...State office. And so, are...are you familiar with what our process looks like when we go into executive session? So, we state under HRS 92 what subsection, the rationale for going into executive session. Sometimes it's more than one, and then we name all the people that'll...that are going to be in executive session, ensure that they, you know, confirm that they're alone in their workspace, and then when we get into executive session, we again confirm everyone's alone in their workspace and...and state for the record who is in executive session. And then we make clear in executive session that no voting will...will take place in executive session. And we...we state for the record that no voting will take place in executive session before we go into executive session in open session, and then again, when we get into executive session, we state for the record that there will be no voting that can take place, and even like no note taking, which is really hard for me. And then, you know, when we get back...so, whatever kind of questions that we need to ask in executive session to get it to the point to understand what it will be when we get out of executive session, when we vote, what a yes vote means, and what a . . .(timer sounds). . . no vote means. It is--so that...that's what our procedure looks like. Would you be able to explain what your procedure looks like?

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MS. MURAKAMI: Okay. So, for the INB, what they do is they do say...state the reasoning, and that's stated--that's the...that was the reasoning that I listed in that answer for Councilmember...Chair's question. So, they'll do that. I do have to be more careful about reminding the members to be able to say who's going to be in, but it is the...the members who are present either online or in person at the meeting site, who will be going in with...with the staff, which is myself and Ms. Vicens, who is usually the secretary assigned. So, then we'll be the one. So, we go into the executive session, we do announce and then ask for testimony beforehand, we...before we go in. Based on...hold on, sorry...92-4 [sic], I believe, is what we base it on regarding voting, though we are also looking at whether to change that process up a little bit more. But I think in detail, I would like to go into executive session so that we are not compromising anything. But...yeah, but that's what we rely on for voting, but we do...when we...the...when the members do come out of the executive session into open session, a summary of any action taken is given in open meeting.

COUNCILMEMBER RAWLINS-FERNANDEZ: What subsection in 92-4? 92-4 is executive session, and so it...I don't see where it says...

CHAIR U'U-HODGINS: I think she meant to say 92-5, the exceptions, and maybe she was using --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, subsections.

CHAIR U'U-HODGINS: -- Subsection 4 to clarify, perhaps.

MS. MURAKAMI: Yes.

CHAIR U'U-HODGINS: But I cannot speak for her.

MS. MURAKAMI: And also 4(b).

COUNCILMEMBER RAWLINS-FERNANDEZ: 92-4(b)?

MS. MURAKAMI: Yes. But the reason to go into executive session--no, sorry, that is under 5 --

COUNCILMEMBER RAWLINS-FERNANDEZ: Relating --

MS. MURAKAMI: -- that we use.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. So, it says, in no instance shall the Board make a decision or deliberate toward a decision in executive meeting on

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matters not directly related to the purpose...purposes specified in Subsection A. No in...informal gathering, permitted interaction, or electronic communication.

MS. MURAKAMI: 92...92-4?

COUNCILMEMBER RAWLINS-FERNANDEZ: 9...oh, 92-4...

MS. MURAKAMI: It says, any discussion or final action taken by a Board in executive meeting shall be reported to the public when the Board reconvenes in open meeting at which the executive meeting is held, provided in this current discussion of final action taken by the Board, dot, dot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'll read this over, and then if anyone else has questions, I can follow up after.

CHAIR U'U-HODGINS: Yeah. Thank you, Member Rawlins-Fernandez. Members online, do you folks have any questions? I see Member Johnson, Member Sugimura, Member Sinenci shaking their head. Chair, do you have any questions? No. Okay. I do have a few questions while I give Member Rawlins-Fernandez a moment to read over some of that language. So, I guess this is from either Ms. Vicens--or all three of you guys are present in the meetings. You guys have been meeting for quite a while. I understand you've been quite busy. I don't think we've received a list of names yet that has been passed through the INB through Mayor's Office. So, when can we be expecting some of those names that have been voted on so that we can continue to fill our boards and commissions?

MS. VICENS: Thank you, Chair, for that question. We transmitted some nomina...appointments last week for Non-Council Voting. Committee on the Status of Women, the Arborist, and the rest will be awaiting Mayor's signature upon his arrival.

CHAIR U'U-HODGINS: Okay. And then --

MS. VICENS: We're working through the mass nominations. You know, we have a limited pool of applicants, and so we were making sure that we had names to be able to put forth --

CHAIR U'U-HODGINS: Um-hum.

MS. VICENS: -- before sending something down, and then we'd have to retract it as a vacancy and put it as a mass nomination, if you understand.

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CHAIR U‘U-HODGINS: Can you say that again? Because I thought that INB is supposed to do their own getting of names, that they--are they coming from the Mayor's Office, and then going to the INB for review, and then going back to the Mayor's Office? Is that what you're saying?

MS. VICENS: No.

CHAIR U‘U-HODGINS: Okay.

MS. VICENS: All of the applications come in through the Office of the Mayor --

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: -- and that catalog of names were used for both mass nominations in the beginning of the year --

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: -- as well. And then the remaining were for vacanc...have been vetted for vacancies.

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: We had a couple of boards that we were uncertain if the candidates would be appointed --

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: -- so therefore, we just had those set aside until we...we had those appointed.

CHAIR U‘U-HODGINS: Okay.

MS. VICENS: Yeah?

CHAIR U‘U-HODGINS: But that should have been separate to the INB's business, yeah?

MS. VICENS: No--yes, they were separate.

CHAIR U‘U-HODGINS: Okay. So, when is the INB...how often does the INB then vote, send it over to the Mayor, and then it sends to us? Because --

MS. VICENS: Once.

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CHAIR U‘U-HODGINS: Okay. And how often? Because they've been meeting for two months?

MS. VICENS: So, yeah, the process...but so --

CHAIR U‘U-HODGINS: Six months.

MS. VICENS: Yeah, well, they were...first meeting was established on--end of March.

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: And then they met twice in April, twice in May, twice--April, May, June, and July. It was a slow...you know, it was a steep learning curve --

CHAIR U‘U-HODGINS: Um-hum.

MS. VICENS: -- with some slow uptake.

CHAIR U‘U-HODGINS: Okay.

MS. VICENS: The transference of information from one to nine (*phonetic*), and what was going to be the best process. They, at one point, said okay, we need to step back, and then they worked amongst themselves to determine what they wanted that process to look like.

CHAIR U‘U-HODGINS: Okay.

MS. VICENS: So, the actual beginning--and it's three steps. At a meeting, for example, on the 9th, they . . . (*timer sounds*). . . would agendaize and say, we want to take up Maui Cultural Resource Commission. On the next meeting, the applications would be provided for the members to talk about. They review all of the applications, and out of those applications, I'm instructed to contact the X amount of individuals that they feel are qualified and meet the, you know, enabling legislation that maybe that board has. I am contacted...I contact them with three questions that they approved, which was, are you available on this date and what time? I'm going to advi...tell you about our attendance policy and send that to you. And number 3, you know, any residency issues there may be with them as well, and for them to inform themselves prior to the meeting about the boards.

CHAIR U‘U-HODGINS: Okay.

MS. VICENS: So...so, we do that, they come to the meeting, they're interviewed, and as Deputy Murakami explained, they deliberated and voted.

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CHAIR U'U-HODGINS: Okay.

MS. VICENS: So, three meetings. They're --

CHAIR U'U-HODGINS: Three meetings until they get to where they can vote on something?

MS. VICENS: Yeah.

CHAIR U'U-HODGINS: And so, how much--oh, I'm sorry. Does anybody...nobody else had any questions. How many people would you say...how many applicants would you say that they have then voted on and passed through to the Mayor?

MR. STONE: I can answer that. We have passed 37 names, I believe, onto the Mayor.

CHAIR U'U-HODGINS: 37 names, and we have received 0?

MS. VICENS: No, they've been...he just hasn't signed off on them.

CHAIR U'U-HODGINS: Yeah.

MS. VICENS: Yeah.

CHAIR U'U-HODGINS: I said, we have received zero.

MS. VICENS: Oh, yes, you've received only four.

CHAIR U'U-HODGINS: From the INB?

MS. VICENS: Um-hum.

CHAIR U'U-HODGINS: Okay, cool.

MS. VICENS: Also, Chair, the INB started in a deficit after a year of no vacancies being filled. There were 57 vacancies --

CHAIR U'U-HODGINS: Um-hum.

MS. VICENS: -- that needed to be fulfilled --

CHAIR U'U-HODGINS: Yep.

MS. VICENS: -- across boards.

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CHAIR U'U-HODGINS: Okay.

MS. VICENS: Thank you.

CHAIR U'U-HODGINS: Thank you. And then how is the INB notified of a vacancy, please?

MS. MURAKAMI: All right, that's...this is kind of an ongoing--it's an informal step right now--is that if I hear of a...or get an email from the...any of the secretaries saying that...that someone resigned and that --

CHAIR U'U-HODGINS: Um-hum.

MS. MURAKAMI: -- you know, then I forward it to the Chair at least, and also to Ms. Vicens, who can put it on the calendar so that we can note it for the agenda that there was a resignation that we received, so that sets the time.

CHAIR U'U-HODGINS: Okay. Is...is the INB Chair also cc'd on those emails?

MS. MURAKAMI: I believe yes.

CHAIR U'U-HODGINS: Okay, good.

MS. MURAKAMI: . . .*(inaudible)*. . . Chair and the Vice-Chair.

MR. STONE: Yeah.

CHAIR U'U-HODGINS: Okay, cool. Thank you. Can I request a copy of your folks' minutes? Because it's not posted online. That was one of the...the questions we sent over to the INB.

MS. VICENS: So, I believe that Chair answered that question and where we were at on that.

CHAIR U'U-HODGINS: I answered that question?

MS. VICENS: No, Chair --

CHAIR U'U-HODGINS: Oh, that Chair. Yes, okay.

MS. VICENS: Chair Stone --

CHAIR U'U-HODGINS: Chair Stone.

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MS. VICENS: -- in his communication answered that question.

CHAIR U'U-HODGINS: I don't know if I received it, but please...please explain that then.

MS. MURAKAMI: Okay, so...

MR. STONE: Give me one second.

CHAIR U'U-HODGINS: No worries.

MS. MURAKAMI: Sorry, Chair. So --

CHAIR U'U-HODGINS: Um-hum.

MS. MURAKAMI: -- we are in the process of getting the minutes uploaded as...as we speak, and we'll try to do it as soon as possible.

CHAIR U'U-HODGINS: Okay.

MS. MURAKAMI: Ms. Vicens is working on the summary of the minutes, but --

CHAIR U'U-HODGINS: Okay.

MS. MURAKAMI: -- if it's the action items, which is how many names are submitted to the Mayor for which boards on what day, we can probably get you a list faster on that.

CHAIR U'U-HODGINS: Okay, that'd be great.

MS. MURAKAMI: Okay.

CHAIR U'U-HODGINS: I'd appreciate that. Thank you very much.

MS. MURAKAMI: Thank you.

CHAIR U'U-HODGINS: Yes?

MS. VICENS: Chair, I worked with Chair Stone --

CHAIR U'U-HODGINS: Um-hum.

MS. VICENS: -- and the last page of the communications sent to you was a sample example --

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CHAIR U'U-HODGINS: Oh, okay.

MS. VICENS: -- of what that could --

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

MS. VICENS: -- look like for you --

CHAIR U'U-HODGINS: Okay.

MS. VICENS: -- as far as each...where they were for each of the meetings --

CHAIR U'U-HODGINS: Okay.

MS. VICENS: -- thus far.

CHAIR U'U-HODGINS: Thank you.

MS. VICENS: Um-hum.

CHAIR U'U-HODGINS: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Do...do you feel like you need additional staff for meeting--okay. Okay, I'll...I'll finish the question, then you can respond. So, is it due to insufficient staff that the--or...or what do you...what is the reason for the meeting minutes not being posted within the time stipulated by HRS 92?

MS. VICENS: Chair? Thank you, Councilmember Rawlins-Fernandez. That is a...an excellent question. The Boards and Commissions, for almost...for 21, 22 months, has operated under the sole staffing of myself. That is administrative, that is...been the staffing to the onboarding this year at the East Maui Water Authority, the Independent Nomination Board, along with the Salary Commission and the Committee on the Status of Women. So, it's a full plate, and yes, additional staffing is required. I know that we--it was put in for 2025, it did not...was not budgeted. We are doing the same for 2024. But an evaluation of the program itself, which was at 39 when this admis...Boards and Commissions when the Administration took office in 2023, is now at 43. And greater demands put on staffing, that's no longer just, you know, taking minutes. You wear a cap of the IT, you do all the documents. So, yes, my plate is full, and hence, some of the minutes in this case, not transmitted.

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COUNCILMEMBER RAWLINS-FERNANDEZ: How many staff...oh...was requested to help with that? Because it's a lot.

MS. VICENS: For 2025 or --

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you so much, Ms. Vicens.

MS. VICENS: So, 2026, the request is for two. The Office of the Mayor has six boards and commissions under his...assigned to his Office, and of those four right now, we have one that is in critical need and has no staffing. I just...I don't know how to staff it at this point. So, administratively, we are struggling on many fronts to--not struggling, but have many responsibilities. Because in addition to boards, right, we have the working with secretaries, training, we're looking at the onboarding, which the INB reviewed, of the digital management solution, which would be a hallelujah, hail Mary with information in real time. But even that is going to take four months to transfer information, get it set up, educational processing, et cetera, and to be able to...myself, be able to work with the team is a chunk to carve out. So, you know, I'm being just honestly and candid with all of you of where we are standing. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that information. I believe when we are setting up the two...the South Maui and the Ha'ikū-Pā'ia-Makawao advisory committees to the Maui Planning Commission, the Planning Department estimated, I think, like 1.5 staff...so like three positions to staff those two advisory committees. So, I think six--and it's just you? Whoo. Okay, mahalo. Yeah, we...we need to get on that urgently. Mahalo, Chair.

MS. VICENS: I will caveat, the East Maui Regional Community Board, I have been assigned to that until...in a temporary position until they were staffed and onboarded. So, you can, you know, take that out of the equation, unlikely that will happen before the beginning of the year.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Please...INB, Salary, East Maui Water Authority--what were the other three?

MS. VICENS: INB at the top, East Maui Water Authority, Salary Commission, Committee on the Status of Women, Conservation Planning Committee, the Elections Board...yeah, Conservation Planning, and the Election Board. The Elections Board, we just got names to put, and so transferred that to the Mayor. The Conservation Planning Committee hasn't had...well, we had a staff, now they've dropped off. So, the flux of it all, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it, okay.

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MS. VICENS: I feel like I'm missing one for the Mayor, but...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR U'U-HODGINS: Did you say it was the Planning...or I'm sorry, the Conservation Planning Committee that has no staffing?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR U'U-HODGINS: Hold--I'm getting over a cold. Oh, man, that's unfortunate. And the Elections Board?

MS. VICENS: The Elections Board just came through the...came through the INB, so that will be...once it comes to you--it's actually an appointing board--so once that gets signed off, then that would be under the Mayor's authority. And then--let's see, what am I missing? The Conservation Planning had staffing, lost staffing, we replaced staffing, staffing has dropped off. So...and...and candidly, I just...at this time, I've requested, but just don't have the bandwidth to take on another.

CHAIR U'U-HODGINS: I hear you. Thank you. Member Rawlins-Fernandez, do you have any questions, or does anybody else have any questions before we go into executive session? Because I do want you folks to hear these answers that I was able to receive for my questions 1, 2, and 3 to Corporation Counsel. But please ask whatever questions you may like in open session, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I...okay. So, the--I...I wanted to go back to the purpose of the Independent Nomination Board. So, part of the...you know, the reason that this was formed was to, one--little background--the Mayor would receive...not this Mayor, but the Mayor...the...the Office of the Mayor would receive applications to boards and commissions. And the Council had requested in past years to receive a list of the applicants that applied for the various boards and commissions. You know, some Members have shared how they applied for like...to sit on the...one of the Planning Commission Boards, Planning Commissions, and the Mayor's, you know, Office at the time didn't select, you know, some of the Councilmembers, even though they were qualified. And...and there is lots of different examples. The Councilmembers just use themselves as an example to not use, you know, someone else in the community as an example. But it...it was a way to try to depoliticize it and try to get more transparency to ensure that the...the best person for, you know, the different boards and commissions were being, in fact, selected. It was also a way to try to help, generally, the one person in the Mayor's Office who would be doing a lot of the leg work to recruit. Recruiting is...is a lot of work, as Ms. Anne (*phonetic*) can attest to. And, you know, some of the Councilmembers' offices will

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also help with trying to get the name...get the word out and get folks to apply. Do you think that the INB is achieving this goal, the...the...the two that I...I just named?

MR. STONE: I...I definitely feel like it's depoliticized choices. I will say that definitely, you know, you have a group of nine people from all over the...the County, and I feel they...they'll vote on applicants with their conscience and their understanding of what the role is--different than how it was previously, where it was a unilateral decision. So, I...I would say they're definitely--and the people on our board do not vote in a political manner at all. If...if you could, sorry, just remind me of the second question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Transparency and recruitment.

MR. STONE: So, I'll speak to recruitment first. It...the members do try to reach out to their contacts for recruitment. It has been challenging, for sure. I would say in general, that's one of our biggest concerns is, we just don't even have enough applicants, even if I think we just gave...said yes to everyone, I don't think we could fill all positions that are currently open. That might be a slight hyperbole, but I...it feels that way sometimes. As far as transparency, I guess my answer to that would be, we feel like we're doing the...the role that we were set out to do, which is to vet the people that are requesting to be parts of boards and commissions, and handing it up to the Mayor. If you define transparency as like are we letting everyone know who those people are, then I would say no, we're not doing that currently.

MS. MURAKAMI: And...and sorry. The further, I think, maybe...may be answered in executive session for details regarding that part...portion, maybe.

COUNCILMEMBER RAWLINS-FERNANDEZ: The portion about --

MS. MURAKAMI: About transparency.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- transparency in not --

MS. MURAKAMI: Naming the applicants.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- having the names on the agendas?

MS. MURAKAMI: Um-hum. Um-hum. I'm asking to go into executive session to --

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the...the reason for not having the names on the agendas, you cannot tell us in an open meeting?

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MS. MURAKAMI: Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, it's okay.

MS. MURAKAMI: No, it's...I think goes into what...what we're doing right now and...and it goes into liabilities and whatnot. So, that's why I would feel comfortable going to executive session to explain to you why.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, sorry. I...I didn't get the benefit of...of hearing privately the reason why. But even...so, we...we've taken up lots of different items that required us to eventually go into executive session to discuss the details of it. But as far as the reason for an executive session is stated in open meeting, in...in our open meetings. And so, if it has to do with personnel, then that's stated in an open meeting, that's not hidden from the public.

MS. MURAKAMI: Correct. And that is what we say during the open portion of the meeting.

COUNCILMEMBER RAWLINS-FERNANDEZ: But it's not what you're saying to me right now.

MS. MURAKAMI: No, I...I think what I'm trying to say--and I'm sorry that I'm...yeah, it's new here for me to be here--is that that's what we base it on, but I think further explanation on that --

COUNCILMEMBER RAWLINS-FERNANDEZ: What...try...try one more time.

MS. MURAKAMI: Okay. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: Why...why do we need to go into an executive session to discuss this?

MS. MURAKAMI: Okay. Okay. So, we do go...and state why we are going to executive session for the INB members to vet applicants, and that is under the personnel exception that we use, the 5(a)(2), I believe, and maybe (a)(8) is the two exceptions that we listed on their answer. The reasoning beyond--what I can tell you right now, I prefer to go into executive session and explain to you beyond what I'm telling you right now is what I'm trying to say. Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, regarding liabilities, you're...you're all one Department of Corporation Counsel. And if, as a Council, we are doing anything to jeopardize the liability of the County when we take up nominations for boards and commissions in the GREAT Committee, and we put their names

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on our agenda, and we discuss with them--each Councilmember has an opportunity to ask them questions in open session, we never go into executive session. Is the Department of Corporation Counsel then taking the position that Council is risking the County?

MS. MURAKAMI: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I am willing to go into executive session. I'm not convinced at this mo...at this time right now that executive session is warranted, but if I can't get the information in open session, then I will go into executive session. But I don't know if I'm going to keep it confidential when we come back out if I don't think it's justifiable. Okay. Mahalo.

CHAIR U'U-HODGINS: Thank you, Member Rawlins-Fernandez. Members, do we have any other questions before we move into executive session? Seeing none.

COUNCILMEMBER SUGIMURA: No questions.

CHAIR U'U-HODGINS: Thank you. I'd like to entertain a motion to convene in executive meeting 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 liability of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawai'i Revised Statute, to deliberate or make a decision upon the matter that requires consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order. Thank you.

COUNCILMEMBER COOK: So moved.

CHAIR U'U-HODGINS: I have a motion made by Member Cook, do I have a second? I have a second by Member --

COUNCILMEMBER SUGIMURA: Second.

CHAIR U'U-HODGINS: -- Sugimura--to enter into executive session for GREAT-5(7). Do I have any further discussion? Seeing--oh, Member Rawlins-Fernandez, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. As I just stated, I will vote to go into executive session because it has become clear that the information that I have been requesting in this open meeting is not being given to me. I will follow the procedures to going into executive session, but as you just read in your opening, under Sunshine Law, that there must be a Federal, State, or County law that justifies going into executive session to hide from the public any kind of

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discussion, then I--when we come back out, if I don't feel like the laws protect that, then I'm not going to keep it confidential. Mahalo, Chair.

CHAIR U'U-HODGINS: Thank you, Member Rawlins-Fernandez. I definitely had that conversation before we went and started this meeting, so I completely understand where you stand on that. Thank you.

COUNCILMEMBER LEE: Can you come to my house?

CHAIR U'U-HODGINS: All those in favor of going into executive session, please raise your hand and say "aye."

COUNCILMEMBER LEE: Can you come over to my office?

COUNCILMEMBERS: Aye.

COUNCILMEMBER LEE: Oh, somebody's in the house.

MS. APO TAKAYAMA: Chair, just waiting on Chair Lee.

CHAIR U'U-HODGINS: Chair Lee?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair Lee, you're on the phone and you're unmuted.

CHAIR U'U-HODGINS: Thank you.

MS. APO TAKAYAMA: Chair, that's seven "ayes," zero "noes," two excused, Member Kama and Vice-Chair Paltin.

COUNCILMEMBER LEE: That's okay.

MS. APO TAKAYAMA: Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Paltin and Councilmember Kama.

MOTION CARRIED.

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

CHAIR U‘U-HODGINS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you're still unmuted.

CHAIR U‘U-HODGINS: 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, Councilmember Tom Cook, Councilmember Gabe Johnson, Council Chair Alice Lee, Councilmember Keani Rawlins-Fernandez, Councilmember Shane Sinenci, Councilmember Yuki Lei Sugimura. Office of the Council Services Staff include Megan Moniz, Legislative Attorney; Richelle Kawasaki, Deputy Director of Council Services; and Pauline Martins, Senior Committee Secretary. We also join...will be joined by Corporation Counsel, Yukari Murakami, Deputy Corporation Counsel; Jason Stone of the...Chair of the INB; and Cory, are you going to be staying with us too? Okay. And Cory Vicens of the Office of the Mayor.

MS. APO TAKAYAMA: Chair, may I also please add Lori Ann Tengan, Committee Secretary? Thank you.

CHAIR U‘U-HODGINS: And Lori Ann Tengan, Committee Secretary. Is she here right now?

MS. MURAKAMI: Sorry, she's online.

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CHAIR U‘U-HODGINS: Okay. And Cody Minatodani of Deputy Corporation Counsel. Excuse me so much. At this time, I would like to call for a six-minute recess, to reconvene at 2:20, and this meeting is now in recess. . . .(gavel). . .

RECESS: 2:15 p.m.

RECONVENE: 3:24 p.m.

CHAIR U‘U-HODGINS: . . .(gavel). . . Welcome back. Welcome back, Members, to the Government Relations, Ethics, and Transparency Committee Meeting. It is 3:24, and we have just completed our executive session meeting on item GREAT-5(7). And at this time, 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 this topic at the request of Corporation Counsel, and there were several items that are appropriate for open session, such as...there was a discussion about the procedures and processes regarding the INB and...and applicants. Additionally, Members--or...and that INB application itself, that should definitely be talked about in...in open. And additionally, Members posed questions to Corp. Counsel that I think would be appropriate to state on the record so that those questions can be sent and posed appropriately. Again, yeah, a discussion of that INB application and the differences between our...the application that Council uses versus what INB uses, that...that's definitely a discussion that should be happening in open. And that was it. No other matters were discussed. Thank you.

CHAIR U‘U-HODGINS: Thank you, Megan. At this time, I'm going to please ask Corporation Counsel and Ms. Vicens to please follow up what Megan just said, if you could describe the application, including that checklist...or that check regarding the privacy statement and the flow of procedure, and then I will have our Councilmembers discuss the questions that we asked in executive session.

MS. VICENS: Thank you...thank you, Chair. Who am I addre...am I just addressing the question in general to all?

CHAIR U‘U-HODGINS: Basically we need to repeat all of the things that was said in executive session that do not need to be in executive session...for instance, the description you provided regarding the application from the Mayor when Member Cook asked if there was any sensitive information --

MS. VICENS: Okay.

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CHAIR U‘U-HODGINS: -- listed on the application, if you could please do that. And then I believe either you or Yukari described the flow of procedure, and how the applicants are vetted through the process between INB, Mayor, then us. That needs to be discussed in open session.

MS. VICENS: Okay. I'll start with the applications, Chair. The...I think the difference between the Council's application and the Office of the Mayor's application with...the majority of boards and commissions use and apply, is that the Office of the Mayor's application, on the front sheet, does not include employment phone number and doesn't include...include employment email. It has asked for qualification, whether they are Native Hawaiian cultural practitioners, so for them to be able to answer that question. There's also a privacy statement about their...what...making the document that they are agreeing to and signing is stated on the front. I think that's the most significant chang...differences between the Legislative and the Administrative application. Would you like me to go into the process of the INB? Thank you. With regards to the INB and processing of applications, applications are submitted...they can be submitted by mail or online, majority come in by online. They are received, timestamped, and catalogued. And part of that cataloging includes--oh, I'm sorry. On the application, we removed which boards and commissions they would like to be considered for to a back contact page, so that was the other one. I'm sorry about that, we were missing that. All of the boards and commissions that they are interested in participating in is put onto their profile sheet. All applicants have a profile sheet--name, residency area, and which boards and commissions they are--and if there's a designee, as well as we said residency area, but the designee would be also noted on that sheet. That is part of the information, those sheets that the members of the Independent Nomination Board use for interviewing processes. If it is the Arborist, and my first choice was the Arborist, we start there. Everybody who has listed it as a first choice is considered by the INB, and the consideration is...at this time, has been done in executive session. The first step is to agree which boards and commissions will be placed on the agenda, and the first is to review all the candidates who said, I want to be on the Arborist, this is my first choice. All of those individuals, the applications are reviewed. Once they're reviewed, the members of the Independent Nomination Board ask staff to contact those individuals to schedule...to invite them to be interviewed. That is one question that has...or three questions. Are you willing...are you still willing to serve on the Arborists? Would you...are you willing to be interviewed by the Independent Nomination Board? And explain the Administration and the County boards and commissions admi...attendance policy to them. They are also advised that they may want to go to the Arborist page and review recent meetings, and so that they still...this is still where they want to be considered for. The third meeting would be at a time that they have agreed to attend. So, interviews are being conducted from 4:00 to 6:00, between that window of time they're given a choice. They come, they attend, they are admitted, they're introduced to the

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members, and the members have their own list of questions that was vetted in open session, and they ask the members...the...the applicant those questions. At the end of that, the members of the Independent Nomination Board thank the individual for applying, that we will be in touch with them, whether their name has been placed on a list for an appointing authority. The appointing authority is either Council or the Mayor. The Mayor has...majority...majority of individuals appointed to boards and commissions does come from the Mayor. So, at that point, Independent Nomination members go over the qualification, go over their basic...their interview, and whether they meet what is needed to be on the Arborist. If so, then that name is placed on the list, they come out, they say, how many individuals were interviewed, how many individuals' names were placed on the list, and for it to be transmitted to the appointing authority.

CHAIR U'U-HODGINS: Thank you, Ms. Vicens.

MS. VICENS: You're welcome.

CHAIR U'U-HODGINS: Member Rawlins-Fernandez, did you want to add on to some of the questions that were asked in executive session that should be included in open session, ones that we would like Corporation Counsel to provide answers to us for?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Okay. So, I believe a question was to please explain the discrepancy or inconsistent legal advice to the INB versus the Council in how the names of applicants that the Council receives and the INB receives...I said, please explain. Yeah, period. Please explain the inconsistency.

MS. MURAKAMI: Okay. Thank you.

CHAIR U'U-HODGINS: I'm sorry. Those were questions that we asked in executive session that you answered in executive session that we would now like a written response to. Yeah, thank you. We did ask those, and you did provide a response. The response will be between us, I believe, but we wanted it in writing for later.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I...I can't remember if I asked this in executive session or right before we went into executive session. And the question was, when was the letter requesting an opinion from OIP sent to OIP? Was that in close or open? Close? Okay. And that's not privileged information, you can answer that.

MS. MURAKAMI: Chair, if I may?

CHAIR U'U-HODGINS: You answered that in --

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MS. MURAKAMI: Executive session.

CHAIR U‘U-HODGINS: I think you answered that in...I...you know what? I don't remember. Yeah.

MS. MURAKAMI: You asked it in --

CHAIR U‘U-HODGINS: Yeah.

MS. MURAKAMI: -- in closed session, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And that is not privileged information, so that needs to be --

MS. MURAKAMI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- repeated to me in open session now.

MS. MURAKAMI: Yeah, okay.

CHAIR U‘U-HODGINS: You can...you can do that. Thank you, Yukari.

MS. MURAKAMI: Okay. Okay, yeah. So, it was sent yesterday...thank you.

CHAIR U‘U-HODGINS: Did you have any more?

COUNCILMEMBER RAWLINS-FERNANDEZ: Let's see...can we get the application...the Board and Commission application uploaded to Granicus for this item? And I think there was a discussion about what is considered protected information for the purpose of going into executive session. We discussed like contact information...oh, sorry. That's for open session, that can be answered--what...what does the Department consider information necessary to protect the privacy of an individual?

CHAIR U‘U-HODGINS: Any sensitive information included in the application?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR U‘U-HODGINS: Please.

MS. MURAKAMI: Okay. So, information...or the fact that they apply to a board or commission, we're considering that as sensitive or confidential information for the purpose of INB.

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COUNCILMEMBER RAWLINS-FERNANDEZ: The...the fact that someone has applied for a board, a commission --

MS. MURAKAMI: For the identity of the applicants.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- for the INB --

MS. MURAKAMI: For...for a board or...for...for a board or --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- for a board or commission --

MS. MURAKAMI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- is considered protected information?

MS. MURAKAMI: Is what we're --

COUNCILMEMBER RAWLINS-FERNANDEZ: Is what the question is to OIP?

MS. MURAKAMI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. I...I think those are all the questions. My mental notepad was very full, so...

CHAIR U'U-HODGINS: I think that's a pretty decent summary. Thank you, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR U'U-HODGINS: But if you think of anything, then we can include it --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U'U-HODGINS: -- as well. I know we're on the spot right now, but if you do think of anything, we can include it before we send it over to Corp. Counsel. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I think Member...Member Johnson's statements about the reasonable expectation of privacy --

CHAIR U'U-HODGINS: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- was also necessary...or good for open session.

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CHAIR U'U-HODGINS: Yes. Please define the reasonable expectation of privacy. If we could also include my question regarding how should this Committee...this GREAT Committee, and Council, proceed until we get the letter back from OIP, I would really appreciate that answer as well. Did we miss anything?

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I think that was everything that we were going to repeat in closed session, at least that I remember. And then I did say that I was saving something for our open session --

CHAIR U'U-HODGINS: Yeah. And then I'll --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- when we're ready.

CHAIR U'U-HODGINS: We...we'll do that before I defer the item, 100 percent.

MS. KAWASAKI: Thank you, Madam Chair. Also, I believe that Deputy Corporation Counsel would need to go over any of the processes or procedures that she stated in the executive meeting on the open record. She doesn't need to go into anything that she felt was advising you that was, you know, of a privileged nature, but the commentary leading up to that should be put on the record.

CHAIR U'U-HODGINS: Thank you.

MS. MURAKAMI: I think I talked about the...the basis that we go--oh, I'm sorry, Chair--the basis we use to go into executive session, the 5...92-5(a)(2), I believe is what we use for the INB. And the...the voting portion was 5--92-4, I believe, is what we...4(b), if that was...was that also in closed session? What --

MS. KAWASAKI: If...if I recall correctly, you also had a discussion regarding the process and procedure followed by the INB, and Ms. Vicens did cover most of that information, and we would be asking you to make any comments on anything that you had commented on or provided. Because none of those things should be part of the executive meeting procedure. Processes and procedures should be stated in the open meeting, and then any advice that may be needed to be discussed in terms of, you know, what would be confidential, that would be what would be appropriate for the executive meeting.

MS. VICENS: I'm sorry, I --

CHAIR U'U-HODGINS: While you think about that, I do remember something we discussed in executive session that probably is best in open session, where we discussed how social media has changed the way we have privacy in 2004--that was the date that was said, I remember because that's when I graduated high

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school, and I remember Facebook when it was only for college students--and how it...the applications and the applicants are opening themselves up to scrutiny, which is why things are done in executive session in the INB. That was discussed. Now, I think I've taken up at least 45 seconds to hopefully jog your memory, Yukari. If not, we can...we can let Member Rawlins-Fernandez have some discussion, and then you can continue to think about maybe what we've discussed other than the flow chart of the process of applications. Deputy Director, is that what you're getting at?

MS. KAWASAKI: I think the Deputy Corporation Counsel was having a discussion about how she prompts the INB --

MS. MONIZ: Yeah.

CHAIR U'U-HODGINS: Okay, thank you.

MS. KAWASAKI: -- and that is a discussion that should be...or comments that should be made in open session.

CHAIR U'U-HODGINS: Thank you for that. Yukari?

MS. MURAKAMI: Thank you. Now...yes. Thank you so much, I...now I remember. Okay, so before we go into executive session, we ask the...the members to have...open up a public testimony for the item...agenda item, the agenda item is listed, and then one of the members will make a motion under 92(a)(5)...oh, 92-5(a)(2) or (8) to go into executive session, and then a vote is taken at that time to go into executive session for the...the agenda item that it's listed under.

CHAIR U'U-HODGINS: Thank you, Yukari. Did we cover it? Okay, thank you. Member Rawlins-Fernandez, I know you had some discussion, so you're welcome to have your discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I would also like to request if Staff can find the legislative record or history for this item, and then perhaps we can have that added to Granicus as well, the legislative history from the Charter Commission and from when the Council took up this item. Because there is extensive discussion about the need for transparency, and it's ironic that we are here now, trying to solve the problem that the INB intended to solve, and still banging our heads against the wall here. So, I...I...I guess I don't...I know it's a balance of individual privacy rights and the public interest for transparency. I personally disagree with the position of the Department that the fact that someone applied to be on a board or commission is sensitive information. And I...I think, you know, it would be prudent for the Council to take up legislation that would help guide this process to achieve the purpose that the INB was

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created, which was to provide transparency so that the public can see all who applied. Because sometimes, those individuals that are not selected are very qualified, like Member Johnson to sit on the Lānaʻi Planning Commission. And it...it...it's a political reason that, you know, he...he may not have been...it could have been a political reason that he was not selected. And...and for that reason, it's in the public interest to ensure that that transparency is provided to the public. So, I'd be happy to work on that legislation for the Council. Mahalo, Chair.

CHAIR U'U-HODGINS: Thank you, Member Rawlins-Fernandez. Do we have any other discussion before we defer this item? Members online? Member Cook? Nope? Okay. Well, thank you very much. This item, GREAT-5(7), was posted for no legislative action until Member Rawlins-Fernandez provides us with the action, so now I will defer the item if there are no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TK, TP)

ACTION: DEFER.

CHAIR U'U-HODGINS: Thank you very much. Thank you, guys, for being with us today. Thank you. Do we need a break before we move on? No? Anybody need a break online before we move on? Okay, great. Chair Lee needs a break...do you need a break?

COUNCILMEMBER LEE: Yeah, I...could I have a break? Because I...I need to log off and come...come back on, something's wrong with my computer.

CHAIR U'U-HODGINS: Sure, we'll take --

COUNCILMEMBER LEE: I just --

CHAIR U'U-HODGINS: -- a five-minute break to return at --

COUNCILMEMBER LEE: Okay.

CHAIR U'U-HODGINS: -- 3:50. Thank you, Chair.

COUNCILMEMBER LEE: Thank you. Thanks.

CHAIR U'U-HODGINS: See you guys in five minutes. . . .(gavel). . .

RECESS: 3:45 p.m.

RECONVENE: 3:55 p.m.

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CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon. Will the GREAT Committee please reconvene? It is 3:55 p.m.

GREAT-11(44) LITIGATION MATTERS (RESOLUTION 24-117, AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2024 GENERAL OBLIGATION BOND ISSUANCE AND OTHER BONDS)

CHAIR U‘U-HODGINS: Committee, we have before us Resolution 24-117, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2024 GENERAL [sic] BOND ISSUANCE AND OTHER BONDS." Resolution 24-117's purpose is to authorize the employment of the firm Hawkins, Delafield & Wood LLP as bond counsel and disclosure counsel to represent the County of Maui during its 2024 General Obligation Bond Issuance and other bonds, for total compensation not to exceed 54,000. Do we have Marcy Martin on the line? And Kristina Toshikiyo. So, at this time, if I could please request opening comments from Finance Director, Ms. Martin.

MS. MARTIN: Good afternoon, Chair. Finance is here with Maria Zielinski, our Deputy Director, to assist you with any questions you might have.

CHAIR U‘U-HODGINS: Thank you.

MS. MARTIN: Thank you.

CHAIR U‘U-HODGINS: Okay. Well, before we get into discussion, can we please do a last call on testimony for this item, GREAT-11(44)?

MS. MACDONALD: Yes, Chair. We did have Faith Chase signed up to testify, but I no longer see them on the Teams call. Otherwise, there's currently no one else who is signed up to testify. Would you like me to do a last call?

CHAIR U‘U-HODGINS: Please. Thank you.

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, without objection, I will now close oral testimony for this item.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-11(44).

CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. We will go into a three-minute questioning period, with a one-minute follow-up round. If anybody has any questions, please raise your hand. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I believe that in the past, we had Scully, who was the bond counsel. So, this is a change. Can the Administration please explain to us why this change is happening, or who this new body is?

MS. MARTIN: Chair?

CHAIR U‘U-HODGINS: Please. Thank you.

MS. MARTIN: So, we...we went...we went out for an RFP, and the selection committee decided on Hawkins.

COUNCILMEMBER SUGIMURA: Okay. And we read that. So, under what qualifications or what...why did you make the change, I guess?

MS. MARTIN: The RFP process considers many different factors. So, we established a committee, we went over all the factors, we did a grading matrix--you know, cost being one of them, experience--and this is who the committee came up with.

COUNCILMEMBER SUGIMURA: So, Chair, I see Maria Zielinski's hand up. Does she want to say something?

MS. ZIELINSKI: Yes.

CHAIR U‘U-HODGINS: Ms. Zielinski?

MS. ZIELINSKI: Can you hear me?

CHAIR U‘U-HODGINS: Yep.

MS. ZIELINSKI: Yes. Thank you, Chair. Can you hear me?

CHAIR U‘U-HODGINS: We can.

MS. ZIELINSKI: Oh, okay, very good. Yeah, I was trying to get in, but I guess I...I guess they didn't recognize me. Okay. So, yeah, we are looking at changing that over.

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We did have, as you know, Katten, and that's...that was Scully, Craig Scully, that was handling it from 2019...2018 to 2022. If you hear my cuckoo clock in the background in my office, that's...that's what it is, if you hear the...the music. But there was an RFP that was issued because Katten's period of procurement or of being engaged was...was done. So, they did go through a whole procurement, and ultimately, Hawkins, Delafield & Wood were chosen by the committee. They actually have done our bond issuances in the past. They're out of San Francisco. I wasn't in the committee...on the committee for selection, but my understanding was one of the pros was that they felt that Hawkins was...is in California--so, you know, three-hour difference versus New York, where Scully is--New York, of course, is a six- or a five-hour difference, so that was kind of what I heard. I think...my understanding--because I was...quite frankly, I was...I was disappointed because, you know, Scully's been very, you know, helpful to us in the past. So, you know, that was just a personal feeling . . .(timer sounds). . . I had...I had nothing to do with the ultimate decision. But that was my understanding, is that they were more easily accessible relative to the time zone and that sort of thing. So, they have been engaged as of July 1st of this year, and it'll go to June 30th of 2026. Just as in...and they'll have the ability to have three additional extensions, that would, of course, be...we'd have to execute an amendment to the contract if that was decided on. As I said, we have used Hawkins in past, back in 2018, and I even believe years ago when I was at the County at Gen accounts that had them as well. So, they're...they're well qualified. My understanding is that the...when they did the procurement, the...the ratings were very close, so it wasn't, like, you know, by a long shot or anything like that. They're both very, very...they were both very, very qualified, and I think the...I think basically, the location of this...this firm probably made...might have made the difference. We have had one conversation with them thus far just, you know, unofficially, but we will be...we are looking at doing a bond issuance, probably just based on all the uncertainty of...you know, of...we're waiting for the settlement, the legal settlement to be official, if you will, waiting to see if we get DR funding. So, basically, kind of the recommendation right now is we probably won't do a bond issuance until our next year, maybe July or August of next year, but that's just very, very basic. It could be sooner, it could be later. Liquidity-wise, we're good, so not...not a...we're not...you know, we're not concerned at this point. I mean, that can change clearly based on lines of variables. So, anyway, probably more than you needed to...wanted to know, but just wanted to give you the background.

COUNCILMEMBER SUGIMURA: Thank you.

MS. ZIELINSKI: Um-hum, you're welcome.

CHAIR U'U-HODGINS: Thank you, Member Sugimura. Members, does anybody else has...has any questions? Great, I do not either. At this time, I would like to

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entertain a motion to recommend adoption of Resolution 24-117, including any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR U‘U-HODGINS: Have a motion made by Member Cook, seconded by Member Sugimura. Any further discussion?

COUNCILMEMBER SUGIMURA: Chair, I do.

CHAIR U‘U-HODGINS: Oh. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: So...so, we're going to...we're going to pass this, but I wonder if the Department would show us the procurement and the files that made the change. Thank you.

CHAIR U‘U-HODGINS: Great. We can definitely ask for that before it comes to first reading at Council, for sure. Thank you, Member Sugimura. Member Johnson, did you have a question?

COUNCILMEMBER JOHNSON: Thank you, Chair. I just wanted to thank Scully and all those folks over there for those years of service and helping out...us through our bonds and all of that. So, thank you so much for all that hard work. Thank you, Chair.

CHAIR U‘U-HODGINS: Thank you, Member Johnson. Well, at this time, all those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. APO TAKAYAMA: Chair, that's seven "ayes," zero "noes," two excused, Committee Vice-Chair Paltin and Member Kama. Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Paltin and Councilmember Kama.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION 24-117.

CHAIR U‘U-HODGINS: Thank you. Thank you, Members. This item will move onto the full Council for its consideration.

GREAT-11(46) LITIGATION MATTERS (RESOLUTION 24-119, RELATING TO SETTLEMENT AUTHORIZATION COUNTY OF MAUI, RISK FILE 2023-1035 OF RINZAI ZEN MISSION: (CASE 4084192))

CHAIR U‘U-HODGINS: Moving on, we have before us Resolution 24-119, entitled "AUTHORIZING SETTLEMENT OF JMC CLAIM NO. 4084192, COUNTY OF MAUI FILE NO. RISK 2023-1035 OF RINZAI ZEN MISSION." Resolution 24-119's purpose is to authorize settlement of the claim filed on July 13th, 2023. The claim alleges property damage sustained on December 20th, 2022 when an ironwood tree fell on the Rinzai Zen Mission temple building at 120 Alawai Road, Pā‘ia, Maui, Hawai‘i. At this time, if I could please request opening comments from Deputy Corporation Council John Gores.

MR. GORES: Thank you, Madam Chair, Members of the Council. This was a claim that was submitted to us by a Mr. Alan Nago of the Rinzai Zen Mission for a considerably tall ironwood tree that was on the Baldwin Beach Park property, our property, that basically blew down on December 20th, 2022, in what we would call 28-mile-per-hour winds that gusted up to 40 miles an hour. The claim was originally submitted for 36,584.31. Our third-party administrator, John Mullen & Company, did investigate the claim, took into account various upgrades and depreciation, and we come to the conclusion that it's probably only worth 31,233.37. The...Mr. Nago of Rinzai Zen Mission is agreeable to that. We do have some liability issues with this concerning our inspection and maintenance of the

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trees that were there. Since this incident has happened, our trees that were there are now gone. So, we're recommending to resolve this for the requested amount.

CHAIR U'U-HODGINS: Thank you, Mr. Gores. Before we get into discussion though, can we please do a last call on this item for GREAT-11(46), Staff?

MS. MACDONALD: Yes, Chair. There is currently no one who is 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. Seeing there are no individuals wishing to testify on this item, without objection, I will now close oral testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: Close oral testimony for GREAT-11(46).

CHAIR U'U-HODGINS: I hear no objection...thank you very much. As a reminder, written testimony will continue to be accepted. We are going to enter into a three-minute discussion period before we go into executive session. So, Members, do we have any questions for open session? Member Johnson.

COUNCILMEMBER JOHNSON: What happened to the trees? The ones that fell?

MR. GORES: They were blown over, and the tree that struck the mission fell onto the columbarium, and wiped out that part of the building, and it had to be essentially rebuilt...restored.

COUNCILMEMBER JOHNSON: I...I mean, after the trees fell, they got taken away by someone that wasn't the County. Is that my understanding?

MR. GORES: That is correct. The Rinzaï Zen Mission --

COUNCILMEMBER JOHNSON: Any idea who that was?

MR. GORES: It was, if I recall correctly...

COUNCILMEMBER JOHNSON: Did you say the Rinzaï Zen Mission were the ones who paid for the cleanup of the trees? Is that what I was hearing?

MR. GORES: The Rinzaï Zen Mission paid for the cleanup of the tree that struck their building.

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COUNCILMEMBER JOHNSON: Okay. That's what I was trying to get to, is who --

MR. GORES: Yes.

COUNCILMEMBER JOHNSON: I...you...I assume you're looking for the contractor's name or something, I just --

MR. GORES: That...that's exactly what I was doing.

COUNCILMEMBER JOHNSON: -- was seeing who...okay. I...I just was wondering who...who paid the bill. So, I assume the Rinzai Jodo Mission paid the bill for that?

MR. GORES: That is correct.

COUNCILMEMBER JOHNSON: Is...are they asking for com...to be reimbursed for that?

MR. GORES: That was part of their claim.

COUNCILMEMBER JOHNSON: Okay. That was where I was getting to. Thank you. Thank you, Chair.

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

COUNCILMEMBER SUGIMURA: I just want to disclose that I donate to this church. I don't know if it makes any difference, but I just want to say so. And if Corp. Counsel wants to tell me that that's a problem, let me know, but I just want to be transparent.

CHAIR U'U-HODGINS: Is it a problem?

MR. GORES: I don't view it as a problem. We...we're recommending this based on our legal analysis of this and that facts that were presented.

CHAIR U'U-HODGINS: Apparently there's no problem, Member Sugimura, but thank you for asking. Members, do we have any other question before we go into executive session? Executive session is absolutely warranted? No?

MR. GORES: I don't believe so unless Council feels it's necessary.

CHAIR U'U-HODGINS: I don't necessarily feel it's necessary, the numbers are right there. Can you tell me why we're not paying the full amount?

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MR. GORES: There were some upgrades that were done, and some improvements. And we generally pay for the actual cash value of what the...the property condition was at the time. The third-party administrator did send out one of their adjustors that's a...specializes in property claims, and they determined the value was reduced from...essentially, the replacement cost was 32,109.94; after depreciation, which was 876.57, it came out to 31,233.37.

CHAIR U'U-HODGINS: Go ahead, Member Cook.

COUNCILMEMBER COOK: So, the mission is acceptable to the --

MR. GORES: Yes.

COUNCILMEMBER COOK: -- this...to this adjustment?

MR. GORES: That is correct.

COUNCILMEMBER COOK: Thank you.

CHAIR U'U-HODGINS: So, they were...they have to eat the delta of \$5,000 because they made other upgrades that wasn't included in the original build?

MR. GORES: That's correct.

CHAIR U'U-HODGINS: What did those upgrades include?

MR. GORES: I don't believe I have that here, but let me take a look. Upgrades that were not included was based on...there was observed damages they did not have at the time of loss that included a 50-year roof shingle and framing for the column. They put in a high-grade column install, which was not the way it was at the beginning. So, they've actually improved it, sad to say, from this situation.

CHAIR U'U-HODGINS: Okay. Because that's a lot of chow fun they're going to have to sell, and a lot of pigs' feet soup they're going to have to sell, to recoup that delta.

MR. GORES: Yes, but they are...they've agreed to it.

CHAIR U'U-HODGINS: Okay. Members, does anybody else have any other questions? Okay, neither do I. I hope they get restored, and I'm glad they're back to hosting Obon. Anybody else ready...are we ready to vote, Members? Okay. In that case, I would like to entertain a motion to recommend adoption of Resolution 24-119, including any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

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CHAIR U‘U-HODGINS: Thank you. Thank you, Members. This item will move onto full Council for its consideration, and this now concludes the Government Relations, Ethics, and Transparency Committee meeting. Thank you so much, Members, I really appreciate all of your attentiveness for the last two days that I've...that I've taken, stolen your time, so thank you. It is now 4:13, have a good night, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 4:13 p.m.

APPROVED BY:



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

great:min:240912

Transcribed by: Logan Tsuji

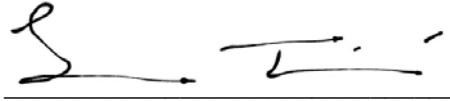
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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 40 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 22nd day of October 2024, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read "Logan Tsuji", written over a horizontal line.

Logan Tsuji