

MINUTES

of the

ORGANIZATIONAL MEETING

COUNCIL OF THE COUNTY OF MAUI

January 2, 2019

THE ORGANIZATIONAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON WEDNESDAY, JANUARY 2, 2019, BEGINNING AT 2:00 P.M., WITH MAYOR MICHAEL P. VICTORINO PRESIDING ION ACCORDANCE WITH SECTION 3-5.1 OF THE MAUI COUNTY CHARTER.

MAYOR MICHAEL P. VICTORINO: Good afternoon. I'd like to call this meeting to order. This organizational meeting of January 2, 2019 will now come to order.

Members, the first order of business without any objection is to appoint a temporary, Josiah Nishita as Clerk of the Council. Do I have a motion to, with no objections, can we--

MEMBERS VOICED NO OBJECTION.

MAYOR VICTORINO: No objections, thank you very much.

Mr. Nishita, you are now assigned as the Clerk of the Council. With no objections would you kindly call the roll call.

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, KELLY T. KING, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A. M. PALTIN, KEANI N. W. RAWLINS-FERNANDEZ, SHANE M. SINENCI, AND YUKI LEI K. SUGIMURA.

ACTING COUNTY CLERK JOSIAH K. NISHITA: Mr. Mayor, there are nine Members present. A quorum is present to conduct the business of the Council.

MAYOR VICTORINO: Thank you very much.

If you'd all rise and let us, let us, lead us in the Pledge of Allegiance, please.

PLEDGE OF ALLEGIANCE

The Mayor, Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

MAYOR VICTORINO: Thank you, Members. Before we proceed in today's meeting, I would like to request that all cell phones and other noisemaking devices be either put on silent or turned off. Decorum will be followed in the chamber at all times.

Mr. Clerk, will you please proceed with the agenda of today, January 2, 2019.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

ACTING COUNTY CLERK: Mr. Mayor, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent.

Currently we have no testifiers waiting at our District Offices. First person to testify in the chamber is Lawrence Carnicelli, testifying on Resolutions 19-1, 19-2, and 19-3. To be followed by Dick Mayer.

MR. LAWRENCE CARNICELLI (testifying on Resolution Nos. 19-1, 19-2, and 19-3):

Happy New Year, Mayor.

MAYOR VICTORINO: Good morning, good afternoon.

MR. CARNICELLI: Council. I'm actually really honored to be the first one to, to come up and testify in front of you. It's a nice look, it's a nice look. Lawrence Carnicelli, testifying on my own behalf.

I came here today to basically ask something of you guys, which a lot of people are going to do over the next couple of years. And when I ask, I'm going to ask three things from you. And that is when you make your decisions consider these three things. The first one is we're not a democracy, we are a republic. A democracy is majority rules. The word democracy is not in the Declaration of Independence, it's not in the U.S. Constitution, it's not in the Hawaii State Constitution, and it's not in our Charter. We are not a democracy. We are a republic, representative government. The ten of you represent all of us. So that's my second *[sic]* thing that I ask you consider.

My second thing that I ask you consider is that you represent your constituents, not your supporters. Everyone is your constituent: the person that just moved here today; the people that have lived here their whole lives; the tourists that's here; the people that have lived here for five years, ten years; everyone is your constituent. And so I ask that you consider your constituents, not just your supporters.

So last thing that I ask from you, the third thing is that you not be loyal. Now that might seem very odd. But people that are loyal, I think people that are not loyal are actually more trustworthy. Your friend calls you up and says hey if my wife calls, I was with you last night. No, I was not with you last night and I'm not going to be loyal, right, just because you might have one opinion and you're my bro, doesn't mean that I compromise who I am. You can still have convictions, you can still have beliefs, but loyalty is tied to . . . So those are the three things that I ask of you.

Remember that we are a republic, and you guys make the decisions, it's not just who's the loudest or how many show up or not, we're a republic. The second one is remember your constituents, not your supporters. And lastly, do not be loyal. Thank you, Mayor. Thank you, Councilmembers. Best of luck to you all in the next two years. Aloha.

MAYOR VICTORINO: Thank you, Mr. Carnicelli. Any questions for Mr. Carnicelli. Seeing none, Clerk, who is next testifier please.

ACTING COUNTY CLERK: Next testifier is Dick Mayer, testifying on Resolution 19-5. To be followed by Mike Moran.

MR. DICK MAYER (testifying on Resolution No. 19-5):

Thank you very much, Council. Mayor and Councilmembers, congratulations to all of you in the election or re-election.

I'd like to speak on Resolution 19-5, dealing with Council committees. As you may remember, I was the vice-chair of the GPAC, the General Plan Advisory Committee on Maui Island, and along with the GPAC on Molokai and Lanai we put together the Countywide Policy Plan. That Countywide Policy Plan gave guidance to what we thought were, and this is a broad range of citizens across the County, as to what we thought were the major issues on the, on the agenda for the County, which should be the agenda for the County.

That adopt, that Countywide Policy Plan went through the various GPAC's, it went through three Planning Commissions, it then went through your Planning Committee in the Council and finally was adopted by the Council itself, two of the Members who voted for that plan at that time are Mr. Mike Molina and your present Mayor, Mr. Mike Victorino.

I would hope that the committee structure that you implement this time will be a change from what's been done in the past. That this become a bit of a revolution, much like 1954, some of you may remember or heard of the change in the State of Hawaii when all of a sudden the Republican Party was out, the Democrats were in and many, many good pieces of legislation were passed. The healthcare bill, making sure that everybody in the State got health insurance, land, Land Use Commission, many other things were done by that liberal group that got into power at that time.

I'm hoping that this Council elected, and we have a mini revolution of sorts and the fact that we have six women now on the Council for the first time, and I congratulate you on, and I congratulate the public for doing that. I'm hoping that you will adopt this resolution that has been proposed 19-5. It outlines that the committee structure will follow the main guidelines that were contained in the Maui Island, Countywide Policy, Maui, not Maui Island, Maui County Countywide Policy Plan.

It's an excellent formula to get the work done, that you need to get done and it focuses your energy, and I would urge you all to ask your staff to get you a copy of the Countywide Policy Plan that is now law in the County and utilize the items that are in

there. It's a very valuable document and it does outline, I think, the general direction that the people of Maui would like you to pursue. And please use that for your, for your structure in setting up your business that you will be doing. Thank you very much, Mr. Mayor and Councilmembers.

MAYOR VICTORINO: Thank you, Mr. Mayer. Any questions for Mr. Mayer? Seeing none, mahalo for being here.

MR. MAYER: Mahalo and Happy New Year.

MAYOR VICTORINO: Thank you. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Mike Moran, testifying on Resolutions 19-5 and 19-10. To be followed by Stan Franco.

MR. MIKE MORAN (testifying on Resolution Nos. 19-5 and 19-10):

Aloha, Mayor. I can say Mayor now, not Mayor-Elect.

MAYOR VICTORINO: Aloha.

MR. MORAN: And Councilmembers. Congratulations to everyone, wonderful day today. My name is Mike Moran, I'm with the Kihei Community Association, testifying for them today. Today I will be brief, but I warn some of the new guys don't expect that the rest of the time, I'm pretty longwinded.

Just briefly on two items, Item J., KCA supports the resolution. We felt it's a very well-balanced approach and also we like the process where a matter is presented to the community a week before for an association like ours where we have to get board agreement. It gives us time, we can get it from the website, we can read it, we can kick it around and see if we can get agreement. So for those reasons, we are in support.

And just very briefly on, on Item O., appointing the staff of the Office of Council Services. We'll obviously leave that to you about picking out the individuals, we don't know them that well, but as a group for a, for an association like ours, where we're all, you know, volunteers, laymen, these guys are tremendous support when we're stumbling on something, we can always get a quick knowledgeable answer from, from them. And I've learned that and I, I have a few names, but I don't want to start picking out names and say boy she was really helpful. But as a group, so we just ask you to

use good counsel in picking out the right people and giving them the support that they give you and will give the community.

And again congratulations to everyone. Mahalo.

MAYOR VICTORINO: Thank you, Mr. Moran. Any questions?

Yes, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Oh, thank you, Mayor. Mr. Moran, so on your first item which is 19-5, you said Item J. so can you, what are you looking at that you're--

MR. MORAN: It's the standing committees.

COUNCILMEMBER SUGIMURA: Yes.

MR. MORAN: On the agenda it lists them by alphabet J. is the alpha and then it's Reso 19-5.

COUNCILMEMBER SUGIMURA: Oh, I see what, I see. You're looking at the agenda, you're not looking at the actual document. Thank you.

MR. MORAN: Right, exactly. We took it from the agenda. But we did have, I have the whole document, we read it.

COUNCILMEMBER SUGIMURA: Okay, so you weren't talking about the actual document. So you're just saying that the items need to be posted six days in advance is what you're appreciating.

MR. MORAN: Well yeah, we, we appreciate that's most helpful to get that information out rather than us come up and testify on things and then Councilmembers propose things and our voice is shut now. So having it ahead of time allows the community to give better input because you're more knowledgeable about things. Is that clear.

COUNCILMEMBER SUGIMURA: Thank you. So I think that's, that's what we always do so thank you. Thank you very much.

MAYOR VICTORINO: Thank you, Councilmember Yukimura *[sic]*. Any other questions. Thank you, Ms. Sugimura. Next.

ACTING COUNTY CLERK: Next testifier is Stan Franco, testifying on Resolution 19-5. To be followed by Nick Drance.

MR. STAN FRANCO (testifying on Resolution No. 19-5):

I too Mayor, congratulate you.

MAYOR VICTORINO: Thank you, Mr. Franco.

MR. FRANCO: Congratulate the Council for today representing us. I'm a little bit under the weather so if it doesn't make sense, it's not really Stan Franco, it's Stan Franco under the weather. But I wanted to be here because I wanted to talk about the standing committees.

I think, like Dick Mayer, I was on the GPAC, General Plan Advisory Committee, and this, these themes here, the standing committee organizational structure follows what we were talking about and what we decided were the main issues facing the County. I like this because for me it gives a accountability or transparency, or whatever you want to call it. You know, we have to look at what we are going to be doing and why we're going to be doing this. You know, they told you that the document, the policy plan that we created is something that should be followed. It should be the guide for what we do as a community, otherwise we going to be hitting and missing and going all kinds of different directions. So I like this setup because it follows the themes of the GPAC.

I like one particular committee the most. I hope you have figured that out by now. I like the idea of setting affordable housing as a separate committee. This is the number one problem that we have had for 30 years that I have been talking about it. And by time we setting the priority that we need for this particular subject. We need to build houses for our people, we all know that. We got to work together to make this problem go away. The State has told us that we need 14,000 homes by 2025, just to meet our population.

We hear in the Star Bulletin that people are moving away from our islands because they don't have a home. How can we let this happen, my friends? How can we let this happen? It hurts my heart to see my people leave. I've been on this island, my family has been on this island since the 1880's. We got to keep our people here. We got to build homes for the kind of wages we paying them. We got to work on this problem. It makes my heart warm that you have created an Affordable Housing Committee. Thank you.

MAYOR VICTORINO: Thank you, Mr. Franco. Are there any questions for the testifier? Seeing none, mahalo. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Nick Drance, testifying on Resolution 19-5. To be followed by Zandra Amaral Crouse.

MR. NICK DRANCE (testifying on Resolution No. 19-5):

Aloha. Welcome, Mr. Mayor.

MAYOR VICTORINO: Mahalo.

MR. DRANCE: Councilmembers, what a wonderful, wonderful day this is. I'm so happy to see your smiling faces and feel the aloha in your hearts and know that you're going to guide and protect us during this next term.

And I want to speak on this Resolution 19-5. And a lot of people are happy I think with the way that this is structured. First the people of Maui and the aina. And I, it's an odd thing to say but I think the people in the departments here in the County departments of Maui are probably most happy about the way this structure has been proposed because I think it lets them do their jobs. And I think maybe in the past they've been micromanaged or their jobs have been made more difficult, not actually the focus of what their jobs are, but accomplishing the things that we need them to. And I think this proposed structure helps them.

I heard it referred to as aspirational, I don't think it's aspirational, it's not aspirational, it's something we aspire to, I think it's visionary. We all have a common vision about what we want for the island and as the gentleman Dick Mayer and this gentleman talked about housing for one, these are things that the aina needs, the people need. And so with a visionary structure in this way, things that the island needs us to take care of, organizing things that way, I think is the perfect way to do it.

And I also want to thank you guys for the transparency of releasing that structure early enough for us as, as Mike said, for us to take a look at it and see. So I wish you all aloha, I'm so happy that you're here and I'm so glad that you're going to look after the island and it's people. Thank you.

MAYOR VICTORINO: Mahalo. Any other questions for the testifier? Seeing none, next testifier, please.

ACTING COUNTY CLERK: Next testifier is Zandra Amaral Crouse, testifying on Resolutions 19-1, 19-2, and 19-5. To be followed by Mark Joiner.

MS. ZANDRA AMARAL CROUSE (testifying on Resolution Nos. 19-1, 19-2, and 19-5):

Aloha. Good afternoon, Mr. Mayor, my cousin, good boy. I'm so glad you got elected.

MAYOR VICTORINO: Mahalo.

MS. AMARAL CROUSE: And all of you. But before I start, a shout-out goes, Zandra Amaral Crouse testifying on 19-1, and that is the electing of the Chair. First of all, I'd like to say that whoever this chamber, from those you seated choose the be the leader of our, the people of Maui Nui's leader, in this Council, needs to be, needs to be done with love, needs to be done aloha. It needs to be done in a way where you all who are seated agree or disagree. You need to be collectively, in unity, in knowing that whoever that leader is, the most important people is people like the individuals who are watching, the individuals who elected you, to everyone in this chamber.

It's not about five. It's about ten. It's about every one of you seated, and our Mayor-Elect. And regarding the electing of the Chair, I'd like to humbly make a shout-out. I am shy of twenty some odd votes, of making 12,000 people in Maui Nui who believed in me. And I would like to take this opportunity to humbly ask them, if Kelly King is in fact elected by this body, the Chair of this organization, for the people, with the people, by the people, I humbly ask all of you, and you seated, and you in the gallery, and you Mayor to support her.

And when you agree to disagree, please show up for every meeting. Even if, even if you don't agree, do not boycott me, do not boycott our people. Stand by your Chair, stand by your people. But you only can agree to disagree if you show up to the table. Even if what you are lobbying for is shy one vote, that's okay, that's okay. Because it's about the people, for the people, and by the people. So please show up. Thank you.

I'd like to go on to item No. 19-2. Now that kind of goes along with what I previously said. So I'll make this one a little shorter. Again, guys, we elected you, the people elected each and every one of you because we had faith in you. We trusted you. But foremost again, if there are things that are said or done by the Vice-Chair that you don't agree with, agree with one thing, you are loyal to the people of Maui County. We trust you, we depend on you, we want you to show up.

Don't, don't, don't boycott me because you're short one vote. Show up and let us know, not only that you don't agree, why you don't agree. But I don't want to show up for a meeting on the other side, only to find out that the people that called me to a meeting is boycotting the meeting. Not fair. So I humbly ask you, we voted you to be at the table, be at the table. Okay, thank you.

Now I'm going on to the last one, and that was 19-5, the Council considering creation of standing committees to assist in the organization, the review of Council business. Again, like Stan Franco, I am passionate about affordable homes. Many of you have heard me, the first time you was in office and this time. And again I am very grateful that you guys created a body within these committees that have affordable homes. Thank you, because that is important for our people. Because like Stan, I see so many of our young men and women having to pack up and move to Las Vegas, and not because they want to, it's simply a matter of survival. So working together again, I think that is something that this body can do.

However, like Dick Mayer, the GPAC worked for many, many years and it took many, many community organizations and many, many community meetings, many of the people here that you can see in the gallery either served on the GPAC or was up there doing the research, using their talents and their resources to do background work, working on committees within the community, and not getting paid for it.

The wheel has been created, I humbly ask we follow the wishes of the community because this plan was passed with the approval of the community. I'd like to say congratulations everyone, and I like Stan and like Dick, I humbly ask all of you to work together but, but I see and I am encouraged because as I look down this row and I look at the Mayor, I see a body that can work together. But I humbly ask, when you wake up in the morning, and you enter your office, leave the ego out the door. Cause guys, we the people of Maui Nui need you and we don't need you broken up into pieces. We need you collaboratively. So I humbly ask, agree to disagree, but please be at the table. Don't desert us. Mahalo.

MAYOR VICTORINO: Mahalo, Ms. Amaral Crouse. Questions for the testifier? Seeing none, aloha. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Mark Joiner, testifying on Resolutions 19-1 up to and including 19-5. To be followed by Sean Lester.

MR. MARK JOINER (testifying on Resolution Nos. 19-1, 19-2, 19-3, 19-4, and 19-5):

Aloha nui loa. I can call you Mayor.

MAYOR VICTORINO: Aloha.

MR. JOINER: And I know most of the Council. Always great to see everybody. I can't tell you how excited I am about this day. I, I think this is going to go down in history as a day that Maui Nui changed. That all of a sudden there's this bright new sunrise over Haleakala. And if you don't believe that, if you guys have DVR'd your, your Inauguration, you need to go back and look at it because the people were so, I'm getting chicken skin talking to you. The people were so excited here, I, I had to turn down the volume twice.

So, anyway, as far as the, the points that I'm testifying to here, 19-1, I can't tell you how supportive I am of Kelly King becoming the Chair of the Maui Council. Kelly is a very extremely capable individual who works well collegially with people to bring everyone together. I couldn't agree more with what's been said about we're a body of ten here, we're not a body of five. And I believe that everyone here believes and agrees with that. And I think Kelly is, is definitely the person to bring that forward.

As far as 19-2 is concerned, I would like to propose the name Keani as the person to be the Vice-Chair. I know Keani well, I've worked with her. She is incredibly talented as far as the work that she does with the community, bringing everyone together, bringing stakeholders together. She really cares deeply that everyone's voice is heard. So I think she would be excellent.

And then 19-3, looking at the Pro Temp, I think Tasha Kama would be a fabulous Pro Temp for many of the same reasons. She, I've forgotten how many grandkids she has, 30 or something like that. If you can't organize at that point, you've got issues. And I've known her briefly, but have been very impressed with what she's done. So, those would be my three recommendations.

As far as 19-5 is concerned, I think it's high time that this be reorganized. I've talked to several of the staff here, they're very excited about it and they're very excited looking forward. So I think this is something that's well worthy of your support. And, anyway that's about all I have to say. I, I'm so excited about today, I can, I can barely stand here. So, anyway, best of luck to everyone, I'm sure you'll be seeing me up here again. Great to have you Mike, and everyone else here. And aloha nui loa.

MAYOR VICTORINO: Mahalo, Mr. Joiner. Any questions for the testifier? Seeing none, mahalo. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Sean Lester, testifying on Resolutions 19-1, 19-2, 19-4, and 19-5. To be followed by Gerry Dameron.

MR. SEAN LESTER (testifying on Resolution Nos. 19-1, 19-2, 19-4, and 19-5):

Aloha kakou, Mr. Chair and Mayor, and Councilmembers. Wow, I started here with Councilmember Hokama back in 1998 with, with a conservation systems and renewable energy subcommittee and have worked and seen this incredible County, which is all in everyone of our hearts shift and change and we're trying to hold on as this dynamic engine of our County keeps moving towards something.

Now the people have spoken, we have a Council with a vision, we have a Mayor with great potential. Everyone here has the capacity to work together.

And, it does my heart well and I also want to speak on behalf of my Hawaiian father Ed Lindsey today. Dad gave me the right to speak in the family's name occasionally. And I'm going say for Dad that he's proud of you today for being here and for being able to work with Maui at a time when vision is so important.

Everyone here has the capacity to be the Chair, the Vice-Chair, the Pro Temp and everyone. You all have been brought in under that particular auspice. However, with that said, and knowing in my heart, I feel that Ms. Kelly King will make an excellent Chair. I would also like to speak to Keani Fernandez-Rawlins as being the, the Vice-Chair and Tasha Kama being the Pro Temp, for many of the reasons that have already been said, I don't have to go back through that. But it's really heartfelt, every single person here, I'm really so appreciative of you being here.

As far as the Rules, Stan Franco said it so well, as far as the accountability. And of, of the new establishing committee on 19-5, it's really important that we move into a visionary way of working where there's true accountability. One of the things that I am going to be giving to each of the Councilmembers is the Federal findings regarding what's going to be happening with climate change. Within the next 50 years, we're going to lose all of our beaches. We're going to lose, we're going to lose South Maui Road, we're going to lose part of our infrastructure.

We have to have a visionary approach for Mr. Mayor and this Council. We don't have time to wait four years, or eight years, or ten years. We have to do it together and everyone can work together. There are extraordinarily competent people on this island and now I think we'll have that ability to do it together, which is wonderful, instead of having this five, four split and all the things going back around. We, we can work it together. In this room are the answers. So thank you so much for being here, I very much appreciate it. And I am willing to work with anyone, anytime, any day, day or night. Mahalo.

MAYOR VICTORINO: Mahalo, Mr. Lester. Any questions for the testifier? Seeing none, next testifier, please.

ACTING COUNTY CLERK: Next testifier is Gerry Dameron, testifying on Resolution 19-5. To be followed by Bruce Douglas.

MR. GERRY DAMERON (testifying on Resolution No. 19-5):

Aloha, and Happy New Year, Mayor.

MAYOR VICTORINO: Aloha, Happy New Year.

MR. DAMERON: --Council. My name is Gerry Dameron. I'm not as wise as so many people in this room. I've only been understanding that Maui is my God given home for about eight years. And we all love Maui very much. I am so pleased to be here today and talk as we begin the new year, begin the new Council, to speak to the vision that you all will hold.

And, I want to say I'm so pleased and proud of the Council about the way after the General Election, you all came together and sign-waved in unity. This was a great inspiration to many of our citizens to see you standing together and I, I believe might have been the idea of Kelly, I'm not sure, but you all together did this and we noticed your unity. So all of us are here to thank you for your service and thank you for your pono attitudes towards the citizens of Maui.

And, I also want to make a special thank you to our new Mayor. I went to his ceremony this morning and I was so gratified to hear him speak with great sincerity and great passion and use the word collaboration together four times. So Michael thank you for your commitment to our people, which we feel. And thank you for your commitment to collaboration.

The other thing I'd just like to say in addition to my congratulations is I sent a letter to every one of the County Council and thanked them because we know that they are going to serve from aloha and they're going to serve with the great sense of honor of a pono way. And we're so proud of you that we know you'll all do that together.

I also want to mention another constituent. It's always fun to be the fourth or fifth or sixth testifier because everyone says so many wonderful things about our representative government serving our people. There's another constituent that I'm here to remind you of and as the Executive Director of a group called Go Green Culture in a program called Go Green Cities, we just published a book on 30 amazing

strategies where cities and counties around the country can drive sustainability in the community and make money so that everybody is happy. Liberal environmentalist, fiscal conservatives, what a wonderful thing to be able to do stuff together.

So, what I would like to ask of all of our leaders, our dedicated pono, sincere, committed leaders is remember our other constituent. We love Maui, we love the culture of Maui, but we also love this land. It is our other constituent that you all are serving, our island, our lands, our waters, our agricultural areas, our historical areas, our sacred sites, all of it. This is the other constituent that I thank you all to remember always, our aina, it's the other citizen.

And so I just want to leave in saying thank you, if any of you want to learn more about these amazing sustainability solutions that can make money and help our culture in the next five years, very glad to respond and meet with any of you. But in the meantime, mahalo for your service to our citizens and our aina. Aloha, Mayor.

MAYOR VICTORINO: Mahalo. Any questions for the testifier? Seeing none, thank you for being here. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Bruce Douglas, testifying on Resolutions 19-1, 19-2, 19-4, 19-5, and 19-6. To be followed by Amber Coutsos.

MR. BRUCE DOUGLAS (testifying on Resolution Nos. 19-1, 19-2, 19-4, 19-5, and 19-6):

What a wonderful day this is. I'm so pleased with this transformation. Two years ago was a whole different world in this, in this hall. And what a switch to have a real unity feeling amongst all the people here. All those who attended the unity festival, the unity sign waving, what a switch this is. So, congratulations.

And I'm going to add one more constituent that we need to think about and that's the ones who don't vote, the keiki, the kupuna, and the future generations. So all your decisions not only for the people who voted you in, but the people who aren't able to vote, or the future generations of what decisions you're going to make and, and the land. What we really need is the rights of nature legislation, where the land becomes a constituent, so the aina is a voter and is considered in all of our actions, in all of our thoughts.

And with Resolution 19-1, I wholeheartedly support Kelly King. She is an amazing being I've gotten to know over the years. Not only is she bright and intelligent, strong leadership abilities, gets along with everybody, is very clear, but she also holds the power of being a visionary. Someone who can really look into the future, look down

that tunnel and see where it's going, see the big picture. This is a rare thing in people and you really want to support your visionaries cause those are the ones that really look down and see and, and can really lead cause you can see the whole picture. And she has that, every idea she comes up with is just amazing, like wow, that's, that's the visionary feeling and that's what I want to see and that's what I see here in this document.

So, it's time to end the old boy network that has been ruling this since plantation era. It's time to close the plantation era mentality. It's time to let the women rise up and lead. Oh my gosh what incredible, we have abundance of women stepping forward into leadership roles who, you know, have that heart and that feeling and, you know, have turned down the ego and are really working for the people and the mothers and know what that means. So I'm, I'm so pleased to be in a position to say yes, let's usher forward the women, let's support them to lead and, and take this into a new world, it's time for the feminine to, to rise in, and take its rightful place.

For the Vice-Chair, you know, Keoni *[sic]* is an attorney, she's incredibly bright, incredibly smart and sees things well. And, she's such a beautiful light to have here and, you know, in that position you really want someone with a clarity and intellect that can take vast amounts of information and digest it and put it forward and can really support the Chair as well. Someone who can work with the Chair and, and so I wholeheartedly support Keoni *[sic]* to be that position.

And for the Pro Temp, well I would want one with the biggest heart. And Tasha, you've got a heart of gold that just radiates out to everybody and I would love to see you in that position as well. And, and for all the men to like say okay, it's the women are going to, are going to lead Maui, we honor you and cherish everything you have to, to say.

Adopting the Rules of the Council. You know one rule I would really like to see is the voting records made public and not hidden away when we go wanting to see who voted for what and, and who they vote for, you know, we have to dig and look at records. That should be a public record immediately published for all to see so we know how people are voting.

So, that's really important, it matters mostly who you work for. And that's what we really want to see. Who do you work for? Are you working for your funders? Are you working for the people? And with the voting records, we can get a good handle on understanding who do you actually work for when decisions are made and backroom deals are pulled and things change. We want to know who do you work for? So looking forward to seeing the voting results made public.

I think we have a beautiful, so 19-5, we have a beautiful General Plan that a lot of people put a lot of effort into and a lot of thought, and a lot of visionary mentality put behind that to, to do it. And to see that actually honored and implemented in a real form of structures that really matter, you know with names that really describe the heart of what needs to happen.

Each one of them, Affordable Housing Committee, oh my god, it's about time. You know we need more ohana units allowed for the County so we can increase density and make more housing in our properties. We need tiny home rules. We need all sorts of things to change the affordable housing situation and we can do it. So what a beautiful name for that.

The Economic Development and Budget Committee, thinking not just budget for the good old boys to make their money or your buddies back in the backroom, but really economic development for everybody and what really matters. You know that everybody gets to share in economic development. So I'm looking forward to no more backroom deals on the budgetary end, and when the Council passes a budget and suggests things forward, that things don't change in the backroom and come out completely different and then the budget get hidden and only shown to the Mayor. I'm just floored that that's been allowed to happen, and it's time for that to change. So I really want to see economic development as a part of budget and how we spend our money for sustainability.

Environment, Agriculture, and Cultural Preservation Committee. Putting those together, I mean cultural, you know, cultural preservation is a part of environment, is a part of our agriculture. So, it's a beautiful piece to actually put those together as a committee so that that's, you know, what you name something is really important, because that sets the tone for all the rest of it. I love that piece.

Governance, Ethnic, Ethics and Transparency. What do we need here, full transparency, real ethics that are actually, you know, when ethics violations are brought forward they're not just tabled, or hidden or shoved away, but really looked at. And real transparently, transparency including knowing voting records, including noting once the budget has been passed, that it's actually, you know, it's adjusted by the Council that it's actually the budget that goes forward. We're ready for that.

Multimodal Transportation, not just transportation, but all the forms of transportation and I love it. That's really a visionary thing to see that we're not just talking a real bus system that works, that reaches out to the outer reaches, that people can actually use. You know all these things have to be completely rethought through.

Planning and Sustainable Land Use. I mean that's what planning is really about, sustainability. So to add those words in together so that we understand that our planning is the sustainability for this island, beautiful.

And Water and Infrastructure, since it's not just water, but all of our infrastructure. Maybe even taking control of our electric utility as well and making that a part of County infrastructure so we really have a, have control and thought . . . infrastructure. So, I love all those, thank you so much for the visionary planning and ideas. I hope that goes through, cause I really see beauty in all of that and a lot of other people do too.

And 19-6, being a part of the first initiative, citizen's initiative that made it; and another initiative that didn't make it, but also has strong support. It was really important that we felt that what was going on in the County Clerk's Office was fair, not rigged, you know, that the votes that actually came forward, came forward, and that the counting was done properly. And, I was pleased with what I saw in the County Clerk's Office. I felt a fairness, you know, in a very vulnerable position of how these people count the votes, and how they handle that, and I think that Josiah would make a fine County Clerk. So, I support that as someone who had to work closely with him to bring these things forward.

So that's what I have to say. Thank you all and best of luck with this new day rising for the County Council.

MAYOR VICTORINO: Thank you, Mr. Douglas. Questions for the testifier? Seeing none, mahalo. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Amber Coutsos, testifying on Resolution 19-1. To be followed by Mark Sheehan.

MS. AMBER COUTSOS (testifying on Resolution No. 19-1):

Hello, Mayor, Council. My name is Amber Coutsos, I'm with the Maui Chamber of Commerce and I'm here today to read testimony from Maui Chamber of Commerce President Pamela Tumpap as she could not be here today.

We would like to congratulate all of you for being on the County Council this year.

We know the process of selecting a Council Chair is very important and we would like to encourage Members to select the person who is fair and who will best serve the Council and the public. It is crucial for the new Chair to set the tone and an example for decorum in Council meetings, so the public feels encouraged to provide testimony

and participate in the process. The Chair should be someone who is willing to hear all sides of the issue without preconceived opinions and be somebody who well understands the process so meetings can run efficiently and effectively.

We hope that you will consider these thoughts as you select a new Council Chair and we look forward to working with all of you this year. Thank you.

MAYOR VICTORINO: Thank you very much. Any questions for the testifier? Seeing none, mahalo. Next testifier, please.

ACTING COUNTY CLERK: Next testifier is Mark Sheehan, testifying on Resolution 19-5. To be followed by Rita Ryan.

MR. MARK SHEEHAN (testifying on Resolution No. 19-5):

Aloha, Mayor Victorino, and Councilmembers.

MAYOR VICTORINO: Aloha.

MR. SHEEHAN: Congratulations to you all. I have been involved for the last couple of years with the sustainable action fund for the environment. Two years ago we issued reports on grading the Maui Council, I don't think we're going to be doing that again. But one of the things I got asked very often is how does, what does the Council do and what do they achieve. And I, and I had to say repeatedly, in my opinion, not as much as they could have because of the tendency to defer and decisions. And I, but eventually you can only defer decisions so long and this Council is going to have to make decisions on sustainable land use, on affordable housing, and other issues that have not been made in the past. And, I want to encourage you to be big and bold and daring in those decisions.

We've been talking about affordable housing but you know, this Council should go into the bond market and borrow a hundred or a hundred-fifty million dollars and get on it. Never mind a million dollars here or there, will make no difference at all.

The same is true for the homeless issue. You have to look at the report that Gerry Dameron referred to. Please get a copy of that report and pass it around and share it. It's proposals that have been successful in other communities dealing with the very issues that you're talking about. And in fact the very good report was delivered to this previous Council on affordable housing as a result of a year and half study by Elle Cochran's staff. So that's a good place to start. Let's not try to invent things. Let's just look to the best decisions that have been made, find the resources and get started.

I was watching last night a program about tiny homes in Portland, and they passed a resolution that allowed every landowner to have an affordable dwelling unit on their property. Now that's something that maybe needs to be discussed in terms of our resources, but there are decisions that could be made that could alleviate the affordable housing pressure that has been built up because of the neglect of, in the past. No more neglect, we got to get on it.

Looking at 19-5, and the proposed committee structures, what I like about it is the thought that has gone into it and the fact that it really relates to the community planning guidelines that were put together by hundreds of people. And that's really in reorganizing the committee structures, we should be looking at the structures that come out of those community plans because of the careful thought that each of the districts have put into it.

And finally, I want to encourage you to make testimony a lot easier. If people can call in from Hana and Molokai, why can't people call in from Kula? People who have difficulty down, coming down here. And why can't they get a number and know that they're going to be testifying around 11, 1:00 or 11:00, make it easy for people to testify. Alright, my times up. Thank you very much, and the best of luck to you all. God bless.

COUNCILMEMBER KAMA: Thank you, and God bless you.

MAYOR VICTORINO: Thank you, Mr. Sheehan. Any questions for the testifier? Seeing none. Next testifier, please.

ACTING COUNTY CLERK: The next testifier is Rita Ryan, testifying on Resolution 19-1. To be followed by Lucienne deNaie.

MS. RITA RYAN (testifying on Resolution No. 19-1):

Aloha. I'm Rita Ryan and I am part of 350.org, 350Hawaii.org and 350Mauinui.org. I'm also with Al Gore's climate reality leadership core and we're basically the renewable energy fossil free people. We're very targeted on carbon emissions. So, congratulations Mayor, and congratulations Councilmembers, we're very excited to work with you in 2019. We have big plans.

And, I represent, by the way, not only myself and this national, international organizations, I represent people here in Maui County, Maui Nui who subscribe to these, these ideas that we need change now. We're very, very late to the game and the only real change that's going to be made in this world is not at a global level, it's

not at a national level as we're finding with the current Administration, it's going to happen on a Statewide, Countywide, village-wide and individual level. So it's, it's going to be rising from the bottom up, not the top down.

So we need to work together to create a carbon free Maui faster than what was originally planned. We don't have till 2030 or 2045, some of the dates that have been set previously until all hell breaks loose on this planet. The mass extinction has begun already. It's not something out there in the future, it's happening now. And what we do at the local and individual level matters the most.

So, I meet biweekly with County leaders on other islands and we keep track of what's going on on each island, the good things they're doing, the not so good things that are happening. And, we keep our eyes on legislation at the State level. We keep our eyes on environmental impact statements of projects, planning, making sure that energy efficiency is, is planned into all new projects. And, basically what we want is, is a carbon free Maui. We're proposing a resolution to hopefully be adopted very soon here and because, I'm sorry I got to skip through, I got a ten-minute speech here.

Back to Bruce's, Bruce's point about transparency, we don't want to have to be like investigative journalist that need secret informers to find out what's going on in this government.

Okay, one more thing, so 30Hawaii.org recommends Kelly King as the Chair of this board because of her knowledge and experience in renewable energy and agriculture, because of her leadership, because she's a woman and mother earth is rising, and her vision and her commitment and most of all her aloha. Thank you.

MAYOR VICTORINO: Thank you. Any questions for the testifier? Seeing none. Next testifier.

ACTING COUNTY CLERK: The next testifier is Lucienne deNaie, testifying on Resolutions 19-4 and 19-5. To be followed by Cassandra Abdul.

MS. LUCIENNE DENAIE (testifying on Resolution Nos. 19-4 and 19-5):

Good afternoon and congratulations to all. What a beautiful opening ceremony. It is so much our community, the heart and soul that we saw this morning. As a person who's dedicated three years of my life to the General Plan Advisory Committee, and has been to about a dozen, I think of these, you know opening day ceremonies and Council organizations. I just hope you'll bear with me, I only want to say a few words on two items.

One is Resolution 19-4, Adopting the Rules of the of the Council. I've been here watching many adoption of the Rules of the Council and just would like to suggest that the Council adopt Rules that allow people multiple ways to testify. Several people have pointed this out. Folks that have to drive over from Lahaina, they don't know if they're going to make it or make it back. Folks that have to drive from Upcountry, if, if we could expand our remote testimony sites, I think it would be helpful when there are these issues that affect those particular areas and it could save a lot of parking.

Also, the idea that people have to testify before an item is even explained is sometimes kind of silly. Now it's true that oftentimes people can't stay and they need to testify at the very beginning of, of a meeting, these are mostly committee meetings, I would say. I would just urge you to adopt Rules that allow people to testify at the beginning of the committee meeting, give the Chair discretion on having longer testimony because sometimes there's very few people, but the people who show up have considerable knowledge to offer. And it would be very useful to help in the decision-making. So give that flexibility to the Committee Chairs and allow people to testify, those who don't want to testify just at the beginning, but want to hear a presentation on a particular issue before they testify, they can give a more informed testimony if they can hear that presentation first.

It's great that the County is posting more materials online, this is, oh wow a far cry from twenty years ago, fifteen years ago, ten years ago. It is a lot of reading but if you're interested, you don't have to go down to the seventh floor and make our hardworking staff there drag out binders so that you can read through what's coming up for the next meeting.

I'd also urge our Rules to allow more support for visual presentations by individuals from the public. A picture says a thousand words and these short visual presentations really are far more effective sometime than having twenty people testify.

Moving on to item 19-5, establishing the standing committees of the Council. Like many others, I'm very happy to see we're going to have an Affordable Housing Committee. That is, it's a big area in itself. It's been lumped with other things in the past and yet right now, for, for the next two years, I think give it its own standalone focus and let's see what we can do. And certainly let's have some benchmarks for what we hope to accomplish that, for that Committee in that two years. I think that would make the community feel more comfortable about the transparency.

Reorganizing the committee structure is done all the time, if you look through the archives of the County and you see all the different names for different committees, I mean, they, they are legion and they come and go as the need presents themselves.

So I urge you to try something new, it's, it's a new, it's a new year, the idea of looking at some of the categories that are in the general policy plan and in the Maui Island Plan, and in our community plans is good. But of course one size never fits all so a few good do have to be combined, that are maybe not combined in those plans. But, give something new a try and we're all behind you all the way, the, the public is, so please work hard in your committees and we'll come and give you, share what we have to share and look forward to a really productive relationship as the years unfold. Mahalo.

MAYOR VICTORINO: Thank you very much. Any questions for the testifier? Seeing none. Next testifier.

ACTING COUNTY CLERK: The next testifier is Cassandra Abdul, testifying on Resolution 19-5. To be followed by Sam Small.

MS. CASSANDRA ABDUL (testifying on Resolution No. 19-5):

Aloha. Ho'omaika'i. Congratulations to you all. I am the Executive Director of Na Hale O Maui and we provide affordable housing alternatives in perpetuity for island families. We've been able to do this with tremendous support from the County of Maui which we truly appreciate and so do our families. And, we will be seeking additional support so that we can continue with this endeavor.

I'm here today to testify about 19-5, and the standing committees. And just comment on how pleased we are to see the affordable housing raised to the level of a committee which we need very badly here on Maui. Others have already testified on what the numbers are and how far behind we are in providing that housing.

I just wanted to take a moment to say we look forward to working with you, to partnering with you, to provide more affordable housing for our families here in Maui County. We don't want to see our children leave, our cousins, our nephews because they can't find housing and because the cost of our housing and our cost of living here is so high. So I know that you will work together to help all of these people and we want to be your partner also. We believe that there's no one size fits all. There's not one answer to the housing issue, but I believe that together we can accomplish a tremendous amount in the coming year and we truly look forward to doing it together with you.

We would be pleased if you would call on us in any way that we can help, any information that we can provide. And again, congratulations to you all and I look forward to an exciting year to come. Aloha.

MAYOR VICTORINO: Mahalo. Questions for the testifier? Seeing none, thank you. Next testifier.

ACTING COUNTY CLERK: The next testifier is Sam Small, testifying on Resolutions 19-1, 19-2, 19-3, 19-4, and 19-5. To be followed by Liko Wallace.

MR. SAM SMALL (testifying on Resolution Nos. 19-1, 19-2, 19-3, 19-4, and 19-5):

Aloha. What a pleasure to be participating in the democratic process and what a unique opportunity to be able to address our new Mayor and the County Council at the same time, it's really the only time that this ever happens. I think most of you know me, actually I don't believe sir that we've, we've ever met, and Miss Lee, I don't know that we've ever spoken either. Welcome, and, and congratulation and we look forward to your participation. I'm, the others, you know we've spoken other times, many of you have been on my television show Maui Causes and I welcome you to come back to that venue any time you choose. We air on, we film at Akaku using community facilities and it's done as a public service to be able to bring issues to the public that aren't often heard in our local media. So, it's an opportunity to broaden the discussion and give different perspectives.

What a great opportunity you have Mr. Mayor, I believe we are at a historic crossroads. Never before has I think there been a greater opportunity to firmly establish accountability and transparency and move Maui County, this blessed island chain, into a modern world, when it comes to our government. Let the aina stay the aina. Let our government of the people represent the best that people can do. And that mandates accountability. That mandates standards and practices as they have evolved in other government bodies.

Maui County has a very, very unique form of government and it has served the political and power elite for many, many years, but it really no longer serves the long-term needs of the County. We are in, at risk of consuming ourselves. As a business entity, this Maui County that you are charged and we're thrilled to have you representing the public to manage \$800 million business, corporation, nearly a billion dollars on, on, on such a finite pieces of land that are so delicate. We know how delicate they are, and they are so over, easily overrun by business interests that have no other interests than profits.

We who live here, you who live here owe it to what we live on, what we sleep on, what we walk on. We owe it to protect this amazing extraordinary place. And I believe that you people are the people who can do it. There are technical issues that have been,

there are technical flaws in the structure of our County government that I believe you as a body and as an Administration can easily solve, and I hope that you move quickly to do that so that you don't sully yourselves. Don't take on the burden of past exploitations here.

Our County Charter empowers this Council to investigate any issue that comes before the Council and never once in the history of Maui County has such an investigation been launched, never. Councilmembers have actually misrepresented that because it's so amazing, they've said oh yeah we ran an investigation, didn't turn up anything, never happened. And you Mr. Mayor--

MAYOR VICTORINO: Mr. Small, if I may--

MR. SMALL: Yea, yes, please--

MAYOR VICTORINO: --and I have not interrupted any--

MR. SMALL: --no, no, that's fine.

MAYOR VICTORINO: --I think the dissertation is great, but your items was number one on the Chair, number two on the Vice-Chair, and I think you strayed a little way--

MR. SMALL: I have.

MAYOR VICTORINO: --and I'd like to bring you back to the meeting as--

MR. SMALL: Thank you very much.

MAYOR VICTORINO: --please if I, if I may.

MR. SMALL: No, please, thank you for doing so because you understand I think the passion and the complexity because these issues runoff in so many different directions. And the committee, how the committees are formed are a big part of that because one of the, the structural problems that I mentioned earlier is the domination of the entire Council, County process by Corporation Counsel.

2016, we all voted as, as a citizenry to empower this Council to have an independent legal opinion. And that has not happened. The previous Administration I don't know, you know they stood in the way, whatever it was, it didn't happen and Mr. Mayor you have an opportunity to provide, and no one knows how more valuable that is to Maui County, that you sir having sat on this Council, compromised in your ability to serve

the people the way that I believe you want to serve the people with honesty and integrity. That fairness is the name of the game.

And, we have to change certain things, committees again, Public Works, Planning Department. Many of you, I hope have heard me testify before, even before the Infrastructure Committee, I gave a 45 minute presentation on deferral agreements from 1974 and the two lot subdivision exemptions being, roadway exemptions being given out island-wide that none of the Councilmembers knew about. These are secret giveaways that the structure of our County government has allowed to persist, some for decades.

And you have the opportunity to clean that stuff up. But we need to tweak the system, we have Public Works, we have Planning, and Public Works handles some of the responsibilities that Planning Departments traditional hold. And there's a chasm between the two. And the committee structure here, I don't even know in this committee structure that you've proposed here where Public Works falls. Where, what Committee oversees Public Works in this structure. To me that's a huge question. In my mind it must be with Planning because, or, or we change Public Works and get them out of the zoning business, get them out of the permit business. They shouldn't be in the permit business. Planning does that exclusively. Public Works has no inspectors.

How does anyone know what, what the, what the rules are here. We don't have consistency, so even in the Infrastructure, you know, these are Public Works and Planning issues, setbacks, how does a developer know. We only get, we seem to get developers that, that want, that are willing to suffer, to suffer through what we as a County force them to go through. We only get the ones that, that, that are attracted to big money because it's such a problem and the structure of these committees and the structure of Public Works and Planning. Thank you for your time, I appreciate it.

In this process your directors being chosen and will be vetted, we don't know, as a public we don't know how that process, as a Council I don't know that you know that process. You have to develop that process now and I believe Ms. King is, is a good leader to be able to handle that, structure that process and structure the Council process in a way that best serves the people's agenda as a neutral catalyst for change. And so I support Ms. King.

I don't know in the committee structure what happened to legal affairs? Where is that going to fall? Is that under Governance, Ethics, and Transparency? I don't know. If legal is part of that, then please allow Keani Rawlins-Fernandez to Chair that committee, this is a person who I understand, you know, at, at an early age made the commitment to educate herself, including a law degree so that she could come back

here and sit in that very chair. So as a child she made that commitment to herself and to her people and us and we benefit from, from that, that education that she is, she is hard won, I'm sure.

I, you know, the, the, the, the vigorous and frivolous defense of Director's faulty decisions, this is why I ask where does legal come in on the Council basis. Because there is a rich history here in Maui County, of Corporation Counsel vigorously defending frivolously, we're on the verge of, of taking the injection wells to the United States Supreme Court. We know the injection wells are wrong. I know people that are suffering from, from infections that they've received on the reef because of the . . . that's entering into our precious seawater from those injection wells. We know that they're wrong. We know that that needs to stop and yet our money, our tax dollars, are you serious, we're going to pay, I have to pay to take the injection wells to the Supreme Court.

MR. SHEEHAN: . . .

MAYOR VICTORINO: Please, Mr. Sheehan, I'd appreciate no comments. I will handle this.

Mr. Small, I would ask you to conclude--

MR. SMALL: Yes, absolutely.

MAYOR VICTORINO: --I think you've gone in enough directions today and I think we all understand where your passion is--

MR. SMALL: Thank you.

MAYOR VICTORINO: --but could you conclude.

MR. SMALL: Absolutely, I will.

MAYOR VICTORINO: I'll give you 30 seconds to conclude, please.

MR. SMALL: Thank you very much, you're, you're very generous and I appreciate all of your time and attention.

Josiah as the County Clerk, I think is an excellent choice, I'm very happy to see that.

And we have great opportunities here in Maui County now that the legal designation of hemp has changed, we even have an opportunity to address the injection wells and

the R2 water, using the R2 water to water hemp and grow that out as, and be a leader in hemp research and I welcome you all to consider proposals on that.

Thank you very much and I feel honored to, to be here and thank you for indulging me.

MAYOR VICTORINO: Thank you, Mr. Small. Any questions for the testifier? Seeing none, thank you. Next testifier, please.

ACTING COUNTY CLERK: The last individual who has signed up to testify in the chamber is Liko Wallace, testifying on Resolutions 19-1, 19-2, and 19-3.

MR. LIKO WALLACE (testifying on Resolution Nos. 19-1, 19-2, and 19-3):

Aloha and congratulations, Mayor Victorino.

MAYOR VICTORINO: Mahalo.

MS. WALLACE: And to all our Council. It is so different standing here in this chambers. We're used to talking over a phone, where you can't even see me, and I can't really see all of you. But thank you for having me here today.

I just wanted to say that I am in support for 19-1, of Kelly King as our Chair. We have had the experience of having Kelly come to Molokai and help us with our Molokai Community Plan and she did a fabulous job. It was awesome working with her and watching her put herself at our mercies to hear what we had to say and to, to believe in us, to listen to us and to really take to heart and feel the compassion that we all had with keeping Molokai, Molokai. So I really thank her for that and I would support her in being Chair, Committee Chair.

It may seem prejudice but I would like to support Vice-Chair Keani Rawlins-Fernandez, she may be my daughter, but I know she worked really hard all these years putting herself at the place she is, running the first time and not letting her, knock her down, stand back up, get here and work her butt off along with all her other supporters and it made a difference. I feel she will be really beneficial as the Vice-Chair.

And for 19-3, for president, Presiding Officer Pro Temp, I would like to see Tasha Kama, who is an awesome sister in Christ, and I would love to see her put the Lord before each and everyone of us on this Council and to be that truth standing before the rest of us as I know she will be. I will be praying for each one of you that you will seek the Lord first and seek his guidance as you make decisions to, for the rest of the community, for myself, my grandchildren, you know, the whole Maui County.

I come from Molokai, one of the things that I wanted to mention was changing the way we testify so that you guys would have the opportunity to be able to see us and we see you, so that it is less frightening, I was petrified back there as I was waiting my turn to come up here. Cause I am not a speaker, although I hold roles that I supposed to speak, it's still not a comfortable thing for me. But I thank you all and I am super stoked and happy to see all of you here and I am excited for our new term. God bless you all. Thank you.

MAYOR VICTORINO: Mahalo. Any questions for the testifier? Seeing none.

Mr. Clerk.

ACTING COUNTY CLERK: Mr. Mayor there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or the District Office who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office conference call at this time.

Lanai Office, are there any additional testifiers.

MS. DENISE FERNANDEZ: Good afternoon, good afternoon. This is Denise Fernandez at the Lanai Office, and there is no one waiting to testify.

ACTING COUNTY CLERK: Thank you. Hana Office, are there any additional testifiers.

MS. MAVIS OLIVIERA MEDEIROS: Good afternoon, Mayor. This is Mavis Oliveira Medeiros from Hana Office. There is no one here waiting to testify.

ACTING COUNTY CLERK: Thank you. Molokai Office, are there any additional testifiers.
Molokai Office, are there any additional testifiers.

MAYOR VICTORINO: Mr. Clerk, if there is, would someone just email and follow-up to make sure that there's no one waiting to testify.

ACTING COUNTY CLERK: Yes, Mr. Chair. I believe Molokai District Office might be on mute right now.

MAYOR VICTORINO: Okay.

ACTING COUNTY CLERK: If you could unmute your mike, Molokai District Office.

Mr. Chair--

MAYOR VICTORINO: With no objections, I will call a quick recess to contact Molokai and to make sure that there's no one waiting to testify. This meeting now stands in recess for five minutes.

(THE MEETING WAS RECESSED BY THE MAYOR AT 3:19 P.M., AND WAS RECONVENED AT 3:25 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER SUGIMURA, EXCUSED.)

MAYOR VICTORINO: The meeting will reconvene. Mr. Clerk, have we made contact with Molokai?

ACTING COUNTY CLERK: Yes, Mr. Chair. Molokai Office, are there any additional testifiers?

MS. ZHANTELL LINDO: Good afternoon, Mayor. This is Zhan, at the Molokai Office. There are no testifiers.

ACTING COUNTY CLERK: Thank you. Mr. Mayor, there are no other individuals in the District Offices nor the chamber who wish to offer testimony. And we have received written testimony.

MAYOR VICTORINO: Members, with no objection, we will enter written testimony into the documents.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART OF
THE RECORD OF THIS MEETING:

1. Pamela Tumpap, Maui Chamber of Commerce; and
2. James R. Smith.

MAYOR VICTORINO: Thank you very much.

Seeing no objections, we will now close public testimony.

MEMBERS VOICED NO OBJECTION.

(Councilmember Sugimura returned to the meeting at 3:25 p.m.)

MAYOR VICTORINO: Thank you. Okay, public testimony is now closed.

Mr. Clerk.

ACTING COUNTY CLERK: Mr. Chair, proceeding with resolutions.

The following resolution was presented.

RESOLUTION
NO. 19-1

ELECTING THE CHAIR OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable _____ be and is hereby elected Chair of the Council of the County of Maui for the term commencing January 2, 2019, twelve o'clock meridian, and terminating January 2, 2021, twelve o'clock meridian.

MAYOR VICTORINO: Thank you, Mr. Clerk.

Members, the floor is now open for nominations.

COUNCILMEMBER KAMA: Mr. Chair.

MAYOR VICTORINO: Councilmember Kama.

COUNCILMEMBER KAMA:

I MOVE TO ADOPT RESOLUTION 19-1.

COUNCILMEMBER RAWLINS-FERNANDEZ:

KEANI RAWLINS-FERNANDEZ, I SECOND.

MAYOR VICTORINO: Okay, I'm sorry, somebody else seconded, but go ahead. It's been moved by Ms. Kama and second by Ms. Rawlins-Fernandez or Fernandez-Rawlins, Rawlins-Fernandez, yeah, I'm sorry, get this right. I should just read what's in front of me, right. Sorry. Okay, go ahead.

COUNCILMEMBER KAMA:

I MOVE TO AMEND THE RESOLUTION BY STRIKING THE
BLANK LINE AND INSERTING TO ITS PLACE THE NAME
KELLY T. KING.

COUNCILMEMBER RAWLINS-FERNANDEZ:

SECOND.

MAYOR VICTORINO: It's been moved by Ms., Ms. Kama to strike the blank and add the name of Kelly King for Council Chair and seconded by Ms. Rawlins-Fernandez.

Any discussion?

Ms. Kama.

COUNCILMEMBER KAMA: Yes, I would like to provide my reasons for why I have made this motion, Mr. Chair. I have known Kelly personally, when she first got onto the Board of Education and I was impressed with her then. I thought she was kind of young, but I thought that was okay because you got to start someplace. As we can see here today, we have many young people on our Council today and you got to start someplace and learn and keep on growing and growing.

But she brings with her that experience of being a Board of Education member. But she also brings her experience as a businessowner, a successful businessowner at that, but also one who brings with her, her skills in communication and networking.

I love communicating, and everybody on the Council knows that, that I want to be able to make sure that we continue to communicate, collaborate and we continue to work with each other hand in hand. And I know that Kelly has been able to do that and she's done that and many times as I've seen her on the campaign trail. She comes with the attitude that we can and we will, and we shall. Those are my words in describing her. And so these are just a few of my reasons, Mr. Chair, aside from all the other reasons that were mentioned before on this chamber floor. So thank you.

MAYOR VICTORINO: Thank you, Ms. Kama. Any additional comments?

Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I seconded this motion because our voters voted us in because they wanted change. And, I believe that Ms. Kelly King will restore that hope and faith in government for our people again.

I believe she possesses the qualities of a good leader. She has integrity, she is fair, she is protective of our staff. She keeps morale high and she really has a focus on collaboration and unity which is what we heard today is, is the desire of our community members. They want to see us work together and I believe that Ms. King would create an environment for excellent collaboration.

She, she brings with her management skills which is important as a Council Chair. She's a bridge builder. She really takes her time to speak with everyone to seek everyone's guidance and input, to ensure that everyone feels that their voice is heard in any decisions we make or any direction we take, which is what I'm looking for in a Chair.

As the last testifier mentioned, Ms. King was the Chair of the Planning Committee this last two years and she had the honor to work with the Molokai community which can be quite the challenge. But she was up for the challenge, and the Molokai community really appreciated her hard work and her listening to our community members and not just listening, but taking action and putting those ideas, those thoughts, into our community plan. It, it, for me as a Molokai resident, born and raised, I, I was, I'm so thankful that she was Chair during that time because I'm really proud of the community plan that, that she passed. And, yeah, for, for these reasons I, I support Councilmember King as our next Chair. Mahalo.

MAYOR VICTORINO: Mahalo. Any other discussion or comments?

Ms. Lee, Councilmember Lee.

COUNCILMEMBER LEE: I will be voting aye with reservations for Ms. King as Chair. I think she has some very admirable qualities, but on the other hand, I don't always agree with her on all the issues. But I will certainly give her this opportunity. Thank you.

MAYOR VICTORINO: Thank you, Councilmember Lee.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Mr. Chairman, as Mayor, you know, any Chair of a committee or organization serves as a facilitator and works for the body. And so I just want to emphasize that point. It cannot be compared to being the Chairperson of a Fortune 500 company, a CEO, and you know, everybody, you know, listens to the CEO, such as in the private world.

So just a reminder as it relates to government, so the Chair serves as a facilitator, as someone, a bridgebuilder, someone that can reach out and keep their doors open to new ideas and suggestions. So I feel that point needs to be made. I will support Ms. King, and give her this opportunity to lead this Council. And you know, I've never had the privilege of working with her as a Council colleague until now.

I did work with her as a member of the former Administration, and so she certainly is very inquisitive, she asks, brings up some very good questions, so I, I have faith that she will certainly do well as a Chairperson and then if there are any concerns I, I am confident that she will have her doors open and at the very least reach for some compromise in the event that we have any types of disagreements. So, with that being said, I will support Ms. King as our Council Chair. Thank you.

MAYOR VICTORINO: Thank you, Mr. Molina. Any other comments from any of the other Councilmembers. Seeing none, yes, Mr. Hokama, excuse me.

COUNCILMEMBER HOKAMA: Chairman. Thank you, thank you for conducting this meeting this, this afternoon, Mr. Mayor. I've sat on many organizational meetings and this afternoon I will speak in support with reservations as my other colleague. Let me just say it this way, Chairman. The day after the election, one week after the election, I made contact with Ms. King's office to discuss potential opportunities of how we might want to put forward to this new term. We have yet to meet. Okay, so, so much for communications.

But what I will say though Chairman is, as any good legislator who wants to be a successful legislator, must know how to count. And most of us know how to count at least to five. And so we can count, Chairman. I'm happy to give this woman an opportunity because I would like to, like many of us, see if we can make even better improvements for our community and our County. So I'm open. I think it's a new era, we have six women, and I think that's another good thing too. But I'm hopeful, I'm hoping it's a good thing too, Chairman. And we'll find out during the upcoming years of serving together.

But I think one of these new opportunities for this year though, Chairman, is that we need to prepare like with your Administration in the term you used earlier, collaboration,

on how we as a County are going to move forward and take on and face the challenges that the State of Hawaii and its Legislature is going to do to our islands, okay.

The Lieutenant Governor had some interesting words, but you notice never brought up about taxation or how we are going to pay our bills. I thought that was lacking from our State leadership.

I'm looking forward to your leadership, I'm looking forward to Ms. King's leadership because I think this upcoming year with the collective bargaining, with the obligations is going to be a time of test for us because there's other needs. And I can appreciate the standing committee called out to be Affordable Housing because we know by itself, Chairman, money by itself doesn't solve the problem.

So I'm looking forward to my new colleagues input, try something different, doesn't hurt. But I would agree, we've tried to initiate things in the last year, with the last Administration, we gave funding, we gave positions, we're still waiting for certain things to have happen. We look forward that you will make the effort to expedite and try new options to resolve our issues Mr. Mayor. But this afternoon, I'm going to be supporting Ms. King, and give her her opportunity to help move us forward. Thank you.

MAYOR VICTORINO: Thank you, Mr. Hokama.

Any, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Mayor. So grateful to have you chairing this meeting today. I wanted to also lend my support with reservations to Kelly King to be the next Council Chair. I had, have had the opportunity of talking to many of the new Members and working with the returning Members and seeing how possibly we can open doors and try to get things done.

I look forward to working with your Administration and seeing how we can collaborate to work on the problems that our citizens, our residents have, have mentioned to us that they want us to solve. So I look forward to that, I look forward to Ms. King, and whatever committee that any of us will Chair, I know that we will do the best that we can for the betterment of the, the community, which is who we serve, the people who elected us and all of the residents of Maui County. So thank you, Chair.

MAYOR VICTORINO: You're welcome. Any other comments?

COUNCILMEMBER KING: Chair.

MAYOR VICTORINO: Yes, Ms. King.

COUNCILMEMBER KING: Thank you, I don't know, is this working. They just brought this, I didn't have a microphone, so.

MAYOR VICTORINO: I don't know, is it working?

COUNCILMEMBER KING: Is it working? Okay, I can't tell. Anyway, I wanted to thank my colleagues for the support. And, you know apologize to Mr. Hokama if he felt there was miscommunication about trying to connect because I'm, offices was open to having a meeting with you and I don't think we got a reach out for an appointment. But that being said, I look forward to discussions in the future and yes my door is open to you and every other Councilmember.

And I especially wanted to thank Councilmember Molina because he basically took my speech away from me that I was going to talk about the, I don't see, excuse me, I don't see the Chair position as, as, you know, we are all elected equally, as equal Councilmembers. So I don't see it as necessarily above any other Councilmembers, I do see it as a facilitator position, one that, and I will bring fairness to all Councilmembers in how they're treated, fairness to our Office of Council Services staff and so that everyone is treated the same and they use regular HR policies, not on the seventh floor.

I'm looking forward to bringing the guidance within the vision and the, the core objectives of our County, Maui County General Plan and our Maui County Countywide Policy Plan. So those are two things that have been near and dear to my heart since two years ago when I ran for office. And I've kept that document in my drawer, when I was sitting where Ms. Kama is, and referred to it many times. So to me, that is our shared vision, we have shared core values and core objectives that have already been put into our County Code.

And I look forward to, the reason I proposed the, the new committee structure was because I look forward to honoring that vision and those objectives that were worked on by hundreds of people, over thousands of hours, and have been instituted into our Maui County Code.

So thank you to my colleagues, I look forward to meeting with each and every one of you as much as possible, within the Sunshine Law confines. And also you know looking, working with the State Legislature to, on that Sunshine Law to allow us to attend events which they tell us they're going to do every year and then somehow it disappears.

But I've, I've already started to build bridges with the State Legislature and just had a conversation with our new Lieutenant Governor who is from the Big Island and understands the need for a bigger share of the TAT tax.

I, I accept the challenge, I do see it as a challenge. This is to me, not something that I covet as a position of power and control, it's something that I'm willing to do to serve the other Councilmembers and the County of Maui. And, thank you so much for all the constituents who came out and offered their support as well, and the people who know me.

I didn't realize Tasha thought I was so young back then, cause I was still older than the youngest person on our Council. But, but I mean, we need, we need younger people in, in government. So, I'm very excited to see this new Council coming on board and to actually have people who, it is their future we're working on. So, thank you very much to everybody.

MAYOR VICTORINO: Thank you, Ms. King.

And I will close the conversation with a point of personal privilege if I may. I look forward to working with all of you. I look forward to collaboration. I've said throughout the campaign, I say it every day, it's not something that I recreated, I've always believed in it. With the good Lord's will, the people, ten of us will make this County a better place. It's not about me, it's about we.

And you are our we, and I look forward to working with you Ms. King, and the State Legislature, and the Feds, and everyone in this community because as a village, we will make things better. Maui's a great place to live, we need to make it even better. And taking care of our people's housing needs, and other needs are so, so important. It is so relevant today, and we're so behind, that we need to pick it up gang, and I ask for your help in the area, cause again, we need to make sure our people are not leaving in droves. God bless you all, it brought a lot of memories sitting up here, it's been a long time since I've sat up on this chair.

So with no further ado, I will call for the vote. Mr., all those in favor of the, electing Kelly King, Council Chair for the 2019-2021 term signify by saying "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, KING, LEE,
MOLINA, PALTIN, RAWLINS-FERNANDEZ,
SINENCI, AND SUGIMURA.

MAYOR VICTORINO: Opposed.

NOES: NONE.

MAYOR VICTORINO: If I got it right it was unanimous. Ladies and gentlemen, your new Council Chair, Ms. Kelly King.

And I'll call this, and I'll call this meeting for recess so that she may enter the table and I will step aside.

(THE MEETING WAS RECESSED BY THE MAYOR AT 3:43 P.M., AND WAS RECONVENED AT 3:43 P.M., WITH ALL MEMBERS PRESENT.)

MAYOR VICTORINO: Reconvene the meeting. Now I would like to now vote on the, the main motion as amended. All those in favor signify by saying "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, KING, LEE,
MOLINA, PALTIN, RAWLINS-FERNANDEZ,
SINENCI, AND SUGIMURA.

MAYOR VICTORINO: Opposed.

NOES: NONE.

MAYOR VICTORINO: Now, let us welcome our new Chair, Ms. Kelly King.

And the meeting now stands in recess.

(THE MEETING WAS RECESSED BY THE MAYOR AT 3:44 P.M., AND WAS RECONVENED BY CHAIR KING AT 3:44 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING TAKES THE ROSTRUM

CHAIR KING: Okay, oh, there it goes, now it's on. Okay, and thank you to everybody, to all the supporters and everybody who said those kind words. And congratulations to our new Mayor for getting us through this first session in time for him to make his party at, at the Arts and Cultural Center which starts at five. We may not make it, we may still be in session, but we'll see how fast we can get through these issues.

So our next issue, our next item on the agenda is 19-2. County Clerk, can.

The following resolution was presented.

RESOLUTION
NO. 19-2

ELECTING THE VICE-CHAIR OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable _____ be and is hereby elected Vice-Chair of the Council of the County of Maui for the term commencing January 2, 2019, twelve o'clock meridian, and terminating January 2, 2021, twelve o'clock meridian.

CHAIR KING: Thank you, Clerk.

So this, this is a motion for the Vice-Chair and the motion is open, there's no name in it right now. So do I have a motion for item 19-2.

COUNCILMEMBER SINENCI: Madam Chair.

CHAIR KING: Mr. Sinenci.

COUNCILMEMBER SINENCI:

I MOVE TO ADOPT RESOLUTION 19-2.

CHAIR KING: Thank you.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Moved, moved by Councilmember Sinenci, second by Councilmember Paltin.

COUNCILMEMBER SINENCI:

I MOVE TO AMEND THE RESOLUTION BY STRIKING THE BLANK LINE AND INSERTING IN ITS PLACE THE NAME KEANI RAWLINS-FERNANDEZ.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay, moved by Mr. Sinenci, and seconded by Member Paltin to insert the name Keani Rawlins-Fernandez as Vice-Chair.

Discussion?

COUNCILMEMBER SINENCI: Yes, Councilmembers, in the last six years that I've known Keani Rawlins-Fernandez, she's been a constant portrayal of integrity and professionalism. I believe her past experiences here and abroad have honed her, her skills in public works and in governmental business. She exudes strong family values, something that a lot of my constituents in my community look up to. She has a lot of energy, youth, vibrancy, and as a Vice-Chair, I think her dedication in her past experience have proven, it's a proven quality that Keani, Keani possesses.

CHAIR KING: Okay, thank you, Councilmember Sinenci.

Any other discussion? Ms. Paltin.

COUNCILMEMBER PALTIN: I support Councilmember Rawlins-Fernandez because in getting to know her and working with her the past couple years, I think that she is a person that shows great integrity and I appreciate her willingness to step up and try new things. Thank you.

CHAIR KING: Thank you. Any other discussion? No other discussion? Okay, we'll, we'll call for a vote.

Oh, would you like to say something Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just that I'm, I'll make it short, and perhaps we can make it to the Mayor's party. I just, I'm truly humbled by your trust and grateful for this opportunity, if given. They haven't voted yet. And, I just, I wanted to echo your sentiments, Chair, about bringing up the next generation.

I hope, I will work hard as the Vice-Chair and I hope that seeing me as a 35-year-old, so I'm not that young, I'm the youngest, but I'm not that young. But you know, just someone from the younger generation taking on leadership and taking on these types of roles will inspire more of our community members that are my age and younger to be unafraid and to be bold and to . . . kuleana and that is all. Mahalo.

CHAIR KING: Mahalo. Any other discussion? If not, we'll call for the vote on the amendment. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, RAWLINS-FERNANDEZ,
SINENCI, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes. So now we're back to the main motion as amended. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, RAWLINS-FERNANDEZ,
SINENCI, SUGIMURA, AND CHAIR KING.

CHAIR KING: All opposed.

NOES: NONE.

CHAIR KING: No "noes", unanimous "ayes". Welcome our new Vice-Chair Keani Fernandez-Rawlins, Rawlins-Fernandez. So congratulations and I, I just want to say too that I see this as a collaborative partnership with my Vice-Chair. It will not just be a seat-holder, so I'm happy that you're willing to work hard because I do intend to be working closely with you, so thank you for stepping up to the challenge.

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-3

APPOINTING THE PRESIDING OFFICER
PRO TEMPORE OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that the Honorable _____ be and is hereby appointed Presiding Officer Pro Tempore of the Council of the County of Maui for the term commencing January 2, 2019, twelve o'clock meridian, and terminating January 2, 2021, twelve o'clock meridian.

CHAIR KING: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT RESOLUTION 19-3.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay, moved by Ms. Rawlins-Fernandez, seconded by Councilmember Paltin.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND THE RESOLUTION BY STRIKING THE
BLANK LINE AND INSERTING IN ITS PLACE THE NAME TASHA
KAMA.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay, moved by Councilmember Rawlins-Fernandez, seconded by Councilmember Paltin, and discussion.

Ms. Rawlins-Fernandez would you like to open the discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I make this motion in strong support of my colleague Councilmember Tasha Kama because I, like one testifier said, she has such a big heart. She truly believes in unity and in working together. She is from the community, she knows the struggle and she is the voice of the people. She believes in diplomacy, and compromise, and trying her best to make sure that we are representing our community the best that we can. She's unafraid and even keeled, qualities that are important in a leader, I believe. And I believe she is qualified for this position and she also just happens to be a woman, which is a beautiful thing. And for these reasons I support Tasha Kama for this position. Mahalo.

CHAIR KING: Thank you, Councilmember.

Ms. Paltin, do you have some words?

COUNCILMEMBER PALTIN: I completely agree with what Councilmember Rawlins-Fernandez said. I think that Tasha Kama can bring us together if we have disagreements and I think that's an important quality in, in this position. Thank you.

CHAIR KING: Thank you. Any other comments?

Ms. Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I just want to say that I'm happy to support Tasha. She has been a leader in this community for many years. I know social justice is very important to her. But of all the people here, I think that she will do an exemplary job when it comes to moving this community ahead in providing affordable housing from the very lowest to the highest. And I know at the end of the term, that all of us will have a proud record to show our constituents because of her leadership. Thank you.

CHAIR KING: Thank you, Councilmember Lee.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I too would like to support Tasha. Tasha is my neighbor down the hall here and I have to tell you that from the day she moved in till now, we talk to each other and she is what I would call "sunshine". One day, the, the first day she moved in I hear this singing down the hallway, and it's Tasha. When we went to MECO and we had the, when they invited the, the, the candidates who were running, she sang "Getting to Know You", and I just thought wow, this lady is a high spirit, someone that can really embrace the community and I was, I was, I was warmed by her, by her.

So I look forward to working with her, I hope that we share a lot of conversations as we are neighbors here on this desk as well as down the hallway. And I look forward to like everybody else, for us to really tackle and achieve and conquer the affordable housing project. So, I, I think affordable housing is one thing, but I think we have in general a housing shortage, and all the related problems that may come with it.

I will tell you that today she told me, we talked about people in need and related to housing, how you have the homeless and, and different people. But she has a really big heart and compassion for human concerns in general. So, she could do housing and human concerns and move that, you know, forward in a big way.

So I, I really support her, and I look forward to sharing a lot of singing and a lot, a lot of--

COUNCILMEMBER KAMA: You going sing with me.

COUNCILMEMBER SUGIMURA: Yeah, a lot of comradery and your leadership. So thank you, Tasha.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Some of us might have to sing with our mouths, with our microphones off. I agree with you, she has a lovely voice. Any, any other comments?

Mr., Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Ditto to what all of my colleagues have said about Ms. Kama and I think one thing I wanted to add is that her Dad and her ohana has just been wonderful people in our community. And Tasha certainly brings a spiritual realm, if I may say so. Our country is going through some very dark times, in terms of being somewhat divided.

Maui County, you can look at it in terms of housing, which Tasha has been an advocate for for so many years. During this so-called dark period with the housing crisis, Tasha will certainly be a bright light and an advocate for a much needed, you know, element in our community. So, and she has always been very positive and I, I look to her as someone that can certainly bring people together and no matter what sides of the issues we are on, she will always be there with a smiling face and the, offer us a reassurance that no worry, everything's going to be okay.

So I certainly would support Ms. Kama, 100 percent as our Pro Tempore. Thank you.

CHAIR KING: Thank you. Any other comments? If not, we'll, oh, Ms. Kama, would you like to comment.

COUNCILMEMBER KAMA: I just want to say thank you to my colleagues for their faith and their trust and their aloha to me. I am, I've never heard many of you speak the way you've spoken today to me or about me, but I like it, so don't stop. But I am very much appreciative of all of your support to me. So thank you and mahalo. Thank you, Ms. Chair.

CHAIR KING: Mahalo and I concur with every, all the comments today. Any other comments? If not, we'll call for the question. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: All those opposed?

NOES: NONE.

CHAIR KING: Measure passes. So now we're back to the main motion as amended. All those in favor.

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed.

NOES: NONE.

CHAIR KING: No, measure passes unanimously. Welcome Ms. Kama.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Okay, thank you everybody.

Okay, moving on, Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-4

ADOPTING THE RULES OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that it does hereby adopt the Rules of the Council as set forth in Exhibit "A", attached hereto and made a part hereof.

CHAIR KING: Okay, I would like to entertain a motion at this point, you have on your Granicus and you might have a hard copy as well of the original Maui County Council Rules proposed for this year. And just for the audience, the previous Council Rule, the Council Rules are only a two-year document so the previous Council Rules sunset at the end of the two years. So these are basically new Council Rules, every two years they're being proposed and we have them, we had them posted on, for this meeting, and we also have, every Councilmember has them in front of him.

So, at this point I'd like to, actually let me before we call for the question, open up the floor for any questions about the Council Rules.

Mr. Clerk.

ACTING COUNTY CLERK: Madam Chair, if we could just get a motion and a second on the floor regarding Resolution 19-4.

CHAIR KING: We don't want to do the question period first? Okay, alright we'll, I'll entertain a motion to adopt Resolution 19-4.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT THE RULES OF THE COUNCIL, 19-4.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Ms. Sugimura, seconded by Councilmember Lee.

Okay, now we'll go into discussion.

Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, respectfully, could I request a brief recess for us, to give us some time to review some of these amendments that we've just received on the floor, if there is no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, no objections.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:59 P.M., AND WAS RECONVENED AT 4:05 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Okay, the County Council meeting will come back to order. And so Members, we have three proposed amendments. We're going to take these up one at a time and start with the one that was, I believe already posted.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND RULE 11 BY STRIKING "9:00 A.M." AND
INSERTING IN ITS PLACE "12:00 NOON." AND THAT IS ON
PAGE 13.

CHAIR KING: Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Second by Ms. Sugimura.

Okay, so this is, Members this is, this was really a typo. It was supposed to say noon, 9:00 is way too early for, well, you know, 9:00, 12:00 was what it, what it was before and so there was a proposal by the County Clerk's Office to move it up to nine, that we would have to post by 9:00. There was a proposal by myself to move it to 4:30, give us more time to post and so we came back to the original noon. So that's why, in the, in the draft it was, there was a misunderstanding and OCS accidentally put in the 9 a.m. time. So, this proposal would bring it back to, we need to have submittals by 12 noon for posting.

Councilmember Lee.

COUNCILMEMBER LEE: Yes, Madam Chair. I would like to ask the County Clerk about his thoughts on which would be the most preferable time for his department considering they, they will be doing all the work. So Josiah, would you like to comment.

CHAIR KING: Mr. Clerk.

ACTING COUNTY CLERK: Thank you, Madam Chair. The, as Council Chair King has described, the 9 a.m. proposal was the proposal offered from the Office of the County Clerk. Just to clarify, that either the 9 a.m. or the noon deadline is not when posting will occur, but it's just when items need to be submitted for posting to occur to comply with the Sunshine Law.

And, just as a brief background, the Office of the County Clerk, back in the 70's use to have about two to three days to post an agenda following receipt of items. In the 80's we were given about five days. In the 90's with the implementation of the Sunshine Law and the inclusion of the noon deadline, we were basically given hours.

And then in 2016 the Council migrated to Granicus to provide information to the public with the understanding that at the time of posting all of the Council's documents would be available to the public, which was not done previously. And so in addition to just the posting of the agenda, our staff does have to compile the documents, scan everything in, put it up onto the website, and then get everything to the post office to comply with the Sunshine Law prior to the post office deadline, I think is around 4:30 or 5:00.

So, we'll receive the items up until noon, by the time the Chair and Office of Council Services has time to, you know, finish reviewing of the final items, we may get them around one or so and then we have about maybe two to three hours to actually compile the agenda, get everything up online available to the public. And many times with a lot of submittals right at the deadline our staff does have to work overtime to do so. So, the 9:00 request was to alleviate overtime requests and to make sure that all the documents were, to ensure availability to the public at the time of posting. Thank you.

CHAIR KING: Thank you, Mr. Clerk. And so, can you also just briefly go over what that means to the Councilmembers, having to get the, the documentation to you by 9 a.m.

ACTING COUNTY CLERK: So, a, whatever the deadline, the time deadline that you set in the Council Rules, would be the time that proposals would need to be submitted to our office. So if it's a noon deadline, then anything that you compile or submit to us would have to be received by our office by noon, or if it's 9 a.m. you're essentially would, you know, lose three hours of availability to submit things to our office. So that's something that the Council has to weigh.

CHAIR KING: Okay, thank you for that. Any other comments?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair and Clerk. So, in my experience over these last two years, I believe that who was always hustling to meet these deadlines was the Office of Council Services and Shelly Espeleta who's my staff person, as well as Clarita Balala, my secretary for my Committee would always be the ones really hustling and working to get us to meet the deadline. So I appreciate, I just want to appreciate the Office of Council Services and what they do to allow us to meet our deadlines so that we can serve the people, our public.

And Josiah, so my question to you then would be that has it been a problem where it, it, for your office, the 12:00 is too late.

ACTING COUNTY CLERK: It, it really depends on a case by case basis. If a agenda is small, you know, we may be able to accommodate it within normal working hours. And, you know, I think the past few agendas have been about 14 pages or so. Whereas, you know, as you guys enter into your Committee Chairmanships, in the near future, you know, just try take into account, you know, you're not going to have days, weeks, months, to plan an agenda or to post an agenda for you or your staff. You know, we're talking about a couple of hours to, from everything from start to finish to make it available to the public. So it is a challenge.

When the Council did gravitate over to Granicus to provide all the information to the public, we did request a Rule change at that time. The Council Chair at that time was willing to put a Rule change forward, and at, at that time we had further discussions with Office of Council Services regarding any concerns that they had, and we agreed to move the time from the proposed time at that time was end of day Thursday, or eight days prior, and we agreed on a compromise to 9 a.m. on the seven days prior. The, the main issue with, that I'm aware of anyway with the Office of Council Services to really meet the deadline is with committee reports that may come up, and they, they do spend a tremendous amount of time on the day before posting to insure that the committee reports are posted on time. But at the time that we did discuss this in about 2016 – 2017, the 9 a.m. time was agreeable.

I, I can't speak to, you know, current management or current leadership since it is different since then.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

Mr. Nishita, you brought up an interesting point in your response to my colleague Ms. Lee with regards to the overtime, if we were to go with the 12 noon deadline versus

9 a.m. So, can you give us a ballpark figure with regards to the overtime cost. And I bring this up because the Council is the gatekeeper for the public's dollar. So, we, all nine of us have the responsibility of trying to operate efficiently with as much, I guess keeping cost down so to speak. Can, can you, are you, you have that information that you can share with us, or an estimate.

CHAIR KING: Mr. Clerk.

ACTING COUNTY CLERK: Thank you, Madam Chair. As I kind of alluded to earlier, it really varies by agenda. You know, if it's a small agenda with minimal items submitted to it, minimal committee work on the Council agenda, then we may incur no overtime at all. And if, you know, in these last few agendas, and in agendas prior, as more information is submitted to the Council, more documentation, more decision-making, then we do, you know, incur those overtime costs. But, I, I wouldn't be able to give you an accurate forecast because it's really going to depend on the work of the Council.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR KING: Thank you. Mr. Clerk, do you have a number, I mean it's been, the time has been noon for the past two years, so do you have a number over the past two years of how much overtime was incurred?

ACTING COUNTY CLERK: I, I mean just off the top of my head, maybe half of the meetings, we've had to work, staff has had to work past 4:30 p.m. So, you know, if you average maybe two meeting a month, 24 meetings a year, I mean 24 meetings for the two-year term, then maybe, you know, half of those that we've had to work past. That would just be a, an estimate at this point.

CHAIR KING: Okay, thank you. Is there a dollar amount on, per meeting, if you're talking about 24 or 12 meetings a year.

ACTING COUNTY CLERK: Thank you, Madam Chair. It, and it really depends on what is left to be done at that 4:30 timeframe. The Office of Council Services is all appointed staff, my staff is all civil servants. At, you know, 4:30 we may have just a few remaining tasks left in which case possibly only the, you know the supervisor of that section may stay, or we may have just been really getting into the meat of everything in which case the whole Legislative section may have to stay. So the amount of individuals that will have to stay to 4:30, after 4:30 will determine the amount of overtime being incurred. And it really depends on the length of the meeting involved.

CHAIR KING: Okay, follow-up, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, just a quick follow-up. So, tell us what's the most hours you've occurred for, for example for once instance have you had like, have you gone past 4:30, an additional two, three hours. Have you had those kind of instances.

ACTING COUNTY CLERK: Yes, we've had instances of a couple hours past 4:30. There have been instances where, you know, because everything is such under a time crunch to get everything in by the deadlines as established by law, there are times when we have to come back on, you know, Saturday, or Sunday, or even on Monday to, you know, maybe fix somethings or, or add somethings that, you know, were overlooked. But, for the most part, I would say, you know, if, if it's overtime, it's within an hour to three hours on most occasions.

COUNCILMEMBER MOLINA: Thank you.

CHAIR KING: Thank you, Mr. Molina.

Mr. Hokama, you have a comment or question.

COUNCILMEMBER HOKAMA: No, Chair, I was going to say I'm going to support the Clerk's Office for the 9 a.m. We can adjust our side work, Chair. And part of it is the review of the reports. And I think if you can work with our staff, we can find a way to not have to go through, read the same committee report four times before we get to sign off as Chairs, that could save time. The level of productivity out of Council Services can be improved too, Chair. So I look to your support in those areas. The staff can adjust to our requirements, okay.

We did it when we were in manual typewriters and everything else. Council use to put out minority reports. Members, every Member of Council signed committee reports, okay. We don't do that anymore, just the Chair signs to make it simpler, to save time. But in the past, the staff was able to perform to the needs of the body. And that is something that I would like all of us to take to task with the staff. They need to perform for the body's requirements. We do not perform for the staff, okay.

And so I hear the Clerk stating that, I would agree with him that this adjustment is more about us being able to put out in the timely manner the public information that is required of a full posting and that is part of the issue right now. Again, Saturday, Sunday is off days, but to make the next official work day, which is Monday, from the Friday, maybe they need to come in for the weekend to finish up for the Monday's reopening of official County business. That's an issue, Chair. I've dealt with it in the past, I'm sure Ms. Lee did during her tenure as Chair, in the past.

But I would like to give the Clerk's ability to, and again, I appreciate their effort to try and reduce cost. This is something from their side that they felt was a doable adjustment to save costs and reduce it. So I appreciate the Clerk's Office for recommending this and I will support their request to try and put it into effect. Thank you.

CHAIR KING: Thank you, Mr. Hokama.

I, I'd actually like to get the opinion of OCS because I think this impacts Office of Council Services and so maybe our Director Maria Zielinski can give us some information on how the 9 a.m. time might affect the, if we're going to do, we're trading overtime from the Clerk's Office, for overtime for the--

DIRECTOR OF COUNCIL SERVICES MARIA ZIELINSKI: Yes, yeah, and, we would, you know, obviously if we have to have the committee reviews, the committee report reviews and the various documentation, communications done, and the due, the due time is sooner, obviously on our side of things, both on our secretaries and analyst side, they'll have to get the work done.

And you know, they'll do it, but, but certainly that's what we might gain in overtime or, or any additional costs on the, on the County Clerk's side, we might, we might actually, have additional costs on, you know we have secretaries that would have to work later or whatever on weekends. Admittedly, we'll get the work done, it'll get done, there's no doubt in our mind about that, but the, those few hours would help us.

Admittedly, I think we do have some redundancies that we are looking at reducing so that we have, we don't have as many reviews. That's something that we are actually looking at and I'm waiting for when we have very shortly another staff member, we're going to talk about processing. So, we are looking at, you know, reducing certain processes to have, you know, to, to have the turnaround a little quicker.

But nevertheless, I still believe that we will have, it will, that 9:00 deadline will have an impact on OCS. So it's just, you know, in my mind, I think it might be six of one, half a dozen in another, but, you know, until we, we sit down and actually, you know, look at, we'd have to talk to staff.

CHAIR KING: Okay, thank you for that. Any other comments?

Okay, so, since we, we seem to have a, a problem one way or the other, the Chair's recommendation is to leave it at noon, to pass the amendment for noon for now. I think we can revisit this at the point that we actually get fully staffed, we have not been fully staffed the whole two years that I've been on this Council. We can also look at

reducing the redundancies in the committee reports, and then revisit that posting time. But my recommendation would be to pass the amendment as it is.

So I'm going to call for the votes. All those in favor of the amendment say "aye".

COUNCILMEMBER PALTIN: Aye.

CHAIR KING: Aye.

COUNCILMEMBER KAMA: Aye.

CHAIR KING: Opposed?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: Okay, we'll do a roll call vote.

Mr. Clerk.

ACTING COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

ACTING COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

ACTING COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

ACTING COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

ACTING COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

ACTING COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

ACTING COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: AYE.

ACTING COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

ACTING COUNTY CLERK: Chair Kelly King.

CHAIR KING: AYE.

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, VICE-CHAIR RAWLINS-
FERNANDEZ, AND CHAIR KING.

NOES: COUNCILMEMBERS HOKAMA AND SUGIMURA.

ACTING COUNTY CLERK: Madam Chair, there are seven "ayes", two "noes", motion passes.

CHAIR KING: Okay, thank you very much. So, that's the first amendment. We have amendments proposed by other Councilmembers, which I will entertain.

Ms., Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I would like to add item H., I think everyone has a copy. There is, I believe, a sign at the entrance of the door talking about behavior and conduct.

CHAIR KING: Okay, do I make a motion first and get it seconded.

COUNCILMEMBER LEE: Okay.

SO I WOULD LIKE TO MOVE TO ADD ITEM H.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, excuse me, I just need to, to clarify that. So you're moving to amend Rule 25 to insert item H.

COUNCILMEMBER LEE: Yes.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Well, right, right.

CHAIR KING: Okay, so the motion I have before me, and can just read it and then you can say so moved. So the motion is to amend Rule 25 to insert an item H. to read "Prohibit unruly or disrespectful behavior from the audience and discipline their office staff who may encourage or promote unruly or disrespectful behavior from the audience."

COUNCILMEMBER LEE:

SO MOVE.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, it's been moved by Councilmember Lee and seconded by Mr. Molina to amend Rule 25. And Ms. Lee would you like to--

COUNCILMEMBER LEE: Yes, Madam Chair. As I said, starting to say earlier that there is a sign at the entrance of the door, pretty much covering this. And I think it's important that everyone, Councilmembers, staff, guests, everyone try to conduct themselves in a respectful and professional manner. And I would like to see this as a Rule so that we can refer to this whenever, you know, there's a need to. Thank you.

CHAIR KING: Okay. Ms., Member Paltin.

COUNCILMEMBER PALTIN: I just am wondering if the Rules are the best place to address or discuss staff. You know if, it might be best to have a piece on decorum and all their behavior not being tolerated, and unruly individuals removed from the premises. But, it seems kind of weird to single out staff. And I'm not sure what is meant, who decides

what's unruly and disrespectful, and who decides what the discipline is, and what is the discipline. I'm unclear on that.

COUNCILMEMBER LEE: I could answer that.

CHAIR KING: Thank you, Ms. Paltin.

Would you like to respond to that Ms. Lee.

COUNCILMEMBER LEE: Yes, yes. Thank you, Madam Chair. The person who would be controlling this, or managing this would be the Chair of Committee or the Chair of the Council, whomever is the, chairing the body at the time. And, it's, I'm not trying to single out any staff. I hardly know most of the staff at this point. But I'm just saying that whether it's County Clerk's staff, or Councilmembers' staff, or OCS staff, or any staff, anybody who's in here participating in the proceedings, needs to follow a code of conduct. And, and that's all I am saying. And the person who would manage this again would be the Chair of the body at that time.

CHAIR KING: Ms. Paltin.

COUNCILMEMBER PALTIN: What is meant by discipline.

COUNCILMEMBER LEE: The Chair can call for the Police to come if it's necessary or they can simply ask that person to please refrain from, let's say catcalling from the audience, or being out of order. There's no need for violence, I mean, you can just ask a person to, to control their behavior. And I think, I think we've had a lot of issues in the past. So, what I'm bringing up is not something that is so odd or you know, strange because this, that's one of, one of the things that happened in the last term.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Madam Chair, in reading this proposal, it almost seems as if we don't know how to behave. And we should all know how to behave, to have respect for one another, to be able to be treated as we would want to be treated and have others treated as such. I think maybe to have it written down as a reminder to us that don't forget who we are. That we are to be compassionate and that we are to, to, to work with each other as we possibly can. So whenever I see the word discipline, I think about something penal. That's what I think about, so I'm not sure what my colleague meant by that and I know that it was asked by Councilmember Paltin, so I would like to have a clearer understanding of what that means.

CHAIR KING: Okay. Let me, let me go get comments from everybody because there may be more questions to the proposer. So thank you for that question and we'll make sure that gets answered.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So I support this. In, as, chairing a Committee and chairing the Committee that got pretty contentious, it's something that I think other Councilmembers if you, if you ever were in that seat and you had the audience yelling and screaming, and we did have to call Police presence to be here. And, the public didn't necessarily adhere to the request, you know, to be, calm down or whatever. So I appreciate this if it passes, I support it.

But I'm more so I'm appreciating this discussion in that the, my fellow Councilmembers that are, you know, first time sitting in the Council, it, you need to know that there is support in case that does happen to you and it's not really anything punitive, but it's just reality in this day and age where with social media people get turned into a direction that may not be the intent of the meeting, but it may go that direction. And, this discussion just allows us to, to look at what our role is and what we are to do with the community and, and really how to, how to take a grip and handle it. So, I support this amendment and appreciate this discussion.

CHAIR KING: Okay, thank you. Any other comments from any Members who haven't spoken yet and then we'll go back down and give everybody a second chance. Okay, I'm going to start then with the second comments with Ms., Councilmember Kama and then we'll just go back down the line to see who has comment.

COUNCILMEMBER KAMA: Thank you, Madam Chair. So again, I'm reading, it says "Prohibit unruly or disrespectful behavior from the audience", "from the audience". That's where we're, all that unruly behavior is coming from, "and discipline their office staff". How do we know it's from their office staff? So I'm not really clear about, what do we really wanting to do. We wanting to tell the public please do not boo us, please do not yell at us, please do not swear at us, that's what we're trying to tell them. Is that what we're trying to say. That's what I'm trying to understand what this means.

Cause it that's what it means, then why can't we at the beginning of every meeting, just speak to them and say hey brother, sister, I love you guys, I know today's topic on the agenda is really contentious, but please know that what we are doing is, is hard for us and I know it's hard for you. But please don't yell at me, don't swear at me, don't boo me, but have respect for us. Can't we just do something like that in the beginning and maybe have it posted if we have to, but not have something in the Rule that says that. That's just my thoughts.

CHAIR KING: Okay, thank you very much.

Ms. Sugimura, you have another comment or--

COUNCILMEMBER SUGIMURA: I think I said what I wanted to say, Chair. And what, what Councilmember Lee is referencing is that if, and its actually part of my amendment too, that if you walk in the Council chambers, there is a poster that has decorum of the Council, which is kind of respect for each other, and have compassion, which is what Member Kama is talking about. And I, again I'm just, I'm support of this because it brings out something that does happen. I mean it totally happens in this chamber. And I'm sure that people who come here don't necessarily intend to be--

CHAIR KING: Unruly.

COUNCILMEMBER SUGIMURA: --bad behavior or disrespectful, but it does happen. And once it starts happening it kind of breeds on each other. So, it's not unrealistic, it is not. It is really what happens today, and especially with social media as we remember from the Council Organizational meeting of two years ago, it got pretty contentious. And that did come out with breeding from social media and it just got worse and worse and so I support this. It's unfortunate that we have to put this in, but it is part of what the Council meetings can get like and Committee meetings can get like. So I support this.

CHAIR KING: Councilmember Paltin, do you have another comment.

COUNCILMEMBER PALTIN: I, I can see where that, the intent is coming from. I was at the contentious meetings as well and, and I agree with those sentiments. However, what is question in my mind is this item H. would it have us do things differently than the way that it was handled in that, like how you said the Police were called and asked to, what is, what is the difference with this item H. in here and the way that it was handled in the past. I think it's clear that, you know A. through G. kind of sets it up for that. And, you know, I don't want to repeat myself, but I don't know if disciplining staff is, is right to be put in the Council Rules. It's just my, my opinion, but I do agree with the sentiments of, and the, the intent of, of the motion. It's just, I guess semantics.

CHAIR KING: Okay, thank you for those comments.

Councilmember Hokama, do you have any thoughts on this issue.

COUNCILMEMBER HOKAMA: Chair, I can, I appreciate the proposal by my colleagues. My, my comment would be Chair, most experienced presiding officers have a style and

know how to control decorum by knowing rules and procedures. For those that may not have that type of experience, I think this Rule supports their ability to maintain the decorum of the body because we are here to do the people's business, and it is conducted between the Members and the presiding officer. And we do not conduct business between the Members and the gallery. We conduct business between ourselves and our presiding officer and that is why we face the Chair, we conducting official business. We're not here to talk to the public, we're here to finish the business of the people.

So for this Chair, yeah, I'm not going to nitpick about wordsmithing or anything, but I understand the intent. It's a reminder and I think this might help our, some new Chair's in ensuring that they have the authority to maintain decorum. So I'll support this. Thank you.

CHAIR KING: Okay, thank you, Mr. Hokama.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: So I, I understand the intent of this amendment and I feel for all elected officials. We, you know, we step forward and we put ourselves out there. And we're human. We're, we're not going to do everything and say everything perfectly.

I have concerns about this amendment. First, for the testifiers, for our community members. You know, I, I ran for office and promised our community that I would encourage and promote more government participation, more engagement, making it easier for our community members to track what we're doing so that they can be more involved, more meaningfully involved.

And I'm afraid that an amendment like this, a Rule like this would create an environment that would be intimidating and discouraging for our community members to step forward because it's not easy to get onto, on that mike. And, again like many testifiers, you know, they get up there to speak and they're shaking, they're nervous, they're sweating and I don't want to do anything more to make that experience more difficult than it already is.

I, like I said I want to create and promote a more welcoming environment. I, I also want to protect everyone's First Amendment right, Freedom of Speech. As for discipline, as Councilmember Sugimura pointed out, that we already have the authority to call the Police if that is something that is necessary for us to do.

And then, as, as for the section on our staff, I think it's an unfair assumption to, that it's, it's our staff that is eliciting this type of behavior. It's, it's unfair to, to put that on them. But, but I understand the intent of it. I, like Councilmember Hokama, you know, I don't really want to wordsmith it, a lot, a lot of what the Code of Conduct says is, is what this is saying. The, the proposed amendment is, is kind of negative. It's, it has a negative tone to it.

And so I was trying to work on turning that into something more positive. But as I was looking through them, a lot of what our Code of Conduct is, you know, is already, it's kind of reflected in there. But I don't know something like "Promote an environment that is safe and inviting for everyone." And if that's something that, you know, amenable, I'm not going to make that motion to amend the amendment, but that's just my thoughts. Mahalo.

CHAIR KING: Thank you very much for those comments.

Councilmember Lee, do you want to--

COUNCILMEMBER LEE: Yes, okay, I'm open to wordsmithing. I, I really believe that most people come here with the intention of simply sharing their point of view and giving us information, or asking us questions. But there are some who come here and are very disrespectful. I, I've been in this business for 30 years and I've seen the good, the bad, and the ugly, and unfortunately people because they feel so strongly about a particular subject, they will lose control. And the Chair needs to bring it, bring things back to order.

But I, I think just as we are expected to conduct ourselves in a professional manner, I think there should be an expectation that the public conduct themselves in a, in a respectful manner as well. And that has nothing to do with Freedom of Speech, because they are more than welcome to come here and share their ideas. But what happens is when they become unruly, they make other people afraid, and we're, we're bound to, we're supposed to protect everybody.

And you're going to find that when people start yelling and threatening and so forth, that discourages other people from testifying and I'm, I'm speaking on those people's behalf because they need to be able to come into this, these chambers and feel safe and that whatever they say, whether we agree with them or not, is welcome. But not to, not to where they are swearing or yelling at people. That's something that we cannot tolerate.

So, I mean, I, we could change it to something not as strong by saying, for instance "Prohibit unruly or disrespectful behavior from anyone who may encourage, and who

may encourage or promote unruly or disrespectful behavior". I mean something like that, so that, you know, we're, I didn't want people to think I'm picking on staff, I'm not picking on anybody. I'm picking on the, the person I'm talking about is the person who is, who is disrespecting this, you know, our chambers, and putting fear into the other people and to the audience unnecessarily.

So, I think, I think we need to have something like that, that shows the other people who come here who are just as afraid because they come here for the first time, that they don't have to worry that's somebody is going to yell at them because they have a different point of view. So, I, I really think that we need to take care of everybody. That's all I have.

CHAIR KING: Okay, thank you, Ms. Lee.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And you know, I, I, I'm certainly in support of Ms. Lee memorializing this in writing in our Council Rules because this is all about as I see it, workplace safety. Not only keeping the nine of us safe, but our employees. The innocent who come to testify, they should be made to feel safe. And as we've seen across the country, in Council chambers and other public places, people are getting unruly. As I mentioned earlier in a comment about our nation being so divided. I mean we don't want these kinds of angers and emotions to carry over where you have someone who's a fire starter in the audience and creating mob rule and the innocent getting hurt.

Our other County employees have to follow a code of conduct. If I may use as an example, if somebody in Public Works acts up, causes harm and injury to someone, they're going to face discipline. We're all County employees too. So the way I see it if we memorialize it, we are doing our part to protect everyone's safety in these chambers. If we don't we'll have lawyers on us, and God forbid if we ever have a major incident in these chambers, which I hope we never do.

But I think it's incumbent upon us to put this in writing. I think you can never over emphasize, and it's not just about, you know, as Ms. Lee is saying singling out any particular person or what. I think this is just a good general rule for us to memorialize it in these rules. So I'm in full support, I'm, I'm sure, maybe the word "discipline" maybe come across as a little, you know, uncomfortable for some, and I certainly respect that. But I'm okay with the wordsmithing. But, I think we should memorialize it for the sake of reminding all of our employees and the public that this is supposed to be safe place.

When I first came on the Council, I was always very respectful to Councilmember Hokama who always maintained the importance of decorum in these chambers and I'm in full support of that. It's about decorum, respect and everyone being safe and respecting each one's opinions, especially on contentious issues. But this should be a safe haven in these chambers so I will support Ms. Lee's proposal. Thank you.

CHAIR KING: Okay, thank you, Mr. Molina.

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes, I just wanted to, to say that I appreciate Councilmember Lee's, just her, her attention to this. You know, if, if one of us feels unsafe, then, then it affects the, the, the entire Council. So I appreciate you bringing it up. I do realize that we do have people that are very emotional, they've been holding onto issues for a long time, and so when they come in here, they feel like this is just the place to, to express themselves and however they, they do.

I do believe that maybe the as far as, I also want to concur with Councilmember Molina about County workers held to, to a workman's code of conduct. And, and maybe that's where, where I'm thinking maybe that's where we address the office staff. I mean I can, I can only be responsible for the, the staff that I hire. The people who come and, and testify, I, they, they may not be of my staff. So I think if we went through the, the hiring process on, about workplace violence or, or, or codes of conducts, maybe we can, we can address the word discipline in, elsewhere in the work, in your workman's documents, I'm thinking. I don't know, I'm trying to, to figure out how we can address the wording, anyway.

So, again I agree with, we need to keep this, the sanctity of our Council and, and keep it safe and, and for, for all patrons that come in to testify. I'm hoping that as, as we Chair our Committees that we, you know, if we need to take training about the escalating behaviors, or maybe addressing it in a way where, you know, we try to keep emotion, if we are doing the work of the people and we need facts and not emotions so much, that we remind our, our testifiers that hey we're looking for, you know, what is your, your common sense input on this issue.

And, and so I think there are different ways that we can try and address it. I know that if we know that it's going to be a contentious issue, we have brought security into the Council. But, so maybe kind of having that foresight, when, when addressing some of these issues. But, but again not just putting Councilmember Lee's concerns to the wayside. Thank you.

CHAIR KING: Thank you for that comment. So, Members, excuse me. I'm going to give you your Chair's recommendation. I think this language is a little bit strong and I understand where it's coming from because I have been in those meetings that Ms. Sugimura's talking about. But I do think this rule is about our behavior as Councilmembers and so I would support a positive statement such as Ms., Councilmember Rawlins-Fernandez expressed about "Promoting an environment of respect and good behavior or safe conduct."

But, putting this language in here I think sets up a little bit of intimidation I agree with that, with people who are already hard pressed. I've heard so many people over the last two year who came down here and said they've never testified before and even people who testify over and over again come down here and they stand at that podium, for some reason they start shaking. I mean it's not an easy thing to testify at this Council. So to have this language in here to me is, is too strong. To have language in there that it's our responsibility as Councilmembers to promote a safe and respectful environment. All of those things, all of those disciplines that were mentioned earlier that have happened can still happen, and will happen if people get out of line.

I've been in situations where you know someone started going off the deep end and their testimony was totally different from the agenda and I've had to recess. We've all had that, you know, all of us who've been chairing a meeting have had that. But I'm kind of concurring with those of you who feel like this is, this language might be too strong to put into, we're putting into a code of conduct for ourselves about behaviors of other people. And so that's also a difficult thing to police.

So I would, I would entertain, and maybe Councilmember Lee could consider, just like rewriting this to make it a positive if you're, if you're, if you're not, if you don't want to do that I understand and we can go ahead and take the vote, but I'll, I'll--

COUNCILMEMBER LEE: I have something now.

CHAIR KING: Would you like to propose.

COUNCILMEMBER LEE: Yes, okay.

CHAIR KING: Do you want to, do you want to withdraw your earlier motion and make a new proposal.

COUNCILMEMBER LEE:

I WILL WITHDRAW THE EARLIER MOTION AND IN IT'S PLACE,
FOR H, ITEM H., "PROHIBIT UNRULY OR DISRESPECTFUL
BEHAVIOR IN THE COUNCIL CHAMBERS AND ENCOURAGE A
SAFE AND RESPECTFUL ENVIRONMENT FOR ALL
ATTENDEES."

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, did everybody get that. Can you repeat it one more time.

COUNCILMEMBER LEE: Oh, "Prohibit unruly or disrespectful behavior in the Council chambers and encourage a safe and respectful environment for all attendees."

CHAIR KING: Okay, so moved by Councilmember Lee, seconded by Councilmember Hokama. Comments, questions?

Councilmember Paltin, do you have a comment?

I kind of go down the line to see if your microphone's on, so, your microphone is on, I'm calling you.

COUNCILMEMBER PALTIN: Yeah, I, I can appreciate that one better. Thank you.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I, I appreciate that and I would also wonder if the maker of the motion is also looking at the second half of that which is discipline, I guess, what it says is "discipline their office staff who may encourage or promote unruly or disrespectful behavior". So I wonder if that's another, that's an item I. for this, or to be a separate.

CHAIR KING: Well it's not in this motion, so, we're looking at just the motion. This isn't--

COUNCILMEMBER SUGIMURA: Okay, well I support this motion, but that's my second question about that which is the total thought. She's breaking up, if Councilmember Lee is breaking up the, the people who come to the chambers, then I also wonder

about office staff. Councilmember, Councilmembers' particular office staff which is something that we experienced this last term also.

CHAIR KING: Okay, well we're, we're going to deal with the motion that's on the floor first and, if you want to bring that up as a additional.

Councilmember Kama.

COUNCILMEMBER KAMA: I am support of the new motion that Ms. Lee has put on the floor.

CHAIR KING: Okay.

Go back to Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, time to comment?

CHAIR KING: Yes.

COUNCILMEMBER SINENCI: You know, just a quick comment. As educators, you know, we like to teach cultural and family values. And while looking around the Council room, I don't see the, the State seal, and, and I remember seeing, you know, if you go to the, you see the State seal, and, and on the State seal it says "Ua Mau ke Ea o ka Aina i ka Pono". "The Life of the Land is Perpetuated in Righteousness." And so I think if we, you know, we just kind of project that when people come in. We don't need to have a Rules, you know, so stringent about, you know, no this, this, no this, no that. But, I think encouraging values for people that, that share values. And I think as, as a Council, as a whole we want to promote those values. Thank you.

CHAIR KING: Thank you, Mr. Sinenci.

Councilmember Molina, you have any comments.

COUNCILMEMBER MOLINA: Madam Chair, no, I'm in total support of Ms. Lee's proposal and, as well as I appreciate the comments of my colleague Mr. Sinenci. Thank you.

CHAIR KING: Okay, thank you. Anyone else who.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I think it might be a little redundant. I, I appreciate the effort by the, by Councilmember Lee to wordsmith it. But prohibiting unruly or disrespectful behavior is, is kind of the same thing as encouraging a respectful

environment for everyone. So it's, it's, to me it, it, it's a little, yeah, it's a little redundant. I, I would support the second half.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: To encourage a respectful environment for, for all attendees.

CHAIR KING: Okay, thank you.

Councilmember Hokama. No comments.

I think everyone's commented. I'm going to go ahead and call the question on the new amendment. Councilmember Lee can you read it one more time.

COUNCILMEMBER LEE: "Prohibit unruly and disrespectful behavior in the Council chambers and encourage a safe and respectful environment for all attendees."

CHAIR KING: Okay, well just my last comments would be I agree with Councilmember Rawlins-Fernandez that the second, that's why I was trying to get to the positive part of the second half. I don't think we're necessarily in a position to prohibit any type of behavior. It may happen and we may have to react to it. But putting that on the Councilmember to upfront prohibit it, makes us have to make judgement calls on how, what people's behavior is likely to be so I think that's a tough one for us to implement. So I'm going to, if we're going to put that in the front of them, I'm going to vote against the, the amendment.

I'm going to call for the question. All those in favor of the amendment say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, AND SUGIMURA.

CHAIR KING: All those opposed.

NOES: VICE-CHAIR RAWLINS-FERNANDEZ AND
CHAIR KING.

CHAIR KING: Okay, I think we have only two "noes". Myself and, is that correct? Anybody else vote "no". Okay, so Clerk, we have seven "ayes"; two "noes", myself and Councilmember Rawlins-Fernandez. Measure passes, that's the second amendment.

And the third amendment is, I'll call on Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So I wonder if I could continue on with the discussion in relationship to what Councilmember Lee just talked about in the second half of her thought, which is, which is basically, if I could propose, prohibit unruly or disrespectful behavior from Councilmembers office staff and encourage or promote respectful behavior.

So, and the reason I say that is because of experiences of the last term where we had situations of violence in the workplace. And, to some degree although this is a document that basically, you know, is, is Council Rules, what I experienced was that, and I can appreciate this motion is that Councilmembers have a unique responsibility of hiring our own staff.

And the only people who can control our own staff are ourselves, I found this out, you know, first hand information, the last, first. And, and so, if the Council would allow to put this in here, I think then that would bring awareness to a problem that's kind of unique I think. Although we're all Members and employed by the County of Maui, we had a situation where if a Councilmember decides to allow whatever your staff, which is my EA's in my office to do whatever they want, there was nothing that could be done through the process.

AND SO, IN LIGHT OF THAT, I WOULD LIKE TO PROPOSE "I." TO THIS, THE LETTER "I.", WHICH WOULD BE "ENCOURAGE A RESPECTFUL BEHAVIOR FROM COUNCILMEMBERS OFFICE STAFF AND ENCOURAGE AND PROMOTE" I DON'T KNOW "UNITY AND BEHAVIOR" OR SOME, SOME OTHER WORD LIKE THAT. BUT IF YOU ALLOW THAT, CHAIR. ANOTHER, ANOTHER.

CHAIR KING: Is that a motion.

COUNCILMEMBER SUGIMURA: Another motion.

CHAIR KING: Is there a second?

COUNCILMEMBER LEE:

SECOND FOR DISCUSSION.

CHAIR KING: Okay, moved by Ms. Sugimura and second by Councilmember Lee.

Can you read the motion again?

COUNCILMEMBER SUGIMURA: Yeah, encourage a respectful, "Encourage respectful behavior from Councilmembers office staff, to encourage positive behavior."

If I could explain.

CHAIR KING: Well, yeah, go ahead and explain.

COUNCILMEMBER SUGIMURA: So, as I said when I was making my motion, Councilmembers have an opportunity, besides having the Office of Council Services and the Clerk's Office to support us, we also have our own internal staff that, you know, supplements our work. And I know that in, in terms of my staff, I would never allow them to be disrespectful or to swear or be unruly to other Councilmembers or to the general public. And that I would take a, a firm position to not allow them to continue working for me.

But the last term, we experienced a very unusual circumstance and our hands were tied in terms of trying to get appropriate behavior for the other Councilmember's from this unruly behavior that was happening. And it was from an internal Councilmember's staff. So, I, I would like to make that motion just to kind of clarify that and to give us then some teeth to take action if we need to take action, if that would allow us to.

CHAIR KING: Okay, any other comments?

Councilmember Lee.

COUNCILMEMBER LEE: I was just wondering Councilmember Sugimura if you wouldn't mind giving us more time to work on this and coming back to it at a later date after we get input from Corp. Counsel. Cause, you know, this one seems to have legal implications, yeah. And if, and they can help with the wording of this too, if, if you wanted. I, I don't think, I don't think--

COUNCILMEMBER SUGIMURA: Yeah, I'll withdraw my motion and I would ask Chair if this could come up at a later time.

CHAIR KING: Well, it can definitely come up at a later time if you want to propose it through a new PAF.

COUNCILMEMBER SUGIMURA: Okay, I'll--

CHAIR KING: And the intention is to pass the Council Rules because we need to have Rules that we are operating by today. So you can withdraw and then propose a separate.

COUNCILMEMBER SUGIMURA: I will.

CHAIR KING: Okay, thank you. Okay, so we're back to the main motion.

COUNCILMEMBER SUGIMURA: So I have an amendment also.

CHAIR KING: Oh, you have another amendment.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KING: Okay, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So in light of what Councilmember Lee just proposed in terms of the decorum that basically was part of this, the Amendment Summary Form that was passed out in my behalf which was the first motion, kind of talks about that same thing. So if we could skip that first motion cause it sounds like Member Lee has incorporated the, the Council decorum with her motion.

BUT FOR MINE, I WOULD LIKE TO MOVE TO AMEND RESOLUTION 19-4 BY INSERTING RULE NUMBER IS GOING TO BE 26, WHICH IS THE NEXT RULE IN NUMERICAL SEQUENCE TO READ "CODE OF ETHICS, PROHIBITIONS AND PENALTIES. THE PROHIBITIONS STATED IN ARTICLE 10, CODE OF ETHICS, SECTION 10-4, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AND THE PENALTIES STATED IN ARTICLE 10, CODE OF ETHICS, SECTION 10-5, REVISED CHARTER OF THE COUNTY OF MAUI, AS AMENDED, SHALL BE INCORPORATED HEREIN AND MADE A PART HEREOF. COUNCILMEMBERS SHALL BE RULED BY THE CODE OF ETHICS."

So, if you look at second page, where it says Rule 27, it's actually Rule 26, Code of Ethics, and it just says what I just read. If you look in what we, what really guides us in our work and if you look on page, of our Charter, Article 10, page 45 talks about the Code of Ethics, so that's what it's referring to. But I just wanted to reference that and to put it into our Council Rules, Chair.

So I need a second.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Ms., Councilmember Sugimura, seconded by Councilmember Lee.

I'm going to ask the Corp. Counsel for an opinion on whether this is appropriate in Council Rules.

Mr. Wong.

ACTING CORPORATION COUNSEL PATRICK WONG: Thank you, Chair for that question. You know in reference to, Mr. Kushi and I have been briefly looking over this to propose rule amendments and I'm taking that, it's Rule 26 and 27, as, as additional rules that, is that correct.

COUNCILMEMBER SUGIMURA: I'm actually, what I, what I realized that after listening to Member Lee, she actually kind of covered what I was talking about in terms of decorum of, you know the Council. So that was 26, so therefore when I'm making this amendment, although the written Amendment Summary Form says 27, I, I do want to take up this as being 26 on the list because we don't need the previous one. So the motion is--

ACTING CORPORATION COUNSEL: Okay so your current motion--

COUNCILMEMBER SUGIMURA: --current motion is 26.

ACTING CORPORATION COUNSEL: --change as written Rule 27 to the number 26, but then incorporate the text that's covered therein.

COUNCILMEMBER SUGIMURA: Right, correct. Thank you.

ACTING CORPORATION COUNSEL: Okay, thank you, Chair. With respect to the content of Rule now 26, in brief discussion with Mr. Kushi, quite frankly, all these articles are already incorporated in the Charter. And so the Councilmembers and our staff are bound by these rules already. And so, the only difference is you are adding the last sentence that says "Council members shall be ruled by the Code of Ethics." and quite frankly, you're already ruled by the Code of Ethics. So, to an extent, you're calling it out in a specific rule; however, it may be redundant in, in doing so because it's already in the Charter. Thank you, Chair.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, so I realize, I realize that, but I think it's something important that we as Councilmembers need to understand that we have Code of Conduct. And as I said it's in the County Charter, which is our constitution, our bible if you will, on page 45, Article 10, Code of Ethics. But I think it's a very important one, that, something that we need to adhere to, you know, contrary to what you said that we do not need to in, in our Council Rules.

We do have as a standard Rule 7F, relating to creating temporary, TIG's, temporary investigative groups, that's in our Charter, it's in our Rules and I think it's something that we need, you know, we want to bring out as something important to be said. So, if the other Members would allow to pass this, I would like to include this as part of the Rules of the Council because I think it's high standards, high ethics, and I think it's something that we need to live by, and I would just like to include it, Chair.

CHAIR KING: Thank you. Any other comments?

ACTING CORPORATION COUNSEL: Chair, the body's more than able to amend and create the Rules to govern itself. Thank you.

CHAIR KING: Okay, thank you, Mr. Wong. Any other comments or questions? If not we'll call for the question. So all those in favor, and this is Rule, this is on your, Ms. Sugimura, this is on your form, it's number two.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: Okay. So this would insert.

COUNCILMEMBER SUGIMURA: And it's now Rule 26.

CHAIR KING: So this would, this would, the friendly amendment is to change it, to move to amend Resolution 19-4, by inserting Rule 26, instead of calling it 27.

COUNCILMEMBER SUGIMURA: Right.

CHAIR KING: Okay. All those in favor.

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: All those opposed.

NOES: NONE.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR KING: The motion passes unanimously, nine "ayes".

Okay so we're back to the main motion of the Council Rules. And, we'll ask if there's any additional comments or questions. If not we'll, I'll call for the question. All those in favor of passing the Maui County Council Rules, as amended for year 2019 - 2020 say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed.

NOES: NONE.

CHAIR KING: Okay. Council Rules passes with nine "ayes", no "noes".

And Members, is everybody able to work through till 6:00 so we can try to get through the rest of the agenda. And then we'll, if we don't by 6:00 we'll take a dinner break. Okay.

What I'm going to do next, if there are no objections is I'd like to move to, skip over Resolution 19-5 for now and move to Resolution 19-6 and start working on approving our Office of Council Services because we have people on the floor right now who are working, who don't even know that they are hired yet until we approve these motions. So, I'd like to, I'd like to skip over, if there, if there are any objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Then I'll take that up. No objections. Okay. We'll move to, we'll move 19-5 to the end of the agenda. We're going to move to Resolution 19-6.

Clerk.

(Councilmember Kama was excused from the meeting at 5:08 p.m.)

The following resolution was presented.

RESOLUTION
NO. 19-6

APPOINTING JOSIAH K. NISHITA THE COUNTY CLERK
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Josiah K. Nishita as the County Clerk of the County of Maui, effective retroactive to January 2, 2019, twelve o'clock meridian, for the term ending January 2, 2021, twelve o'clock meridian, unless terminated earlier, and that the salary of the County Clerk shall be \$105,000.

CHAIR KING: Okay, so do we have a, a, well let's see, can I have first a motion for the resolution.

COUNCILMEMBER SUGIMURA:

SO MOVE, CHAIR.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Moved by Member Sugimura, second by Member Rawlins-Fernandez. And we have an Amendment Summary Form here which I'm going to ask for a motion on, which would move, which would revise the proposed salary by striking 127,059 and inserting 135,000 in its place. Is there a motion.

COUNCILMEMBER LEE:

MOVE TO ADOPT.

CHAIR KING: Okay, moved by Alice Lee. Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Second by Member Sugimura. And, this is, this is a, we have some amendments here to, the original OCS posting and these are based on evaluations that weren't looked at in the original posting and so this was, these amendments basically come from me working with your Director. We, you have statement, Mr. Nishita.

ACTING COUNTY CLERK: Sorry, Madam Chair. I feel really conflicted on this because, I, I believe there's a mistake being made but I'd gladly take the higher salary. But I think what you're speaking to, on the Amendment Summary Form is something that has been distributed related to the Office of Council Services Director and Office of--

CHAIR KING: Oh, I'm sorry.

ACTING COUNTY CLERK: --and Office of--

CHAIR KING: You're right, I am. The, the notes, yeah, the notes that I was given are not following along with the agenda, so, the next agenda item is, is appointing yourself. And, so, not sure what happened with the Council notes and the, let me see if they're out of order.

VICE-CHAIR RAWLINS-FERNANDEZ: Is it 105, is that the correct amount?

CHAIR KING: 19-6 is the one we should be on according to the agenda. Is that correct?

ACTING COUNTY CLERK: Yes, and as Councilmember Rawlins-Fernandez--

CHAIR KING: Thank you for pointing that out--

VICE-CHAIR RAWLINS-FERNANDEZ: 105.

ACTING COUNTY CLERK: --mentioned what's posted is for 105. Don't let me stop you from, from raising it. But I just wanted to point out the Amendment Summary Form you're indicating is related to the OCS Director.

CHAIR KING: Okay, well, do we have the amendment for 19-6? Oh, there's no amendment required. Okay. I'm sorry. So Clerk, can you read the, I'm sorry for the, there have been so many amendments to this, to the OCS staff. So the Resolution 19-6, is

appointing Joseph *[sic]* K. Nishita, the County Clerk and setting the salary. And that's the one that's on Granicus.

Do we have a motion.

COUNCILMEMBER LEE:

SO MOVED.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Moved by Councilmember Lee, and seconded by Councilmember Molina. You have another, you have a statement, Mr. Clerk.

ACTING COUNTY CLERK: Madam Chair, just there was already a motion on the floor from Councilmember Sugimura and a second from Council Vice-Chair Keani Rawlins-Fernandez to--

CHAIR KING: Okay, on the original.

ACTING COUNTY CLERK: Yeah, to adopt the resolution.

CHAIR KING: Okay, to adopt the resolution. So do we have any comments? Anybody want to comment?

Councilmember Paltin.

COUNCILMEMBER PALTIN: I just think that Mr. Nishita in his last action proved himself worthy of the job.

CHAIR KING: Okay, well we have other people that want to comment.

Councilmember Lee.

COUNCILMEMBER LEE: Well I find this a little disturbing County Clerk, but I think your behavior is a little disrespectful and unruly but I will be voting in favor of you.

CHAIR KING: I'm not going to discipline you however.

Councilmember Sinenci. I, I thought, I thought you had your hand up.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I speak in support of this resolution. Josiah Nishita was first appointed to the Legislative Branch as a Legislative Analyst with OCS, and he began with OCS in March 2012. He quickly gained the respect and confidence of the Councilmembers and his colleagues proving himself to be a quick learner, intelligent, articulate, efficient, responsive and ethical, as we've just seen.

When the Deputy Clerk was appointed County Auditor a little over a year ago, Mr. Nishita was appointed to fill the role by Resolution 13-82. Mr. Nishita has served as Deputy County Clerk from August 1, 2013 through the end of the 2017-2019 Council term. And in that role, Mr. Nishita has supported the Council in his legislative functions and supported the Council in maintaining the custody of records and in the conduct of its election.

These past five years as Deputy County Clerk, he also provided, Mr. Nishita also provided with the experience managing the Office of County Clerk along with County Clerk Danny Mateo. Mr. Nishita's direct experience in the office make him uniquely qualified for appointment as County Clerk. And I ask my colleagues to join me in supporting this resolution.

CHAIR KING: Okay, any other comments.

Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I wholeheartedly support Mr. Nishita's appointment. He is a very bright young man, very talented, and we'd certainly hate to lose him elsewhere so we're very fortunate to have him and I'm certainly in support of the pay adjustment as well. As for me, that's the least I can do, I, I've seen this young man come to work, a lot, put in a lot of long hours because our parking stalls were formerly next to each other. I can certainly will do this for you Josiah, and please forgive me for all those little dings on your doors, I think, opening my truck. Thank you.

CHAIR KING: That sounds like it needs discipline. Okay, so can we call for the, call for the question. Those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR KING: Okay, we have eight "ayes"; no "noes"; and one "excused", Councilmember Kama.

Does anybody else feel like they need a break right now or are we good? Okay.

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-7

APPOINTING MARIA E. ZIELINSKI
THE DIRECTOR OF COUNCIL SERVICES
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Maria E. Zielinski as the Director of Council Services of the County of Maui, effective retroactive to January 2, 2019, twelve o'clock meridian, until April 30, 2019, unless terminated earlier, and that the salary of the Director of Council Services shall be \$127,059.

CHAIR KING: Do I hear a motion to approve the--

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT RESOLUTION 19-7.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, thank you, Ms. Rawlins-Fernandez. Moved by Ms., Councilmember Rawlins-Fernandez, seconded by Councilmember Lee.

And Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO REVISE THE PROPOSED SALARY BY STRIKING
127,059 AND INSERTING ONE THOUSAND THIRTY-FIVE,
135,000 IN ITS PLACE.

CHAIR KING: Thank you, do we have a second?

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay moved by Councilmember Rawlins-Fernandez, seconded by Councilmember Lee.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I'd like to refer Member to the Amendment Summary Form relating to Resolution 19-7, just distributed. As noted in the document, the Salary Commission approved a 12-percent increase in compensation for all mayoral-appointed department heads that took effect exactly two years ago. Meanwhile, the salary for the position of the Director of Council Services has not changed since 2013.

Prior to 2017, the Maui County Code established that the pay for the Director of Council Services would be equal to or lower of the salaries set by the Salary Commission for the Corp. Counsel, Corporation Counsel and for the Prosecuting Attorney, which traditionally are identical. The policy principle was that the salaries for the heads of the three County agencies employing staff attorneys should be the same or similar. Even when the Director of Council Services is not an attorney, she is responsible for managing legal staff. The compensation parity recognizes, recognize that, the comparable importance of legal work through County government, throughout County government and ensure the heads of the law-oriented agencies would not be susceptible to recruitment by other, another office.

The County Code was changed two years ago to allow the Council to compensate the Director of Council Services at a lower level than the Corporation Counsel and the Prosecuting Attorney. Consequently, the salary for the Director of Council Services is now approximately \$15,000 lower than the \$142,306 salary for the Corporation Counsel and the Prosecuting Attorney.

Increasing the Director of Council Services' pay by six percent, to \$135,000, as proposed, would result in a salary that is still 7,000 lower than the annual compensation for the Corporation Counsel and Prosecuting Attorney. The proposed salary is an appropriate compromise that recognizes the current Director of Council Services is not a licensed attorney but does manage an agency of staff with attorneys.

CHAIR KING: Okay, thank you, Ms. Rawlins-Fernandez. Any other comments?

Councilmember Hokama.

(Councilmember Kama returned to the meeting at 5:18 p.m.)

COUNCILMEMBER HOKAMA: I speak against the motion. I find it interesting on this first Council meeting we asking six new Members to make a salary decision increase without knowing about the individuals that we choosing to hire. And a compensation plan that if you look, is kind of interesting, whereby I would hope we would do a desk audit and tell each employee write down exactly what you do because if you look at this compensation plan proposal as it regards to the rest of the staff on the seventh floor, you would find tremendous disbalances.

Oh, I've audited their leaves. You should be interested, and you guys should be aware of what each employee did with earned vacation, sick leave, and CTO. Who was present, who wasn't present, and who is actually doing the work and who is being asked to get pay increases on the first day of this Council. Do you guys know the employees that you guys asking to, telling us to give raises to. Have you worked with them? Have, do you know their level of integrity? Their level of judgement? The level of discernment? I have. I cannot support this.

I think this is something we should be discussing in budget and make them show to us that, what they're really doing because I'm having a hard time with a section where certain employees eventually get just as much or more than the supervisor of another section. Interesting compensation plan. Interesting. I don't need the rhetoric about the difference with Corporation Counsel. We are not Corporation Counsel. This is the Council, we have at will employees, okay. They don't like it, they can leave, they can work for somebody else. Okay.

Before you make up your mind Members on what you want to give in increases, understand where we are, what is the current employees actual work. You should be at least given their employee evaluations, at the minimum. You being asked to give raises, today. Do you know who you giving raises to? Have you seen their work effort and work product? Have you seen their strengths? Have you seen their weaknesses?

You know, this is not the place for the first meeting of the Council to deal with this kind of pay increases. I think you guys should have the time to talk to the employee, have it reviewed and then make up your mind. Because even with this proposal they looking at retroactive. We can do retroactive come budget. Ask the questions especially for those that have come from civil service, you look at the step movements, how much. If I counted right, one is for five step jump. Is that deserving? I leave the questions to you Members because I can tell you I would have a hard time explaining to my taxpayer base, why I would support this, this afternoon. Thank you, Chair.

CHAIR KING: Okay. Thank you, Councilmember Hokama.

Any other comments?

Councilmember Lee.

COUNCILMEMBER LEE: I think that Councilmember Hokama brings up some very valid points. As far as I'm concerned, and maybe a few others, yes we do know most of the staff, we know what they do and, and we, well I have inquired about salaries. And it, it appears that many of them have not had raises for a number of years. So, if there are some outstanding questions that maybe some of the new Members might have for the Director, maybe they could ask them now.

But in reality we are asking most of the new Members to make major decisions today without them having the, the background or experience. So, that's the way it's going to be moving forward and a lot of times I would think that the new Members would have to rely on either the Council Chair or those, or our resource people who are in charge. But, that's what happens when you have a brand new Council, and have so many rookies, they're just going to have to rely on a, on a lot of recommendations.

CHAIR KING: Thank you, Councilmember Lee.

Also, I just want to make it known to, and all the Councilmembers know that they had opportunities to review the evaluations and I believe some of them did. They've had opportunities to work with some of our staff already and certainly . . . to meet our staff on multiple occasions. These are recommendations, like you said it's been a long time since these step movements have happened. And so these are not recommendations made lightly.

I was asked to, as a new Councilmember two years ago to approve a slate of, of personnel in Office of Council Services with salaries having met none of them. You know, we've had more opportunities to interact with them this time, in the last two months, than I had probably in the first six months of my term, this last, this last term.

So, I will leave it up to the new Members and I know some of them have strong opinions after having reviewed the evaluations, which were done back in, I believe June of this year and reviewed since then as well. So this is the first of them and this is my recommendation and I'll, Councilmember Kama do you have a--

COUNCILMEMBER KAMA: Yes, I do. I just wanted to respond that I did go into the Office of Council Services right after I got the agenda and I asked myself that question too, I said how do I even respond to the resolutions in terms of appointments and in terms of salary if I do not know them, cause I never met them, and I have no idea what they do. So I took it upon myself to go into OCS, to make an appointment to sit down with, with Maria and have a long discussion with her regarding the salaries, regarding the staff, and I too was appalled at how the disparities in pay had been going on for so long in Office of Council Services.

I mean, I campaigned on trying to get a living wage for our people. I don't know how much power I have to do that, but I understand how little we pay our County, our County personnel. It's a given and we all are overworked and underpaid. But if you are in a position to be able to offer to your staff what's fair, what's equitable, we should do that.

So for those Councilmembers who may not have that opportunity to go, I would urge you to go so that when Mr. Hokama asks these pointed questions, that you can say yes I did, I did my due diligence and therefore I'm ready to say yes. So that's what I wanted to say. So thank you very much, Madam Chair.

CHAIR KING: Thank you, thank you, Councilmember.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm of the like mind of some of my colleagues as well on this. Maybe today is not the day, no disrespect to the employees that are under consideration for this. But there are some disparities in the step movements and, and of course out of respect for our four new colleagues, such as Ms. Kama, and, who, who generally really expressed that, her concerns very well.

Let our employees who are under consideration for these adjustments prove themselves to them, and then if everything works fine, then we can consider a retroactive increase. So maybe wait a couple of months and take it up in budget and finance, and, and go that route. And maybe if there is room also to look at, an across the board increase for our other employees as well too, so we have to, I'm of the mind that you raise one, you adjust one, maybe you got to look at everybody else, provided of course their performance merits it. So, I would prefer that we defer on the salary adjustments, Madam Chair. Thank you.

CHAIR KING: Any other comments? Okay, well I, I'm not going to defer this right now, I think we need to, we have some employees who may walk out the door if we don't do this. We have some very good employees that I've worked with over the last two years who have been frustrated and we are having a hard time attracting people to Office of Council Services because of the way the salaries are at, and because of looking at the, the levels of the, of the pay over the last few years. So, you know, people, people are paying attention to their own salaries and other salaries and there has been a disparity movement among, in OCS between some employees and other employees.

So I'm going to go ahead and call for the question on this one. If you chose to vote against it, then that's your decision, but I'm convinced that this is the right move. This is, right now we're just talking about our Director, but we have other, other members that we're going to be looking at as well. And, as much as when I came in two years ago, I was asked to approve people I had never met. I think we're, we're way beyond that because I think everybody's met pretty much everybody in the Office of Council Services, you've spent time with them, you've talked to them. And so I'm going to ask for this movement on this employee and other employees so that we can move, we can get through, we can actually staff completely our Office of Council Services.

Okay, so call for the question. All those in favor of--

COUNCILMEMBER SUGIMURA: So Chair.

COUNCILMEMBER MOLINA: Madam Chair. Sorry, just a procedural question. So what we're voting on is on Ms. Zielinski's reappointment and with the salary--

CHAIR KING: Right, right. Oh no, this is the amendment to the, the actually, the main motion which was the reappointment. This is the amendment to the salary, so it's an amendment to the main motion.

COUNCILMEMBER MOLINA: Okay, so we're voting on the amendment.

CHAIR KING: Amendment right, and then we'll go back to the main motion.

All those in favor of the amendment say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Those opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, eight "ayes"; one "no", Mr. Hokama.

And then we go back to the main motion. All those in favor of the main motion say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Measure passes with eight "ayes"; one "no", Mr. Hokama.

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-8

APPOINTING MARGARET C. CLARK
THE DEPUTY COUNTY CLERK
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint Margaret C. Clark as the Deputy County Clerk of the County of Maui, effective retroactive to January 2, 2019, twelve o'clock meridian, for the term ending January 2, 2021, twelve o'clock meridian, unless terminated earlier, and that the salary of the Deputy County Clerk shall be \$94,000.

CHAIR KING: Okay, do we have a motion.

COUNCILMEMBER SUGIMURA:

SO MOVE.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Moved by Ms. Sugimura, seconded by Councilmember Kama.

Councilmember Sugimura, you want to defend your motion.

COUNCILMEMBER SUGIMURA: Oh, I'm sorry. So, I have had the opportunity of working with Maggie Clark as, in Office of Council Services staff and she's very efficient, she also worked on budget, she was fast learner, I think she also came from the Budget Department with the Mayor's Office at one time. So, she is, she is very capable, and I think she would do a good job working with Mr. Nishita and they would have, be an awesome team. So I totally support her.

CHAIR KING: Okay, thank you. Any other comments? Mr. Nishita, would you like to comment.

COUNTY CLERK: Thank you, Madam Chair. I, I hope--

COUNCILMEMBER HOKAMA: Chair, with all respect, I think this is between the Members, this discussion.

CHAIR KING: I understand that Mr. Hokama, but I do want to get the input of the Deputy, of our Clerk, now our Clerk who has, who made the, the choice for his Deputy. So, Mr. Nishita.

COUNTY CLERK: Thank you, Madam Chair. Yeah, I, I wholeheartedly support the appointment of Maggie Clark to the Deputy County Clerk position. I've known Maggie for some time now and she's been a very fast learner, very bright, and I, I believe that she'll be able to assist our department going into the future as well as to help out with a lot of different election activities and changes that are on the horizon. So, I wholeheartedly support the appointment and I just request the Council's support of it.

CHAIR KING: Okay, thank you, Mr. Nishita. Any other comments, questions? If not, we'll call for the question. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: All those opposed.

NOES: NONE.

CHAIR KING: Okay, measure passes with nine "ayes"; no "noes".

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-9

APPOINTING DAVID M. RAATZ, JR.
THE SUPERVISING LEGISLATIVE ATTORNEY
IN THE OFFICE OF COUNCIL SERVICES
AND SETTING THE SALARY

BE IT RESOLVED by the Council of the County of Maui that it does hereby appoint David M. Raatz, Jr. as the Supervising Legislative Attorney in the Office of Council Services of the County of Maui, effective retroactive to January 2, 2019, twelve o'clock meridian, for the term ending January 2, 2021, twelve o'clock meridian, unless terminated earlier, and that the salary of the Supervising Legislative Attorney shall be \$127,948.

CHAIR KING: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT RESOLUTION 19-9.

CHAIR KING: Is there a second?

COUNCILMEMBER KAMA:

I SECOND THE MOTION.

CHAIR KING: Moved by Councilmember Rawlins-Fernandez, second by Councilmember Kama.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO REVISE THE PROPOSED SALARY BY STRIKING
127,948 AND INSERTING 135,000 IN ITS PLACE.

COUNCILMEMBER KAMA:

I SECOND THE MOTION.

CHAIR KING: It's been moved by Councilmember Rawlins-Fernandez, and seconded by Councilmember Kama, to amend the resolution to revise the proposed salary. Any discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: I'd like to refer the Members to the Amendment Summary Form relating to Resolution 19-9, distributed at, distributed, just distributed, from Councilmember King.

As noted in the document, the Supervising Legislative Attorney manages a staff of ten, including three attorneys. The revised proposed salary for the Supervising Legislative Attorney is consistent with the salaries of both the First Deputy Corporation Counsel and the First Deputy Prosecuting Attorney, whose salaries are set by the Salary Commission. Similar to the Director of Council Services, the parity in compensation recognizes the comparable importance of legal work through County government.

CHAIR KING: Okay, thank you. Any other comments, questions? If not, we'll call for the question on the amendment. I'll call for the vote on the amendment. All those in favor say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes with eight "ayes"; one "no", Mr. Hokama.

Back to the main motion of appointing David M. Raatz, Jr. for the Supervising Legislative Attorney. All those in favor say, oh Mr. Hokama, would you like to make a comment.

COUNCILMEMBER HOKAMA: Chair, I speak in support of this amended motion. I think Mr. Raatz can be a very good Supervising Attorney for, for Council. I've seen him work in this area in the past. I think he does pretty good work. At times I would say maybe he's over zealous in his review of the reports, but I think Mr. Raatz does a good job. And so I'll be happy to support him on this motion. Thank you.

CHAIR KING: Okay, thank you, Mr. Hokama. No other comments? We'll call for the question. All those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Those oppose.

NOES: NONE.

CHAIR KING: Measure passes with nine "ayes". Thank you.

Okay, Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-10

APPOINTING THE STAFF OF THE
OFFICE OF COUNCIL SERVICES

BE IT RESOLVED by the Council of the County of Maui that it does hereby approve the appointment of individuals to various positions in the Office of Council Services, effective retroactive to January 2, 2019, twelve o'clock meridian, for the term ending January 2, 2021, twelve o'clock meridian, unless terminated earlier, at the pay ranges and pay steps as provided for in Exhibit "A".

CHAIR KING: Ms. Keani, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT RESOLUTION 19-10.

COUNCILMEMBER KAMA:

I SECOND THE MOTION.

CHAIR KING: Moved by Member Rawlins-Fernandez, seconded by Member Kama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO SUBSTITUTE EXHIBIT "A" OF THE PROPOSED RESOLUTION WITH THE EXHIBIT "A" ATTACHED TO THE AMENDMENT SUMMARY FORM FOR RESOLUTION 19-10, WHICH REVISES THE PROPOSED PAY RANGE, RANGES AND PAY STEPS FOR INDIVIDUALS AS NOTED THEREIN.

CHAIR KING: It's been moved. Do we have a second.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Moved by Keani Rawlins-Fernandez and seconded by Councilmember Kama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I'd like to refer the Members to the Amendment Summary Form relating to Resolution 19-10, distributed just now from Councilmember King.

The revised proposed pay ranges and pay steps provide compensation for OCS staff whose pay steps have been withheld in the past and will encourage staff retention through annual increases based upon dates of hire. The proposed revisions will also give OCS legislative attorneys parity with deputies corporation counsel and deputies prosecuting attorneys whose salaries are established by Section 2.44.015, in the Maui County Code.

CHAIR KING: Thank you, Ms. Rawlins-Fernandez. Any other comments, questions?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak against the motion. One, I find it very deceiving of the staff to not present to the Members that's being asked for the, their raises, to give you their rates in dollars. You guys know that they asking you to shift, go from what, lets take one, especially lets go to support services. From E to G, and you going okay, from E to step G. Look at the dollar amounts, don't just look at the, how much they actually making and look at the comparables and then what is doing what, whether its support, secretary, supervising secretary, analyst or the attorneys.

Yeah, and that's why my thing to you Members is you should be asking for desk audits and have those employees write exactly what they do and see if it matches their job description and are we compensating appropriately. Then I would say, we can look at this type of proposals and push it forward and explain to our communities why we gave such raises, okay. You know, when you go in front somebody and ask them do you want a raise, they going to tell you yes, so they going to give you the case why they deserve the raise, okay. You only going get half the story.

I think you should be looking at those evaluations. You need to know that some of the evaluations were not signed by the appropriate authority. So there's reasons for those too, you need to find out why. And it's not to be talked about in the public. So I will not bring it up. But we have issues downstairs, bad ones, that to me does not merit the adjustment in compensation. And then the most deceitful thing for me is they going lump it all together. So now do I sacrifice those that deserve it and are our good employees to compensate and make up for the weak ones? Interesting way of doing it.

And you know we can say yeah the last term, my first term, I been there, but I can tell you if you ask the returning Members, they could answer the questions of why the proposal was being made. They know who we were talking about. They knew who was performing and who wasn't. Okay, this is like any other business, you got those that produce, and those that slack. Those that take a lot of CTO, and go home at 4:25 instead of 4:30 or what have you.

But, you know at the appropriate time I'll be happy to share with you my audit on leaves and comp time and you'd be surprised at the employees, the hours, and who does what and who doesn't do what for this Council. So I'm going to vote no on this compensation thing. I think it's not fair to this Members of this Council and I don't think half of them deserve it. Thank you.

CHAIR KING: Okay, Mr. Hokama. Any other comments from any Members.

I will say that, you know, being from the private sector, we don't micromanage people on, in, on the front lines. We hire managers to manage, we take recommendations from those managers and that's what I've done with this proposal. I've looked at all the evaluations. The proposal is in line with the evaluations and I don't, the actual format is the format from the previous Chair who made the postings for this meeting today.

So, the, the amendment is made in the same format that it was posted in. In my discussions with the former Chair who was in control of the first, the first agenda posting, he was not in favor of, of putting these compensations in so he posted it the way he posted it. I had no control over that. When I went in to talk to the manager of OCS, and I looked at the evaluations, I agreed with the recommendations for these step increases, and I don't think it's a, it's a fair way to manage an organization like Office of Council Services by going in and trying to meet with every single employee. I think that's why you have managers. The managers are the ones who work directly with the employees.

If we did that in our, in our businesses, those of us who run businesses, we'd have no, no time to do our own jobs. If we went around and tried to figure out everybody who worked at a desk and everybody in accounting, and everybody who's a clerk or, or driver, or whatever, that would take all our time. So at some point, this is how corporations work, you manage the managers, you take recommendations from the managers and that's exactly what I did and so that's the proposal you're looking at.

I will say just in line with what I've said previously that we have employees who have not felt like they've been treated fairly. It's been a long time since they've had step increase and probably ready to walk out that door at the current rates. We're not competitive, we need to be competitive. And that's how we keep good people and that's how we attract more good people. So, it's my recommendation, I'm willing, you know, any other comments.

Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm somewhat torn on this as well. I can see Mr. Hokama's points and again we do have new Members on the, this Council. I know many of these individuals and I, I would certainly support adjustments to their salaries, but at the same time we got to explain to our constituency why we're approving these increases. So, I'm trying to think of a mechanism or a way, maybe proviso this, or mandate these individuals just to at least provide us what they do. Because I think like anything else, it's whenever you, any business, if you want, you're

asking your boss for a raise, you know, you're expected to provide some reasons for it.

And, I'm maybe just looking at this as compromise. And I'm open to supporting it now, but and maybe looking at, you know, a performance evaluation later on. Not to put these individuals on, on probation. But especially for some of the newer ones that some of us, including myself, Ms. Lee, and have never had the opportunity to, to work with. So I'm just stating for the record, I'm really torn about this but I would hope that there's some way we can satisfy the concerns of Mr. Hokama, which I feel are legitimate in some ways.

And, and, but as I've stated earlier, many of these individuals I know, they work, they do work hard. And I'm concerned about maybe morale, cause if some of the other employees are not getting compensation, or some who are getting significant additional step increases versus others only getting one. I mean, how do we look at the issue of morale in, in Council Services so that's really important to me cause I want a staff that's everybody, everybody is feeling good about their work and to me you have employees that if the morale is good, the productivity will increase, and it benefits all of us.

CHAIR KING: Thank you, Mr. Molina. That is the intention of this, because morale is fairly low right now. So--

COUNCILMEMBER KAMA: Madam Chair, Madam Chair.

CHAIR KING: Member Kama.

COUNCILMEMBER KAMA: So my sense in when I went in to speak with Office of Council Services is that, that the morale has been low for some time. And to be able to, to give the salary that we're giving now, that we're talking about now, is suppose to level that playing field that everybody comes up to parity. And that what was done before is what we're trying to do now is to make it all clear and equal for everybody. So I thank everybody for thinking about the morale of the staff. If they not getting their raise, but the ones that are getting are the ones who really deserve it, cause that's the morale who we trying to boost. Cause we're trying to make it fair for everyone. Thank you.

CHAIR KING: Thank you, Ms. Kama.

Let me, let me see if anybody else has comments who hasn't.

Councilmember Lee.

COUNCILMEMBER LEE: Madam Chair. I know Mr. Hokama is kind of an expert in this area. But what concerns me is there seems to be a lack of stability in the Office of OCS, and longevity. And, there's got to be a reason why and probably the most obvious is compensation. And I'm thinking that we're short-handed, I heard we were short-handed. And, what we need is to make, ensure that we attract the best, and if we want the best, we have to give them a decent salary.

And I know it's kind of hard to dole these out, because they are making way more than we are. But, the fact of the matter is they all have a certain expertise in, in various areas and are deserving of a just compensation. So, you know, I will be supporting this motion and I'm hoping that the people that we do hire in the next few months will be staying with us. So, I mean, when I was here before, you know, these people lived and died here. They didn't, they, you know, it's not like today where there are so many different people. And, and I think we can stop the revolving door by ensuring that we give them good compensation.

CHAIR KING: Okay, thank you, Councilmember Lee.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I just have a question. Not necessarily, not that I've been involved in these steps, right, I mean, I can read the numbers in terms of what people are making and, and I, I did, you know, write out what each, each person would be making. But, I'm just curious about going from like 54,000 all the way to, you know, like 63,000. Is that kind of like the normal thing that happens in OCS or you know within the Council offices, that, those kind of increases happen, that, that magnitude.

CHAIR KING: Well sometimes they happen at smaller magnitudes, but more often, but the point is that some of these people have not gotten step increases in many years.

COUNCILMEMBER SUGIMURA: One more question. Do they get overtime?

CHAIR KING: When, you know in my talks with OCS in the last couple of months, some people get overtime and get it paid, and some people get overtime and take it in comp time. And I'm not, so there's, there's that inequity as well that I've been looking into. So, the, the, you know my intent as your Chair is to try to equalize out the opportunities for people to do overtime in cash, or CTO. Not strictly limit some of them to taking comp time. Others want, others can actually get paid for that. So, that's part of what this, you know, trying to level out these raises that should have been given is about. It's about, you know, that's part of what, where the low morale is, to tell you the truth.

COUNCILMEMBER SUGIMURA: Are you going to, are you, well are you going to change it so that everyone gets overtime, or everyone gets comp time off so there's not this disparity. Is that where you're trying to go? So if you're trying to get there, do you think that we should look at it comprehensively instead piecemeal so that it's, it's a, it's a total picture. How much is it going to cost the taxpayers? I think that's some of the questions that I'm hearing.

CHAIR KING: Yeah right. Well so this total increase with all these increases I believe was a little over 50,000. So to me that's, you know, that's a doable, a very doable number given that we have 1.2 million set aside just to do audits and we haven't used, I think we've use like 600,000 of that. So the money is there. And I've been told this for, from six months ago or so when Mr. Garneau was still with us that, you know, there needs to be these increases. The money is there, and it is doable.

But we've been losing people, we lost three people in the last month to other, to the Administration and, one to County Clerk. But, we're not, that's part of the issue with OCS is trying to stay competitive, trying to make, bring the level of fairness to the offices and, and have people's morale go up so they, they do stay there and they work harder.

COUNCILMEMBER SUGIMURA: So just kind of over, a comment regarding the people who left recently. So one became the Budget Director, which is great. One person is assisting the Budget Director's Office, so that's like a promotion to me in terms of responsibility. And of course Maggie, we just approved, you know so--

CHAIR KING: Right.

COUNCILMEMBER SUGIMURA: I think those were great moves, it's not like they left because they hated it, hated it here. I think they were opportunities, you know. So I don't want the public to think that it's, it's a bad environment.

CHAIR KING: And it, and . . . there always will be other opportunities. The point is to try to make the opportunity of working for OCS more attractive, you know, so we, so the opportunity of coming here or staying here is attractive.

COUNCILMEMBER SUGIMURA: So going back to the question about CTO or overtime, are you going to standardize that and can we look at it comprehensively so we can--

CHAIR KING: Well we can--

COUNCILMEMBER SUGIMURA: --and it's 50,000 a year or 50,000 a month?

CHAIR KING: 50,000 a year.

COUNCILMEMBER SUGIMURA: And how much is it with CTO, well CTO won't be--

CHAIR KING: I don't, I don't know that, that number.

COUNCILMEMBER SUGIMURA: --the impact for CTO or, or overtime.

CHAIR KING: And . . . maybe we'll . . . maybe we'll need to do an audit of the last year or two to find those numbers out. But right now, I'm not, I'm not going to, I mean I think that's why we're looking at these salaries comprehensively across the board because we're trying to standardize what, the treatment of people at OCS. But I'm not going to hold it up till we figure out who took, you know, who took how much overtime because the overtime, in number of overtime hours is based on the difference of the workload.

And some of the workload has been more, but it just, some of the people that I've been talking to said they were not allowed to take the overtime that they did do in payment. They had to do it in comp time. So those are the, some of the things that I'm looking into. It doesn't, to me it doesn't affect this, these pay raises. It's a separate issue. But, you know, you're welcome to vote however you want to vote on this, you know, proposal. But, this is from some pretty intensive research I've been doing. And there may, and there may be others who, you know, Mr. Hokama disagrees with me but, but this is my proposal.

COUNCILMEMBER SINENCI: Madam Chair.

CHAIR KING: Member Sinenci.

COUNCILMEMBER SINENCI: Reclarification, question. So how much again was the, the increase in, in salaries. And you mentioned another number that was part of a, a larger fund.

CHAIR KING: Well there's a, there's a budget in, in the Council and, I mentioned a 1.2 million for audits which we have not spent. I think we've spent about, when I last looked we, we had spent between five and 600,000 of that.

COUNCILMEMBER SINENCI: And that's, that's the fund that the 50,000 a year in increase is coming from.

CHAIR KING: Well that's, that's, that's just one, you know, that's just one example of some of the monies that are in the, in, you know that are available to us that we have not spent this year, this fiscal year.

COUNCILMEMBER SINENCI: And, and who, who is--

CHAIR KING: But let me ask Ms. Zielinski.

COUNCILMEMBER SINENCI: --that fund, who has access to that fund? All of us? Do we appropriate that, funds from that.

CHAIR KING: We appropriated that money for OCS for audits.

COUNCILMEMBER SINENCI: For audits in OCS.

CHAIR KING: But it can be, you know, the money can be moved around. But I'm going to ask Ms. Zielinski to, because she has the exact figure of how much per year this is going to cost.

DIRECTOR OF COUNCIL SERVICES MARIA ZIELINSKI: Yeah, thank you, thank you, Chair. Yes it's actually 51,000 for the rest of the fiscal year, so it's actually six months not the full year.

CHAIR KING: Okay, oh, six months, okay.

DIRECTOR OF COUNCIL SERVICES: Yeah, that's the impact. But as Chair indicated, you know we have, first of all we have right now five vacancies, we've had vacancies that, all year actually. So there's savings throughout this whole year, so I mean it's not a matter of the funds if you will because we're, our people are actually working extra because of those vacancies. But the 51,000 as she says is doable.

We have many savings in many different areas. One as Chair indicated was in audits, for example I, there's a \$1.2 million provision and I think we spent about, not even \$600,000 thus far, maybe it's, you know it's around 600. But there's other areas that are, are also where there are savings, and this is the central OCS budget so it's not the Councilmembers' individual budgets. It's the central one so that's, you know, it's got, just, you know, all of the other, other activities that are handled by the Office of Council Services and by Council.

COUNCILMEMBER SINENCI: And also, Maria, so and, Corporate Counsel has, will have legislative staff to help our, our offices as well, correct. So we're, we're assisting as a legislative body, we're assisting a portion of our Council here to help do our job in the next two years. And for me, I would, I would like to lend support to those people that are, like you said, short-handed and like Councilmember Lee said, to, to keep the professional and qualified people here, stop the revolving door and so that we can

have, increase people's, the morale, because we've got a lot of work to do I'm thinking in the next two years.

(Councilmember Paltin was excused from the meeting at 5:56 p.m.)

COUNCILMEMBER SINENCI: And we want a support staff that is, is, is paid well and, and feels good about coming in every day and doing the work to assist our offices, in, in what needs to be done. So, I would like to, to support this, this bill, this resolution. Thank you.

CHAIR KING: Thank you, Councilmember Sinenci.

Any other comments? Councilmember Hokama.

COUNCILMEMBER HOKAMA: I can appreciate the dilemma for my new colleagues, it's not an easy thing dealing with employees. So I can appreciate your folks trepidations, your comments. But, for me, simply working with this for twenty plus years, how do we justify a CR-1 Support position at step K making the same as a CR-4 Supervisory Secretary? Why we compensating those two positions under this proposed amendment the same? One is a supervisory position, supervising people, okay. The other one is not. Yet you guys willing to give them the same compensation? What is your folk's justification how we are compensating by positions?

Okay, so you can say yeah, we going keep the person in CR-1, you guys willing to take a chance and lose the person in CR-4, the Supervisor? Cause now that person saying, gee, I can do a lot less and make the same pay and not supervise anybody and be responsible for anybody. Well all I can say is I'll be able to explain to the tax base my position on compensation. Thank you.

CHAIR KING: Mr. Molina.

(Councilmember Paltin returned to the meeting at 5:57 p.m.)

COUNCILMEMBER MOLINA: Yeah, Madam Chair, how many individuals in OCS are not being considered for pay adjustments under this current proposal?

CHAIR KING: Are not being considered? Ms. Zielinski, can you answer that? You don't, we don't need names.

COUNCILMEMBER MOLINA: Yeah.

DIRECTOR OF COUNCIL SERVICES: No I understand, I just have to look real quickly here.

COUNCILMEMBER SUGIMURA: --entire staff right.

DIRECTOR OF COUNCIL SERVICES: So it would be about maybe half of the staff. These are again, if I may Chair, just, you know reiterate. These are just, these are just getting people to, to the levels they should have been at. Some of these folks have not gotten raises since 2012, 2012, okay. They were due step increases, it was based on a schedule and yet they were not given increases.

And just for clarification, the CR-1 position, which is just deemed to be support, sounds like it's not, these are, these are college graduates, these are professional positions. We have one that does procurement and purchasing. We have one that's in human resource and personnel individual. And the other is an accountant, in fact, she, when I was down in Finance, she was there and I, we wanted a, put, promote her to a higher level, an accountant because she was so good. So these are not, it may say CR-1, you think it's lower level position, it's not.

And support is kind of misnomer, and in fact we just recently changed the position description names and we, we, to be honest the position descriptions currently that were in OCS did not depict what they were doing, they were doing a whole lot more. So now the PD's do, the position descriptions actually do reflect what they truly do. And these are professional positions. So it is a misnomer to look at support. But as they say, in that, in that particular area, we have three people that have not gotten, well, two of the three that have not gotten raises since 2012, 2013.

COUNCILMEMBER MOLINA: Thank you. Quick follow-up Madam Chair. So is it the intent at a later point to look at these other individuals who did not get any increases, or is not under this current proposal to consider adjustments down, down the road, or did they just recently get step increases as maybe the reason why they are not part of this list for adjustments.

CHAIR KING: Ms. Zielinski.

DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. To answer your question, during budget period, this was just when I had come onboard, they, there were raises that were given to all of the staff, however the staff were given different percentage raises, so some got up to six percent, others got two percent. So, it, it, that was kind of, we were just looking at where the steps were and that they had a catchup. And this was catchup. This is what we're trying to do as Chair said, we're just trying to create parity.

But everybody did get during budget period a raise. But as I say it varied, some got six, some got two. The, I would think the expectation would be that during budget

period again, coming up there would be a review of the, you know the salaries and then you know some sort of a percentage increase and that of course would be based on, you know, whatever the, the Councilmembers decide upon.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR KING: Thank you, Councilmember.

Okay, Councilmember Kama.

COUNCILMEMBER KAMA: I have a question, Madam Chair. So are the pay raises and the steps, are they fair, are they just, and are they equitable. And if they are yes, then I support this.

CHAIR KING: Okay, thank, do you want, do you want an answer to that because I can tell you from my point of view, from the research I've done, I would answer yes.

COUNCILMEMBER KAMA: Well--

CHAIR KING: If you would like to ask--

COUNCILMEMBER KAMA: Yes, thank you.

CHAIR KING: --have Ms. Zielinski respond.

DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. So Councilmember Kama, you're asking about whether the current, the recommendations that we're making in, in the resolution are fair?

COUNCILMEMBER KAMA: Yes.

DIRECTOR OF COUNCIL SERVICES: Yes. And as I say yes they are fair. These are all well, these are performing employees. I have actually the evaluations right here that, that show that they were exceeding expectations in their reviews. And, they are all consistent with where they should be relative to their, you know, the steps and to the, the year that they've been here. They've performed and yet they haven't, haven't, they hasn't been recognized. So, I do believe it is fair and indicated to the Chair that I felt very strongly that you know, these were equities that, inequities that made, needed to be made fair.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Okay, thank you.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Madam Chair. Up until a few days ago I was a member of the civil service and I understand step movements. And one thing that was brought up that I, I don't totally agree with, if I understand what was being said is that looking at leave balances would be a reason to not give raises. Leave, leave is earned, 21 days vacation, 21 days sick leave. Your comp time is earned, to me to be taken. We're all human beings and I value all of our staff as human beings with families and lives. And I think that, you know, that's what vacation, sick, and comp time is for. You put in the hours and, and you deserve a balance in your life and, and I don't expect our staff to be here all the time.

And if they are using those leave balances at this lower rate, then the County does make out. If they use their leave balances before they got their raise, then they are saving the County money. So I don't, I just wanted to make it clear that I value our Council Services staff as people and I've had only positive interactions thus far and I don't have a problem with leave balances as a reason to not get a raise. And that's all.

CHAIR KING: Okay, thank you, Councilmember.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, a comment that I guess Member Hokama made regarding our Supervising Committee Secretary and that person actually has been with us many, many years. I use to work here a while ago and at, at that time, when I worked for Councilmember Dennis Nakamura, this person was working here. She's been here a long time.

So the, the comparable, the, it's kind of concerning if we're talking about making it fair so that we don't lose employees, you have somebody who's a supervisor, who's, I'm not too sure how many years she's been here, but very, very talented and who, who really helps make their, the secretarial staff work superior I would say, and if there is a disparity with the compensation, she's at the highest step she can go, what are we going to do about that. We're talking about fairness and about making sure we don't, I don't want to ever lose her, you know. And, and the work that she does she's super good and detailed, and, and just my interaction with her and the productivity of the secretarial staff relies heavily on her so she's at the top step in her grade.

(Councilmember Sinenci was excused from the meeting at 6:05 p.m.)

COUNCILMEMBER SUGIMURA: And, you know, then you're going to have others who are in support staff who are going to be making just as much as her, soon to be making just as much as her, but not having that same level of responsibility so there is some pukas here that needs to be addressed besides the CTO and the, and, you know, cash received for overtime. You know, that's a disparity that you've brought up. That's the, that's one thing I want to say.

The other thing is for civil service employees, how often do they get step increases, because I think that's what we're talking about. We're comparing it to civil service employees and I think our OCS staff are not civil service employees, but work in the environment where, you know, I'm not too sure what kind of unions they may have or, same union support, but they are not bound by civil service, whereas, you know, the other unions, the other employees maybe that are comparable. So how often do step increases happen cause that's part of what we're, the discussion is with civil service because that's like comparable to the OCS staff.

COUNCILMEMBER PALTIN: I know the answer.

CHAIR KING: Would you like to answer that Ms. Paltin.

COUNCILMEMBER PALTIN: So you start out with step A, and then in a year get a, a step B, and then you know, for the, when you start out so low, every year you get a step movement and then it goes two years, and then after you get to I think maybe about D, it's every three years.

COUNCILMEMBER SUGIMURA: So normally its three years before you get a step increase.

COUNCILMEMBER PALTIN: Yeah, once you get to a certain level it's every three years you get a step movement.

COUNCILMEMBER SUGIMURA: So if we're comparing our staff to that, then how, when was the last time they got a step increase I guess is the question.

CHAIR KING: Yeah, well, I mean--

COUNCILMEMBER SUGIMURA: Does Maria know?

CHAIR KING: Yes, she does and she, I think she's explained it . . . but would you like to explain it again.

DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. And I think Councilmember Sugimura, I think I know what you're referring to. You have to remember that these staff members were hired at the low end and there was a schedule that was prepared way back with, with the OCS and this is you know every year there was a step increase. They are not at the high end so it's not, it's not a matter of every two year or three years, that, that would be something different. But in any case, yeah, so we've got, it's a schedule that I didn't create, it's been, it's been here since, you know, I guess early 2000's and we've just been following it and then suddenly it just, they stopped following it.

And keep, I think it's important to keep in mind that, you know, Office of Council Services, we need to be, remain competitive. I think that's important. You know civil service provides other, you know, doesn't have the risk that, that our staff does. That they are right now, you know, maybe watching this and thinking did we get reappointed. In civil service, you just take it for granted, you come in the next day, you're still have a job unless you've done something, you know, really egregious.

(Councilmember Sinenci returned to the meeting at 6:08 p.m.)

DIRECTOR OF COUNCIL SERVICES: So I think that's, that's one thing that you need to keep in mind. I just wanted to justify, may I Chair. Councilmember Sugimura, you mentioned about the Supervising Secretary, I did, I have had a conversation with Chair about that as well. That's the next step that we have, as a result of some of the new positions, or the new CR's that were put in at the last budget session, we see that we have come people that actually might be making more than, in this example the Supervising Secretary.

So those are things that I need to look at and work with, with Chair and then ultimately the Councilmembers with looking at the, the ranges and the grades. It's just a couple of people that are impacted by it. But we want to again keep this as equal and, you know, everybody within parity. That was just not something at this point, we wanted to just make sure we got everybody caught up in parity there. That other is more of an ordinance, so we, we want to, we thought we would deal with that during the budget period. Thank you.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: I just wanted to add Councilmember Sugimura that, you know, generally our employees are divided either into UPW or HGEA. UPW does not have steps. HGEA has steps. And, and their increases are based on collective bargaining.

So whenever there's a decision to raise in salaries two percent over so many years, that's how it goes. UPW is a lump sum, HGEA is all steps.

CHAIR KING: Thank you, Councilmember Lee.

Okay any more comments or are we prepared to, other comments, I'm going to go ahead and call for the question. We're on the amendment right now. All those in favor of, of moving the amendment for the increases say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes with eight "ayes"; one "no", Mr. Hokama.

Back to the main motion. So the main motion includes, includes the increases. All those in favor say, "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: COUNCILMEMBER HOKAMA.

Okay, measure passes with eight "ayes", one "no", Mr. Hokama.

So we can now inform our staff, they have jobs for two years, Ms. Zielinski. Okay, thank you.

Members, so we can take a dinner break and come back like at 7:30. We need to, we need to finalize the committee structure. If we, if everybody is exhausted from today, we could try to recess and either come back Thursday or Friday.

And Ms. Lee.

COUNCILMEMBER LEE: Keep going--

CHAIR KING: Okay, is everybody okay--

COUNCILMEMBER KAMA: I second that.

CHAIR KING: --take, taking a dinner break and then come back at 7:30. Okay, so we'll, we'll recess until 7:30 and everybody can go have dinner. Thank you so much for your work so far.

(THE MEETING WAS RECESSED BY THE CHAIR AT 6:12 P.M., AND WAS RECONVENED AT 7:30 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Aloha, Councilmembers. We are reconvening the County Council meeting of January 2, 2019. Hopefully we will finish while its still January 2.

Mr. Clerk.

The following resolution was presented.

RESOLUTION
NO. 19-11

REAPPOINTING LANCE T. TAGUCHI
THE COUNTY AUDITOR

BE IT RESOLVED by the Council of the County of Maui that it does hereby reappoint Lance T. Taguchi as the County Auditor of the County of Maui, effective July 1, 2019, for the term ending June 30, 2025, unless terminated earlier.

CHAIR KING: Okay, we have a motion to approve, I'm going to read the motion. "BE IT RESOLVED by the County, Council of the County of Maui that it does hereby reappoint Lance T. Taguchi as the County Auditor of the County of Maui, effective July 1, 2019, for the term ending June 30, 2025, unless terminated earlier."

COUNCILMEMBER SUGIMURA:

SO MOVE, CHAIR.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Moved by Councilmember Sugimura, seconded by Councilmember Kama.

Comments.

COUNCILMEMBER SUGIMURA: Yes, I have had the pleasure of working with Mr. Taguchi and his staff during these last two years and he's, he is very detailed, he does a thorough job. He knows the division between Council and, and his office where he doesn't, I guess, allow us to interfere with his work, which is the division that we want. He is a wealth a knowledge because he use to work in the Office of Council Services before and I totally support him to continue on with his work as the Auditor.

He has an awesome staff, which I've gotten to meet over the years and they are just as anal as he is about getting things right. So I think in total, they are basically the formula that we need to, to really dig in, find out the facts, and report it to us, and be at arm's length with the Council, and, and do a good job. So I totally support him.

CHAIR KING: Okay, any other comments? Questions or comments?

Ms. Rawlins-Fernandez, oh you have your microphone on--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, my mic--

CHAIR KING: --but if you don't want to comment, you don't have to. Okay, no other comments. I guess we'll.

Mr. Hokama, you have a comment.

COUNCILMEMBER HOKAMA: Chairman, thank you. I appreciate, I find it strange that this is like the confirmation for Mr. Taguchi process and this Council is not going to ask him one question for a six-year term? Is this how we going handle the rest of the confirmation requirements of Council, with the various departments. No questions? This is a six year appointment, it's going to go over three Council terms and the Members not going to ask the independent arm of this County's government a question? Intriguing, Council.

Because I can speak about Mr. Taguchi. I went through the interview process with him. We went through the confirmation process, I've seen him in action for six years,

okay. He has a unique position, he is the first County Auditor, he had to establish the office. He had challenges, and at times, interesting subject that he chose to audit.

But we are not going to ask him any of his comments on what he felt was a highlight of his tenure as the County Auditor. Did he find any issues or problems either with the Council itself or the Administration as the independent arm of the County. We not going ask him that, for a response? Because one thing I can tell you, I would ask this Auditor for the upcoming term, I'm going to support him because I have the experience, I have the knowledge of this man and like I said I went and interviewed, and went through a confirmation regarding this individual. None of you have. You not going to ask him a question. Interesting.

Because one of the things, my thing for the Auditor is I need this Auditor to look at audits that can maybe be further refined so that we can get results faster because the scope of work is narrow enough, broad enough, whatever is the right term that can pass peer reviews, but yet still provide Council with some information as a tool to either make the appropriate adjustments financially or operationally to create the efficiencies and the measurements of what we expect out of our programs for our community. But we're not going to ask him that?

CHAIR KING: Mr. Hokama, would you like us to call him down so you can, cause you got some questions that you're proposing.

COUNCILMEMBER HOKAMA: My point Chair is I know this man for six years in his job. I feel I can make a decision. I'm just interested in finding out how other, other eight who've never gone through a confirmation process with this individual is willing to vote on a six year appointment, which I'm going to support, but not ask him one question.

COUNCILMEMBER KAMA: Madam Chair.

COUNCILMEMBER SUGIMURA: Can we bring him down.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: I had an interview with Mr. Taguchi yesterday and I found him to be enchanting. I mean, I don't, I didn't know much about auditing or even what he did, but he explained to me what his role is and how neutral he must be and what he has done since he came into the County, and where he has been. And as far as I was concerned, I'm totally in support of, of this appointment.

And, if anything, my thoughts were I'd like to have the County Council audited. Cause I'm just curious about stuff like that. And if he can do that, I'd like him to do that. Not

us, cause we just started, but the previous Council, cause I like see what they did. Because I think sometimes we, we always want to scrutinize other people but we never want to scrutinize ourselves. And if we can't do it for ourselves, how can we ask other, that of other people. So it should always begin with us. Thank you, Madam Chair.

CHAIR KING: Okay thank you, Councilmember Kama.

And, and Members, if you have any questions of Mr. Taguchi, we can bring him down and, if anybody would like to pose any direct questions. I know some of you have already talked to him.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, and I'm happy that Members took the time individually. But part of our confirmation review process is to do this open, in front of public so the community can see what we're doing. They don't want to hear that we met with him individually behind doors. They want to know what we're doing in open meeting so everybody can observe. That is the transparency component.

CHAIR KING: Would you, Ms. Sugimura--

COUNCILMEMBER SUGIMURA: Sure, why don't you--

CHAIR KING: --would you like--

COUNCILMEMBER SUGIMURA: --he's here in the audience, he's waiting, so.

CHAIR KING: --okay. Mr. Taguchi, do you want to come down.

COUNCILMEMBER SUGIMURA: --what can we ask him.

CHAIR KING: You can come over here next to Mr. Wong.

I don't know if, can you see over that plant there, Mr. Wong?

COUNCILMEMBER KAMA: Do you want to see over that plant--

CHAIR KING: Well, you can come over where the resource seat is.

Thank you, Mr. Wong.

Okay, thank you for coming down, Mr. Taguchi.

Ms. Sugimura, any questions?

COUNCILMEMBER SUGIMURA: So if you could then. If you could give us some background on really how long you have worked in government and what your educational background is. And some of the audits that you have conducted that, you know, we, we've been fortunate enough to see your work, but if you could share it with the community and the other Members.

CHAIR KING: Mr. Taguchi.

COUNTY AUDITOR LANCE T. TAGUCHI: Thank you, Councilmember Sugimura. First, I want to thank you for letting me speak and considering my reappointment.

General background, I have graduated from the University of Hawaii, with a Bachelor's and a Master's in Accountancy. I am a Certified Public Accountant licensed in the State of Hawaii. Regarding my experience for the job, I, my auditing experience lies in being the internal auditor for American Savings and Loan for a couple of years. I also was a auditor with Deloitte Haskins and Sells, I think they're known now as Deloitte & Touche, I spent three years there. I've also been an auditor for the State of Hawaii, Department of Taxation for about two years.

In addition I have worked for the Office of Council Services, I procured audits. A couple of the audits that I had procured for the Council, I was also hired and at that time without the County Auditor, the Council was responsible for hiring the financial audit of the County financial statements. So I was responsible for that.

Since then, I've been the first County Auditor. I've been there for about five years. My audits range quite a bit. I think I've explained to all of you that my audits are on the website. When I approached this position, it was a unique position because the position requires, has the ability to audit both the Council and the Administration.

My counterparts in the State of Hawaii are somewhat independent but they don't have the ability to determine their own audits in the sense that there always is a methodology where the Legislative branch, whether it be the State Auditor, or the City and County of Honolulu, or the Hawaii County Auditor, where they're required to audit what the legislative, their legislative bodies pass.

This County is unique because although I report to the Mayor and the Council, the audits I plan to do, and I do consider audits suggested by the Council, the Mayor and the public. I'm not required to perform those audits if I don't feel it was necessary to perform the audits. So it's a unique position, and because of that position, the audit requires a lot of independence, more so than my counterparts. Because at any point

in time, I may have to, or I may feel it necessary to audit like you said the Council. And if you've noticed my reports, I try to be fair and level, in the reporting.

I think as you know, for those of you are aware, one of my audits was the audit of the, the rehabilitation of the Old Wailuku Post Office, which was a confrontational issue between the then Mayor and the Council. And I agreed to take the audit in hopes to provide some kind of a balanced approach so that the County could move forward. In that audit I found it necessary to criticize both the Mayor and the Council, knowing that I know it's a difficult situation because although I'm protected by a six-year term, I am reappointed by the County Council.

And I think in discussions with the Budget and Finance Committee Chair, and the Chair, I think, Riki Hokama was the Budget and Finance Committee Chair, my approach to this was to go through peer review. Peer review involves having my office and it's audits review by a third party auditor. So we just went through the peer review, we were audited by the auditors from I think, Chattanooga, Tennessee and, and I think she was from Los Angeles, no I'm sorry Texas, Texas. And then I have transmitted that peer review to the Council. I think it awaits being referred as you start your committee work.

I have, that peer review I have, I have passed the peer review with some deficiencies. Like any starting or office beginning, there were some things that we have to work towards. And I've already addressed it, a lot of that was doing, was concerning documentation. But in our, you know, there's a lot of pressure when I became the Auditor to have audits quickly. So, we shored that up, we changed our manual to make it more workable for us. In the beginning we adopted the City and County of Honolulu manual and they have a bigger operation. And, I think, and basically that's a brief history of.

CHAIR KING: Follow-up.

COUNCILMEMBER SUGIMURA: Thank you. I wonder if you could share with the Council your staff because, your experienced staff is, is part of, you know, your whole makeup of your ability to do your, the good work that you do. So I wonder if you could just give us a summary of who's in your staff, who is on your staff and what their responsibilities are to support you.

CHAIR KING: Mr. Taguchi.

COUNTY AUDITOR: Thank you. My office is, I have two senior auditors and one office administrator. When I recruited for the positions, I was lucky enough to have very experienced people from the Office of Council Services apply. So, I, we went through

a process, I did not make the decision myself. My recruitment efforts always involved, in the case of the administrative officer, I had the then Personnel Director as part of my recruiting staff. I, I also, to recruit my senior auditors, the first recruitment I relied on the Acting Legislative Auditor of the County of Hawaii and the City Auditor of the City and County of Honolulu as being part of the, part of the committee to make the selection. And they, we were unanimous in the selection. I've also hired an auditor with some experience, and he comes from Canada.

One thing I've found quickly in my field is that there are not very many experienced performance auditors. Performance auditing is unique. And, a lot of Certified Public Accountants and people in private practice shy away. The reason for it is exactly what is happening here, and basically there's a, you, you are in the public, you going to be criticizing and auditing departments. A lot of the departments will disagree with you and they will do it in a public venue. I don't know if you know, but accountants generally don't like to be in the newspaper. They tend to shy away from it. And I think that's why maybe there's not as much candidates for these positions.

I believe the County of Kauai lost their auditor and they've been recruiting to fill that auditor position for the past, I believe three years. I've, I have, I have got calls from the Clerk of the County of Kauai regarding how do we do it here. How did I go about recruiting an office? And recently from the Deputy Clerk, he called to ask some of those questions.

So, I believe that, the reason why I'm asking for reappointment is that I live here all my life, my children are here, I intend to stay here. I go back from the plantation days with my mom and dad, where they stressed education. And that's the one thing that they made sure that I could achieve. And I'm trying to do the same thing for my children. And, I'm part of the community, I want to try and help the community get better as, as best as I can, while I'm here. And that's just--

COUNCILMEMBER SUGIMURA: Thank you, you answered my last question, if you want this job and why. So, thank you.

CHAIR KING: Thank you, and, and Mr. Taguchi, talked about doing an early reappointment, it has more to do with giving your staff that comfort level that they were going to have positions at the end of this year. So maybe you could speak to that because we, you know, if we could put it off, but then we are in danger of losing possibly part of your staff.

COUNTY AUDITOR: Yeah, thanks for the reminder. The prior Council, I approached the prior Council Chair and asked if, you know, there was, as soon as possible if I could be, the resolution for reappointment could be considered. Part of the reason for it was

that I guess, my first term ends June 30 of this year. But the new Administration, as you know, started. So, like, Councilmember Sugimura knows, my, my staff has a lot of experience and they are sought after.

Early on as we went through the process my, my staff committed to staying with me. And they passed up opportunities, you know, whether it be sending their resume or whether people approaching them to, to possibly become part of the Administration, which would be a four year term.

But I believe that, well they believe in what we're doing and what we're trying to accomplish, trying to be a nonpolitical body trying to, as best as we can help the community. So they've committed to me. And because of that, we all have families and I wanted to give them an indication at the very least, you know, even if this was sent to committee of where the new Council stands.

Because, you know, they have to go on with their lives just like me. And, I just wanted to give them the earliest possible, you know, to the extent that I could cause I don't, I don't control reappointment. I just wanted to give them the longest possible advance time to think about things. And that's the reason why I approached the Chair. Thankfully he put my reso on this agenda.

CHAIR KING: Okay, thank you. Any other questions, Councilmembers?

Councilmember Paltin.

COUNCILMEMBER PALTIN: Hi, thank you. I was wondering if you could walk us through the process if you say you're auditing a department, on how you decide who to interview and how you determine if they're being truthful.

COUNTY AUDITOR: Thank you for the question. When, whenever we do an audit, there's a initial meeting. We do initially meet with the head of the department because they have to coordinate, we have to understand how much cooperation we're going to get. And, from there, when we go into the initial planning phase, we have a broader scope, then we narrow down the scope. Depending upon where this, how the scope is narrowed, we will look at the people that are involved with the decision.

For example, we are currently doing an audit and we've narrowed it down to the GPS system. That's a rather, still rather a large category so we've narrowed it down to certain departments where we're looking at. And, the people that are in the process, or responsible for this system will . . . So it's not a matter of only interviewing management. We interview employees.

At times when we're in an audit, some of the employees will call us up, and this is all confidential because they know we are independent, they know we keep to the extent that we can, we keep everything confidential. So as long as there's no court order, we're not about to tell anyone who said what. And we find that valuable.

Truthfulness, it's never, we're never a hundred percent correct. But, after you do this a while, you get to understand, especially when you understand where people are coming from and in the interview process you get a good indication of who's truthful and who's not. And, also, it's, we don't only take the interview comments. If you respond to me, and this is the way it's going to be, we actually go out and we test what you just told us. We won't just take somebody's word on it, if there's a way that we can test the statement.

For example here's our process, in the interview they say this is the process, but, and this how I approach it. Then we'll ask you, do you have written documentation. Now if you don't have written, written documentation, then we're going to start wondering. And then even if you don't, we'll go out and test what you tell us with the other peoples that are involved, other people that are involved with the process. So, it's verification, attestation, and not only interviews. When we look at a audit, interviews is probably one of the weakest form of documentation that we provide because I, you know, anyone knows one person can see it one way, and the other can see another.

CHAIR KING: Does that answer your question or, okay. Any other questions or comments?

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, mahalo for providing us more information, Mr. Taguchi. My question was, you know, when you initially took this position, what were you hoping to achieve and did you achieve those goals.

CHAIR KING: Mr. Taguchi.

COUNTY AUDITOR: Thank you for the question. I've reached, I have achieved some of the goals. There are challenges that I didn't anticipate. But for the most part I think I'm, I've been fair. I believe I've been fair to both the Administration and the Council. And, that's a relative term. If you ask some of my auditees if I was fair, I'm sure you might get a different answer. I, I don't think, as an Auditor you have to be able to say the truth even if some people aren't going to agree with you, and strongly disagree with you. And, that is something that anyone in my position, you have to consider that before you take the position.

One of my goals was to, when I first went in was to start small and try and figure out what is the most sustainable size of my office. One of my concerns was if the office grew too big, especially that, it's the first County Auditor's Office, I wasn't quite sure how the Administration and the Council, and the County in general, and the public would perceive the office. So I, I tend to be conservative, that's just in my nature. When it comes to County funds I'm very conservative.

I try not to promise more than I can deliver. I would rather under promise and over deliver. There are times, I, I think, Councilmember Hokama noted that the places that we can get better would be to, and we, I had this conversation with Mr. Hokama is to better define the scope, keep the scope smaller, more, more precise, which would help us create audits on a more timely, faster basis. But there's one thing you have to always consider and I, I spoke, I told this to the Council, if the audits are too focused, their then, they're not important. They don't cover the bigger issues.

For example, auditing a golf course cashiers check, cash. A lot of people might want to know if, you know, there's, an employee is stealing. But that's a very small impact to the County in my view, in terms of total dollars. So my audits have tend to be larger, but they take time.

My first audit was on the Treasury. I audited overtime, and I ended up focusing the audit on Fire overtime. A lot of my peers ask me why did you audit Fire, cause in general it's a hard audit. But what led me there was the significant amount of overtime that occurred in the County. So I was looking at a bigger picture like how do we control this because the overtime amounts to not only the current salary, it also constitute what is spiking and pensions and all of the other things.

If we cannot control our overtime as a County, we're going to be in very, it is going to be very difficult for us to control increases in taxes and fees. But anyway so, basically I think I'm running on, I'm sorry. I accomplished most of my goals, but not all, and that's the reason why I want, I'm asking for reappointment.

CHAIR KING: Thank you. Any other questions? Okay. Alright, well, I'll call for the question. Got the motion on the floor.

Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: I appreciate the Auditor coming forward and allowing himself to respond to Members' questions. So, with this new six years, Mr. Taguchi, you planning to focus on any specific area? And I agree, Council is not immune from audits, yeah. Like anybody else, we spend money, so we should be reviewed too, and that's fair. I don't have an issue with that. But, again, yeah, we did have challenges to first,

to establish an office, cause that was your, your primary task, establish the Office of the Auditor, which you did.

Again you showed us, or you mentioned your challenges with the instituting staff, types of work. But I do appreciate you making comment about peer review because I consider that a critical part of us being able to have a sense of assessment regarding your operation from other professionals like you that are just as responsible for their jurisdictions, the requirements. So, I appreciate that peer review comment.

If we give you another six years, you have an area of focus you feel that your office needs to prioritize or at this point you, you're not sure.

CHAIR KING: Mr. Taguchi.

COUNTY AUDITOR: In, in the coming year and I, I have it on my audit plan, we were going to look into establishing a hotline. Initially, in the first six years, I, I was very hesitant about establishing one because the last thing I wanted to do was establish a hotline and I couldn't answer all the calls. Whenever we do a hotline, my feeling is that we need to be, respond to every call. But the size of my office made it very difficult. And, when I go to seminars and I learn from other counties, they're a lot larger than my office. I'm one of the smallest offices.

But, during the peer review process, I spoke to two, the two Auditors that came down, they are slightly larger offices, they're larger than my office but they've, they've told me that they utilize what is called a phone service where they call into the phone, you call into a hotline, the hotline screens calls and then sends it, forward to me. So, I'm, I'm looking at possibly developing that because I think the community wants a place that they can call, that's independent.

Currently I think they call your offices every time there's a problem with Administration. And then you're kind of caught in the . . . about you can't direct administrative employees but yet all you can do is pretty much call the departments say why is this.

Up until this point I've been doing the same thing to a certain extent. I receive the calls myself. When it comes to me, I evaluate the calls, if it's something as simple as, I always ask the caller, have you spoken to the department because that's where your solution lies. So if they haven't gone through the proper protocol or call the department I suggest they go there. If it's something that seems to be a little odd, then I call the Director and I find out to see what is the explanation. But definitely I want to look at if I can do a hotline.

Council has provided me the additional position, so I'll be looking at that. I've placed that, I didn't, I have not recruited for the position yet, because I don't feel it's proper for me to offer a position to someone when I can only guarantee them six year, six months. So I, I hesitated to, to recruit for the position yet.

COUNCILMEMBER HOKAMA: Understood.

COUNTY AUDITOR: But, yeah, I, I definitely want to look at that--

COUNCILMEMBER HOKAMA: So you, they looking at you for one ombudsman service or actual auditing components.

COUNTY AUDITOR: It's more like a hotline to report things to. Some of my counterparts, I think the number they put out to me was like, from the calls they get maybe about twenty percent would give them an area that they may want to investigate or look into. I still need to develop and that's the reason why I'm going to research it. What methodology is going to be used if I get calls through this hotline because as you are aware, if I do a full blown audit, performance audit and my audits will be sub, will adhere to generally accepted auditing guidelines, it's a process. It's a lot of procedures that we need to do, the, the level of documentation is higher.

But one of the reasons why I hesitated to do anything but that type of audits is because credibility is key for my office, especially a newly formed office. We don't have the track record of the State Auditor's Office or the City and County of Honolulu office. We have to build credibility. We have limited resources, the Administration has tremendous amount of resources. When we going to an auditee, they have engineers, they have attorneys, they have all these people. We don't. So I, I made it, I made it, it was important to me to follow some kind of standards and that's the reason.

But now that I have the, more experience with it, we went through our first peer review, I'm trying to figure out ways to expedite that process if it's not considered a full audit. So I'll be looking at that. So I'm constantly looking at ways to, like, you said to expedite audits.

COUNCILMEMBER HOKAMA: So what would be your determining factor choosing between coming for us for additional staff versus third party contracts.

CHAIR KING: Mr. Hokama, could you repeat the question, maybe, put the microphone closer to you.

COUNCILMEMBER HOKAMA: My question to the Auditor is again, he shared us the history of establishing where we're at today. So my question to him is again, understanding

the role of credibility of how we build up the standards within your, your office. What is the factor you look at, from asking us for additional positions of additional Auditor III whatever we want to peg it at versus going for a third party contractor. So when the audit is done, their done.

CHAIR KING: Okay, so you're talking about in his office.

COUNCILMEMBER HOKAMA: Yeah, how, you know how would he approach it and what would be one of the key factors of third party versus staff expansion.

CHAIR KING: Mr. Taguchi.

COUNTY AUDITOR: Thank you for the question. A lot of the decisions regarding third party auditors I've, I pretty much stayed away from them for the first term. One of my concerns is that there are not that many agencies that adhere to generally accepted accounting standards, auditing standards when you come to these things. There are a lot of consultant types people that will do so called audits, but their not up to any specific standard. There are different standards that people follow, some are easier than others. Yellow Book standards are quite encompassing. So I've stayed away from that.

There are other things that people do like the State Auditor, I think they don't do it anymore but previously they did contract some out, but it came under the signator of the--

COUNCILMEMBER HOKAMA: State Auditor.

COUNTY AUDITOR: --of Marion Higa, which is the State Auditor. So she required Yellow Book standards. Those types of audits are going to be very expensive. And the down side to having a third-party auditor is that a lot of the Yellow Book auditors would be CPA firms because auditing is one of their specialties of the Certified Public Accountants.

Certified Public Accountants often will shy away from taking hard stance because State of Hawaii and especially the County of Maui is relatively small. They don't like to get in a situation, especially if it's a political situation, they'll shy away from it. I think you have the experience, I think you know that sometimes, even with the CAFR audit when they do the management letter comments, they kind of, try to be diplomatic with their comments because it's difficult for them to come out hard in one. So, you know, that's a factor I look at, considering it.

If I need expertise in any one things that my office does not have whether it's an engineer or it's an attorney, whether it's, you know somebody who's very skilled in a particular profession, then I would not hesitate to go out and contract. But as far as to just conduct the audit, I, it's difficult for me to find people that would adhere to Yellow Book standards.

COUNCILMEMBER HOKAMA: Okay, one, one last question, Chair.

CHAIR KING: Sure.

COUNCILMEMBER HOKAMA: Thank you. We both know what's coming down the road, yeah, Mr. Taguchi. So if you could give us a piece of advice this evening regarding the new GASB requirements on our general ledger, which is . . . my abilities and obligations. What would it be this evening to this new Council.

COUNTY AUDITOR: Thank you, for the question. The new generally accepted standards, and you will see it in this coming CAFR, that, for the, sorry, I'm using jargon, for the financial statements of the County of Maui, ended June 30, 2017, there's a new pronouncement that we require disclosure on the face of the income balance sheet to accrue the full amount of unfunded liabilities. Initially, when I saw that, I was concerned that the County of Maui's financial statement may have a negative retained earnings, in other words, assets would be less than liabilities.

But luckily, I guess because of the economic environment and the fact that the Council has put aside quite a bit of moneys towards the unfunded liabilities, the recent CAFR that's going be issued, the draft that I saw, the equity position of the County is still slightly positive. Not by much, I think it's like, I forget eleven or twelve million dollars. But at least it's still positive.

And that's better than a lot of other counties. But that doesn't take away from the fact if I had to, you know, share my manao. There are going to be significant expenditures to fund pensions and health care benefits for retirees. If you can imagine at this point I think if everything went well and you keep on continuing to put aside the amounts towards unfunded liability, my children or possibly my grandchildren will be paying for my retirement. And that's still the fact that is here today.

So as much as we can, if we can put, you know, we can make sure that we diligently address the unfunded liabilities going forward, I think will help this County greatly because those liabilities are for services of past employees already rendered. You know, so, I think to understand that, I think is important as you move forward. There's a lot of needs in this County, whether it's affordable housing or, but as long as you

keep an eye on what your basic costs are, I think you, you'll do well in terms of keeping this County financially stable.

COUNCILMEMBER HOKAMA: Thank you for that response Mr. Taguchi. So I guess Council's practice of our accelerated payments to EUTF has been a smart move on our part, especially with the latest report on our equity position because, I, we, most counties with the current global factors will show a negative. But I think we've put away some smart money in the right accounts which is obligations. So you would say we should continue considering that pace on our retirement and health fund program areas.

COUNTY AUDITOR: I, I would concur because the amount is so, is so large that, you know, as they say, how do you eat an elephant?

COUNCILMEMBER HOKAMA: One piece.

COUNTY AUDITOR: You, you take it piece by piece. And every year as you address that, there is a, there is a end to it and, and that is when we catch up to the unfunded amount. And then that will make even more funds available from normal operations to address some of the concerns. But it has to be something that I think we're diligent at, otherwise we may find ourselves into a period of high increase in taxes and fees.

COUNCILMEMBER HOKAMA: Okay, thank you. Thank you, Chairman.

CHAIR KING: Okay, thank you, Mr. Hokama. Alright, Members are you ready to call a vote? Okay, call for the question. All those in, there's a motion on the floor, no amendments this time, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: All those oppose.

NOES: NONE.

CHAIR KING: Okay, measure passes with nine "yeses", no "noes". Congratulations, Mr. Taguchi.

COUNTY AUDITOR: Thank you.

CHAIR KING: Thank you for being here. Thank you for staying.

Okay, Members, we're moving on to, going back to item 19-5.

Mr. Clerk, can you read the resolution.

COUNTY CLERK: Madam Chair, you want me to read the resolution in it's entirety, including all the committees and the duties of each committee.

CHAIR KING: If you want to read through the resolution up to the FURTHER BE IT RESOLVED, the second one and then just read the titles of the committees that would be fine.

The following resolution was presented.

RESOLUTION
NO. 19-5

ESTABLISHING THE STANDING COMMITTEES
OF THE COUNCIL AND DEFINING THEIR DUTIES

WHEREAS, the primary purpose of the Council's standing committees is to provide well-considered recommendations to the Council on legislation referred to the standing committees by the Council; and

WHEREAS, standing committees also may provide oversight of agencies of the County and receive informational presentations on issues within the committee's subject-matter jurisdiction; and

WHEREAS, the Revised Charter of the County of Maui (1983), as amended, establishes the powers, duties, functions, and declared policy of the County; and

WHEREAS, the Maui County General Plan establishes the following objectives:

- A. Protect the Natural Environment;
- B. Preserve Local Cultures and Traditions;
- C. Improve Education;
- D. Strengthen Social and Healthcare Services;
- E. Expand Housing Opportunities for Residents;
- F. Strengthen the Local Economy;
- G. Improve Parks and Public Facilities;
- H. Diversify Transportation Options;
- I. Improve Physical Infrastructure;
- J. Promote Sustainable Land Use and Growth Management; and
- K. Strive for Good Governance; and

WHEREAS, the standing committees should be organized to help the Council further the powers, duties, functions, and declared policy of the County as established in the Charter and the objectives in the General Plan; now, therefore;

BE IT RESOLVED by the Council of the County of Maui that the following standing committees of the Council are established for the 2019-2021 Council term:

Affordable Housing Committee;
Economic Development and Budget Committee;
Environmental, Agricultural, and Cultural Preservation
Committee;
Governance, Ethics, and Transparency Committee;
Healthy Families and Communities Committee;
Multimodal Transportation Committee;
Planning and Sustainable Land Use Committee; and
Water and Infrastructure Committee

BE IT FURTHER RESOLVED that the standing committees shall consider and make recommendations to the Council consistent with the indicated areas of responsibility below or on other referred matters:

1. Affordable Housing Committee
 - a. Affordable or residential workforce housing programs, including expedited approvals of housing projects pursuant to Chapter 201H, Hawaii Revised Statutes, or any successor statute, and related district boundary amendments.

- b. Amendments to the Residential Workforce Housing Policy and other affordable housing ordinances.
 - c. Homeless programs and related matters.
 - d. Proposals for increasing the availability or affordability of housing.
 - e. Operations and performance audits of the Department of Housing and Human Concerns, Housing Division, including the operational oversight of any grants it administers.
 - f. Implementation of the following General Plan objective: Expand Housing Opportunities for Residents.
2. Economic Development and Budget Committee
- a. Financial audits and the finance component of all County grants.
 - b. Budget, capital program, bond authorizations, intergovernmental agreements with a financial impact on the annual budget, including intergovernmental loans.
 - c. Taxes, rates, fees, and assessments for inclusion in the budget, except that revenue ordinances may also be considered by other standing committees.
 - d. Revisions and updates to real property tax ordinances.
 - e. Business and economic development issues.
 - f. Operations and performance audits of the Department of Finance, Office of the County Auditor, and Office of the Mayor (Office of Economic Development and Community Development Block Program), including the operational oversight of any grants they administer.
 - g. Appointment of the County Auditor for a term as specified in the Revised Charter of the County of Maui (1983), as amended; review of the annual Audit Plan issued by the Office of the County Auditor; and review of audit findings

and recommendations set forth in written reports of the County Auditor.

- h. Implementation of the following General Plan objective:
Strengthen the Local Economy.
- 3. Environmental, Agricultural, and Cultural Preservation Committee
 - a. Issues relating to the protection, preservation, and enhancement of the environment, including recycling.
 - b. Conservation and protection of agricultural lands, promotion of diversified agriculture, increasing agricultural self-sufficiency, and assuring the availability of agriculturally suitable lands.
 - c. Energy issues (including solar, geothermal, wind, biomass, hydropower, wave energy production, biofuel and synthetic fuel production, power systems, and energy-efficient technologies for buildings).
 - d. Operations and performance audits of the Department of Environmental Management, Environmental Protection and Sustainability Division only, including the operational oversight of any grants it administers.
 - e. Implementation of the following General Plan objectives:
 - i. Protect the Natural Environment.
 - ii. Preserve Local Cultures and Traditions.
- 4. Governance, Ethics, and Transparency Committee
 - a. Mayoral appointments requiring Council approval, including board and commission members and administrative heads of departments.
 - b. Litigation matters, including appointment of special counsel, indemnification, and authorization of settlement.
 - c. Issues relating to government ethics and transparency.

- d. With Council authorization, conduct investigations of:
(i) the operation of any department or function of the County; and (ii) any subject over which the Council has legislative authority and upon which the Council may authorize.
 - e. Amendments to the Charter and oversight of implementing amendments passed in the previous election.
 - f. Intergovernmental issues, including the Hawaii State Association of Counties and non-financial intergovernmental agreements.
 - g. Operations and performance audits of the Office of the Mayor (except the Office of Economic Development), Department of the Corporation Counsel, Department of Management, Office of Council Services, Office of the County Clerk, Department of Fire and Public Safety, Department of Liquor Control, Department of Personnel Services, Department of Police, and Department of the Prosecuting Attorney, including the operational oversight of any grants they administer.
 - h. Implementation of the following General Plan objective:
Strive for Good Governance.
5. Healthy Families and Communities Committee
- a. Social services and animal management programs and related grants, including grants of interests in real property.
 - b. Cultural, leisure, recreational, and parks matters.
 - c. Management and potential acquisition of public recreational lands, including parks, open space, natural and cultural resources, and scenic view preservation, including grants of such real property.
 - d. Authorization of concessions at and permits for events and activities conducted at Maui County's public parks and facilities.

- e. Operations and performance audits of the Department of Parks and Recreation, and the Department of Housing and Human Concerns (except the Housing Division), including the operational oversight of any grants they administer.
 - f. Implementation of the following General Plan objectives:
 - i. Improve Education.
 - ii. Strengthen Social and Healthcare Services.
 - iii. Improve Parks and Public Facilities.
6. Multimodal Transportation Committee
- a. Issues relating to traffic safety, transit, bikeways, walkways, and complete streets.
 - b. Issues relating to interisland transportation, within the County and within the State.
 - c. Issues relating to traffic impact fees.
 - d. Amendments to the Parking Code.
 - e. Operations and performance audits of the Department of Transportation and Maui Metropolitan Planning Organization, including the operational oversight of any grants they administer.
 - f. Implementation of the following General Plan Objective: Diversify Transportation Options.
7. Planning and Sustainable Land Use Committee
- a. Project-specific amendments of State land use district boundaries, the General Plan, community plans, and zoning designations, except district boundary amendments specific to Chapter 201H, Hawaii Revised Statutes, projects.
 - b. Other land use entitlements requiring Council review and approval, such as Conditional Permits.

- c. Land use ordinances not specific to a project, except amendments to the Parking Code.
- d. Processing procedures for the General Plan and community plans.
- e. Non-project-specific amendments to the General Plan and comprehensive community plan updates.
- f. Appointments to community plan advisory committees.
- g. Implementation of the digital mapping project.
- h. Operations and performance audits of the Department of Planning and the Maui Emergency Management Agency, including the operational oversight of any grants they administer.
- i. Implementation of the following General Plan objective: Promote Sustainable Land Use and Growth Management.

8. Water and Infrastructure Committee

- a. Amendments to and enforcement of the County Water Code, including the Water Use and Development Plan.
- b. Amendments to the Subdivision Ordinance and Building and Construction Codes.
- c. County facilities construction and maintenance (including road, bridge, drainage, and waste management systems).
- d. Operations and performance audits of the Department of Environmental Management (except the Environmental Protection and Sustainability Division), the Department of Public Works, and the Department of Water Supply, including the operational oversight of any grants they administer.
- e. Implementation of the following General Plan objective: Improve Physical Infrastructure.

CHAIR KING: Thank you, Mr. Clerk.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT RESOLUTION 19-5.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Moved by Councilmember Rawlins-Fernandez, and seconded by Councilmember Kama.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, the proposed resolution would establish eight standing committees of the Council to review and make recommendations to the Council on legislation referred to the committees and to provide agency oversight and receive informational presentations on issues within the committee's subject matter jurisdiction. The intent of forming these standing committees is to help the Council organize the review of matters that come before it. The resolution includes a recital to the objectives set forth in the Countywide Policy Plan, a component of the County's General Plan as follows. And Josiah just read those. And, these objectives have been woven into the subject matter jurisdiction of the standing committees and provide a basis in addition, in addition to the Charter for the structure of the committees.

The committees proposed for consideration are:

Affordable Housing Committee;
Economic Development and Budget Committee;
Environmental, Ag, and Cultural Preservation Committee;
Governance, Ethics, Transparency Committee;
Healthy Families and Communities Committee;
Multimodal Transportation Committee;
Planning and Sustainable Land Use Committee; and
Water and Infrastructure Committee.

Thank you.

CHAIR KING: Thank you, Ms. Rawlins-Fernandez.

So, the membership of each of the proposed committees is not included in the resolution. Membership will be considered by separate resolution at the January 11, 2019 Council meeting. And request for committee assignments may be submitted by Councilmembers at the January 11, 2019 Council meeting.

Members my, it was my original intent to have requests submitted today for my consideration tomorrow, but we were in consultation with County Clerk's Office, and our own counsel at Office of Council Services, our legal counsel, that was a little bit on the edge of possibly violating Sunshine Law because those requests should be made at a public meeting like this.

So they'll be, they'll be received on January 11, and, excuse me, so what, what we'll all be asking for on January 11 is that your request for committee chair positions as well as the request of which committees you would like to be seated on. So those, two, two items in just a letter format, so I'm not, I don't have a, an application form or anything, it's just, you know, make a request if you can. So at this time I'll, I'll entertain any discussion on the item before us?

Councilmember Lee.

COUNCILMEMBER LEE: Thank you. I passed out, I had passed out an Amendment Summary Form, which is like 14 pages. But, because I feel sorry for you, I'm not going to go through all of them. As a matter of fact, I'm just going to say that one of my major concerns about your initial proposal, which I can you see you have made a bunch of changes.

One of my major concerns was that it was heavily weighted toward the General Plan's themes. And, I was concerned that, the problem with the General Plan is number one, it is incomplete; secondly and it won't be completed for many years to come. Even if you just said well, no, we're just talking about the policy plan, a Countywide Policy Plan, that's still themes and not objectives that are tied to any kind of budget nor is there any kind of timing mechanism tied to those themes. So therein lies my concern.

I would have, and in my proposal I did concentrate primarily on the Charter, the Charter and budget and that's how I felt and, and the composition of the departments. That's how I felt that the, the committees should be formulated or created. And that the last terms list of standing committees wasn't really a bad list, it could have just been tweaked, tweaked a little.

But since you made the changes, and I see where you now say in one of your WHEREAS, the Revised Charter of the County of Maui, as amended, establishes the powers, duties, functions and declared policy of the County, which was not there in the original proposal, shows that you are recognizing the significance and the, the rationale, of using the, the Charter and not solely the General Plan as, as a way to create these various committees.

So under those circumstances, and I really only had a problem with two committees actually, one of 'um was the Happy Families, or the Healthy Families Committee and the other one, because under it is actually a very, very important department, one of the largest departments we have and that's the Parks and Recreation Department, which is clearly listed in every other County, Oahu, Kauai, Big Island. Only on Maui, you wouldn't know where Parks and Recreation is because it's not listed.

And then the other one I had a problem with as far as the name goes, is Governance, Ethics, and Transparency. I think that it, it's important that all of our committees clearly show what it represents, and you don't have to guess, you know, what subject matter really comes under these committee titles. So I'm not going to be proposing anything, I'm just commenting on your, your resolution and that's all I have to say. And, you know, I think you folks should thank me because my, my, my proposal was like, you know, 14 pages long and you know, and I'm not going to go through it. Thank you.

CHAIR KING: Thank you, Councilmember.

Alright, any other comments. Councilmember Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair.

I don't have something that's 14 pages, might be 14 minutes, but, no, just kidding. I just have to air this off my chest and just for some consideration for the Members. Just going through the committee, your committee proposals and names and what you're implementing in terms of committee subject matter.

If the Members will indulge me just as I go through all of your eight proposed committees, offer some of my quick briefly my thoughts on what we can add or delete to the subject matter. If Members would turn to page 2 of the resolution starting with Affordable Housing Committee, I'm fine with that. I'm not sure if we want to leave the name affordable because housing can be anything from a, a home, or addressing the homeless, but I'm just being nitpicky so in general I'm fine with that.

And I was just wondering if you, Madam Chair, from a procedure standpoint if you wanted to just go through each committee and ask for consensus and maybe do it that way, then each Member can give their thoughts on what they think.

CHAIR KING: Well, what I'd rather do is if, and we had quite a bit of testimony on this and if you have a proposal for amendment, I'd like to, you know, have you just move the motion and we could, we could if you have several proposals, then we can vote on each amendment if that's the way you want to do. But, I'd rather not go through and, and, unless there's an amendment, a proposal for an amendment, I'd rather not just go through and try to wordsmith everything at this point. So that would be my preference, if you have amendments, if they're written up that would be great.

COUNCILMEMBER MOLINA: I don't have any at this point. But, maybe I'll just state--

CHAIR KING: You feel strongly about any, any particular one of, ones of these--

COUNCILMEMBER MOLINA: --yeah, yeah, maybe I'll just share with you my, my thoughts. I just want it read into the record.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: Number two on page 3 the Economic Development and Budget Committee. Remove Economic Development from that committee, the reason I say it because Budget is a monster by itself. As you probably know, the Budget agendas are big, and then if you're going to add Economic Development it could be quite, you know, quite a challenge to handle that.

Page 4, Environmental, Agricultural, and Cultural Preservation Committee, I would consider maybe moving Agriculture out of there and adding it towards, add it with water.

Number 4, Government, Ethics, and Transparency Committee, I'm fine. If I was nitpicky, I would go Government and Legal Affairs since I assume this will be the committee that will handle boards and commissions, and also any legal matters.

Page 5, Healthy Families and Communities Committee, this is one committee maybe for consideration to put Economic Development in. If I recall from during my days on Council, we use to have Parks and Economic Development together. So that's something for consideration.

Page 6, your sixth committee proposal, Multimodal Transportation Committee, add Infrastructure to that committee since, you know, you have roads, and you're looking

at in this committee dealing with traffic safety, transit, bikeways, walkways, so consideration of implementing infrastructure there.

Planning and Sustainable Land Use, that's fine. My only concern would be again, that's, you know, Land Use was a monster, could be a monster in itself too, because you're dealing with conditional use permits, zoning for proposals for big projects. We separated Planning and Land Use years ago. Now if this is the direction that whoever Chair's this prefers, then so be it. But it was together, I think my first term and it was a challenge for that committee chair, way, way back when.

And then my final thoughts, again the last committee proposal was Water with Agriculture, and also add Environment to that. So Water, Agriculture and Environment. So, and I think there was cultural, you had cultural preservation. Maybe add that to Planning and Sustainable Land Use. The Cultural Resources Commission is overseen by the Planning Department, so that's where my train of thought came in to put cultural preservation in, into, along with Planning and Sustainable Land Use Committee.

So, so there you have it Madam Chair and Committee Members, just a food for thought that I wanted read into the record. Thank you.

CHAIR KING: Okay, thank you. Thank you for your opinions.

Any other comments on those comments or other, other opinions? Nobody's got any hard amendments to consider? No? Are Committee Members ready to, are the Councilmembers ready to vote then on the original structure. We have no amendments at this point.

COUNCILMEMBER SUGIMURA: Chair, if I could.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I just would like to, some of the comments from Councilmember Molina and Lee. Not only could you take the subject matter or committee, standing committee name, but for example, if you're going to pull out Economic Development from Budget, which I agree, I think it should be a separate item or, or Budget should stand alone, it should be Budget and Finance Committee.

Maybe Member Hokama, who's chaired that, I remember at our last Council meeting he was talking about how many committee reports, and how much work that did. And as you know, when you sit, the Budget and Finance Committee is usually nine Members and it is not only taking and putting together the budget during budget session, or budget period, and coming out with a balanced budget once we get it from

the Mayor. But it is throughout the whole year, talking to the departments, or hearing what kind of adjustments the departments have, as well as moneys received through grants or different projects that come up that may need some CIP funds or to utilize the CIP funds.

It's huge, it's not only the budget and it's, you know, and Member Hokama knows how many reports they did and how many long hours it actually took. You know, so to pull out Economic Development I, I totally agree with that. Making the committee name to Budget and Finance Committee and in that committee, which is the second committee on page three, pull out alphabet "E" because that references "Business and economic development issues." And in alphabet F, it has "Office of the Mayor (Office of Economic Development and Community Block Grant)" so it, there is a correlation between the departments and what the committee does. So, you know, we can say, okay, lets change this, but we have to look at it comprehensively.

I, I feel strongly that Budget and Finance should be by itself, and Economic Development because I think it's a really important component of the County should be placed somewhere that it could get equal attention, whereas, not, and not getting, get, not to get eaten up by the vast magnitude of things that involve Budget and Finance.

As you know, Councilmembers, one of our big jobs that we do here as a Council is Budget and Finance, is to watch that, you know, our taxpayers' dollars. So, I think it's a important committee that warrants its own subject matter items and, and the Charter details, if you look at even the Charter, that part of our Charter probably has the most information, that's how important it is. So I agree with, I think it was Member Molina who said pull out Economic Development and put it somewhere else. But it, it's not only pulling the name out, but you got to put the substance of it in the right department.

So, Chair, if, if other Members feel that this may warrant more discussion, since it's getting late, it is now 8:30, could we continue, recess this meeting and continue this tomorrow just so that we can, you know, look at this comprehensively. And if the other Members agree, to put the time it deserves so that our standing committees make sense. That it is tied to the department that needs to be tied to as well as we are sure that we capture the information that's in our Charter, that each, each committee, or each committee is responsible for because I think it's important.

CHAIR KING: You done.?

COUNCILMEMBER SUGIMURA: I am, I would like to continue, but I was just curious to see if there's anybody else--

CHAIR KING: Okay, well, I, I will, yeah, I will give you my opinion on that because a lot of thought has gone into this for months and it's been out there for a couple of months, circulating, since the election, I think, shortly after the election. So this is not the first time we're seeing this Councilmember.

To me Budget and Finance, Budget and Economic Development go together and if you, you know, maybe it's my business background, when we look at spreadsheets we don't just look at money going out, we look at money coming in, so it's balancing out those two things.

Reorganizing these are, is also going to entail putting more subject matter items into the subject matter committees because a lot of the, a lot of the, the items have, you know, for instance, I'll give you a for instance. I was, I was very concerned when we, when we looked at one of the Parks and Recreation issues about concession stands. It never went to the Parks and Recreation Committee, it went to Budget. So there are a lot of things that come under budget that could get vetted in the individual subject matter. And then the people that follow Parks and Recreation, that committee would have been there. But a lot of people didn't know that, that bill was coming up because it was in the Budget and Finance Committee.

So there, there is, this is not happening in a vacuum, this is happening with a lot of thought and with a lot of intent to streamline our budget process as well. I want, I'm going to be looking at, you know, how City and County for, City and County of Honolulu for instance gets their budget done in a week. And they have a much bigger budget than we do.

So, so I understand that you have concerns and I understand it's hard to take something that's been done a certain way for a long time and change, change the direction. But, I believe, the reason why this was put together and it wasn't put together just by me, there were people in the Administration that helped work, work on it, in the Budget Department, in the Planning Department, and people who also worked on the General Plan who felt like we needed a, a committee structure that honors more closely the General Plan goals. So that's what this was setup to do.

I, I understand the concerns and I understand wanting to follow along the departments, but from my point of view, the, our job is not to make the department's job easier, the departments, the administrative departments are there to serve the people of Hawaii, of Maui. And we, we're here to guide our vision that's been instituted in Maui Code, the, the core principles and the core objectives and that's what this was setup to do.

And I think we've heard a lot of testimony where we recognize that with, that this is a new direction that we're taking. And you know, I know it's not going to be well-

understood by everybody, but it's not new. I mean, the, the document is not new, the document has been out there for quite a while. So I'm not, I'm not of the mindset that, that, taking a recess and coming back is going to be, you know, is going to be any different than trying to get this done today.

I think a lot, a lot of people, we should have been reading it, it was on, it was been circulating before it went on Granicus because a lot of people in the public have seen it and came out and testified on it. So, you know, I don't think, and that's, you know, that's the idea of having transparency, putting stuff out there so people can come and comment on it.

COUNCILMEMBER SUGIMURA: I have a comment, if I could.

CHAIR KING: Sure.

COUNCILMEMBER SUGIMURA: So, two things, one is I just thought that if we wanted to incorporate, if the other Members felt that there was merit to it, some of the comments from the other Members about looking at the committees and looking at how it ties to the department.

My comment about this was not to say, I mean, I, I had heard that this was being circulated, the draft was being circulated and it had gone to the Kula Community Association and they had sent back comments to you and that's what you told me.

CHAIR KING: No, that's not true.

COUNCILMEMBER SUGIMURA: That you said that Dick Mayer had called you--

CHAIR KING: People in the committee, in the community had asked me what I was thinking about committee structures and I shared it with anybody who asked. If people took it then and took it to their community association, I'm perfectly happy to have more eyes on it. So, I didn't bring it to the community association, somebody else did. But I have never hidden this document from anybody. Anybody who asked for it was given copies of it and it has evolved over time.

One of the original, the original iteration of this didn't have Agriculture in it. And that was a symptom of looking at the community, the General Plan and that was not one of the A through K objectives of the General Plan. I'm assuming owing to the fact that when that General Plan was passed, we were, you know, knee deep, excuse the expression, in sugar cane and we never saw an out, and we thought that was always going to be our agricultural future. And all of this stuff that's happened in the past five

years about, you know, or ten years, about the end of pineapple and the sugar cane, put agriculture front and center.

So, you know, we may have to go back in and add that to the General Plan. And I agree the General Plan is fluid, as, as Councilmember Lee indicated. It is going to be evolving as we evolve. When they, when they passed the General Plan, nobody knew, nobody put anything in here about sea level rise. And that's been front and center now, and it will be in the next few years. This is going to be one of our, our main concerns. So it is going to be a fluid thing, we need to be more fluid, we need to be more focused on what the goals of the General Plan are and so that's, that's, this is my proposal.

If you, I, I welcome if you would like to make an, propose an amendment, we can take the amendments up right now and I'm happy to do that. But I'm, I don't want to put this, the standing committees off because we need to have standing committees, and then we need to, we have the next meeting to be able to seat the Members of the committees and the chairs. And then we need to move ahead because we, one of the things we have to do is approve or disapprove the Mayor's Directors.

COUNCILMEMBER SUGIMURA: So I'd like to make a motion.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA:

SO I'D LIKE TO MOVE ON PAGE 3, I DON'T HAVE IT WRITTEN UP BUT TAKE OUT ECONOMIC DEVELOPMENT FROM THAT COMMITTEE TITLE, THE STANDING COMMITTEE AND CREATE BUDGET AND, WELL ADD A, ADD "AND FINANCE COMMITTEE" TO THAT SO IT WOULD BE "BUDGET AND FINANCE COMMITTEE" STAND ALONE. AND MOVE OUT ITEM "E. BUDGET, BUSINESS AND ECONOMIC DEVELOPMENT ISSUES.", AND CORRESPONDINGLY TAKE OUT FROM "F" THE "OFFICE OF THE MAYOR (OFFICE OF THE ECONOMIC DEVELOPMENT)", FROM THAT ALSO, FROM THAT STANDING COMMITTEE.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay, so your motion is to right now to take those out and have another place to put them.

COUNCILMEMBER SUGIMURA: Just take out Economic Development and then we can deal with where it goes.

CHAIR KING: Any discussion on that?

Okay, if not, we'll call for the question on the amendment. All those in favor.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER MOLINA: Aye.

CHAIR KING: All those opposed?

No.

COUNCILMEMBER MOLINA: Roll call.

CHAIR KING: Roll call, vote.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: NO.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: NO.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: NO.
COUNTY CLERK: Chair Kelly King.
CHAIR KING: NO.

AYES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
SINENCI, AND SUGIMURA.

NOES: COUNCILMEMBERS KAMA, PALTIN,
VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR
KING.

COUNTY CLERK: Madam Chair, that's five "ayes", four "noes", motion passes.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Do you have another motion?

COUNCILMEMBER SUGIMURA:

SO THEN I ALSO WOULD LIKE TO CREATE THE COMMITTEE, STANDING COMMITTEE NAMED TO BE BUDGET AND FINANCE COMMITTEE, SO IT'S NOT ONLY BUDGET. SO THAT MY MOTION WOULD BE FOR IT TO BE BUDGET AND FINANCE COMMITTEE.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: All those in favor.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER KAMA: Aye.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

CHAIR KING: All those opposed?

No.

CHAIR KING: Roll call, vote please.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: NO.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: AYE.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly King.
CHAIR KING: NO.

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SUGIMURA, AND
VICE-CHAIR RAWLINS-FERNANDEZ.

NOES: COUNCILMEMBERS PALTIN, SINENCI, AND
CHAIR KING.

COUNTY CLERK: Madam Chair, that's six "ayes", three "noes", motion passes.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Thank you, Members.

One of the testifiers came and wondered where Parks and Recreation Committee was. And if you look at the titles, I think what was brought up by not only one testifier, but a few that the subject, the standing committee.

CHAIR KING: Councilmember Sugimura, before we leave this, we have a big hole, because we have no place where Economic Development is, so did you have a motion on that?

COUNCILMEMBER SUGIMURA: Oh, I'm sorry.

YES. SO ON, MULTIMODAL TRANSPORTATION AND ECONOMIC DEVELOPMENT COMMITTEE IS WHERE I WANTED TO PLACE IT, SO IT WOULD BE NUMBER SIX. THIS COMMITTEE IS PRIMARILY PUBLIC WORKS, WHICH IS MULTIMODAL TRANSPORTATION IS WHAT IT'S CALLED, IF YOU LOOK AT WHAT IT DOES. AND, PARKING CODES, AND IT AUDITS DEPARTMENT OF TRANSPORTATION, MPO. IT SHOULD SAY DEPARTMENT OF PUBLIC WORKS ALSO, INCLUDING OPERATIONAL OVERSIGHT OF ANY GRANTS, AND I WANTED TO ADD IN HERE BUSINESS AND ECONOMIC DEVELOPMENT ISSUES. SO TO ADD IT HERE WITH MULTIMODAL TRANSPORTATION.

COUNCILMEMBER MOLINA:

SECOND FOR DISCUSSION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Councilmember Sugimura, do you want to defend your motion.

COUNCILMEMBER SUGIMURA: Yeah, so I thought that it could be added here to this committee, I wonder if it's too big of a committee. But anyway, to, to add to this Multimodal Transportation and Economic Development Committee so it adds to the substance of this. And add to, it would be item number, implementation, f, g, I guess of this would be Office of Economic Development would be added to the operations and performance, I'm sorry, item e, Operation and performance audit for the Department of Transportation, and in this paragraph to also add on Office of the Mayor (Office of Economic Development). So the issues would, of economic development could be taken up in Multimodal Transportation and this committee.

COUNCILMEMBER KAMA: Madam Chair.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: I'm sorry, I probably am not tracking or following or, maybe in my head I don't, I don't have it right but, so, Councilmember Sugimura wants to put Office of Economic Development under Multimodal Transportation Committee.

COUNCILMEMBER SUGIMURA: Yeah, Economic Development--

COUNCILMEMBER KAMA: I don't see that so can somebody help me see that through--

COUNCILMEMBER PALTIN: You mean like why?

COUNCILMEMBER KAMA: Well and why, and the what, and the how come, and the why is it there? I mean maybe in my head I don't understand it, but somebody help me to understand it.

COUNCILMEMBER SUGIMURA: Actually I was trying to pull out Economic Development from being with Budget and Finance and--

COUNCILMEMBER KAMA: Yeah.

COUNCILMEMBER SUGIMURA: --a committee that--

COUNCILMEMBER KAMA: And you decided to put it there.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KAMA: Gotta find someplace else for that. I don't, in my, in my, my gut it doesn't, doesn't reason out. So I just need help to figure it out.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: I agree with you Ms., Councilmember Kama. I think, we don't want to just pull, pull subject matters out and put it into something that's like because it needs a balance or anything. I really don't see Multimodal Transportation as being like, cause I think it encompasses more than transportation. But, yeah, it does, I, I would rather these committees make sense. And right now we have, you know, by pulling out Economic Development out of Budget, we don't have a, seem to have a home for it. But if someone else can, and I heard, I heard Councilmember Molina say put it in Planning and Land Use but--

COUNCILMEMBER MOLINA: No, Healthy Families--

CHAIR KING: That was after you said Planning and Land Use was already too much.

COUNCILMEMBER MOLINA: Yeah, sorry, yeah--

CHAIR KING: So, not sure where we're at right now, where, if we're--

Councilmember Molina.

COUNCILMEMBER MOLINA: I'll yield to Councilmember Lee.

COUNCILMEMBER SUGIMURA: I have a, oh go ahead.

COUNCILMEMBER LEE: Thank you.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: How about putting it in Environmental, Agricultural, and Cultural Preservation since the Office of Economic Development provides agricultural and environmental grants.

COUNCILMEMBER KAMA: Sounds like a better home.

COUNCILMEMBER SUGIMURA: Yeah, sounds like a--

COUNCILMEMBER KAMA: We're cool.

COUNCILMEMBER SUGIMURA: I agree with that.

CHAIR KING: You want to remake a motion.

COUNCILMEMBER SUGIMURA:

YEAH, SO WE'LL ADD TO ON PAGE, WHAT IS THIS PAGE 4, ITEM NO. 3, ENVIRONMENTAL, AGRICULTURE, ECONOMIC DEVELOPMENT, AND CULTURAL PRESERVATION COMMITTEE. AND ADD IN THERE UNDER ITEM D, OPERATIONS PERFORMANCE AUDIT OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION SUSTAINABILITY DIVISION, AND OFFICE OF THE MAYOR, (ECONOMIC DEVELOPMENT), SINCE IT'S A DIVISION OF THE OFFICE OF THE MAYOR. CONCUR?

CHAIR KING: Is there a second?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Yeah, that's, I'm sorry, long motion. That's my motion. Thank you.

COUNCILMEMBER MOLINA: Madam Chair. Just procedure, I believe we had initially the motion to put it into Multimodal. So should we got back and yeah, maybe withdraw that motion--

COUNCILMEMBER SUGIMURA: I withdraw.

CHAIR KING: I think she withdrew it and then she making new motions, so we're waiting to see if there's a second.

COUNCILMEMBER SUGIMURA: Oh I think, Mr.--

COUNCILMEMBER KAMA: I did.

COUNCILMEMBER SUGIMURA: Tasha and Mr. Hokama, both made seconds.

COUNCILMEMBER SINENCI: Madam Chair. Excuse me. Madam Chair.

CHAIR KING: Councilmember Sinenci.

COUNCILMEMBER SINENCI: You know after looking at where to put the Economic Development, you know, and, and reconsidering, I would like to, to ask for a reconsideration of, of the vote.

COUNCILMEMBER SUGIMURA: We didn't vote yet.

COUNCILMEMBER SINENCI:

WITH THE ECONOMIC DEVELOPMENT, I CAN SEE WHERE WE'RE TRYING TO PUT INTO OTHER COMMITTEES AND, AND FOR ME AFTER LOOKING, I WOULD LIKE TO RECONSIDER MY VOTE AS FAR AS KEEPING IT, ECONOMIC DEVELOPMENT IN WITH THE BUDGET COMMITTEE. IS THAT POSSIBLE, MADAM CHAIR.

CHAIR KING: Okay. Let me just take a brief recess, Mr. Sinenci, and confer with--

COUNCILMEMBER SINENCI: Only, only because it's hard to, to place it somewhere else.

CHAIR KING: Right. Okay, recess, don't, nobody leave their seats.

(THE MEETING WAS RECESSED BY THE CHAIR AT 8:49 P.M., AND WAS RECONVENED AT 8:53 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Okay, Council meeting is back in session. So, Members we have a, a motion to reconsider, but we have a motion on the floor, amendment motion, so we need to take a vote on that first and then we can go back to the reconsideration of Mr. Sinenci's vote on the issue of breaking up the Economic Development and Budget Committee. So, the motion on the floor is to move Economic Development to the Environmental, Agriculture, and Cultural Preservation Committee. Any comments?

Ms. Sugimura, you have a comment.

COUNCILMEMBER SUGIMURA: So instead of putting it there, could we put it in, under Healthy Families and Communities Committee and if you remember discussion, this is really about Parks and Recreation and I think it was you who said that the sponsorship bill that was heard in Budget was actually regarding parks and, and I think this might be a better fit for economic development to be in item number five, which is really a Parks and Recreation Committee, is what it is.

CHAIR KING: Do you want to withdraw your motion.

COUNCILMEMBER SUGIMURA: So I'll withdraw that.

CHAIR KING: Okay, so if you want to withdraw that motion then we'll go back right now and take up Mr. Sinenci's reconsideration, so you have a motion on the floor to reconsider the vote to take Economic Development out of the Budget Committee. And do we have a second to the motion.

COUNCILMEMBER KAMA:

I SECOND.

CHAIR KING: Second, moved by Mr. Sinenci, and seconded by Councilmember Kama. So the motion--

COUNCILMEMBER HOKAMA: Point of order.

CHAIR KING: Yes.

COUNCILMEMBER HOKAMA: I believe the second needs to be on the affirmative side of the vote.

CHAIR KING: No I don't think so. Mr. Nishita, I, we, I, I asked him about that earlier.

COUNTY CLERK: Madam Chair, the Council will, you know, determine their own order of business, but my understanding of the Robert's Rules of Order is that the maker of the motion has to be on the prevailing side, but the second can come from whether you're on the winning side or the losing side. But as I said previously, the Council will determine their order of business.

CHAIR KING: Okay, so we have a motion on the floor to reconsider taking Economic Development out of the Budget Committee. And more discussion on that?

Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm not going to support the motion to reconsider, Chair. I think that was a smart decision earlier by the body. Again we all have our preferences. I would think Economic Development might be more about Planning. If we are going to talk about Economic Development of moving forward, I would look at it as either part of a Planning Committee or a Land Use Committee that actually does with the zoning and what not. If we're going to talk about our economy, the various components of our economy, regarding economic development.

I can see it in transportation because no economic development project is going to succeed with no transportation system, okay, it's going to be doomed. So I can see why we might want to put it there. I can see why we would like to look at Planning, but then again, what is this Council's priority going to be on community plans and the priority of that committee to take care of community plans because I believe there's a clock ticking. And you would know very well, Chair.

CHAIR KING: I do, and I also know that we will have a, the next year with the West Maui Community Plan--

COUNCILMEMBER HOKAMA: Correct.

CHAIR KING: --in CPAC and in--

COUNCILMEMBER HOKAMA: Correct.

CHAIR KING: --Planning Commission, so there will be no action taken on community plans publicly for the next year till the West Maui plan comes back to the County Council.

COUNCILMEMBER HOKAMA: Correct, so again, Chair, you know our big committees are our big committees. It is what it is. I think Budget is big enough currently. I will look at economic development in, in, you know, I can see it in three areas right now, Chair, to be honest with you. And again, it depends on the level of work you would like the committees to perform. I think economic development needs to part of a greater thought process. And it's just more than Parks and Recreation.

The concession bill is a component of economic development, more specifically for the County's departments to generate additional non-property tax revenue. For me Chairman, economic development is about the greater picture and that is how we're going to make sense also with proposed tax rates of the various pit codes and how zoning impacts those tax categories. So I would say Planning, Land Use, might be a good fit. Again, what is our priorities on what we want to push out first. Cause I know some Members feel community plan needs to move forward. I would agree, takes us a long time to get back to the districts.

So I would look at, as Mr. Molina pointed out, I can go with agriculture, I can go with Parks, I can go with Planning, or, or the Land Use Committee, or even with Water. No water, no development. No land, no development. No transportation, no development, economic development. So I can see it in many committees, Chair. And maybe it should be with water, if it's not with Planning, cause we cannot get development without the water or the land. And both need appropriate authorizations, entitlements, and support, by we, how we move forward on that. So, thank you for allowing my thoughts.

CHAIR KING: Thank you, Mr. Hokama.

Well, I just want to say I support the reconsideration because as I said a lot of thought went into these committees. We had a lot of support from the community. I, I do believe that economic development issues have been addressed in the Budget Committee. I think that they've been addressed in a lot of the different committees and will continue to be. I, I'm not in favor of putting it in with Agriculture, because personally I think agriculture needs to move out of the OED.

We had a, we have, hopefully a plan coming for the environmental and protection, protection, environmental protection and sustainability division of the Department of Environmental Management. They had asked last year to move into their department, the Agriculture Specialist, the Environmental Coordinator and the, what was the third one? Not the Film Commissioner, but there were, there were three, three positions that they asked to move in there, and there was no program.

And so, you know, I'm hoping, and I've talked to the Mayor about this, about developing that program so the, energy was the other one, so they were going to do renewable energy. And so I'm hoping that those things move into the environmental protection, it becomes environmental protection and climate change issues. But we need to see a comprehensive plan. There's \$7 million in that program and all that is in that program descriptively is recycling and abandoned vehicles.

So I'm hoping to see them write that program, so it justifies moving those positions over there. Because it wasn't a bad idea, it was just a bad idea with no plan, it was just a good idea with no plan. So anyway that's, so that's my thoughts I, I'd like to leave it where it is. I'd like to move forward with this resolution as it is, we can still entertain more amendments, but for me, economic development is across the board.

So like you said Mr. Hokama, it's water, it's land, it's, I mean the Film Commissioner is economic development. That doesn't include water, land, or transportation. But economic development is across the board. So, we can divvy up those subjects as, as it's appropriate. We can keep them in budget if there's time.

But I was, because I was asked by Mr. Carroll last, at the end of last year to take up some of his items from Land Use Committee, I was happy to do that because he didn't have enough time to get those, those issues completed. And I, and I'd like to see more of that cooperation among committees where we can, you know, a lot of our committees have crossover subjects and it doesn't make sense to me that if something crosses over, we then give it to a third committee that has nothing to do with either of those two.

You know, we should be working together and trying to figure who can get the work done. And so that's my, that's my goal in moving forward and I think these are pretty well-balanced committees. I appreciate Mr. Sinenci reconsidering because, you know, I'm looking at where it could go. Yeah, it could anywhere, it could go nowhere, but the thing that makes the most sense to me is to put it, put economic development where we're trying to bring in more economy, where we're spending the money, and balance those two out.

And that's my business background of being a spreadsheet person and looking at balance sheets and understanding the difference between having an ROI sheet and looking at a project that's supposed to bring money in, making sure, as sure as possible that it is going to bring that money in versus just conjecturing that it's, it's probably going to. It doesn't always work out that way in business and it doesn't always work out that way in the County. But the best we could do is make as many assurances as possible. So, that's my position. And any other comments on that.

So the, the question is to reconsider the, moving Economic Development out of the Budget Committee and so the, the vote would be Mr. Nishita, correct me if I'm wrong but the vote would be "no" to not move it out or "yes" to move it out. Is it the exact same motion as we are, we're considering the exact same motion, is that correct.

COUNTY CLERK: No, Madam Chair, what you're, what you're considering is the reconsideration. So a "yes", a "yes" vote--

CHAIR KING: Okay, reconsideration first.

COUNTY CLERK: --yeah, a "yes" vote would mean that you want to reconsider the vote to retake that vote, or propose something new. And a "no" vote would be that you want the vote that was done previously to stand as is.

CHAIR KING: Okay, okay, so the "yes" vote is for reconsideration. Okay, so all those in favor say "aye".

Aye.

COUNCILMEMBER KAMA: Aye.

CHAIR KING: All those oppose?

COUNCILMEMBER LEE: No.

COUNCILMEMBER MOLINA: No.

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER HOKAMA: No.

CHAIR KING: Okay, roll call, vote.

Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: NO.
COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: NO.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly King.
CHAIR KING: AYE.

AYES: COUNCILMEMBERS KAMA, PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

NOES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
AND SUGIMURA.

COUNTY CLERK: Madam Chair, there's five "ayes", four "noes", motion to reconsider passes.

CHAIR KING: Okay. So can you read the new motion now that we're reconsider, or the old motion that we're reconsidering.

Mr. Clerk.

COUNTY CLERK: Well, Madam Chair, at this point the motion was an amendment to the main motion, so there's no current amendments pending before the body. We're just back at the main motion.

CHAIR KING: Okay, so that just wipes out the amendment.

COUNTY CLERK: Yeah, I, I would just note for the Council that an amendment passed after the one that just was reconsidered to add the finance component to the, the name of the title, so that still stands.

CHAIR KING: To add the word finance.

COUNCILMEMBER SUGIMURA: And Finance.

CHAIR KING: So it would be, so it would be calling it Economic Development, Budget and Finance.

COUNTY CLERK: Yes, Madam Chair.

CHAIR KING: Okay, that motion unless anybody want to reconsider that one, but that motion is, is on the table, is, was passed. So the amendment will keep everything in there and it will rename the title Economic Development, Budget and Finance.

VICE-CHAIR RAWLINS-FERNANDEZ:

I'LL MOVE TO RECONSIDER.

CHAIR KING: Okay, motion to reconsider by Member Rawlins-Fernandez? Is there a second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Second by Member Paltin. Okay so we're reconsidering the amendment to add the word Finance into the title. All those in favor of reconsideration say "aye".

Aye.

Those opposed.

COUNCILMEMBER MOLINA: No.

COUNCILMEMBER LEE: No.

CHAIR KING: I heard two "noes", three "noes", roll call vote.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: YES.

COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: Chair Kelly King.

CHAIR KING: AYE.

AYES: COUNCILMEMBERS KAMA, PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

NOES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
AND SUGIMURA.

COUNTY CLERK: Madam Chair, there's five "ayes", four "noes", motion to reconsider passes.

CHAIR KING: Okay, thank you. So we're back to the document that's before us. And, any other amendments at this point? Otherwise we'll call for the question on the main motion which is to pass the establishment of the standing committees of the Council and define their duties. All those in favor say "aye".

COUNCILMEMBER PALTIN: Aye.

CHAIR KING: Aye.

COUNCILMEMBER KAMA: Aye.

CHAIR KING: All those opposed.

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER MOLINA: No.

COUNCILMEMBER LEE: No.

CHAIR KING: Okay roll call vote.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: NO.
COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: NO.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly King.
CHAIR KING: AYE.

AYES: COUNCILMEMBERS KAMA, PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

NOES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
AND SUGIMURA.

COUNTY CLERK: Madam Chair, there's five "ayes", four "noes", motion passes.

CHAIR KING: Okay, thank you Members.

We have, I guess we have one more item on the agenda, which is just a referral.

Mr. Clerk.

COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-1 - MIKE WHITE, COUNCIL CHAIR,
(dated December 20, 2018)

Relating to appointment and removal of administrative heads of departments.

CHAIR KING: Okay any objections to that referral? Mr. Hokama?

COUNCILMEMBER HOKAMA: No, Chair, no objections. Just, just a comment that I would like to share with my colleagues. This subject is very critical, especially what happened last month, okay. We had a lot of changes in appointees and that made a big difference in our payouts for terminal pay, retirement pay, vacation pay, because of the switch of positions. I think the Council needs to be aware of these type of financial impacts, you're not going to know it until we talk about it, but I can tell you if I didn't bring it up nobody was going to talk about. So be aware, everything we do does have a financial impact somewhere. And be aware of, who's going to at the of the day have to pay out these benefits to those employees who are leaving, the last Administration. Thank you.

CHAIR KING: Thank you, Mr. Hokama.

Any other comments or concerns about this. This is just a referral, so Mr. Nishita.

COUNTY CLERK: Madam Chair, if you guys, just don't mind for the record indicating what Committee it's being referred to.

CHAIR KING: Do you need to have that right now?

COUNTY CLERK: Yeah, I mean you're indicating that it's being referred but for the record we need to know where you're--

CHAIR KING: This would be referred to the--

COUNCILMEMBER KAMA: Governance.

CHAIR KING: Government, Ethics and Transparency Committee.

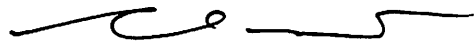
COUNCILMEMBER KAMA: GET.

COUNTY CLERK: Thank you, Madam Chair.

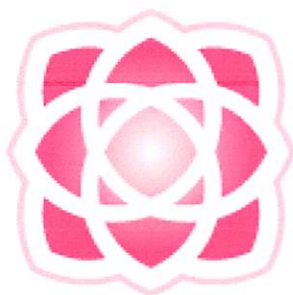
CHAIR KING: Unless there's any objections. Okay. Alright, Councilmembers, we've finished our agenda, ten minutes past nine. I was only ten minutes for the time I gave to my husband. And I want to thank everybody for a very long day starting with all the ceremonial items this morning and a good Council meeting with a lot of good discussion. Thank you for, to all the staff for being here, appreciate it and all the folks out in the gallery who stayed this late. Thank you to you as well. And we'll be, our next meeting will be on January 11, 2019. Mahalo, the meeting is adjourned.

ADJOURNMENT

The organizational meeting of January 2, 2019 was adjourned by the Chair at 9:10 p.m.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**Testimony on Resolution 19-1
Selecting the Chair of the Council
Wednesday, January 2, 2019**

Dear Members of the Maui County Council,

We would like to congratulate all of you for being on the Maui County Council this year!

We know the process of selecting a Council Chair is very important and we would like to encourage members to select the person who is fair and who will best serve the Council and the public. It is crucial for the new Chair to set the tone and an example for decorum in Council meetings, so the public feels encouraged (rather than discouraged) to provide testimony and participate in the process. The Chair should be someone who is willing to hear all sides of the issue without preconceived opinions and be somebody who well understands the process so that meetings can be run efficiently and effectively.

We hope that you will consider these thoughts as you select a new Council Chair and we look forward to working with each of you this year.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

James R. Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

RECEIVED

2019 JAN -2 PM 12: 24

January 02, 2019
Maui County Council
County of Maui

OFFICE OF THE
COUNTY CLERK

**TESTIMONY related to adoption of proposed amendment to existing Rule 12
at Resolution 19-4**

It is proposed that this Council authority to approve to the order of business of a meeting and transfer its authority to the discretion of the Chair through adoption of changes to Rule 12 of existing Rules of Council. This appears an abdication of legislative responsibility and duty. I can find no necessity or reason, other than the idea that change for change sake is a good thing. The proposal appears ideological in nature and not related to administration of Council business. I urge this proposal be rejected.

Mahalo,

/s/ James R. Smith 572-0218
01_02_18

James R. Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

RECEIVED

2019 JAN -2 PM 12: 24

January 02, 2019
Maui County Council
County of Maui

OFFICE OF THE
COUNTY CLERK

TESTIMONY related to adoption of proposed amendment to existing rules and inclusion of Rule 25 to the Rules of the Council.

At this first meeting of the New Year, this Council considers for adoption its Rules of Council, Resolution 19 – 04. There does not appear to be a compelling need to amend Council's existing rules so I urge this Council to adopt existing rules. These rule provide that a Committee Chair shall maintain order and preserve decorum. (Rule 7 _ C. Standing committees; chair. This existing Rule may render establishment and incorporation of proposed Rule 25, redundant or superfluous.

It seems Proposed Rule 25 Conduct related to Public meetings provides the chair of a committee opportunity to interfere with and diminish a person's right to participate in decision-making, as provided in our Sunshine Law.

I am concerned that the author or authors of the proposed amendments have not been specifically identified: Nor was notice of deliberation provided.

Mahalo,

/s/ James R. Smith
01_02_18
572-0218