

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

## **M I N U T E S**

**Council Chamber**

**January 23, 2019**

**CONVENE: 9:00 a.m.**

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
Councilmember Riki Hokama (arrived at 9:02 a.m.; left at 6:51 p.m.)  
Councilmember Kelly T. King (left at 6:51 p.m.)  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin (left at 5:30 p.m.)  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura

**EXCUSED:** Councilmember Tasha Kama

**STAFF:** Shelly Espeleta, Legislative Analyst  
Pauline Martins, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Mavis Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel  
Deidre Tegarden, Chief of Staff, Office of the Mayor  
Karla Peters, Acting Director of Parks and Recreation  
Marc Takamori, Acting Director of Transportation  
Michael Du Pont, Deputy Director of Transportation  
Sananda Baz, Acting Managing Director  
Tyson Miyake, Deputy Managing Director  
Michele McLean, Acting Planning Director

**OTHERS:** Pam Eaton  
Jim Smith  
Jim Coon  
David Cain  
Jeff Ueoka

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Ann Bassel  
Daniel Coltart  
Mahina Poepoe  
Tom Welch  
Marian Prosser  
Anthony Ranken  
Caleb Rowe  
Tom Blackburn-Rodriguez  
Tammy Levi  
Jan Bryan  
Kent Smith  
Mark Middleton  
Jonathan Starr  
Helen Nielsen  
Mercer "Chubby" Vicens  
Nick Drance  
Francis Skowronski  
Thomas Cook  
Dave Jorgensen  
Lianne Yoshida  
Lance Gilliland  
Danielle Dewey  
Stephen Fultan  
Autumn Ness  
Wayne Muraoka  
John Buck III  
Jerrie Sheppard  
Deren Ash  
Annette Niles  
Mike Moran  
Bruce Douglas  
Ke`eaumoku Kapu  
Mimi DesJardins  
Christie Trenholme  
Moana Lutey  
John Holiona  
Mike Spalding  
Richelle Thomson  
Paul DesLauriers  
Peter Niess  
Francine Aaronson  
Susie Thieman  
Michele Haller  
Noelani Sugata  
Rob Parsons

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Madge Schaefer  
Paul Janes-Brown  
Norma Barroga Cronkite  
Leona Wilson  
Adele Rugg  
Earneill Cronkite  
Richard Higashi  
Zandra Amaral Crouse  
Lisa Almeida  
Sylvia Hamilton Kerr  
Kimberlyn Scott  
Gladys Baisa  
Bobbie Patnode  
Brian Bilberry  
Hayden Aluli  
Jamie Becraft  
Michael Hopper  
Rick Heiman  
Mark Harrison  
Keith Moniz  
David Dantes  
Robert Friedlander  
Beverly Livingston  
Joy Morris  
Joseph Pluta  
Mark Sheehan  
Lucienne de Naie  
Brian McCafferty  
Albert Perez  
Max Tsai  
Michael Newbro  
Donna Ting  
David Yamashiro  
Gary Woods (aka His Highness Kaua)  
Donnie Becker  
Ivan Lay  
Plus (12) other people

**PRESS:**     *Akaku Maui Community Television, Inc.*  
              *Susan Halas, Maui Time*

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CHAIR MOLINA: . . . *(gavel)* . . . The Government [sic], Ethics, and Transparency Committee meeting will now come to order. Good morning, Members. It is Wednesday January 23<sup>rd</sup> and the Chair thanks all of you for being here during an off-week. For

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the record, we have in attendance Councilmembers Shane Sinenci. Good morning, sir.

COUNCILMEMBER SINENCI: Good morning, Chair.

CHAIR MOLINA: Council Chair Kelly King. Good morning.

COUNCILMEMBER KING: Aloha. Good morning.

CHAIR MOLINA: Councilmember Alice Lee.

COUNCILMEMBER LEE: Good morning.

CHAIR MOLINA: Good morning. Councilmember Keani Rawlins-Fernandez who happens to be the Vice-Chair of the Committee as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR MOLINA: Good morning. And on his way will be Councilmember Riki Hokama. And we also have Councilmember Tamara Paltin. Good morning.

COUNCILMEMBER PALTIN: Good morning.

CHAIR MOLINA: And Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR MOLINA: All right. And of course yours truly, Mike Molina as Committee Chair. We have one excusal today, Councilmember Kama. All right, we have a very large agenda today, Members, a rather ambitious one. We are, we'll be vetting and interviewing seven of the Mayor's directorial appointments today. We will certainly do our best to complete the public's work by hopefully 4:30 p.m. which the Chair anticipates we will lose quorum. Before we go on with public testimony, Chair would like to introduce Committee Staff. We have our Analyst, Shelly Espeleta, and we have Committee Secretary, Pauline Martins, as well as Analyst [sic], Nicole Siegel. Thank you very much for your hard work, ladies. Chair and the Members very much appreciate your work in putting together this meeting this morning. Now, as far as testimony rules, for those of you testifying today and it looks like we've got a rather large group and thank you all for coming out, the Chair has set the time of three minutes to testify. Okay. As you get up there to the podium, you'll have a light system. At the two-and-a-half-minute mark, you will see a yellow light flash alerting you to the fact you have 30 minutes to conclude your testimony. And at the, as I mentioned, at the three-minute mark, a red light will flash meaning your testimony needs to end. And by the way, please keep the noise down out there, Chair appreciates it. Chair like many of my fellow colleagues place a heavy emphasis on maintaining decorum in these

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Chambers. And, testifiers, I know this may get to be a rather possibly emotional day. I would ask that you please keep your emotions in check as best as possible. Okay? And let's keep everything respectable. With that being said, Staff, is there anything else the Chair needs to be aware of before we proceed with public testimony?

MS. ESPELETA: No, Mr. Chair. Please proceed.

CHAIR MOLINA: All right, very good. And by the way we do...will be taking testimony from our sister islands on Lanai and Molokai as well as Hana as we see fit. At this point, we have been told there are no testifiers out in that...those areas. All right, first to testify, Members, if there's no objections, the Chair would ask the Mayor's Chief of Staff...the Mayor of course is not here, representing him will be Chief of Staff, Deidre Tegarden. I'd like to have Ms. Tegarden approach the podium. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay, thank you. And she'll be followed by Pam Eaton. And again, members who are testifying, please state your full name for the record as well as any organization that you may be representing. Good morning, Ms. Tegarden.

## **. . . BEGIN PUBLIC TESTIMONY . . .**

MS. TEGARDEN: Good morning. Aloha and good morning, Committee Chair Molina, Vice-Chair Rawlins-Fernandez. My name is Deidre Tegarden and I am the Chief of Staff for Mayor Michael Victorino. Mayor Victorino is in Washington D.C., attending the 87<sup>th</sup> winter meeting of the U.S. Conference of Mayors. As you are probably aware, the Conference of Mayors' 87<sup>th</sup> summer meeting will be held June 28<sup>th</sup> through July 1<sup>st</sup>, here over in Honolulu. Mayor Victorino said he wanted to be in Washington personally to invite mayors and their staff members to visit Maui County during their travels to Hawaii. Mayor Victorino is also meeting with members of Hawaii's Congressional delegation to advocate for more Federal funding for Maui County. Mayor Victorino asked me to express his regrets at being unable to be with you here this week. He confirmed his attendance at the national mayor's meeting based on an earlier understanding that the Council's consideration of his nominations would begin next week. He asked me to convey his thanks to Councilmember Michael Molina, Chairman of the Committee, and to Members of the Governance, Ethics, and Transparency Committee. Mayor Victorino and members of his staff and Administration respect the Council's role in reviewing and confirming his nominations to department head positions. He has faith in your integrity as you undertake this important review and confirmation. After his election as Mayor in November, then Mayor-Elect Victorino convened a selection committee to review applications to Administration positions. Mayor Victorino did not interfere with the committee's work, waiting instead to hear its recommendations. It was then that he made the final decision on his appointments. As the committee underwent its work, there were three

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primarily important factors guiding his work. First, to find the most qualified individuals to serve the people of Maui County. Second, to appoint people committed to customer service, and to find those, thirdly, who meet the qualifications set out by the Maui County Council last year in Ordinance Numbers 4840, 41, 47, 48, and 64. Mayor Victorino has also been cognizant of the importance of experience and continuity in choosing appointees who will continue to deliver high-quality customer service to our residents, businesses, and visitors. Experience and continuity ensure that roads are paved, clean drinking water flows, parks are well maintained, and all the normal operations and functions of Maui County government continue without interruption. At the same time, in seeking balance for Maui County, the...Mayor Victorino appointed new directors he believes are nimble enough to learn quickly while bringing innovation and fresh perspectives. I will close from a quote from Treasury Secretary Jack Lew. Regarding public service he said "I think there is no higher calling in terms of career than public service which is a chance to make a difference in people's lives and improve the world." The appointed directors who will come before you today truly embody this, as do all of you. I thank you very much for allowing me to testify on behalf of the Mayor and wish you well in all of your endeavors today.

CHAIR MOLINA: All right, thank you very much, Ms. Tegarden. Members, any need to clarify Ms. Tegarden's testimony? Seeing none, thank you very much your testimony. And, Ms. Tegarden, the Chair would ask that you remain in the Chambers throughout the day once the Committee gets into deliberations on the appointments.

MS. TEGARDEN: I certainly will. Thank you.

CHAIR MOLINA: Thank you very much. Next to testify we have Pam Eaton, to be followed by Jim Smith.

MS. EATON: Good morning, Chair and Councilmembers. I'm here to testify in strong support of Michele McLean as Director of Planning. I have 34 years' experience in government. Of my 34 years' experience in government, I have about 24 years' experience in the positions of a director, a deputy director, a chair of a national organization that has 30,000 members dealing with floods, I've been assistant director, and I spent about 15 years working my way up through those ranks. I had very good bosses and I had incredible mentors. I appreciate Deidre Tegarden's quote about public service 'cause many people ask me why on earth would I stay in government for 34 years, especially today because to me there is no greater value than public service, despite what I do. And by the way, my name is Pam Eaton and I am the Division Chief for the Long Range Planning Division. My Division is the one that does the updates of the community plans and the Maui Island Plan. I believe given my experience in planning of which for 30 years I've had experience in flood plain management, public access, community plans, harbor management, coastal zone management, I was trained as an oceanographer, I have a pretty hefty knowledge of planning and planning issues and particularly community engagement. I can also appreciate during my time as a planning director, there are very difficult decisions to be made. One of the most

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challenging aspects of planning is you bring a community together with very diverse views and if you're successful, when you walk away, nobody is 100 percent happy. The whole point is compromise. One of the most difficult cases I had in Rhode Island was the location of a landfill. Guess where I lived? Next door, as a planner, so there are very...and I, so I truly want to say I appreciate very difficult decisions. However, given all of my experience in planning and all the various bosses and mentors that I've had, I want to say one thing about Michele McLean, I would not be or continue to stay on this island if not for Michele. I have my kids, my mom, 30 years of friendship, and an incredibly strong professional network on the East Coast. It is because of Michele that I've decided to stay. My first three years here was the Division Chief for the Water Resources and Planning Division in Department of Water Supply. So, I've been with the Planning Department now for four-and-a-half years, and it has been probably the highlight of my professional career believe it or not here in Maui working with the people of Maui as challenging as that has been. So, I'm asking you please to look at her qualification, she is beyond exceeded. This is not a popularity contest. It's probably one of the most difficult jobs in the County. So, please respect her experience, her trustworthiness, the fact that she listens and is an extremely smart individual. Thank you very much.

CHAIR MOLINA: Okay, thank you very much, Ms. Eaton. Committee Members, any need to --

COUNCILMEMBER KING: Just a quick...

CHAIR MOLINA: --clarify testimony?

COUNCILMEMBER KING: Yeah, a quick question.

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Thank you. So, can you clarify what you meant by especially today? Is it something...

MS. EATON: Look around. Today is very difficult. I mean it's, you know, it's going to be extremely hard. This is a tough process.

COUNCILMEMBER KING: But you made the comment that you, it's a personal issue for you?

CHAIR MOLINA: Excuse me, Chairman King, can you speak --

MS. EATON: I'm not sure --

CHAIR MOLINA: --more into the microphone? There, thank you.

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MS. EATON: --what you're asking.

COUNCILMEMBER KING: Yeah, no, you were just saying that it's hard to be in government service, especially today, so I just wondered what --

MS. EATON: Yeah, it...

COUNCILMEMBER KING: --of...what burden it was on you.

MS. EATON: Sure. The burden on me is that I'm very concerned that Michele will not be confirmed as Director for the wrong reasons. So, that's why it's very challenging for me today.

COUNCILMEMBER KING: Okay, thanks, thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Eaton. Any other need for clarification from Ms. Eaton? Seeing none, thank you very much for your testimony. Next to testify is Jim Smith, to be followed by Jim Coon. And Mr. Smith will be testifying on three items, GET-1 [sic], GET-(2) [sic], and GET-(8) [sic]. And, Mr. Smith, for your information you will be given up to three minutes per item if you choose to maximize your time on this.

MR. J. SMITH: What a good day. You're either going to be the best Council or the worst, and I can see it's the best. I'm happy to be here. And this is an important time. I'm here to testify in opposition to the appointment of the Managing Director Baz. Okay. I would like to testify in opposition to the appointment of Corporation Counsel Wong. And I would like to testify in opposition to the appointment of the Director of Planning, Michele McLean. All right. And I'm doing it for political reasons because this is a political place, and that's why I find myself welcome here. First, the Managing Director, Mr. Baz, okay, he was the Managing Director when the Wailuku Post Office was demolished, and the budget at that time said rehabilitate the Wailuku Post Office. And he convinced or allowed to be interpreted from that word "rehabilitate" a different word, "demolish." Okay. And it was concern of mine that it was a formality, that the use of the word in the budget was a formality. Okay. To me no word in a budget is a formality. So, I would ask you first not to adopt his appointment or disapprove it until you get questions to him from this body, okay, in which you bring to the person your own criteria, not a resume developed at Princeton or some other place that's just been filled out. And to me that's an insult. So, it seems to me you gotta go forward from this day and ask the hard questions about the budget. He presented in, I guess it was the 15, this was a meeting of the Cost of Government Commission. He presented a presentation on the budget and the Council and their roles in the budget and I think you should examine that and the program budget and all of this thing that has found us floundering in chaos from our Charter. We go there, we go to spontaneity. We go to entrepreneurship. We go to there because it feels good but it's not our Charter.



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CHAIR MOLINA: Okay, Mr. Smith, thank you, if you could finish up. I presume you're finished with your testimony on Mr. Baz.

MR. J. SMITH: That's my...

CHAIR MOLINA: Now, if you'd like to go on now to testify on your other matters.

MR. J. SMITH: If there's any response I'll accept that if...ask any questions about my...

CHAIR MOLINA: Okay, Members, any questions for clarification from Mr. Smith regarding Mr. Baz? Okay, seeing none, Mr. Smith, please go on with your testimony for the next agenda item you signed up for.

MR. J. SMITH: My next agenda item is going to be the appointment of Mr. Wong as a Corporation Counsel. Now, it was Mr. Wong who approved the demolition and he recused himself, okay, and then when the Council went forward and said what's going on, he said we're going to have to have special counsel hired for all of the people who were involved which numbered 14 or less by one or two. So, the Council then was faced with the problem do we do this this way or do we do something else? And the answer of course was to hire a special counsel, okay, and go forward that way. But they were so distracted by the notion that they were going to have to pay for all of these special counsels that the matter dropped, that there was nothing happened. And that removed oversight from a Council, the Legislative body oversees and stops abuse of power. You stop abuse of power. And this was an abuse of power and the Council demurred. And Victorino was on the Council and he said no, no, no, this is terrible. Member Hokama was on the Council at that time. Now, we're going forward and what is this, a new form of government that we're going forward with? I hope not. I hope not. But I'm asking you to please ask questions of these appointees and get those responses in writing so that I can review them as a citizen on the ground affected. And that's my testimony on Mr. Wong. My final testimony...

CHAIR MOLINA: Excuse me. Members, any need to testify Mr. Smith's testimony on Mr. Wong? Okay.

MR. J. SMITH: I don't think there's ever been a question asked me, Chair.

CHAIR MOLINA: Okay. All right, Mr. Smith, proceed --

MR. J. SMITH: Oh, maybe one.

CHAIR MOLINA: --with your final item.

MR. J. SMITH: Well, my final testimony is regarding the appointment of Michele Chouteau McLean. Now, this person is a dedicated person and I have no problem with that aspect but she is a political activist. She was in fact an analyst for a Republican

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Congressional committee. She came into this County in the '90s and I think that this is where we got this nonsense about a Maui Island Plan. This is where that confusion started out where we're having a general...the Council not advised by the community plan advisory committee. They weren't advised, yet they made boundaries of certain projects and certain areas of the plan under this notion of a Maui Island Plan and out the window went community. Out the window went the citizen advisory committee which advises the Council before it makes the decision, because you made the decision on these property boundaries because it was engineered. So, we lost the Charter, okay, that says that the Planning Director seeks...brings advice to the Council on community plan amendments. We lost you on that. Why? Because this is an entrepreneurial model. This is the Alabama model of government. This is the managerial director model of government. It's not our model of government. So, I would ask you to ask questions of the proposed Planning Director about this political activism, about this Maui Island Plan, community...how come we haven't had a citizen advisory committee in Paia-Haiku? And I served in 1995 on the committee in Paia-Haiku and we haven't had one. What happened to that whole process? Was it inefficient? Was it too annoying to get close to common people? What was the problem? We can't go forward until that is solved, because the Charter is broken and you can't pretend it's not, and I ask you to do something about it as our representatives. Thank you so much.

CHAIR MOLINA: Thank you very much, Mr. Smith. Committee Members, any need for clarification regarding his testimony on Ms. McLean? Seeing none, thank you very much. Before we go on to our next testifier, Chair would like to recognize Corporation Counsel, Ed Kushi. Sorry so late, Mr. Kushi. Thank you for being here. And as far as...please be respectful of all our testifiers' comments, whether you agree or disagree, so please withhold any comments in the gallery as a testifier is speaking. Decorum will be maintained in these Chambers. Good morning, Mr. Coon. And Mr. Coon will be followed by David Cain. And Mr. Coon will be testifying on GET item 1(8).

MR. COON: Yes. Well, aloha kakou, Chair Molina, Vice-Chair Rawlins-Fernandez, and Members of the Governance, Ethics, and Transparency Committee. My name is Jim Coon. I'm a local business owner and citizen. And I come here in strong support for Michele McLean to be confirmed as the Planning Director for Maui County. As a longtime Maui resident, I've had the privilege of knowing many planning directors and the impact that they have on our County. I understand the importance of this position and the great value of having someone that's willing and able to provide continuity under a new mayor. Michele McLean has a unique set of credentials, personality and solid character that will serve our County well. Not only does she have the professional expertise, Maui County planning experience, strong relationships with DLNR, KIRC, OHA, State Office of Planning, CZM, the other County planners, but also as a strong leader, visionary and communicator, has the drive and ability to proactively lead the Department of Planning in that fine balance among competing priorities. I've personally witnessed Michele provide the leadership to help

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through...work through intergovernmental deadlocks. Even though it was not her Department's responsibility, she stepped in because the project needed help and other government agencies were not stepping up. The County Council has talked about having professional county manager to have continuity and take the politics out of the hiring process for senior-level positions. Here is an opportunity where there's a highly qualified, professional, skilled, experienced person of great integrity that wants to serve our County, provide leadership and continuity. I humbly ask you to confirm Michele McLean as the Planning Director for Maui County. Thank you.

CHAIR MOLINA: Thank you, Mr. Coon. Any need to clarify Mr. Coon's testimony? Seeing none, thank you for your testimony, sir. Next to testify we have David Cain, followed by Jeff Ueoka. And Mr. Cain will be testifying on item GET-1(2).

MR. CAIN: Yes.

CHAIR MOLINA: Thank you

MR. CAIN: Good morning, ladies and gentlemen of the County Council. My name is David Cain and I'm here to give testimony on the Council's decision of Corporation Counsel, Attorney Patrick Wong. First, I wanted to introduce myself. I am a licensed attorney here in the State of Hawaii and have been an attorney for about 30 years and have been an attorney here for about 25 years or close to 25 years. I am the managing partner at the law firm of Cain and Herren, the attorneys with heart--had to get my logo in there--here in Wailuku, and we currently have seven attorneys who work with us including of counsel that practice here in Wailuku. We are the largest Maui-based law firm in the State, having over 20 full-time staff and employees, but enough about me. I am here to support and highly endorse Patrick Wong for your consideration for reappointment as Maui Corporation Counsel. Ladies and gentlemen, as an attorney here on Maui, I have known Attorney Wong both as Corporation Counsel and in private practice for close to 20 years now. Our office Cain and Herren has had numerous dealings with attorney Wong as Corporation Counsel. In fact, we have dealt with Corporation Counsel on everything from administrative law boards to zoning, literally A to Z. Get it? Okay. Two things always come to mind when we are dealing with Attorney Wong and Corporation Counsel and that is honesty and integrity. Unfortunately, ladies and gentlemen, in today's law practice, lawyers when dealing with one another often have issues so to speak. The parties have to make a path so that there are no misinformation's and mistruth's involved, and it's even become common practice today in law practice to only correspond in writing and to follow up in writing with conversations. This is not the situation when you deal with Patrick Wong and Corporation Counsel, and again it's because of honesty and integrity. We strongly feel that Patrick Wong gives the County proper guidance in his strong belief in professional conduct, the Hawaii State Constitution, and the Maui County Code and Charter. So, I strongly ask and urge the Council to reappoint Patrick Wong as Corp. Counsel.

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CHAIR MOLINA: Okay, thank you very much for your testimony, Mr. Cain. Members, any need to clarify Mr. Cain's testimony? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Thank you for being here. I'm just, I just want to hear based upon what you said, honesty/integrity, that I think one of the big jobs of the Council is to protect our tax dollars from our citizens. So, do you feel that he then also with his decisions has that in mind and besides the Charter and our...which is our constitution?

MR. CAIN: Sure. Yes, thank you for that question. And absolutely, we have dealt with Corporation Counsel also in personal injury aspects or against I should say Corporation Counsel in personal injury aspects. And let me tell you, as an attorney who deals with those issues, he is absolutely very tough in his negotiations which means that's...I mean it is all our tax dollars we're looking at here. So, to answer your question, in these dealings absolutely I would say 100 percent.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay, thank you very much. Any other need to clarify Mr. Cain's testimony? Seeing none, thank you very much for your testimony, sir.

MR. CAIN: Thank you, ladies and gentlemen.

CHAIR MOLINA: Okay. Next to testify is Mr. Jeff Ueoka, followed by Ann Bassel. And by the way, members of the public, if the Chair happens to mispronounce your name, please let me know. And Mr. Ueoka has signed up to testify on 1, 2...item 1(11), (10), (7), (3), (8), and (2), and you have up to three minutes per item if you choose to do so, Mr. Ueoka.

MR. UEOKA: Thank you, Chair.

CHAIR MOLINA: Proceed.

MR. UEOKA: Thank you, Chair. Good morning, Chair Molina and Committee Members. My name is Jeff Ueoka. I'm a Deputy Corporation Counsel and speaking on my own behalf today. I won't take 21 minutes, I promise. I've worked as a deputy here for over 11 years and I found it is difficult if not impossible to please everyone so I do understand that some of the appointees will have their supporters and detractors. My hope is that you as Councilmembers can look at the individual and their qualifications and not solely rely on things that are being said. So, for what it's worth, I do support all the candidates or appointees today. First off, with Director Baz, I've been doing budget for a few years now so I've worked directly with him, spent a lot of time sitting over there next to him. He's a great leader. He understands our County operations and how our budget works. I found him always willing to help out and advise others on projects and always a wealth of knowledge and helpful in many ways. I think he

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does possess the skills necessary to be the County Managing Director. On to Ms. Peters, when I first started working here at the County I advised the Park Department, Parks Department and she was a parks planner. She was always dedicated to the job and knowledgeable about her projects, and her ability to work with others will definitely help her navigate being the Parks Director. She'll do great. I've known Director McLean for a while now, always been impressed with her vast knowledge of planning and her common sense, practical approach to doing her job. I believe she is a great fit for the job of Planning Director and it is a very difficult job to undertake. Mr. Takamori, smart guy. He'll be great at the Department of Transportation. He's been there for years now, he knows what that Department does, how it operates, and probably how to improve it moving forward. Mr. Miyamoto, another great guy. One of the first people I met when I started working here. His office was down the hall from where mine was. Primarily I've worked with him on budget-related matters and he's always understood the budget process and been able to explain the operational side to me so we can make sure everything is being done legally on the budget for DEM. He'll do great also. Mr. Kim as Prosecuting Attorney, always impressed me with his knowledge of the law. Occasionally I've had to work on different ordinances that have a criminal penalty involved in it so I have called him in the past, and he's always given me great advice, and I feel the bill is better after I consult with him and I feel safer moving forward on it because criminal law is not my area of expertise. And finally, my boss Mr. Wong, I have submitted written testimony but I would like to say a few words. Over the past eight years, I have observed him getting the best out of our Department. As an attorney, I trust his judgment and enjoy working for him. He's accessible, reasonable, and never afraid to do the right thing. He's always cognizant of his duty to the County and understands his role as the chief legal advisor, and he does understand that he needs to respect the decisions made by the Mayor and the Council in regards to his legal advice. I do feel that over the years he has done an outstanding job dealing with the various legal issues presented to the County and I feel we are in a better position thanks to him now. Thank you, Chair.

CHAIR MOLINA: Okay, thank you very much, Mr. Ueoka. Appreciate you condensing your testimony based on the number of agenda items. Members, any need to clarify Mr. Ueoka's testimony? Seeing none, thank you very much. Next, we have Ann Bassel, to be followed by Daniel Coltart. And Ms. Bassel will be testifying on two items, Committee item GET-(8) [sic] and Committee item GET-(2) [sic].

MS. BASSEL: Thank you. Good morning --

CHAIR MOLINA: Good morning.

MS. BASSEL: --Chairman Molina and Councilmembers. Good morning. And I'd like to combine them if I may, it's an incident that occurred in our community. I...my name is Ann Bassel, I live at 88 Nohea Place in Haiku on a small farm. I'm here today to request that you defer the nominations of Patrick Wong as Corporation Counsel and Michele McLean as Director of Planning, and that deferral would give us time to try to

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work more with both of them, Corporation Counsel, Planning Department to understand what our...what the incident that has come up. And that occurred Tuesday, December 11, 2018, a few weeks ago. It was announced on the County website that the Department of Planning had reached a confidential settlement with Derek Hoyte and DS [sic] Ventures Zipline which goes right through our agricultural community, it's Agricultural zoning. And for years we've been trying to...there were violations, notices of violation. The BVA, the Department of Planning...the Planning Commission tried to stop it, had...was unsuccessful for a number of years. We've had to put up with horrendous noise, screaming, and an illegal zipline. And on that day in December a few weeks ago or last month, the trans...the Corporation Counsel and Michele McLean did...had a settlement agreement that was secret. And that provided that the zipline was now legal because it is a historic preservation of concrete slabs in Upcountry, Maui that were once part of Camp Maui which is itself significant of course, but the preservation of the slabs was suddenly became the reason for the zipline. And the transcript which I read of the BVA hearing...do I have six...

CHAIR MOLINA: Yeah, 30 seconds.

MS. BASSEL: Okay. But is that for...

CHAIR MOLINA: Chair will allow you a little --

MS. BASSEL: Okay.

CHAIR MOLINA: --a more flexibility --

MS. BASSEL: Thank you.

CHAIR MOLINA: --since you have two items you're testifying on.

MS. BASSEL: Thank you. That Corporation Counsel and Planning Department stipulated that the purpose of the zipline was preservation of historic and archaeologically significant ruins, and these are concrete slabs. And I...

. . . (lighting system beeps) . . .

CHAIR MOLINA: Go ahead and proceed. Yeah.

MS. BASSEL: All right.

CHAIR MOLINA: Staff, allow Ms. Bassel another...up to three minutes.

MS. BASSEL: So, I actually visited the zipline a couple of weeks ago, I went down and looked at it, and the slabs of concrete that are to be preserved with the zipline somehow actually have Porta Potties on them, cars are parked on them. There's no

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preservation. I walked around, there's a museum. To me this was a question of fact and law. It was not to be stipulated whether or not this is historic preservation. And the zipline itself which is an amusement ride, it's nothing but a thrill ride, that has been declared historic because it...I don't even understand. Oh, I know, because it was Marines supposedly used ziplines at the same time at Maui, Camp Maui, and that isn't even true, there's no evidence of that. So, for us the amount of money that Derek Hoyte was able to make on a daily basis provided him with a parade of lawyers, lawyers from Honolulu, planning...beautiful presentation from a planning group in Honolulu, and expert witnesses. They took a lot of time, spent a lot of money. He made money every day on the zipline. And we as a community have spent hours, years, and our limited financial resources, beseeching and trying to help as much as we can the County enforce zoning laws. And the...they're...are meant to protect the island and the people and the community. Our evidence has been thorough, it's been impeccable. All of it was ready, we had to go through due process and before we could prevent...present, excuse me, present our evidence, we were closed out by a settlement agreement between Corporation Counsel and the Planning Department. And so we would like...now the zipline continues and we'd like to have a deferral of both of the nominations so that we have more time to try to discuss it with them. I'm sure they're qualified, I have no, you know, hesitation about that, I'm just...it's very disturbing what happened in the stipulation. Thank you.

CHAIR MOLINA: Okay, thank you for your testimony, Ms. Bassel. Committee Members, any need to clarify? Chair King?

COUNCILMEMBER KING: Thank you, Chair. So, thanks for being here and telling your story. I'm just curious about the request for deferral, is that because that would affect your support or opposition or is that just to give time to close out this item?

MS. BASSEL: We're in the process of appealing the decision that was made by the Planning Department and so that has already begun. We've already filed an appeal, our attorney has, and so that would give time to move forward with the appeal, have more, you know, time for the Planning Director and the Corporation Counsel to look at it and rethink the decision they made which was just a flat-out stipulation that now it's legal. This is now legal, it's now historic.

COUNCILMEMBER KING: Okay. But is there a fear that that can't move forward if we have a different Planning Director?

MS. BASSEL: I'm not suggesting that it's a different one, I'm suggesting a deferral --

COUNCILMEMBER KING: Right, no, I understand.

MS. BASSEL: --to consider.

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COUNCILMEMBER KING: That's why I'm asking for your request for a deferral, is it your understanding that your case can't move forward if there's a decision made against this Planning Director?

MS. BASSEL: No, I think it's the experience that we've had of being sideswiped or, you know, right out of the blue came the stipulation. We didn't have any opportunity to present our side. We had an enormous amount of evidence. I mean it was based upon listening to only the Derek Hoyte and his attorneys, his experts, planners, and they gave beautiful, beautiful presentations. I read all of them, hundreds and hundreds of pages. And based on that without ever giving us a chance to present evidence to the contrary that it is in fact strictly a thrill ride. There's no...

COUNCILMEMBER KING: No, I understand that --

MS. BASSEL: Yeah.

COUNCILMEMBER KING: --Ann, but what my question is, are you worried that you won't be able...I mean are you intending to go ahead with your case regardless --

MS. BASSEL: Yes.

COUNCILMEMBER KING: --of what happens?

MS. BASSEL: Yes.

COUNCILMEMBER KING: So...okay, that's what I thought.

MS. BASSEL: Yes.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: All right.

MS. BASSEL: It was an opportunity to give them to reconsider it. That's our hope.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Bassel.

MS. BASSEL: Thank you.

CHAIR MOLINA: Members, any need to clarify Ms. Bassel's testimony? Seeing none, thank you very much for your testimony. We have next to testify on Committee items 1(8) and 1(2), we have Daniel Coltart, and after that we're going to go out to Molokai. We do have a testifier standing by there, Mahina Poepoe. Mr. Coltart?



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MR. COLTART: Hi, Daniel Coltart here. I live on Kauhikoa Road, have for 40 years, farmer, carpenter. The zipline is literally the Northshore Zipline that Ann was referring to is literally a couple hundred feet from my window. There's a 40-foot tower unobstructed that people scream bloody murder down the line every day. My wife's heartbeat goes up to 103, I'm concerned for her health. Our property values are down, we...by 25 percent. We never got our voice heard, we never got our voice heard period. We had two years of planning, we got filibustered in the last meeting. Their attorneys got to say all of what they wanted to say, we got to say nothing. We just...I heard about it five days after. *Maui News* called me up and said, you know, what do you...how do you feel about the fact that you lost? I said we haven't lost, I didn't have any idea that we had lost. And it turns out that they made a secret deal behind our backs. We never got to say anything. I'm sure Michele's a great lady. I'm sure Patrick Wong is a great guy. Somehow something went wrong, we were not represented. So, I'm concerned about that. I'm concerned about the same as Ann is, my neighbor, that we want Pat and Michele to reconsider what their decision was in this matter because it's affecting us. We're the people here that they're supposed to be looking out for and they didn't do it. They did not look out for my wife's health. We had all of the testimony, all the evidence that this thing should have never gone forward. I can guarantee you there's not one person in here right now that would...could put up with what I've put up with without having some sort of a nervous breakdown. So, you know, I'm just here concerned as a citizen of Maui for 40 years and I'm just wondering what the heck is going on, you know. It's like I want our case heard and I want it reversed, and if I have to say that I don't want Michele and Pat Wong to be put in that position until they rectify what they've done here, you know. So, that's kind of what I feel.

CHAIR MOLINA: Okay.

MR. COLTART: And that's from my heart and I'm not a public speaker, I'm a carpenter but I know right from wrong and this guy Hoyte should not be allowed to do what he's doing in my backyard. We have testimony out the yin-yang all about people saying it looks like we're just ziplining through somebody's yard. My yard, my yard is what they zipline through --

CHAIR MOLINA: Okay.

MR. COLTART: --so.

CHAIR MOLINA: All right, thank you very much for your testimony, Mr. Coltart. Committee Members, any need to clarify testimony? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you very much for being here, as well as Ann, the previous testifier. So, I hear your agony regarding the ziplines and I think that it is something that as a Council it's like a separate issue actually for legislation to look at.

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And then today we're actually looking at the confirmation for the Mayor's recommendation for Michele as well as for Pat Wong which I think your frustration was that they were involved in the decision for the --

MR. COLTART: Exactly.

COUNCILMEMBER SUGIMURA: --zipline decision for the variances or the problems that arose. So, I just want to say that it's something that I hear you and we'll talk to you separately I guess about possible legislation on that, and that today I also hear what you're saying on your frustrations with their decision. So, thank you for being here.

MR. COLTART: Thank you.

CHAIR MOLINA: Okay.

MR. COLTART: Thanks for hearing me.

CHAIR MOLINA: No problem. Members, any other need to clarify? Okay, thank you. And, members of the public, just as a reminder, as well as to my fellow colleagues, if you're going to bring up a particular issue, please craft your testimony or comments to the nominee's role in that and not get...talk too much about the whole item, Committee item itself or issue of concern, because it's not, literally it's not on our agenda. So, Chair would just like to stay away from any possible Sunshine Law violations. You know after all this is the Government [sic], Ethics, and Transparency Committee so Chair will place a great emphasis. So, this is a difficult balancing act so if you could please work with us on that. All right, let's go out to Molokai right now. We have Mahina Poepoe, and also would like to recognize Staff out there, Zhantell. Zhantell Lindo, thank you. Proceed with testimony.

MS. LINDO: Aloha, Chair. Aloha, Chair.

CHAIR MOLINA: Aloha.

MS. LINDO: Thank you. This is the Molokai District Office, we have one testifier, Mahina Poepoe on item GT-1(8) [sic].

MS. POEPOE: Hi, this is Mahina. I kind of wanted to start off a little more general. I feel like my ability to participate in the decisions today is quite limited, because I really don't know much about the people nominated for department heads except Michele McLean a little bit having to do with Molokai Planning Commission. As, you know, someone who's excited to participate in stuff like this, I found it to be a little bit of a letdown when I couldn't really find any information on the people being discussed today. All I found were a couple of news articles that didn't go beyond college or past work experience, but there's so much more that I think should be shared and made available to the public. I think the County should consider maybe doing like a press

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release on the individuals, including a bio of who they are, you know, asking questions like why they love our County and what are their goals and visions for their departments, how will they accomplish them. You know what do they feel needs to be changed or how will they implement sustainable practices. These are, you know, a few questions that I think or, you know, examples of questions that would make more information available and help encourage and elicit more meaningful feedback. I would, you know, be looking for people who are innovative, receptive, open and onboard with sustainable future in all aspects, focus on crafting long-term solutions over short-term solutions, and people who truly want progress and to become a better County, a more honest and transparent government. Really important, I would look for people who respect and enforce our community plan. In one of the articles I read it says that these appointments were chosen because they are people-oriented, and that concerns me because the last thing that I would want would be a bunch of yes men or women who agree with everything they're told and don't ever challenge or questions, you know, things that seem off or wrong. I'm not saying that's what's going to happen, it was just my concern with the statement. So, to specifically Michele McLean for Planning, I would support her with reservations. To add an anecdote, when she took over after Will Spence, I did notice a difference as far as the information that was coming through Molokai Planning Commission. Like, you know, a more positive difference. She seemed easier to work with, more receptive and open. You know we butt heads a lot with the Planning Department all the time, because Molokai is really cautious about development, even if it's not technically a development. I think...I feel like we're kind of a control group in the experiment. And under Michele McLean recently --

MS. ESPELETA: Three minutes.

MS. POEPOE: --that was kind of notable, for the first time ever the Planning Department recommended denial of a short-term rental at the Planning Commission --

CHAIR MOLINA: Ms. Poepoe --

MS. POEPOE: --which . . . *(inaudible)* . . . --

CHAIR MOLINA: --your time for testimony has concluded.

MS. POEPOE: --in 30 years that . . . *(inaudible)* . . . policy statement...

CHAIR MOLINA: Ms. Poepoe, I need to stop your testimony --

MS. POEPOE: I thought that was nice --

CHAIR MOLINA: --at this point.

MS. POEPOE: --and it gave me hope that --

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CHAIR MOLINA: Can she hear me?

MS. POEPOE: --maybe we won't have to fight . . . *(inaudible)* . . .

CHAIR MOLINA: Please inform the testifier she's...her time is up.

MS. POEPOE: Okay, thank you.

CHAIR MOLINA: Oh, you're done? Okay, thank you, Ms. Poepoe. Committee Members, any need --

MS. POEPOE: Thank you.

CHAIR MOLINA: --to clarify Ms. Poepoe's testimony? Okay, thank you so much for your testimony. Mahalo.

MS. POEPOE: Okay.

CHAIR MOLINA: Okay, Members, we will continue with testimony here from Maui. I'd like to call upon Mr. Tom Welch who will be testifying on Committee item 1(8), to be followed by Marian Prosser.

MR. WELCH: Good morning, Chair Molina, Members of the Council. My name's Tom Welch, I'm a local lawyer testifying in favor of Michele McLean's appointment. I, in my legal practice I represent developers, contractors, lenders, brokers, and others in the real estate industry, and in the last three years, there has been a change in the industry. And the change is that developers now are willing to go forward with and consider workforce housing and affordable housing projects in spite of the risks and concerns and low...the delays, the low profit margins and other problems inherent in this part of this industry. And it's gotten so...such an important factor that now probably 30 percent or 40 percent of my time now is spent on those projects. And one of the reasons for this shift I think is that...is the people that have been in the County, in the trenches, boots on the ground that deal with the developers day by day and that includes especially Michele McLean together with Will Spence and David Goode. That...those people have been around for a long time and the industry has developed a confidence that when they come to doing their day-to-day development work, they're going to be treated fairly, responsively, intelligently, professionally, and with good judgment. They might not get the answers that they want always, but they get very, very good business-like service from the County, and that is a huge thing for developers because the risk of development, one of the big risks is the government part of it where there'll be government delays or unpredictability and so forth. So, she plays a...Michele has played a very important role in all of that, together with the others. And best of all, she and the other two that I've mentioned are known. They've been here in office for a long, long time, and as a result, they've...there's been a very

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high degree of confidence developed in the industry. So, if this Council is, really wants to promote affordable housing, I think the best thing you could do is to appoint Michele and also David Goode and Will Spence, they've done a great job as a group. And finally, I know I didn't sign up on it but I'd like to mention I'd like to support Pat Wong for Corporation Counsel. I know myself and most of my colleagues think very highly of Pat and we'd like...thank you.

CHAIR MOLINA: Thank you very much, Mr. Welch. Committee Members, any need to clarify Mr. Welch's testimony? Seeing none, thank you very much, Mr. Welch. Oh, I'm sorry. Excuse me, Mr. Welch. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, this is a question maybe for you, Chair, because he talked about Michele McLean, David Goode, and Will Spence as a team and although Will Spence is not on our agenda or David Goode, can I just ask him a question?

CHAIR MOLINA: Members --

COUNCILMEMBER SUGIMURA: As a housing...

CHAIR MOLINA: --any objection?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: All right, proceed, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I think that what you said which struck a chord with me which is important is high degree of confidence that people in the community have by working with Will Spence, David Goode, and Michele McLean which is basically why you're here to support her. But I'm curious now that Will Spence is in the Housing, Department of Housing and Human Concerns, do you also share that feeling because of his presence there or is this from Planning?

MR. WELCH: Both. Michele and Will when they were working together at Planning did a very good job in this Department, and now Will over, Will being over in Housing and Human Concerns fulfills a very important role that's part of the overall picture in the industry's view of it.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: All right, thank you very much. Thank you very much, Mr. Welch.

MR. WELCH: Thank you.

CHAIR MOLINA: Next to testify is Marian Prosser, followed by Anthony Ranken. Ms. Prosser will be testifying on Committee items 1(8), 1(2), 1(6), and 1(7).

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MS. PROSSER: So, that's at least six minutes? My box says three.

CHAIR MOLINA: Well, you have up to three minutes per item.

MS. PROSSER: So, it starts again?

CHAIR MOLINA: Yes.

MS. PROSSER: So, this is going to go off just...

CHAIR MOLINA: Talk about one agenda item up to three and then you can proceed with the next.

MS. PROSSER: I'm not a public speaker. Thanks for having me here. I'm shaking and sweating and like I've never done it before. Bear with me. I am here to recommend the deferment of the appointment of Michele McLean and Pat Wong. We're talking about issues of fairness, responsibility, transparency, and working together. There was a terrible thing that happened, the issue that Ann was referring to about our zipline in our beautiful Upcountry, Maui that I won't bring up now, whereby Pat Wong and Michele McLean both to my face personally said I've got your back, we've got this one. And almost...we had been preparing our case for two solid years but literally putting up with ziplining for eight years, and we had our testimony all ready and at that point literally the next thing that happened was that we got a call from *The Maui News* saying how do you feel about the decision that's been made? And we were just getting ready to say our part of the testimony at which point a decision had been made and signed off on that was sealed from transparency. It was the opposite of transparent. It was sealed in secret, and I would like to defer their appointments until all of that evidence comes into the light of day where the community can see what happened there, because we don't know what happened. It all got sealed away and it's the issue of transparency that I'm very, very concerned with. I'm a community member, I deserve my due process which I feel like was robbed from me. It's a very confusing and convoluted situation, but the fact of the matter was a decision was made behind the backs of the community that had been preparing for two years. Then the way that we found out about that was five days after it had been signed off and decided, *The Maui News* called us up on the phone and said how do you feel about this decision? So, we were disoriented, disillusioned, disappointed to say the very least, and this erroneous zipline continues to scream their way through our daily lives. We had handshake agreements with the zipline that were signed off on behind our backs and so we don't have Sundays off anymore. We don't have any days off anymore. We get no breaks from this...anyway, that's not the point. But the point was is these guys did not have our backs in any way, shape, or form, and I want it made right before I give any confirmation. I believe that they could potentially be confirmable but absolutely not right now.

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CHAIR MOLINA: Okay, thank you, Ms. Prosser. And before I ask the Committee Members for clarification, could you state your full name for the record?

MS. PROSSER: Sure, Marian Prosser.

CHAIR MOLINA: Okay, good. I just want to make sure I pronounced your name correctly. Members, any need to testify Ms. Prosser's...Chairman Hokama? Councilmember Hokama?

COUNCILMEMBER HOKAMA: Chairman, are we in litigation on this issue at this time?

CHAIR MOLINA: There's a potential for litigation, yes. I'd like to defer to Corp. Counsel for additional comments.

COUNCILMEMBER HOKAMA: Because if we are I would say I prefer we not discuss litigation matters currently unless posted, Chairman.

CHAIR MOLINA: So noted, Mr. Hokama. Okay. Any other need to clarify? Okay, Ms. Prosser, you wanted to testify on two other nominees?

MS. PROSSER: Oh, that was just one three minutes? Sure.

CHAIR MOLINA: Yeah.

MS. PROSSER: No, let's see.

CHAIR MOLINA: You had signed up for...

MS. PROSSER: I mean I think I'm pretty much done. Those are the issues that --

CHAIR MOLINA: Okay.

MS. PROSSER: --with both of those people. Michele McLean's signature was on the settlement agreement when we thought that she was supposed to be working with us. We were all ready to testify, we had two years of evidence, we were ready, ready, ready. Yeah, we got your back. Michele had told us community, what the community says is weighty, it holds weight, community response is weighty. And then what it appeared to be was the very, very next thing after we were all prepared and meanwhile since I've got three more minutes, our community of people that have been fighting our cause has spent thousands and thousands and thousands of dollars for what Corp. Counsel should have taken care of to begin with but it was evidently too much work for them. And that was what was noted on the settlement was that it was just too much work to get that settlement straight. And I want a Councilmember who doesn't feel like our interests are too much work. And I know it's a big issue but this is a big issue. The serenity and peace of our agricultural land is at risk here and it was just signed off on.

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Just signed off on by Michele McLean and without a word, and that should cause great concern for everybody in an Ag zone or everybody with a historical designation or everybody who needs to feel like they're actually being heard and to feel like we have a transparent system to where we can at least understand what happened. And I don't think anybody should get confirmed who is willing to make sealed, closed agreements behind closed doors and then not let the community know for a week's time by way of a call from *The Maui News*. And so I guess that's all I have to say. Yeah.

CHAIR MOLINA: Thank you very much, Ms. Prosser. Any need for clarification? Seeing none, thank you. Oh, excuse me. Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha. Thank you for testifying today.

MS. PROSSER: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: So, you're the third testifier that asked for deferral on these two confirmations, and I wanted to ask if you are aware that we have a 60-day deadline to confirm or deny; otherwise, all nominations are automatically confirmed.

MS. PROSSER: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Are...were you aware of that?

MS. PROSSER: I'd like to deny for now.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo.

MS. PROSSER: Deny for now. Yeah then but I really...what I'd really like to see is the facts of our case. I'd like to know what happened. I'd like to have transparency. That's all I'd really like and then I could maybe come up and say yes, great, I understand what happened and that makes sense. But the fact that the community was flat out shutout of something that we were involved in up to our...here, 30 of us just involved to the ninth degree, our whole entire lives have been about this. And for the fact that --

CHAIR MOLINA: Ms. Prosser, I think you've answered Ms. Rawlins' question.

MS. PROSSER: --these people were willing to...

CHAIR MOLINA: All right, thank you.

MS. PROSSER: I'm sorry.

CHAIR MOLINA: No problem. Appreciate your testimony. Next to testify is Mr. Anthony Ranken and he'll be testifying on items 1(8) and 1(2), followed by Caleb Rowe.



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MR. RANKEN: Good morning, Mr. Chairman. Good morning, Members of the Council. My name is Anthony Ranken. I was...a little bit of my background, I was one of the founders and former president of both the organization State Park at Makena and Maui Tomorrow. I served as chairman of the Maui County Board of Ethics, two terms as a per diem judge of the District Family Court, and I am an attorney. I am submitting this testimony...and, Chair, Mr. Chair, by the way, I would...my testimony covers both Michele McLean and Pat Wong. If I can just combine it, otherwise it'd be really hard to break it up.

CHAIR MOLINA: Sure.

MR. RANKEN: Thank you.

CHAIR MOLINA: You may proceed.

MR. RANKEN: So, I am testifying regarding the nominations of both Ms. McLean and Mr. Wong. I think they are both very smart and capable people and I know them both fairly well for years and I have no disagreement with most of the favorable comments that have been made by previous testifiers about the two individuals. But I am going to recommend and I'll try to explain the reasons in more detail as have some of my clients who testified, the neighbors of the zipline. I am going to recommend that this Committee defer the decision on both of those nominations until a future meeting. I understand the deadline is March 9<sup>th</sup> and I think that there can be a lot accomplished between now and then. I'll get into exactly why but it's...I think the deferral will allow the Committee to gather more information about what has gone wrong here, and more importantly it will give those two individuals a chance to correct the mistakes that were made. And I could see myself and some of my clients potentially supporting these nominations if they will admit the mistake and do what they can to correct it. And there's a lot that can be done at this point. On December 6, 2018, Planning Director Michele McLean and her attorney from the Office of Corporation Counsel, John Holiona, executed one of the most spectacular cave-ins to a developer that I have ever seen in my 36 years on Maui. For over five years, the County had been attempting to enforce the Agricultural Zoning Code to shut down an illegal zipline on Kauhikoa Road in Haiku, a zipline which has been operating for nine years in the midst of a residential neighborhood without a permit, and whose owner by the way has been jailed in other states for operating illegal ziplines and has no regard for County zoning. The screams as you've heard cause a constant disruption in the lives of many of the neighbors living beside the property, and I'm representing over two dozens of those neighbors in an appeal to the Board of Variances and Appeals, trying to reverse Director McLean's decision. We have just filed that appeal, it has not yet come up for a hearing. The County has not yet determined whether it will defend the appeal or stand aside or even support us in the appeal which is what we're asking for. Both the Planning Commission and the BVA after years of public hearing and outraged testimony from the public, seemed clearly on the verge of finally shutting

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down this illegal zipline. Indeed, the Planning Commission had already unanimously decided to deny it a special use permit, although that was reversed by the Circuit Court on procedural grounds. But last fall the Commission went back to work on it and fixed the procedural mistakes and clearly seemed poised to deny the permit again. The neighbors came down to the hearing room in Wailuku for the umpteenth time, but the public never got their turn to testify. Planning Director McLean heard the testimony of the developer's paid representatives but allowed the hearing to end at lunchtime, because the developer's attorneys had another case back on Oahu that afternoon. And then she made her decision to allow the developer to operate without a special use permit which took the matter out of the hands of the Planning Commission and effectively cancelled the whole proceeding. The County also had a proceeding before the Board of Variances and Appeals to enforce the notices of violation that the County had issued against the illegal zipline and that proceeding was also forfeited. I believe Michele McLean and the Office of the Corporation Counsel made a serious error, but I am not calling for the Council to reject her nomination at this point. The reason is twofold, number one, I think she has some good points. She has proposed zipline legislation which, Councilmember Sugimura, would unfortunately be too late to save this zipline, because they're grandfathered in under this agreement unless we get a reversal. But she...and I'd ask you to talk to her about her view of the community plans having the force and effect of law. I think she has a favorable opinion on that. But the main reason is that the decision I think was pushed by the Corporation Counsel, Deputy Corporation Counsel who did not furnish Michele McLean with the information she needed and gave her poor recommendations about the interpretation of the law. I question whether Mr. Wong is exerting sufficient supervision over the cases handled by his deputies if he allows a deputy to simply forfeit a case, important litigation by stipulation and enter into an settlement without his approval or consultation. He knew nothing about it the whole time. We're willing to...if I could just have --

CHAIR MOLINA: You can proceed.

MR. RANKEN: --back 30 seconds? Thank you.

CHAIR MOLINA: Okay.

MR. RANKEN: So, I have requested...I understand that Mr. Wong and Ms. McLean will be meeting with Mayor Victorino in the coming days, educating him about the situation and making recommendations of how this should be handled. I've requested that they make up for this terrible mistake by cooperating with my efforts to reverse it. I've asked that they communicate with us freely, make witnesses available, furnish the documents, not try to hide behind this cloak of secrecy but instead give us the transparency that should have been happening all along in this process. And I've asked Mr. Wong to review the actions of his deputy and do the necessary but unpleasant work of a department head by taking appropriate disciplinary action. This deputy gave away a strong case and got virtually nothing in return, and he broke his

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promise to work with the affected community, instead deliberately shut off all communication with us, left us out of the process, and led us to believe things were proceeding when he was doing a secret settlement. So, again, a deferral would allow this Committee to study the written materials I've submitted which I don't know if you got it, I submitted it by e-mail but a copy of the appeal we filed with the BVA which lays out all the facts in detail. It will allow this Committee to give Ms. McLean and Mr. Wong a chance to discuss it, determine their position, meet with the Mayor, and decide if they're going to make this right or not. And it'll give you folks a chance to explore this in more detail. If they can admit to a mistake, I think that shows a lot about their character. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Ranken. Committee Members, any need to clarify? Seeing none, thank...

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: Oh, Councilmember Hokama?

COUNCILMEMBER HOKAMA: Just one question for Mr. Ranken. Thanks for being here this morning. You made a comment about a special use permit. Do you feel that is a requirement for the non-permitted use that's been occurring?

MR. RANKEN: Yes, absolutely. The law is very clear on that. And the only reason that they were allowed to proceed without...first of all the developer agreed that they would get a special use permit, they agreed years ago that they would apply to the Planning Commission for a special use permit instead of just trying to push this through as a legitimate use on ag land. And the only reason that finally that got changed...

COUNCILMEMBER HOKAMA: You and I know, Mr. Ranken, if it was a permitted use, it would be stated in the ordinance as a permitted use. So, I'm assuming it's not clearly stated that's a permitted use for agriculture.

MR. RANKEN: Not without a special use permit. A special use permit would be required because it is not a permitted use.

COUNCILMEMBER HOKAMA: Correct.

MR. RANKEN: The fraud that's been pulled on the Planning Department and the Planning Commission, the attempted fraud on the Planning Commission which they didn't go for and the BVA was to characterize this as historic preservation, to say the principle use of this property was for historic preservation. They just...they first tried when they started up, they just did it without any permit, without, you know, even trying. Then they said oh, it's agricultural use, we're going to show people the agriculture. But there was no agriculture happening on the property. Then they found...

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CHAIR MOLINA: Excuse me, Mr. Ranken, I believe you'd answered Mr. Hokama's question. Mr. Hokama, do you have anything else to ask of Mr. Ranken?

COUNCILMEMBER HOKAMA: No, that's my understanding too, Chairman, regarding the special use requirement. So, I'll be happy to chat with the nominees later. Thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Hokama. Members, any other need to clarify Mr. Ranken's testimony? Thank you so much, Mr. Ranken.

MR. RANKEN: Thank you.

CHAIR MOLINA: Next to testifier we have Caleb Rowe, to be followed by Tom Blackburn-Rodriguez. And Mr. Rowe will be testifying on item number 1(2).

MR. ROWE: Thank you, Chair Molina, Vice-Chair Rawlins-Fernandez, and Members of the Committee. I need to apologize, I'm sick so if I start coughing I apologize.

CHAIR MOLINA: No problem.

MR. ROWE: My name is Caleb Rowe and I am a deputy in the Department of the Corporation Counsel and I have worked there since 2012 and I would like to speak in support of the appointment of Pat Wong. I'm a 2001 graduate of Baldwin High School, and I moved home in 2010 after attending college and law school on the mainland. Unfortunately, Maui is not a particularly easy place to be a young professional starting out. There's a great need of guidance, patience, and mentorship, and Pat Wong when he hired me in 2012 and since, has provided me with an abundance of both of those things. First thing I'd like to talk about is the fact that Pat has an open door policy with his employees. He allows us to drop in at any time when we need direction on handling our cases. This policy has pretty much transcended the entire Department where all of the attorneys work collaboratively and without competitiveness with one another. Now, I don't know how many of you have to deal with large groups of attorneys regularly, but collaboratively and without competitiveness aren't terms that are normally associated with lawyers, and I credit it to Pat Wong's leadership that that's the feeling in our Department. I'm also constantly amazed by his breadth of knowledge. When I, whenever I come to talk him about one of my cases, he not only knows the relevant laws but also knows the facts of my particular case as well if not even better than I do. And finally, he's always able to see the bigger picture. I'm in the litigation section, there's a litigation and a counseling and drafting section. When you're in the heat of litigation, there's a tendency to kind of get myopic vision and focus on your own arguments that you're making before the court, and that's not always the best way to move forward. I've got into several including relatively recently heated discussions with Pat about my cases, and without fail, he's always forced me to question my position, see things from an alternative viewpoint, and offered me a way forward that I hadn't considered previously. In other words, he's always able to keep

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his eye on the big picture even when that's kind of gotten lost in the heat of the legal process. So, in summary, I believe that Mr. Wong's leadership, knowledge, and perspective are a tremendous asset to the County, and I hope to continue to practice law and grow under his leadership. Thank you.

CHAIR MOLINA: Okay, thank you, Mr. Rowe. Committee Members, any need to clarify Mr. Rowe's testimony? Seeing none, thank you very much.

MR. ROWE: Thank you.

CHAIR MOLINA: Next to testify we have Tom Blackburn-Rodriguez, and then after, we will go out to Molokai again, we have a testifier on standby there, Tammy Levi out of Molokai. Good morning, Mr. Blackburn-Rodriguez.

MR. BLACKBURN-RODRIGUEZ: Good morning, Mr. Chair, Members of the Committee. As another young professional just starting out, it's a pleasure to be here to testify before you. My name is Tom Blackburn-Rodriguez, I'll be representing Go Maui today. It's an organization focused on issues of housing, water, agriculture, good jobs with full benefits. You can look us up at [gomauinc.org](http://gomauinc.org). First of all, I'd like to extend our congratulations to the Members who are returning to the Council, the new Members of the Council. We want to thank you for running for office. This is where democracy works, it's from the bottom up, it's at the County level, and we all wish that our representatives in Washington were listening more to you than to whomever they're listening to now. So, thank you very much for supporting our democracy and thank you very much for running and thank you for serving. Go Maui supports the recommendations or the nominations put forward by the Mayor for department directors. We believe these are all competent people. We believe they are effective in their work. We believe the process has been vetted, and more importantly, we believe that the Mayor deserves to have his team in place to carry out the obligations that he made to his constituents when he ran for office. To maintain those campaign promises he needs a team. Many of you may remember when Linda Lingle was elected Governor of Hawaii, her first term she sent her cabinet nominees down to the Legislature and they were all approved. They were approved because the Democratically-controlled Legislature at that time said the Governor deserves her team, we'll come back a year from now and take a look at things and see how they're going. But right now in the spirit of comity, we will accept those nominations and go forward with them. We think that's a good process. This is a historic moment for the Committee and for the Council, this is a new, uncharted area, and the rules and the procedures, Mr. Chairman, that you institute and the procedures you carry out today will have historic impact as we move forward and deal with this issue and this process for generations to come. So, we want to commend you for taking on the responsibility. You have all the right to advice and consent, but I would urge you to advise and consent on the qualifications of the nominees and on the need for the Mayor to have his team in order to carry out his agenda and the agenda for Maui County. So, thank you very much again for the opportunity to testify. Thank you for serving. Thank you

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for going through this process. And we urge you to carry it out with an idea in mind of the historic process you are putting process which will change Maui County government forever. Mahalo.

CHAIR MOLINA: Thank you, Mr. Blackburn-Rodriguez, and appreciate those very nice comments. Committee Members, any need to clarify Mr. Blackburn-Rodriguez' testimony?

COUNCILMEMBER KING: I have a question.

CHAIR MOLINA: Councilmember King?

COUNCILMEMBER KING: . . .*(inaudible)*. . . So, I just wanted to clarify something that you said. Thanks for being here, Tom. But if we go ahead and approve all the mayoral's [sic] appointments, basically there's not a need for us to even be here. So, what would change? I mean if it's historic and changing for the County, how can we be that change if all we're going to do is rubberstamp whatever the Mayor comes up with?

MR. BLACKBURN-RODRIGUEZ: Thank you, Councilmember King, and thank you for representing me so well in Kihei. And that is a very good question. The role of the Council which is not my kuleana to say what it should be, in this process I would advise...I would think that you're going to exercise the process of advice and consent. Ask the nominees questions about their possible policy areas, their views on their job, issues that have been raised and then vote. All right. And unless there is an extremely important and critical deficiency that you have uncovered in your advice and consent role then the vote to approve would be entirely proper after the nominees were vetted by this Council which is their right under the law. And I also think it's just a good idea.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Blackburn-Rodriguez. Any need to clarify?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, one question.

CHAIR MOLINA: Oh, go ahead --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --Committee Vice-Chair Rawlins.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you. Thank you for testifying today.

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MR. BLACKBURN-RODRIGUEZ: And thank you. Congratulations on your election.

VICE-CHAIR RAWLINS-FERNANDEZ: And thank you for--yeah--your nice comments. So, in the parallel that you're making to this process and Governor Linda Lingle's team. Were half of her team holdovers from the former Governor?

MR. BLACKBURN-RODRIGUEZ: I'm not sure about the exact percentage, but I do know that in talking to one or two of the nominees and their history, so we went before the Legislature, nobody knew who we were, they didn't know us. We might have had a reputation on Maui County or what have you. So, the Legislature went with the appointments with the idea they're going to manage them, they're going to monitor them, they're going to make sure they do the right thing. And I would never suggest in any way that this Council give up its right of advice and consent. I think that's really critical. And after that, I believe the decision will be made to accept the Mayor's nominees. But again, that is the Council's prerogative and one which we respect.

CHAIR MOLINA: Okay, thank you very much, Mr. Blackburn-Rodriguez.

MR. BLACKBURN-RODRIGUEZ: Thank you.

CHAIR MOLINA: All right, thank you.

MR. BLACKBURN-RODRIGUEZ: Aloha.

CHAIR MOLINA: Aloha. Let's go out to Molokai now. We have Tammy Levi from Molokai set to testify.

MS. LINDO: Aloha, this is the Molokai Council Office. Our next testifier is Tammy Levi on item 1(8).

UNIDENTIFIED SPEAKER: Can't hear her.

CHAIR MOLINA: Ms. Levi?

MS. LEVI: Aloha, my name --

CHAIR MOLINA: Proceed.

MS. LEVI: --is Tammy Levi. Mahalo for your services. I am here to support Michele McLean's appointment with a lot of hope that things will change here on Molokai. And I would like to go on the record and make clear that there are serious issues on Molokai that needs to be addressed and taken care of. And with the approval of Michele, these issues will be addressed and I guess for the betterment of Molokai. Oh, thank you.

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CHAIR MOLINA: Go ahead. All right, thank you very much for your testimony, Ms. Levi. Members, any need to clarify?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. I was hoping to get a little more detail from the testifier so that I would be able to during the time ask Ms. McLean her position on these issues.

CHAIR MOLINA: Ms. Levi, did you hear the question from Committee Vice-Chair Rawlins-Fernandez?

MS. LEVI: Hi, thank you for that question. I would really like the approval of Michele and would like to discuss that with you, with Keani and Michele on Molokai regarding administrative issues.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Does that answer your question, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: Thank you so much, Ms. Levi. All right, Councilmember King?

MS. LEVI: Mahalo.

COUNCILMEMBER KING: Yeah, I mean can, Ms. Levi, can you just, can you explain what the issue is that you are concerned about?

CHAIR MOLINA: Ms. Levi, did you hear the question from Councilmember King? She wanted more specifics about the issue that you're concerned about.

MS. LEVI: Okay. Well, it is regarding the County vehicle being authorized as a take-home vehicle, being justified for the clerk. This issue has come up with the Mayor as well and other supervisors, administrative, and things was...it was just like...it was dealt with but then yet it's just like continue like just for a season and continue.

COUNCILMEMBER KING: Yeah, no, I...that's...I just wanted to know if --

CHAIR MOLINA: Okay.



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COUNCILMEMBER KING: --is that the County vehicle for the Planning Department that you're concerned about? Is that why Ms. McLean's name came up?

CHAIR MOLINA: Ms. Levi? Okay.

MS. LEVI: Yes.

CHAIR MOLINA: Yeah, okay.

MS. LEVI: I had conversations with her before --

COUNCILMEMBER KING: Okay.

MS. LEVI: --but I believe she is a really great person for the Planning Department, works very hard, she knows her thing. It's just in-house policies and being more efficient with monies and equipment.

CHAIR MOLINA: Okay, does that answer your question --

COUNCILMEMBER KING: Yes, it does. Thank you.

CHAIR MOLINA: --all right--Councilmember King? Thank you. Thank you so much, Tammy, appreciate your testimony. Aloha. Okay, Members and members of the --

MS. LEVI: Thank you.

CHAIR MOLINA: --public...aloha. Thank you. We will have now testifying Jan Bryan, to be followed by Kent Smith. And after Mr. Smith's testimony, we're going to be taking our morning break. So, Jan Bryan, if you're in the house? Here she comes. Thank you. And she'll be testifying on GET-1 regarding the Planning Director.

MS. BRYAN: Good morning. Thank you for having me here. My name's Jan Bryan and I'm a realtor here on Maui. I am here to testify in support of Michele McLean. She has helped me in my professional job. Just I'm here to tell the Council just a couple personal experiences. So, that you know I've reached out, she's accessible. I had need to have clarification on some zoning and permits. I took a client down to the Planning Department, just assuming I would have conversation with a clerk. It happened that day that Michele came back from lunch, and she invited myself and my client into her office. We got our answers to our questions. It was a surprise to me. So, that was very helpful. In another instance, I had a chance to have a conversation with her about helping a client get a short-term vacation rental. And Michele said, you know, I would hope that you would encourage your client to keep her property as a long-term rental. We are so in need of housing for our residents that I hope that you will pass that on to your client and that's exactly what I did. I hope that the Council

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will confirm her nomination. I think she will be a great representative for everyone here on Maui. Thank you.

CHAIR MOLINA: Thank you, Ms. Bryan. Committee Members, any need to clarify to Ms. Bryan's testimony? Seeing none, thank you so much.

MR. BRYAN: Thank you.

CHAIR MOLINA: And next to testifier we have Mr. Kent Smith who will be testifying on item 1(8). And as a reminder, ladies and gentlemen, we'll be taking a morning break after Mr. Smith's testimony.

MR. K. SMITH: Chairman Molina, Councilmembers, nice to be here testifying today on behalf of Michele McLean. Like a lot of people that have testified here, I've been around here a long time. I probably look like it. And but I have worked with Michele in numerous capacities and amongst which importantly have been in the area of affordable housing, gap-group housing, zero-lot-line development, urban renewal. The names have always changed but it was all about the same thing in the real picture. And she's always been a strong advocate. And now in the last years in the role, in her roles at the Planning Department as a deputy and now as an appointed director and a reappointed director and hopefully a confirmed director, she has acted and developed and grown. With the emergence of the renewable energy phenomena which I am currently been focused on for the last 15 years from the advent of that really becoming part of the future of Maui and our State of Hawaii. And so her quick study to get up to speed on how the planning laws and affect what we do in renewable energy and are pivotal to the entitlements necessary to make these things...projects come forward has helped dramatically in working towards the accomplishment of 100 percent renewable by 2045. I have known Michele in some community involvements over the years with the, like the adult soccer league and stuff. She's not just a brainiac and a very, a high work ethic, but she's a fun person, she's a real person, she cares a lot about the people of Maui. She's stated that to me on numerous occasion. And I just can't understand why it would be the smartest thing to do to...if it ain't broke, don't fix it when it comes to the Planning Department. This is a woman of character and high ethics and I strongly recommend that the Council endorse her nomination. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Smith. Committee Members, any need to clarify Mr. Smith's testimony? Councilmember King?

COUNCILMEMBER KING: Yeah, Mr. Smith, thank you for being here. Can you...I noticed on her resume that she was an employee of yours. So, can you explain her duties ...*(inaudible)*...

MR. K. SMITH: She was...I met her when she first came or shortly after she came to Maui as a private planning consultant, and she worked in conjunction with another partner of

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mine. And so I got to know her by extension through this, another developer. And I saw a really bright young woman that had a heart of gold and was willing to work a lot, and so I made a run at her and hired her as a planning...planner for my company, KRS Development, Inc. which has done numerous housing projects over the years. And some of the Councilmembers that have been here are aware of those, 'cause I used to be up here all the time. With the...so that's what Michele did and then she left because she said she wanted to become a part of the...service to the community and that that was, had been her goal all the way through college and all of her young life. And now that she got to know the movers and shakers and she had a resume of some qualification success, she wanted to seek work in government. And I found that somewhat astounding because we work hard and we're...

CHAIR MOLINA: Mr. Smith, thank you. I think you've more than answered Chairman King's questions.

MR. K. SMITH: All right, very good. Thank you.

CHAIR MOLINA: But thank you for your thoughts. Any other need to clarify Mr. Smith's testimony? Okay, if not, Members, as far as the amount of testifiers we have left, we have 150...excuse me, I'm sorry, wrong number, we have 76 sign-ups, we've gone through about roughly 16 so we've got about 60 more testifiers. So, Members, please take a good long stretch break and we shall return at 10:45. GET meeting for January 23<sup>rd</sup> is now in recess. . . . *(gavel)* . . .

**RECESS: 10:30 a.m.**

**RECONVENE: 10:53 a.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The Government [sic] and [sic] Ethics and Transparency Committee meeting will now come back to order. Thank you very much to you, Members, and as well as the members of the public for your testimony, and we certainly appreciate your respectfulness of each other's opinions. And as I stated earlier before the break, we have 76 sign-ups and possibly counting so we'd like to ask you again for the sake of expediency please share your thoughts within the three minutes that's been given to you. And if you certainly have other items on the agenda you would like to speak on, you have up to three minutes on that as well. As I had mentioned before the break, we have Mark Middleton set to testify, followed by Mr. Jonathan Starr. So, Mr. Middleton, if you'll approach the podium.

MR. MIDDLETON: Good morning, Councilmembers, Chair Molina.

CHAIR MOLINA: Good morning.

MR. MIDDLETON: Thank you for this opportunity. I am testifying representing myself this morning, and I'm speaking on two people. I'm actually in Risk Management Division

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here at the County. Most people know me as a professional photographer--I've been on island for 15 years--either that or through my efforts with the Kihei community or the Rotary Club of Kihei-Wailea. About a year and a half ago, I was fortunate enough to begin working for the County, and in the Risk Management Department, I was fortunate to deal with both Patrick Wong and Sandy Baz, so I'm going to speak first about Sandy Baz. I'm going to speak in support of Mr. Baz being the Managing Director. He's been exceptional. I find him highly intelligent. He's a consensus builder. He's got vast experience through the budget. He gets to work behind the scenes as well as out in front of the cameras on all of the main money issues and money transferences in the County. I've spent a lot of time watching these meetings, and I think he's done so in a very respectable and commendable fashion. He's also a proponent of safety and health. He's gotten off the ground running already in this new Administration. We've got a lot of things that we're doing within the County around health and safety and the Americans with Disabilities Act. He was the ADA Coordinator as well as managing some of the security cameras and some of the efforts around money transactions throughout the County in between work as a Budget Director. So, I fully support him. He's very results oriented and a very good team player and worker across all levels I think. Second, I'd like to speak about Pat Wong. I, being a member of the community for quite some time, I was definitely, my wife and I were hardcore, let's get this GMO thing going and let's really, you know, make a difference for our community and we voted with a lot of people with that. When I started working for Pat Wong in Corp. Counsel, they said oh, you're going to work for the devil and I said it's not at all true. In fact, I fully support Pat. I happened to be the Safety Manager for Intel Corporation, the safest company in the world. We had 125,000 employees, 250,000 contractors around the world. Not to speak about me but to speak about my experience, I've been able to work with factory managers and other companies, we had 17 mergers and acquisitions that I was responsible for, bringing in new CEOs of companies in California and bringing them into the environmental health and safety fold within Intel. I know leadership, I know those qualities it takes to be a leader, I'm going to talk about a couple of those that I see in Pat. One, he's highly intelligent and an experienced leader. The types of things that he brings up and how he talks in meetings both individually as well as when there's issue and we need to bring everybody to a table, it's very refreshing. Pat is on his game. I've never seen him play games not with people and not with the situation. It's always what is best about the County and how do we best go forward? When we've had disagreements, he's pulled all the people in the room, right away hashed it out, and within an hour, we had direction, everybody respected him and we went forward. We have not had any problems. There's nothing like oh, that's required but do this or do that or hey, you could look at it this way. It's always been in fact above and beyond when it comes to the health/safety of our employees as well as the community as a whole. And I know you're going to hear some examples the other way. I'm going to speak to my own personal experiences with him. He's straightforward, he's honest. He...with six months left before the election, the way it works, people send in their resignations and begin thinking about possibly not being renominated and possibly not being the director anymore. He pulled his entire staff together and sat us down for

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two hours and told us how important it was that the business of the County continues forward without a miss. He asked all of us to come up with strategic plans, lay out exactly what we do, and all of the attorneys to provide all of that paperwork, everything needed so that nothing gets lost or dropped if there is a change in leadership that happens. So, outstanding leadership, doing the right thing, I saw it. I get to work with him at least every week. In closing, there was two people but in closing he's got great teamwork, high expectations, expects the most out of us and I highly support Pat Wong for renomination as Director of Corp. Counsel.

CHAIR MOLINA: All right, thank you very much for your testimony, Mr. Middleton. Committee Members, any need to clarify? Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Just a quick clarification because there was earlier testimony about Mr. Baz being Managing Director, but my recollection he's never been Managing Director of the County.

MR. MIDDLETON: That's my recollection and if you --

COUNCILMEMBER KING: Okay, I just want to make sure --

MR. MIDDLETON: --look at the pictures...yeah, yeah, yeah, no.

COUNCILMEMBER KING: --'cause I thought...I kept thinking back, I think, yeah, I don't think he's ever been. Okay.

MR. MIDDLETON: I'm glad you clarified that.

COUNCILMEMBER KING: Yeah, thank you.

MR. MIDDLETON: Yeah, no.

CHAIR MOLINA: All right, thank you for that clarification. Thank you very much --

MR. MIDDLETON: All right, thank you.

CHAIR MOLINA: --Mr. Middleton. Next to testify we have Jonathan Starr who will be testifying on item 1, to be followed by Helen Nielsen.

MR. STARR: Good morning, Committee Members, Chair --

CHAIR MOLINA: Good morning.

MR. STARR: --Vice-Chair, and kind Councilmember. Thank you for spending the time on this. I was...my name is Jonathan Starr. I was a member and a vocal member of the special committee on governance several years ago and I really pushed for a different

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way of management in County government. I felt that we needed to professionalize it, we needed to have people both in the Managing Director and in the directorship places who were there because they were competent, qualified, and hardworking, and would be evaluated and reviewed periodically so we would have a commitment to excellence. And I had spoken about this to Councilmember Victorino and a number of the others, and then after the election, I spoke with Mayor Victorino and said my one concern is what I want to be sure that our directors, deputies, and Managing Director are professionals and are there for that. And he said that's something he was committed to. He was going to create a committee to recommend it. He was going to, you know, evaluate and look at past history and how hard people worked. And, you know, I was amazed when I saw him do it and really make a good attempt. And I was very pleasantly surprised for the first in many Administrations, over the list that came out of directors and deputies. I think a real attempt has been made. And I feel that, you know, for almost the totality there's real professional experience, and I understand that it's up to the Council Committee to really look and evaluate and understand, that's your duty. But I really think that you've been given a pretty good list. I mean some of these people...I know Michele McLean for 20 years since she was in Council Services and when she went to the dark side and private development. And she's always been honorable. I was chair of the Planning Commission for a number of years. She really created consensus when that terrible tragedy happened on Lanai with the plane crash. She was the one who pulled the Department together and really created a culture of community there. Sandy Baz, I've known him since he's been a kid. He's worked really hard to get his qualifications. Mike Miyamoto. Even Pat Wong who I've disagreed with over, you know, injection wells and other stuff vehemently, but I think he's created a really good culture and does a really good job in general. So, you know, I'd feel the same about David Goode and Mr. Pearson who I worked with when I was on CWRM. Scott Teruya is another great choice. You know I just think you have a really good list here, and I really support your working on laws that will help in those issues where we know we have problems, whether it be zipline or beach erosion or sand mining and many of the other things, runoff of, you know, automotive and other stuff into the ocean. Those are things we can fix but you're going to need the professional expertise of the directors and deputies and the departments, people who have been around for a while to help you get that done. And I just wish you all the best in doing it and appreciate your service. Thank you and aloha.

CHAIR MOLINA: Thank you, Mr. Starr, for condensing...I know you testified on all nominees here. Appreciate you condensing the comments. Members, any need to clarify Mr. Starr's testimony? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, thank you for being here, Jonathan. You spoke about the county manager issue and you've tied it into the confirmations today. So, I wonder if we could talk about that, because during the last term which I was involved in creating...my Committee was involved in creating the qualifications for this, but it was sent to...it was a Charter amendment for this to be made possible. And the whole discussion came about because of this discussion about wanting,

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people in the community who wanted to have a county manager form of government versus a mayoral form of government. And I just wondered if you could give a statement, so what your perception is about what you're seeing with this slate of directors that are being presented based upon your thoughts about having a county manager governance versus a mayoral managing the County?

MR. STARR: I still feel that I would really like to see it more kind of professionalized by the Charter, but I feel that we've come a long way in a good direction. I think that there is a belief through the community and through our government that these department heads and the Managing Director have to be professionals, have to be people who've shown that they work really hard and go to training and have, you know, trained and built to that pinnacle that they've reached, and that they should be rewarded if they've done well and they should be sent somewhere else if they haven't. And, you know, the one major piece that is still missing is an evaluation process that I felt should be, have been part of the Managing Director proposals we made, that on an annual basis, the department heads and the Managing Director, the Department of Managing...Management actually gets evaluated using a third-party entity that reports to a citizens' committee or something like that. So, you know, as long as it's going to work well, I'm happy with it and I, you know, I feel that Mr. Baz is able to do the job. He's really succeeded well in his positions before so, you know, I think he's got a bunch of credentials that are relevant, and I hope for the best. You know I feel that way about many of the department heads. So, we're getting there in a different way. You know perhaps we can rethink it in a couple of years. One of the things, the TIG of the special committee spent a lot of time with a number of professional managers from around the country and, you know, people who manage big cities, people who manage counties, smaller towns. And one thing we were...universally said is that if you want it to work really, really well then you need to have a process for annual or biannual review of the process as well as the people. And...

CHAIR MOLINA: Mr. Starr, thank you. I believe you've --

MR. STARR: Yeah.

CHAIR MOLINA: --thoroughly answered Ms. Sugimura's questions.

MR. STARR: Okay, sorry.

CHAIR MOLINA: And, Members, any other need to clarify?

COUNCILMEMBER KING: Yes.

CHAIR MOLINA: Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Since my colleague opened the door and I just have a quick question for you, because it's appears you've been able to get more

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meetings with our new Mayor than I have. But one of my concerns is about our Managing Director position, because I agree with you on a lot of the things about Mr. Baz. I wonder from your perspective and having sat on that other committee, is this Administration going to allow the Managing Director to manage? Because one of my concerns is that a lot of the directors were not allowed to pick their deputy so the chain of command is a little bit of a concern.

MR. STARR: Well, my fingers are crossed. Chair King, I hope so. I had wanted the Managing Director to be able to choose the department heads and to have to live and die along with them.

COUNCILMEMBER KING: Right.

MR. STARR: You know that's more of a military type of chain of command. But, you know, at this point, I have really high hopes and I also really have high hopes that this Committee if things don't work will have really strong action in that regard.

COUNCILMEMBER KING: Okay. I don't think we have that ability but thank you. I have high hopes along with you.

MR. STARR: I think your talents give you that ability.

COUNCILMEMBER KING: Thanks.

CHAIR MOLINA: All right, thank you very much, Councilmember King and Mr. Starr. Next to testify we have Helen Nielson, followed by Rick Heiman. And Ms. Nielson has signed up to testify on all items on today's agenda.

MS. NIELSEN: Good morning, Council Chair...Chair Molina. And good afternoon, Councilmembers. My name is Helen Nielson. My home is in Kaupo, my work is in Wailuku so I spend a lot of time going back and forth. And I've been testifying before this Council for the last 25 years, primarily on environmental issues but on a wide range of issues. I'm here to testify in favor of all of the names that the Mayor's Office has put forward for those positions. You know call me Pollyanna but I really have a lot of optimism in this County separating itself from the politics from the rest of the country. And I really look forward to having the Council work well with our Mayor to really figure out how to get things done for the benefit of the County. Sandy Baz I've known since he worked at MEO and he worked his way up. He's always been very aware of the needs of the County and he's worked really hard, and I think he has a lot of experience here in the County so I feel very comfortable with him. Michele, I feel very strongly she'll make a great director. And again I feel like sometimes we want to shoot the mailman for delivering the bad news. I really think it's up to the Mayor and the Council to create the good laws so that these people can actually carry out their tasks. And I do believe they're all good people, they have a lot of experience. And



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again, I'm optimistic and I think they're worthy of your favorable consideration. And thanks for being here.

CHAIR MOLINA: All right, thank you very much, Ms. Nielson, for condensing your testimony on all of our agenda items. Committee Members, any need to clarify her testimony? Seeing none, thank you very much, Helen.

MS. NIELSON: Thank you.

CHAIR MOLINA: Next to testify we have Rick Heiman, to be followed by Mercer "Chubby" Vicens. And Mr. Heiman will be testifying on two items on our agenda, items 1(8) and 1(2). Mr. Heiman? I see no one approaching the podium, last call for Mr. Rick Heiman? Seeing none, okay, we'll proceed forward with Mercer "Chubby" Vicens for testimony. And Mr. Vicens will be testifying on all of the nominees.

MR. VICENS: Good morning, Chair Molina --

CHAIR MOLINA: Good morning.

MR. VICENS: --Members of the County Council. Congratulations to the new Members and congratulations to the carryovers. You hold a major responsibility in this community and in your areas of expertise we depend. So, the kind of community that we finally expect in the end will depend on what happens in the Legislative Branch and the Administrative Branch. I am here, Mr. Molina, I made a mistake where I only said that I would speak on (1) but I did not notice that everyone had a different parenthesis. So, I'm just going to...I'll finish in three.

CHAIR MOLINA: Sure.

MR. VICENS: But I just want to tell you that I'm in total support of the people that are working here, that are listed to be approved by this Council. And the reason is this, the people of Maui hired Mayor Victorino to be their leader. That's a fact. In my view after 50 years of management, a manager then selects the kinds of people around him that'll make the greatest difference to the success or the failure of a company. So, I'm speaking from a County perspective but you can put yourself in the same seat. You've been asked to...whether you should allow Mr. Victorino to be able to choose a team of his choice to make the machine run. Listen, if it doesn't work, hey, take steps to rectify it. There's always a process of getting rid of the bad apples. My whole premise is allow your Mayor to develop a team that he trusts and deputies that he trusts to move this County forward. If you do that, that tells me that the Legislative Branch and the Administrative Branch are now in sync. You're willing to work together, and that's what it's about. I don't think that we can succeed as a County--and Maui's got a great reputation--if we divide ourselves. We're stronger together. And when I say together I mean the Administrative Branch and the Legislative Branch together. It's not an "I" issue, it's a "we" issue. You represent the people of Maui and I would like to

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see you confirm Pat, Sandy, Michele, and the other four or five that are on this list here today, including Mike and John Kim. I think they've all done a great job over the years. And I expect that you as the Council will be able to look through your efforts and determine whether you will allow this Mayor to move forward with his group to succeed or fail. You always have recourse, never think that you don't. But I want you to do it in a manner that is, how should we say, in the best interest of the community. You never get anywhere fighting with one another and that's what happened with our last group. So, we've got four new people here as a result of some of that and some of those issues. I believe that we are one. We're not divided and we should look at what we're doing here today as a "we" issue. I hope over the coming year that I'll be able to sit and with all of the new Councilmembers, some are old friends of course but I've spent 30 years testifying before this group. I love Maui. When I arrived 30 years ago, I said that I thought I died and went to heaven. Well, here I am 30 years later, my position has not changed. And it's because of people like you that can come and make us better. Why not? No ka oi, hey, those...that's a phrase, well, let's put it to work. Let's bring this aloha spirit into the Council, into the Administration so that Maui can in fact move forward. I have all the confidence in the world that you can, and I have all the confidence in the world that you will. Mr. Molina, thank you for allowing me to extend my time. And, Councilmembers, I truly appreciate what you do. I don't have and I didn't have the guts to do what you did, to run for Council seat. Okay, I'll tell you that. I've been asked many times. I feel that my job is out in the community bringing us together. And I just hope and pray that every day, every day that we all think of one another in that aloha spirit. Thank you very much. Aloha.

CHAIR MOLINA: Thank you very much for your testimony, Mr. Vicens. Members, any need to clarify Mr. Vicens' testimony? Seeing none, thank you. And --

MR. VICENS: Thank you so much.

CHAIR MOLINA: --on behalf of many, we appreciate you testifying for 30-plus years, that's quite an achievement for anyone. All right, next to testify we have Nick Drance, followed by Francis Skowronski. And Mr. Drance will be testifying on two items, items (1) and (8).

MR. DRANCE: Aloha. Nice to see you all again. I'm just as thrilled to see you and your smiling faces as I was on inauguration day morning. Chair, I'd like to add and begin with GET-1(2) please? Thank you. Regarding Corporation Counsel Wong, I have a completely different point of view about this gentleman, and I can cite public information about the resort developer's lawsuit which has been going on for years and that's a perfect example. Sandy Baz testified before Judge Cahill when the County lost that lawsuit, it's under appeal now, he testified saying that the financial consequences to the County would be devastating. We would lose our bond rating, we'd have to issue a bond to pay what Judge Cahill said would be hundreds of millions of dollars. And that lawsuit has been in litigation for years. It's based upon a 40 percent tax rate increase done in a single year all at once, and that was contested,

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the County lost that thing. But, you know, 40 percent in one year I think is, you know, absurd and it's unfair. None of that money...it's...we're into the hundreds of millions. Technically I think it's about 70 million in taxes that have been collected. None of that's been held in escrow, and Mr. Hokama and Mr. Wong have been instrumental in these decisions and so forth. And I think that's bad fiscal management and I think it's bad legal management. And I don't think it's fair to gamble with our money. Now in the interim, I'm...according to court documents the best I can ascertain is that Mr. Wong did what Judge Cahill referred to was weaponized taxation whereby he directed the...or the County went back several years like six years and reevaluated the property values up retroactively six years and demanded the millions of...\$10 million all at one time. And these same litigants came up with that money, but the County did hold that in escrow. I believe Mr. Wong functions in a very involved way in County affairs that extends far beyond the legal subject, and that is an example of why I think he's inappropriate for this position. It's time for new blood and I think there's one thing about continuity and there's another thing about wrapping up there...needing some new blood. Moving on, very briefly...

CHAIR MOLINA: Hang on, Mr. Drance. Committee Members, any need to clarify Mr. Drance's testimony regarding Mr. Wong? Seeing none, proceed with your next agenda item --

MR. DRANCE: Thank you.

CHAIR MOLINA: --Mr. Drance.

MR. DRANCE: Thank you.

CHAIR MOLINA: Thank you.

MR. DRANCE: Sandy Baz I know only good things about him. He actually was quoted in this Cahill case, testifying about the devastating result on County finances. But as I know him to be I think he's a good, fair, honest guy dedicated to the functioning, proper functioning of the County departments. I've discussed this with him briefly and I'm completely confident in his appointment. Moving on, I am also associated with The Maui Miracle, that...dot org. That perspective is very different from a lot of people in this room. Some people feel that it's appropriate to have what I consider to be an excessive amount of real estate development on the island. We've probably got 400,000 square feet of commercial and retail space that's empty now, and then there's another three-quarters of a million being planned, and it's just absurd. Helen, my drycleaner, has to work six days a week, because her landlord comes from the mainland and has such exorbitantly high rent rates that she has to work like a slave. And I feel like, you know, the more commercial and retail development we have from the mainland, it turns us into indentured servants, into slaves. And it puts small business owners out of business. Now, Maui has been considered a sacred land for hundreds of years throughout millions of square miles of the Pacific Ocean. It can be

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said that this land for that reason and others is sacred, and it's not appropriate to pave over paradise and put up a parking lot. Now, there are a lot of points of view. If somebody makes their living by doing real estate development or a supportive or construction, a supporting auxiliary function, okay, they need to make a living. But I want those people to understand that this election saw the departure of three entrenched or established political individuals and the addition of five people who were not in the political arena. The public made a choice to take out some of the old and add new. Now, that...the public's point of view with regard to that must be respected. The selection of most of the Mayor's appointees don't reflect that at all, almost without exception, at all. At least even lip service didn't happen. The Mayor said open-door policy and transparency, clean house and so forth. I'm almost out of breath talking about this, I'm upset about it. There is no open door and transparency here. There's been no communication and teamwork with...significant, measurable with the Council. I don't agree with that and I don't think it's appropriate for the Council...the Committee to vote on these individuals until you have more information about who the other alternatives were. It's not appropriate to give a rubberstamp given the way the voters spoke.

CHAIR MOLINA: Okay, thank you, Mr. Drance.

MR. DRANCE: One point [sic] eight.

CHAIR MOLINA: Okay. You've completed your testimony. Thank you. Members, any need to clarify Mr. Drance's testimony? Drance, I apologize.

MR. DRANCE: Yes.

CHAIR MOLINA: Okay, seeing none, thank you very much for your testimony.

MR. DRANCE: One eight? Planning Director McLean?

CHAIR MOLINA: Okay, I...you did sign up for 1(2) and 1(8).

MR. DRANCE: Yeah, 1(8).

CHAIR MOLINA: Okay. Chair will allow some flexibility there. So, go ahead and --

MR. DRANCE: Thank you. I'm going to be --

CHAIR MOLINA: --complete your testimony on that.

MR. DRANCE: --really brief there.

CHAIR MOLINA: Go ahead.

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MR. DRANCE: As far as Planning Director goes, the way I've seen that Department appear to function is that because the zoning department changed so much Agricultural land to Urban, particularly along the coast, it seemed as if that Department's function is to process paperwork that relates to construction and development and so forth. And I don't necessarily see that. And everybody knows that the County plan is not being followed, much less the vision statement and core principles. The Planning Department really needs to have somebody in there who is not, you know, from or associated with private industry. It's like putting a coal corporation executive in charge of the EPA. That Department has a broad responsibility related to the County plan and vision statement and so forth, not just to rubberstamp projects or to fast track projects through. So, let's remember the voters are polarized almost the same nationally as here on Maui. These are other people have a point of view, they've made...they've elected individuals, out with the old, in with the new, and that must be recognized. Council, you have a responsibility to recognize that and help the Mayor be a team player with that. Real quick, we have that new election, six women on the Council, a completely new Council structure, bases are loaded. In my opinion, I think it's time for the Mayor to hit a homerun, bring everybody in and win the game by having that open-door policy and transparency and working together with the point of view of the public and the Council and everybody else, suggestions from the departments. Mahalo.

CHAIR MOLINA: Okay, thank you, Mr. Drance. Members, any need to clarify Mr. Drance's testimony? Seeing none, thank you very much, Nick.

MR. DRANCE: All right.

CHAIR MOLINA: Next to testify we have Francis Skowronski, followed by Tom Cook. And Mr. Skowronski will be testifying on GET item number 8.

MR. SKOWRONSKI: Good morning, Councilmembers. Thank you for this opportunity to offer my observations on the matter of reaffirming the confirmation of Michele McLean to Planning Director. My name is Frank Skowronski. I'm the founder and principal architect for Territorial Architects. We incorporated Territorial Architects in August of 1978 as an architecture firm in medium to small projects Statewide. I have served two terms on the County of Maui Urban Design Review Board, and I am presently an active member in the County of Maui...

CHAIR MOLINA: Excuse me, Mr. Skowronski, could you pull the mic up a little more so we can hear you better?

MR. SKOWRONSKI: Okay.

CHAIR MOLINA: Thank you.

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MR. SKOWRONSKI: And I'm presently an active member in the Maui County Cultural Resources Commission. I've worked with many different planning directors for the County of Maui over the past four decades, but I have seen...but I have been most impressed with the thoughtful, focused clarity Ms. McLean applies to any planning issue under her review. She brings extensive experience in the private sector and in private and public...in the public sector and in private business to the key department of the County that plans for and oversees the health and growth of the built environment on the County of Maui. Make no mistake, these will be very challenging times for the future of Maui, challenges that can only be addressed within a planning perspective of balanced, managed, and sustainable growth. Ms. McLean believes in this planning approach, as do I. Please do not pass up the opportunity for this Planning Director to continue her hard work in solving the issues and making the difficult decisions facing the County of Maui in the crucial times ahead of us. Mahalo.

CHAIR MOLINA: Okay, thank you very much. Thank you very much, Mr. Skowronski. Committee Members, any need to clarify Mr. Skowronski's testimony? Seeing none, thank you, Mr. Skowronski, also by the way for your service on our boards and commissions. Oh, I'm sorry. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. I too wanted to just express our appreciation for your service for the community. That's a lot of your own personal time that you've given us. Thank you.

MR. SKOWRONSKI: Thank you.

CHAIR MOLINA: Thank you. Thank you, Mr. Skowronski. Next to testify we have Tom Cook, to be followed by Dave Jorgensen. And Mr. Cook will be testifying on item number (8).

MR. COOK: If I may? Aloha, Councilmembers. My name is Tom Cook, I'm here as an individual today. I'm associated with the Construction Industry of Maui but I'm, I didn't run it by everybody so I'm just speaking for myself. I didn't make nine copies of this so you don't have to worry. This is...I'll touch upon this. I am in support of the Mayor's recommendations. I think that you have the opportunity...this is a unique opportunity for you to review and vet them. I think hopefully that since it is the first time that we can...I mirror what Chubby was saying. I wonder if you can see this. Michele McLean, I'm very supportive of her. I think she's going to do an excellent job as the Director. She's been very approachable, she's a good communicator. She's firm and tough. David Goode isn't up today but I'm also supportive of him. A big part of it is because of the continuity. The County has two programs that are going to carry over, the Title 19 review. You folks last year had an audit and a review and I believe that you're reselecting, I could be mistaken but that's going to continue through, and that's basically reviewing all of the zoning and clarifying a lot of the mismatches and grandfather clauses and Interim issues. The other one is the MAPPS program which is part of your investment in the Tyler Technology [sic] land use and planning platform.

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Those two are very dynamic and meaningful and potentially constructive programs. And continuity is going to be important. This is one hundred and...this is all the permits as of two years ago. Michele gave this to us. It was an 8½ by 11, I blew it up for speaking purposes with our group. This is 132 different permits that the County of Maui has. Okay. There's...and you the Council have in the past, past Councils have passed a lot of ordinances and rules and regulations requiring these permits. I'm encouraging you as a group to review what we have already that's ordinances and laws and to see how we can streamline and collaborate so that we can build affordable housing and affordable rentals. Because a lot of the things that prevent us from doing that is some of the conflicting land use and conflicting laws. This doesn't have the State Department of Health, the State Historic Preservation Division, the State Land Use Commission. I mean there is a lot of rules and permits to build anything. So, I hope that you will work with this Administration in a really good spirit of aloha. With power comes authority, with authority comes responsibility. What we need to add and I think this process is it, is accountability. And that's it.

CHAIR MOLINA: Thank you very much for your testimony, Mr. Cook. Members, any need to clarify Mr. Cook's testimony?

MR. COOK: Aloha.

CHAIR MOLINA: Seeing none, and thank you very much for the visual, Tom. Next to testify we have Dave Jorgensen who will be testifying on three items, GET items (8), (2), and (3). And he'll be followed by Lianne Yoshida.

MR. JORGENSEN: Good morning, Chair Molina --

CHAIR MOLINA: Aloha.

MR. JORGENSEN: --Members of the Committee, and the public. My name's Dave Jorgensen, I'm an attorney in Wailuku and here to testify in favor of three nominees. In particular I want to express my strong support for Michele McLean as the next Planning Director. I've known Michele for around 20 years, around the time she first came to Maui. It turns out we're both from the same area in Pennsylvania. We actually...well, I played soccer against her high school. I'm not quite sure if she played soccer against my high school. I'm about ten years ahead of her. But I met her here in her...when she was in private business and did some work with her and the company she used to work for. And it was kind of quite surprising when she left private industry to go to work for the County. As you've heard before, that was always something she wanted to do and it's hard for, you know, it's hard for people to do that sometimes. But her commitment to the community is strong. A couple of the words that you've heard about her are integrity and honesty. Even when I was working with her in her private prior jobs, there was times when things came up where we had a disagreement and her professionalism and integrity came shining through on what the answer needed to be. Since she's been with the County, we haven't always agreed on

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issues. I've had projects come before the County, projects come before the Planning Commission. We don't always agree on the issues, but we're always able to have to intelligent, productive discussions about what the resolution should be and if necessary, try and find alternatives. I believe she's a person of high character and very high ethics. I believe she's done a great job as a deputy in the Department and I believe she'll do an excellent job as the Director and I ask for your strong consideration of her for that position.

CHAIR MOLINA: Okay, thank you, Mr. Jorgensen, for your testimony on Director McLean. Members, any need to clarify his testimony? Seeing none, Mr. Jorgensen, please proceed with your next agenda item.

MR. JORGENSEN: And just very briefly in the interest of time, as an attorney in Wailuku I've known Patrick Wong for many years when he was in private practice doing primarily Workers' Comp. You know there's not a lot of people on Maui, a lot of attorneys that do Workers' Comp work and so I had the chance to refer many people to him. He was an excellent practitioner in that field as well as some other related fields he got into. He's always been a man of his word. He's always been hard working. Since he's been at Corp. Counsel, I know for a fact the level of respect that the people in the legal community have for him as well as on other islands. You know he is a man of his word. He works hard, he knows the law. He's somebody you can talk to but he's firm in his convictions. You know if he believes he's right, you know, you have a fight on your hands, but if, you know, you're able to prove your side of the case, I've been able to work out arrangements, work out settlements with him. My understanding of the different people I've talked to in his Department, I haven't met anybody that has a bad thing to say about him. I can't swear I've talked to everybody, there's always, you know, an office of that size, there's always some people who are unhappy. I haven't heard from any of them. So, I ask for your favorable consideration of Patrick Wong to continue as Corp. Counsel.

CHAIR MOLINA: Okay, thank you, Mr. Jorgensen. Members, any need to clarify Mr. Jorgensen's testimony regarding Mr. Wong? Seeing none, Mr. Jorgensen, proceed with your final agenda item.

MR. JORGENSEN: And just finally, J.D. Kim, John Kim, I don't practice criminal law but unfortunately some of my clients do, and I have had to on occasion contact the Department usually just asking for information which is sometimes hard to get. Even with the digital age and Hoohiki and eCourt Kokua, some of the online databases, it's sometimes hard to find information and the information you can find is sometimes misleading. There's actually another gentleman with my exact same name that has an alias of really my exact same name that I've been yelled at on the street a couple times for my long rap sheet which I don't have. But John Kim is somebody who, you know, you can contact his office, if he's available, he'll talk to you. If he's not available, he'll find somebody to help answer a question. With the idea being that, you know, having the right information out there is the best position to have. Misinformation, you know,



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causes so many problems. J.D.'s been in my belief and again I don't do criminal law but from the outside he's been a strong leader of that Department. The people who I have talked to, actually I talked to a couple this morning who didn't know this matter was on the agenda today but they expressed their very strong support for him as their boss, as their leader. And he's also been very helpful to me personally in providing some guidance on some legal issues that I needed for the work I do. So, I would ask for your strong consideration also of John Kim for, to continue as Prosecuting Attorney.

CHAIR MOLINA: Okay, thank you very much, Mr. Jorgensen. Members, any need to clarify Mr. Jorgensen's testimony? Seeing none, thank you for your testimony, Mr. Jorgensen.

MR. JORGENSEN: Thank you very much, and thank you for your service.

CHAIR MOLINA: Next to testify we have Lianne Yoshida, to be followed by Lance Gillian [sic]. And Ms. Yoshida will be testifying on item number (10).

MS. YOSHIDA: Good morning, Committee Chair and respected Councilmembers. Hello, my name is Lianne Yoshida, I am here today to ask for your support in confirming Marc Takamori for Director of Transportation for Maui County. I've known Marc for about four years since he went through the Ka Ipu Kukui Future Leaders of Maui program. I was on the interview panel and on the board that was selecting the fellows for that year. During the selection process I learned that Marc was born and raised on the island of Maui. In fact, his father was my grade school teacher. And that Marc is a brainiac, overachiever, kamaaina come home, who actually came home to work on Maui after majoring in computer engineering from the mainland. Marc initially worked on Department of Defense programs in the Maui Research and Technology Park so that is where I first heard of him. Marc worked on the High Accuracy Network Determinations Systems, otherwise known as the HANDS program that deployed robotic telescopes around the world for use as sensors for space situational awareness. He later received his master's in business administration, and somewhere along this process, Marc stopped playing with engineering toys and computers in outer space and then began playing with transportation systems infrastructure focusing on safe and economical movement of people and goods for Maui County. So, Marc and I have been working closely together serving on the Ka Ipu Kukui Future Leaders of Maui Board for the last three years, so that's how I've come to know him well. Besides being a brainiac, I've come to admire Marc's leadership style. He is someone who I deeply respect. I have observed him to be calm, analytical, and thoughtful under pressure. And when he's quiet, it just means that his brains are working extremely hard. Marc is someone who is knowledgeable, observant, detail-oriented, and kind. He is always well prepared and organized. Marc provides logical, well thought-out solutions and is very considerate in his communication style as well. So, did I mention that Marc is very passionate and committed to transportation? So, I have a funny story to share with you. Transportation is such a

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focal point for him that when he attended...when we attended a party several years ago and were supposed to build gingerbread houses, Marc turned his into a transportation hub complete with bus stop and little gingerbread people boarding buses. So, Marc is someone who I know will provide solid, dependable leadership for Maui County. Thank you very much for your time.

CHAIR MOLINA: Okay, thank you very much, Ms. Yoshida. Members, any need to clarify her testimony? If not, thank you. And nice to hear that our nominees do have a creative side to their personalities as well. Next to testify we have Lance Gillian [sic] who will be testifying on two items, item number (8) and item number (2). And he'll be followed by Danielle Dewey. And please correct me if I mispronounced your name.

MR. GILLIAND: It's Gilliland.

CHAIR MOLINA: Gilliland, thank you.

MR. GILLIAND: Hello, my name is Lance Gilliland and I live on Kauhikoa Road. And I'm here to defer Mayor Elect Victorino's recommendations for Planning Director Michele McLean and Corporation Counsel Pat Wong. So far today, those who testified in support of these two recommendations, none have provided specific accomplishments that they have been involved with. My concern with Ms. McLean is recently she made a behind-closed-doors secret deal with Northshore Zipline in Haiku that legalized the operation. Her actions demonstrated her lack of public service 101 experience, that being community service. She completely ignored the volumes of verbal and written testimony against the zipline by the community. She also dismissed the fact that her own Planning Commission and BVA, Board of Variances and Appeals, both twice denied the legality of the zipline operation special use permit. As for my concerns with Corporation Counsel Pat Wong recommendation, he demonstrated his lack of management skills evident in his subordinate actions in recommending to Ms. McLean approval of this Northshore Zipline. Management 101 teaches you that as the Director you must delegate with direction without relinquishing responsibility. One of Mayor Elect Victorino's running platforms was working with and for the community. Michele and Pat at this point lack experience and understanding of and in his vision. Thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Gilliland. Members, any need to clarify Mr. Gilliland's testimony? Thank you.

MR. GILLIAND: Thank you.

CHAIR MOLINA: Mahalo. Next to testify we have Danielle Dewey, to be followed by Stephen Fultan. And Ms. Dewey will be testifying on item number (8).

MS. DEWEY: Hello. Thank you for having me. My name is Danielle Dewey. I'm a local business owner, been on the island of Maui for about 14 years. I'm here today in

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support of Michele McLean as Director of the Maui County Planning Department. Michele's relevant experience for this position is vast and varied. She has eight years of experience in the current Department. She spent seven and a half of this as Deputy Planning Director helping to run every aspect of the Department, and in the last six months has taken over as Director of the Department. Before this, Michele was Deputy Director and policy advisor for the...that's going to be hard to say, Kahoolawe--sorry, I actually can say it--Island Reserve Commission for over five years. Michele's responsibilities here were personnel, procurement, and budgeting, as well as overseeing on island programs and operations. Prior to this, Michele was in the private sector as a consultant, worked for a small Maui-based land developer and worked for the County Council as an analyst. Michele has a long resume of pertinent experience with a good balance of private, legislative, and executive background. As far as Michele's personal attributes, her honesty, integrity, and attention to detail in everything she does are perfectly paired with her work experience to make her the best candidate for Director of the Maui County Planning Board [sic]. Thank you very much for your time.

CHAIR MOLINA: Thank you very much, Ms. Dewey. Members, any need to clarify Ms. Dewey's testimony? Thank you. Before we address our next testifier, Mr. Stephen Fultan, Chair would like to...I know we're about roughly 30 testifiers in but if you are a registered lobbyist you need to indicate that. So far from all the individuals I've heard from, I'm not aware of any of these individuals are registered lobbyists. But for those of you who will be coming up and you are a registered lobbyist, you need to notify the Council Committee of that. All right, Mr. Fultan, and he'll be followed by Autumn Ness. Mr. Fultan will be testifying on item number (8).

MR. FULTAN: Good morning.

CHAIR MOLINA: Good morning.

MR. FULTAN: My name is Stephen Fultan and I'm here to testify in support of Michele McLean. As I was driving up here today and I certainly don't want to dispute Mr. Jorgensen's numbers but as I was driving up here this morning I was counting the number of years that I have known Michele. And I hate to say it Michele but I think we're pushing 30 at this time. And those have been 30 great years of a woman that I have learned to trust, respect, and honor. I find Michele to have high levels of integrity, honesty, work ethic, and professional values. And as part of my experiences with her, one of my great blessings of living on Maui is that I was selected through her efforts to become the Manager of the Kahoolawe Island Reserve Commission. And it was during that period of time that I got to work with and for Michele McLean. And it was during those periods that those same values came through to me very clearly. Integrity, work ethic, extremely competent, very honest with people, high levels of leadership, very skilled in budgeting, financing, and forecasting, and I strongly suggest that you all give very favorable consideration to this very remarkable woman. Thank you for your time.

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CHAIR MOLINA: Thank you very much, Mr. Fultan, for your testimony. Members, any need to clarify Mr. Fultan's testimony? Seeing none, thank you. Next to testify we have Autumn Ness, to be followed by Wayne Muraoka. And Ms. Ness will be testifying on three items, numbers (1), (3), and (2).

MS. NESS: Aloha, Committee. My name is Autumn Ness. I'm going to lump a couple of these things together. First, I'd like to testify in support of Karla Peters as the nomination for the Parks Department. I only worked with her in a very small sliver of what her responsibilities would be, and that was navigating the pesticide-free parks pilot education process and that was like so many moving parts and a lot of egos. And some people didn't really want to make that succeed in the very beginning and she handled it like a champ. So, I hope that that's the way she handles everything else in the Department. If that's any indication then I'm in full support. I'm going to lump the middle items together and try to just speed through them in general. Instead of going into specifics about each one of them, I will say that the driver of the Huli campaign last year for the election and one of the main reasons that so many people voted for the first time ever is to change the way that things are done around here. Change—a huge part of that means closing the revolving door between industry and special interests and the departments that are supposed to keep them in check. The people are really tired of watching the industry be regulated by departments that are directed by people who consistently side with special interests. Enough. And that's exactly what a lot of these renominated directors have done for years. As Councilmembers, once they are approved, you have zero power over how a department operates except for right now. Even in Budget time, you can put things in a Budget but they don't have to spend it. Now is the only time you are able to speak up and say enough about how these departments have been operating. That's why the people voted in the 2016 election to give you guys the power over approval of these directors. They need you to speak up for them. They're asking you to do so. When I worked for Member Cochran, I can tell you there were so many times we found a department breaking the law or not doing their job and they would come into a committee or a Councilmember and sit right there and straight lie about it and we had no recourse unless someone in the community had time and money to sue, and generally they don't. So, that's the three branches of government, right? You have the body that makes the law, you have the bodies that administer the law which is the departments, and then you have the judicial system. If the departments aren't taking their responsibility seriously, you sue them, but who has time for that? So, the community is left paying...playing whack-a-mole chasing down shady deals and projects, watchdogging and doing GoFundMe sites for lawsuits to keep the departments in check. Now, they're coming to you for a reappointment and the voters of Maui County in the last election elected you with a mandate to change things, to huli the system and this is one of the first big parts of that huli. The voters have asked you to stand up for them and say no. Not to play nice and just skirt this whole thing through. And here's the other thing, I would argue this is just the beginning. If the first nominee is not good enough and unacceptable, I ask you for the people to vote them down, and then I

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ask you if the second and third nominee is just another version of the first nominee, to vote them down too. And if we don't have a director for some of the departments until July, August, September, October then I'm okay with that if that's how long it takes to get people in those jobs that will do the work of the people. I've heard a few people say that oh well, this nominee isn't great but who else is there or this is the only applicant for the job, and with all due respect, that's not good enough. There's a lot of talented, respectable people here on Maui to fill these positions, and when one's institutional knowledge has been used repeatedly for years to subvert the law, make bad decisions, and make money for their friends, I'd rather someone with no institutional knowledge and good intentions fill that role and learn how to do good work for the people on the job. Okay. Now, I'm going to go on the last item and that's about Patrick Wong. Corporation Counsel's job is to sign off on legislation when it is "correct as to form and legality." They are not asked to sign off if they agree on a policy or if they think this could allow us to be sued. The difference in these questions is major. Under Pat Wong's direction, Corporation Counsel displayed a pattern of holding up progressive legislation and stifling County business by refusing to argue in favor of the Council, you guys. The sand mining moratorium, Oxybenzone, Styrofoam, pesticide-free parks legislation, they argued against all of them actively. They justified by saying we could be sued. But here's the thing, anyone can be sued by anyone at any time for anything, whether what you're doing is legal or not. That's not how you make law. We were able to find outside attorneys in all of these examples that had to come here and testify to Council in support of these items. They identified the nexus, they identified the rationale in support of the very same draft legislation that our Corp. Counsel refused to support. In the end, Council ended up passing all of these things. We haven't been sued yet. But it was only because I went out and found private counsel to stand here and tell the Councilmembers that they could pass these laws, arguing with our own Corp. Counsel. It got so blatant that they even went so far, in front of you, you have the request for legal services. They even went so far as to Sharpie out the "correct as to form and legality" section when they refused to sign these bills. They just got rid of it. Let that sink in for a second, we have County attorneys appointed by the Mayor making policy decisions about legislation that you are going to be working on. That's not okay, especially if you have some legislation coming up that Victorino or Pat Wong may not agree with, they'll just block it. I'm going to give you one specific example, it may take me over three minutes so if I run out of time and you want to know how Pat Wong plays in this whole thing at the end, you can ask me and I'll expand. You might remember when the affordable housing project in North Kihei next to Monsanto, Kamalani Townhomes went up for sale. Maui County Code 2.96 is very specific about the application selection process. You have it in front of you. Line 6 says that in order to apply you have to prequalify for a loan with the applicant's choice of lender. That line was put in our Maui County Code for a really specific reason. You might know that when you're shopping for a home loan, you may or may not qualify for that loan depending on the lender you go to. Like I can go to five lenders, be denied by the first four and then get my loan on the fifth. You have to shop around, right? When Kamalani went onto the market, Member Cochran's Office started getting phone calls from people who had a pre-qual letter from a lender of their choice but

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saying they couldn't qualify to buy a townhome in Kamalani. They were being denied because Kamalani was requiring that people prequalify for a loan with the developer's choice of lender. This is really, really important. That's a big deal because the developer which is A&B chose a conservative lender and people couldn't get qualified. In many cases, they came up like just \$20,000 short. I investigated...I can go on if anybody cares to know.

CHAIR MOLINA: Thank you, Ms. Ness. Members, any need to clarify Ms. Ness' comments on any of the nominees? Seeing none, thank you very much, Ms. Ness.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, Chair.

CHAIR MOLINA: Oh, I'm sorry. Go ahead --

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, I --

CHAIR MOLINA: --Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: --wanted to continue following.

MS. NESS: And I only had...it's really short, the end, if you care to hear.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Can I ask for the testifier to complete her testimony?

CHAIR MOLINA: Members, any objection to letting the testifier complete her testimony?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Proceed, Ms. Ness.

MS. NESS: I appreciate it. Thank you so much. So, the developer A&B chose a conservative lender which means people couldn't get through the gate to finish the process. I investigated and found that it's true. First of all, the affordable housing process requires that the developer publish ads in the paper about the process to make it fair, right? I looked and the developer was in fact publishing ads but in the ad, 2.96, it's in your packet is published verbatim except for Line 6. They changed the Maui County Code in the newspaper to say they had to use the developer's choice of lenders, right? At the same time, Kamalani is up here in front of Council saying we have 300 applicants and we can't sell any of our units, we just can't find qualified buyers. This is by design. They required them to use conservative lenders to be prequalified knowing they would likely be denied, but why? I won't go into the details unless you care to ask but A&B stood to make an extra \$9 million by holding on to these units because they couldn't sell them. So, here's where Pat Wong comes in. We asked Pat

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Wong about this, he was our Corp. Counsel. What can we do? People are being shut out of the process intentionally and our own County Code is being misrepresented in the newspaper. Pat Wong's answer was based on my review of the government and the Code, I do not find anything that would lead me to include that the materials were in contravention to the Code. He protected A&B while hundreds of Maui families couldn't qualify for workforce housing. He defended A&B tooth and nail. We actually called a meeting with Pat because it was so blatant I thought maybe he doesn't understand the loan qualification process. He was staunch in his defense of A&B meanwhile while residents cannot buy homes in that project, refusing to understand how they violated the entire intent of Line 6 of the Maui County Code. At one point and this is the very end, I said respectfully as possible, Mr. Wong, it sounds like you're an attorney here for A&B because you are finding every reason to defend them, and he stood up over me and shouted at me that I could go F myself using the full word and never gave a further justification. All of these examples...oh incidentally, Grant Chun later was in *The Maui News* saying that there had been a misunderstanding of the Kamalani policy and they were changing the words in all of their marketing material so people could go use their own lender. So, in all of these, Kamalani, Oxybenzone, sunscreen, the will of the people was done and the Council did what they needed to do in spite of Pat Wong, and that took an incredible amount of resources and time for us to do the job. Thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Ness. Any need to clarify? Thank you. Councilmember King?

COUNCILMEMBER KING: Yeah, on a different --

. . . (audience applauds) . . .

CHAIR MOLINA: . . . (inaudible) . . . Mellow down, folks.

COUNCILMEMBER KING: -- ask but, Ms. Ness, you made a statement about the request for legal services being changed --

MS. NESS: Yeah.

COUNCILMEMBER KING: --but the one that we're looking at is the same.

MS. NESS: Oh, I just printed that out today. I'm sorry.

COUNCILMEMBER KING: So...okay. So, you're just, you're talking about an incident in the past where that line was taken out?

MS. NESS: Actually repeatedly. There was one point where...

COUNCILMEMBER KING: The approval as to form and legality --

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MS. NESS: Yeah.

COUNCILMEMBER KING: --that was taken out?

MS. NESS: Every single piece of legislation that Elle would put in, they would just cross that off and send back unsigned.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Okay, thank you very much. Thank you, Ms. Ness. All right, we have one more testifier that the Chair had called upon...

COUNCILMEMBER PALTIN: Chair?

CHAIR MOLINA: Oh, I'm sorry. Is it...oh, go ahead, Ms. Paltin.

COUNCILMEMBER PALTIN: I'd like to hear the details please.

MS. NESS: Of which, the 9 million?

CHAIR MOLINA: All right.

COUNCILMEMBER PALTIN: Yes, please.

MS. NESS: Okay, I'll make it as...

CHAIR MOLINA: Excuse me. Hang on, guys. The Chair had stated earlier, please again if you're going to talk about a specific issue about the involvement of the nominee, if we can go there and not go off into talking more specifics about the pros or cons of the issue. Okay. So, just to maintain consistency, I'll permit that. Go ahead, Ms. Ness.

MS. NESS: I'll try and do it in like three sentences.

CHAIR MOLINA: Okay.

MS. NESS: So, Maui County Code says that if you...I'm summarizing here, if the developer makes every attempt to sell an affordable unit and is unable to sell them after I think it's one year, I'm sorry I haven't looked at the Code for a minute, then they can sell it at the next bracket up. And that goes on and on until they can sell the unit, right? And they split the difference of the cost between what they would have sold it at the first bracket and what they ended up selling it at the higher bracket between them and half of it goes into the Affordable Housing Fund. So, before I did the math I was like that doesn't make sense to hold on to a unit for like a year just to make that amount of money. But when I multiplied that amount of money, the half that they would get



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by the number of units they were holding on to it ended up being \$9 million. So, all they had to do was make a case that they did their best to sell these units, hold on to them for a year, mark them up to the next bracket, sell them and get half of the difference. You know what I mean? Yeah.

CHAIR MOLINA: Okay, thank you. Thank you, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Okay. All right, Members, I have --

MS. NESS: Thank you.

CHAIR MOLINA: --another testifier set to express his thoughts on agenda item number (8). That is of course Wayne Muraoka. The Chair is aware of the time, Members. It's just past high noon. What is the pleasure of the body as far as the lunch break? We can continue for a few more minutes or would you like to conclude after Mr. Muraoka's testimony, Members?

COUNCILMEMBER SUGIMURA: Oh, take a break.

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

CHAIR MOLINA: Okay, so be it. Then, Mr. Muraoka, you will give your testimony and right after that we will take a recess. Mr. Muraoka? Thank you.

MR. MURAOKA: Thank you, Mr. Chair. Members of the Committee, my name is Wayne Muraoka and I'm with Armstrong Development. We've been here on Maui for about 15 years. Our construction company has an office in Kihei. We like to do good projects here on Maui. We try to be a good member of the community. Throughout that process, I personally have shepherded five projects through the planning and permitting process and unlike what someone had suggested earlier, maybe I did it wrong but not one of them was rubberstamped and passed through quickly. But I'm not here to complain about the process. During this time, I came to understand and appreciate the need for the process. I understand how the Planning Department and staff were truly trying to do what was best for Maui County. And sometimes that might not correspond with me, my developer's eye of trying to push a project through as quickly as I could in what I thought was a good way but maybe not sensitized to all the things that really matter to the people of Maui. Through the process, I got to deal with first Mr. Will Spence, then Michele McLean, and also with their staff. What I came to understand is I need to broaden my view as to what my projects need to accomplish here for Maui. It's not just a matter of meeting the market demand. It's not just a matter of doing workforce housing or affordable housing, which we do by the way but it's a matter of doing it right. It's a matter of compliance with laws. It's a matter of compliance with rules and really giving the public a chance to voice concerns

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about the impacts my project might bring to them that I might not be aware of. It's not a fun process, it's grueling. Do I respect it? Totally. And what I'm here to say is we may not all see eye to eye as to specifically what project is good for Maui or not good for Maui, and you may not individually agree with what any other person might think is good or not good. What you can trust is Michele McLean and her staff will uphold the laws that are in existence and which you pass. What you can also count on is that they'll be fair about it. Even when I disagreed with what was being imposed on me and my projects, I went to talk to them. Did I win? No. But they explained, they heard my concern, they explained why the law required what it did. In the end, the projects ended up better, not just in the abstract, better for us and also better for Maui County in most instances. And even where I did disagree, I continue to respect the process and the integrity that Michele McLean brought to it. Thank you very much.

CHAIR MOLINA: Okay, thank you very much, Mr. Muraoka. Members, any need to clarify Mr. Muraoka's testimony? Seeing none, thank you very much.

MR. MURAOKA: Thank you.

CHAIR MOLINA: Okay, Members, it's about ten minutes after noon. Let us take our lunch break and return to the Chambers at 1:30. And just for your information we do have now 81 sign-ups for testimony. We are...we have completed 32 so we've got roughly 50 more testifiers to hear from. So, with that being said, Chair calls for a recess and return to the Chambers at 1:30. . . . *(gavel)* . . .

**RECESS: 12:06 p.m.**

**RECONVENE: 1:33 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The Government [sic], Ethics, and Transparency Committee will now recall to order again. It is 1:35 on Wednesday, January 23<sup>rd</sup>. Thank you for that much needed break, Members. And, members of the public, thank you for your patience. We are or we'll continue with the testimonial phase of our meeting. And when we last left off, we have our next testifier and Mr. John Buck, I'd like to call him up to the podium. He'll be testifying on item number (11), to be followed by Susie Thieman. Mr. Buck?

MR. BUCK: Thank you, Chair, and thank you, Committee Members. I'll be testifying on GET-(11) [sic]. I want to go on the record that I'm taking vacation today to attend today's Committee meeting so I want to be on, put on record for that. Aloha. For the record, my name is John L. Buck III. I am testifying on behalf as myself as an individual. I'm here to support the confirmation of Karla H. Peters as your Director of Parks and Recreation. The Parks Department has over the last few years have made tremendous strides to improve the Department's accountability and efficiency in its operations. Karla has been actively involved in the creation of the new systems that

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have been put in place. I have had the opportunity to work with Karla for many years. I have been impressed on how hard she works, the dedication she puts into the job, and she's always looking out for what's best for the Department, the citizens of Maui County. She has seeked [sic] ways on how to do things better and more efficient. She has always been open to new ideas and ways of doing business. As Karla as the Director for Parks, the Department will have a dynamic team of individuals who will be able to work together and take the Department into a new direction with positive outcomes. One last note, she has seen her employment over the years not just as a job but a profession. And when new employees come onboard with the departments, her team will be instilling the importance of professionalism and customer service and that the parks do add quality to life and are essential to a healthy community. Mahalo for your time and please confirm Ms. Peters as Director of Parks and Recreation. Mahalo.

CHAIR MOLINA: Thank you very much, Mr. Buck. Members, any need to clarify Mr. Buck's testimony? Seeing none, thank you for your testimony, Mr. Buck.

MR. BUCK: Thank you.

CHAIR MOLINA: Next to testifier we have Mark Harbison, he'll be testifying on item number (8), to be followed by Jerrie Sheppard. Mr. Harbison, are you in the gallery somewhere? Okay, Mr. Harbison left? Okay, thank you for alerting the Chair to that. Okay, let us move on and, Ms. Sheppard, Jerrie Sheppard, please come up to the podium. Thank you. And she'll be testifying on item number (2). And following Ms. Sheppard will be Deren Ash.

MR. SHEPPARD: Thank you, Chair. Hello, Members. I am a Deputy Corporation Counsel, I am on personal leave for this testimony period today, this morning through now. I have been with the Corporation Counsel Department for about five years, not quite five. Before that, I served 16 years as a deputy prosecutor. Before that, I served in the United States Navy, ten years as a line officer, ten years as a JAG officer. I've been in public service for 40 years. I've been in the workforce for 48 years. I've worked for dozens of bosses. I've worked for lieutenants through four-starred admirals. I've presented cases in front of Federal judges, court-martial judges, state court judges. I feel like I've experienced a lot of public service. I feel like I've experienced a lot of Maui and I really, really feel privileged to live here. I also feel really privileged to work for the Maui County government. I think it's a calling. I don't think it is financially the best anybody can do here. I know people who struggle to get by on a government job. I'm lucky because as a professional attorney I get a good wage. But I wouldn't be here just for the money. I'm here because it's important to do my job. And I wouldn't be working here right now because I would be retired if it weren't for the fact that Pat Wong is returning or hopefully will return as a Corporation Counsel. I only work for people I respect. If I don't respect them, I wouldn't be here. Pat has earned my respect. I was surprised at the variety and volume of work that the Corporation Counsel has to deal with. And I was very impressed with the professionalism and the

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knowledge not only by Pat but of all the deputies that he has working for him. I know when I came in from criminal law, I didn't know a lot about government and I didn't know a lot of the issues that we face in our Department. But everywhere I turned I found expert advice. I found a collegiality that I didn't expect to find there. And I found a team of people that do the job not for the pay but for the benefit of Maui County. And I believe that the Department reflects its leader. I know that if you don't have a good leader, you're going to have disillusionment and people are going to leave, good talent will leave and go someplace where they enjoy their work. When you have a transition that we have in our government, you're going to have a lot of instability and it's real important to have some corporate stability. With Pat I think you have that. I also think that it's really hard to be cordial back to people when people are attacking you personally, and I've seen Pat continue to have a professional demeanor when he's been attacked personally. I know it's hard, I know I've retaliated when people have gotten to me at some degree. So, if there is some of that kind of suggestion, I would encourage you to please find out the full facts before you make a decision, just like any fact-finding body should. So, that's my testimony.

CHAIR MOLINA: Thank you very much, Ms. Sheppard. Members, any need to clarify Ms. Sheppard's testimony? Seeing none, thank you. Next to testify we have Deren Ash, to be followed by Annette Niles. And Mr. Ash will be testifying on two items, item number (3) and item number (7). Good afternoon, Mr. Ash.

MR. ASH: Hi. Thank you, Chair. So, I'm here to speak against the appointment of J.D. Kim as Prosecutor. So, I want to tell you about how he is ineffective at doing his job to protect the public and about how he treats victims which is not good. I'll give one example about how he's failed to do his job and failed to protect the public. This kind of thing happens I think all the time. I bet if you ask most victims on Maui, victims of crimes if they felt justice was served, their answer nine out of ten would be no. But so some victims I know, this guy broke into his ex-girlfriend's house in the middle of night, beat the snot out of her in front of her kids. He got arrested of course. He was charged with assault two, he could have been charged with burglary because he broke into her house with the intent to commit a crime. The Prosecutor decided not to charge him with that. For that crime, the HPA sentencing guideline is one to two years. Well, guess what he got, six months. That's probably what he would plead out in most places for. He got ten days, ten days in jail for breaking into somebody's house and beating them up in the middle of the night. And that was a plea deal that, you know, too much work for the Prosecutor I guess. So, why is that bad? Well, it sends a message to the victim that they don't matter, but it also sends a message to the criminal that they can do whatever the heck they want and get away it. So, of course he did. He tried to pull a woman over by impersonating a police officer, and the Prosecutor dropped the charge on that despite having a credible witness. Too much work I guess. He's been arrested a couple of other times, he's still walking around. He stole the identities of his original victim and two other people and racked up \$17,000 in debt, because he figures he can get away with whatever he wants 'cause the Prosecutor doesn't do his job. So, again, one example, I only have three minutes, I

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only have one more minute. So, then about victims so I know some of you were here in 2017, when the Council passed a resolution to include enforcement of victims' rights in their Legislative package, and you heard some stories about how J.D. Kim did not support victims' rights, about how he's treated victims really, really poorly. Well, he claimed, he testified in a letter, he didn't show up, that his Department was great on victims' rights, leads the State. Yeah, not so much. So, you know, he has a victims' advocate working for him who has literally told victims that she cannot advocate for them, because she'll lose her job, she has six kids at home and he signs her paycheck so he can't advocate...she can't advocate for victims. So, he's pretty much full of it. I mean if...I unfortunately don't have much time left, but he's treated victims horribly, he's retaliated against them when they've tried to get information about their case, about their daughter's murder. He's retaliated against them and treated them like crap.

CHAIR MOLINA: Okay, thank you very much, Mr. Ash. Members, any need for clarification on Mr. Ash's testimony regarding the first item? Seeing none, Mr. Ash, you can proceed with testimony on your next item.

MR. ASH: All right, I'll keep this one shorter and more positive, and that I support the appointment of Mike Miyamoto for DEM.

CHAIR MOLINA: Okay, well, thank you very much. Okay, next to testify we have Annette Niles and Ms. Niles will be testifying on item number (8), and to be followed by Mike Moran.

MS. NILES: Good afternoon, Chair. Good afternoon, Council. Nice seeing all of you again. I'm here testifying on behalf of Michele McLean. She...I just wanted to let you know, you know, what she has done for us in ag, I've been with ag for over 40-somewhat years, and in that 40-somewhat years, we had no problems with ag and now we face a whole lot of problems with ag. And so we have worked tirelessly, we have meetings, I'm on the Ag Working Group. We have gone to the Planning Department because of the Orion, they came to audit and we sat down on these rules of Chapter 19, and so they're working on that and she's working on that also. But also my respect for her because she has come tirelessly after work, I mean everybody goes home but I gotta give her credit because she has come to almost every meeting that we have put out on issues of ag to change things for us and it has been done. And she's tirelessly coming to this meetings. Like I said, you know, she could have been home but she's been with us. And also on the last of having the public meeting and pushing ag issues out for us and passing our ag issues. So, I humbly ask for your support for Michele 'cause we really need her. To get other people to get off the ground for what she has accomplished now, it's a hard knock. We'll go back another 20-30 years and I don't want to see that. We're at the point where we have the Department where we want the Department at. So, I humbly ask for you to support Michele. Thank you.

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CHAIR MOLINA: Okay, thank you, Ms. Niles. Members, any need to clarify Ms. Niles' testimony? Seeing none, thank you for your testimony, Ms. Niles. Next to testify we have Mr. Mike Moran and he will be testifying on all of the nominees, to be followed by Bruce Douglas.

MR. MORAN: Aloha, Chair Molina --

CHAIR MOLINA: Aloha.

MR. MORAN: --and Members. Mike Moran testifying for the Kihei Community Association. We're only going to talk specifically about a few of the candidates but make some general statements to try and expedite the process. Okay, for one, on 1(10), Department of Transportation, Marc Takamori. We attended most of the Maui MPO meetings from the initial one through the first year. We believe Marc was the DOT Deputy at the time but we observed him doing an outstanding job in completely uncharted waters. Then we believe he departed that Department for something else. We've been disappointed in our district in general with the DOT for several years for several decisions that were made, but we see this as a good chance for progress with a new, fresh perspective from...a young lady testified earlier with all these accolades, I can't add, I couldn't possibly add to that. But we think Marc is a reasonable candidate for this position. For the new year, we have a new Council with a new Chair and many new Members, but we also have some reelected as well as two returning after that required absence so we see some balance. As it's a new day and you now have a new say in department directors as we believe you should. On the Administration side while we have a new Mayor as required, but we can't find anyone new to the departments. As soon as the list of Administration department directors was made available to the community, the vast majority of input we received was negative. It was mostly about the overall list of names all being from the previous Administration. It was not that none of them were acceptable but that not one was not already a part of the system. Another issue the community has no idea who was not accepted and who else may have been considered. So, this afternoon you are deciding on the seven names on the agenda, yes or no. We are unaware if you had dismissing possibilities either but we believe you should. We expect openness from our new Mayor. So, you have to make these decisions and we expect you will allow some influence in what you hear from the community before you this morning as well as what you receive in writing. We hear some disturbing comments offered implying that some of those currently appointed are pressuring department members to support them but unsure how this could be verified. Okay, I'll jump to the next item.

CHAIR MOLINA: Okay, Mr. Moran, I'll just stop your testimony --

MR. MORAN: I'm sorry.

CHAIR MOLINA: --for a moment.

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MR. MORAN: Of course.

CHAIR MOLINA: Members, any need to clarify Mr. Moran's comments regarding Director Takamori? Seeing none, okay, Mr. Moran --

MR. MORAN: Thank you.

CHAIR MOLINA: --you can continue with your final thoughts.

MR. MORAN: Okay. On 1(11), Parks and Recreation, our South Maui community has been dissatisfied with the Department's leadership for a long time. Yes, Karla has been a part of the Department for all these years, but honestly we have had minimal contact and interaction with her. Perhaps it's time to go back to a female director to see what she can do so we think that she's a reasonable choice and she can be supported. One plus in the community is to be able to see the submitted resumes of the named candidates, but conversely we have absolutely no info on the other possible future directors and expect you may not either. But we felt this was a very positive action to give a lot of information. I know some people felt that there wasn't sufficient information. We felt we were overwhelmed with a lot of detail on all of the candidates so we think that's great. If you can't get to it, you can't get to it but it's available to everyone on the Council's website. We once again perceive community division with one segment feeling no one from the prior Administration should be considered while another says support the Mayor without question and accept everyone he has named. We had hoped for some unity with reasonable considerations of just individuals rather than an us or them. And then I'll move on to the last item very briefly and this 1(1), Managing Director Sandy Baz. Our perception of Sandy is a bright, very capable, experienced man. Again, we have no offered comparison or choice but he does seem a reasonable choice to us. Thank you very much for the opportunity.

CHAIR MOLINA: Okay, thank you very much, Mr. Moran. Members, any need to clarify Mr. Moran's comments regarding Ms. Peters and Mr. Baz?

MR. MORAN: Thank you.

CHAIR MOLINA: Seeing none, thank you very much, Mr. Moran. Next to testify is Bruce Douglas, he'll be testifying on items (11), (8), and (2), to be followed by Ke'eumoku Kapu.

MR. DOUGLAS: Aloha, Council Chair. My name is Bruce Douglas. When Barack Obama got elected, I had this glimmer of hope. You know I thought wow, would we finally have a president who's going to work for the people and not for the money interest. And when his acceptance speech happened, tears came to my eyes and that glimmer of hope was there, I said is this possible? Is it possible? And then he chose his cabinet and all my hopes were dashed. It's like oh my God, he chose the worst of the worst, total industry favorites, and I realized he was a totally owned subsidiary of the

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powers who run our government. And Mike Victorino became Mayor and he had promises he was going to work with this Council, we were going to have unity together, collaboration. You know I had that glimmer of hope that yes, we finally have that, and then he chose his directors and I was like oh my God, all the same cronies. How did this happen? And I wonder about what would have caused such decisions when he would know that this Council wouldn't approve a whole bunch of those people. So, I wonder what pressures may have been upon him in order to choose all the previous Administration favorites and all the industry favorites. And then there's the revolving doors between industry and government. And we know how bad that is in our national government and here we have Michele McLean, Planning Director, she worked for a very controversial developer, worked for industry, and now she's expected to regulate the industry she worked for. This is not the level of professionalism that we really want to see. We want to see people who are really educated in planning, that have degrees in planning, have worked for the community, and not people who have worked for the industry that they're supposed to regulate. Bad idea, it doesn't work. It's been proven over and over again in our Federal government. So, we, you know, along with Will Spence, Michele has totally ignored the County plans...part of the Arakawa Administration ideas. There's a lot of controversy around her decisions and stuff. And it's kind of all Arakawa-era crony politics, and we voted this Council in as the people because we want to change that. What this teaches us is why we need a professional county manager system. So, this is really, anything to be turned around, this can be like fuel for why we need to move forward with the county manager concept for transparency and our professionalism and directorship. I mean there's a reason why Arakawa lost against Tasha Kama, the people are tired of that level of cronyism. And then there's Karla Peters...

CHAIR MOLINA: Excuse me, Mr. Douglas, if I could stop your testimony for a moment. Members, any clarification for, regarding Mr. Douglas' testimony on Ms. McLean? Seeing none, go ahead, Mr. Douglas, you can proceed on your next agenda item.

MR. DOUGLAS: So, Karla Peters for Parks and Recreation Department, well, I haven't had any direct contact with her. I've had contact with the Parks Department and I know our last Director was a totally unqualified Arakawa crony. Just the worst of the worst on how unqualified you can be so it's great that someone's hopefully being chosen from within the system who works for it. But I don't know much about her and neither does a lot of other people. So, I'd like a solution. What I'm suggesting is that we have a citizens' assessment committee formed of citizens to help you the Council vet all of our people in order to look at them and look at their history, conduct confidential interviews with the people in the departments because a lot of people don't want to speak against their boss obviously and so confidentially, a citizens' committee that can then report back to you and help gather information, that you all need to make these decisions, you know, and just crosscheck people. And the new people who we don't know much about really interview and check it and do the work. What if each one of you were to select a person to be on this committee, each one of the Councilmembers and puts together a citizenry's board and make some



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transparency? Make it open, make it where the people can actually see it. I know several people here who wanted to testify, but they were afraid to come because they would have to deal with the Planning Director or deal with Corporation Counsel and were afraid to bring their information forward because there's no...that's the fear factor. So, I can put several, you know, I can...on my hands I can count at least six people who wanted to testify but were afraid for various reasons to bring their information, information you guys need to know about and needs to come forward. The industry is very well represented here and there's a reason for that, because the industry wants to support the people who have supported them. So, you're hearing a lot of good information from the industry favorites on who their favorite people are and that should be an indication for you when it's the industry stepping forward, not the people in order to make those . . .(inaudible). . . allegations. And then there's Patrick Wong.

CHAIR MOLINA: Okay. Members, any need to clarify Mr. Douglas' comments regarding Ms. Peters? Seeing none, go ahead, Mr. Douglas, on your final item.

MR. DOUGLAS: Patrick Wong, he's a real piece of work. Since 2012 he's reported somewhere around a million dollars' worth of gambling earnings in Las Vegas. Goes there every year and earns a couple hundred thousand dollars gambling. I mean how often does that happen? We all know that technique of using gambling earnings is a way of laundering money. It's a common way criminals launder their money where they can say oh, I earned it in Vegas, that's why I have an extra million dollars in my pocket. This needs to be fully investigated where these earnings came from. A CPA friend of mine said that yes, you can actually go to the casinos, they have records of these earnings and prove that he really earned that or he is just claiming it in order to say where he got his potentially illicit money. There's so much dirt on him. We voted for the GMO moratorium and Patrick Wong/Arakawa colluded with the industry in order to block the enforcement of that law that was voted on by the people and not enforce it and then offer no support whatsoever for the defending of the bill that the people passed. That was a Patrick Wong decision where the people had to raise the funds and hire their own attorneys to defend the very law that we passed. I mean this is a major breach in what officials are supposed to be doing. There's volumes of dirt on him that I've heard about from many people and some people who wish they had come forward and testified but couldn't be here or chose not to testify because they didn't want to be in a position. There's all sorts of litigation that he's involved in on wrongdoings. Let's take this as an opportunity 'cause every problem can begin an opportunity. Do a full investigation on Mr. Patrick Wong. He wants to become an attorney for the County, it's within this Council's authority I do believe to order investigations even though I think possibly it's his office who's supposed to do the investigating. I don't know what processes are that. But we need to look into all these allegations. We need to have all the people come forward, you know, whether it's in confidentiality or openly to say here's the information I have and investigate. Is there any criminality involved here? Is there...who is this person and what has he done?

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So, I encourage you on Patrick Wong to order a full investigation and look into any and all allegations that are out there. Thank you.

CHAIR MOLINA: Thank you, Mr. Douglas. Members, any need to clarify Mr. Douglas' testimony regarding Mr. Wong? Thank you very much, Mr. Douglas. Next to testify we have Ke`eaumoku Kapu, to be followed by Mimi DesJardins. Mr. Kapu? And Mr. Kapu will be offering testimony on all of our agenda items today.

MR. KAPU: Aloha kakou. Ke`eaumoku Kapu from Lahaina. This is the first time I ever stayed here this late but I know of its importance, that's why I'm still here. So, I woke up this morning thinking I had to be here for some reason. I no get the wireless like everybody else does but as a kuleana to this aina, we don't have the necessary technology to keep us connected by this evil monstrosity known as a smart phone. That and public media kind of puts us in the mix to make sure that we're part of the issues that are in front of us and to address what we can address while we're at the forefront. So, I'm one of those, the minorities of the State of Hawaii as a kuleana landowner which clearly needs to still be defined on where we fit in this governance. You know I've learned a lot throughout this year when it came to the last devastating fire that occurred within our kuleana lands, and our families are still questioning the ability of this government on where we fit because we don't have public utilities to support our livelihood up in the kulaiwis of Kauaula Valley and as well as other kuleana landowners out there. I still press this government, this body to make sure that we part of the everyday life that exists here in this historic Hawaii known as Maui that we always get kind of placed on the side a lot of times. So, I'm not here to question the abilities pertaining to these newly appointed head directors. I know that government still needs to continue in certain ways, but I am optimistical [sic] as pertaining to how things work, pertaining to say maybe in governance or the attorney that is mandated to make sure that they keep you guys out of trouble but doesn't really address the necessities or the issues at the forefront on what is legally binding when you guys start approving all these kinds of things. So, I say that because I think every department and I went kind of sign up for testify for all of them because there's broadness in every department head that is being selected. In the Planning Department, when I look at the Planning Department because I was part of the Cultural Resources Commission back in 2004, you know I look at, you know, say for instance like 343 of the Hawaii Revised Statutes on where we fit in there, my whole interest to this governance was where are we as kuleanas that are placed within this society?

CHAIR MOLINA: Mr. Kapu, can I just...so hold off on your testimony. Members, any questions or clarification for Mr. Kapu regarding to his first item, three minutes? If not, proceed, Mr. Kapu.

MR. KAPU: Okay, mahalo. And like I was saying, you know, every department has ordinances and rules that address us, the kanaka. So, in the Planning Department you get 343. You're also triggered by Federal law, Section 106, consultancy [sic] with

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Native Hawaiian organizations to see where we fit in the plan, what we don't like about the plan, and all those kind of things. To date, to tell you the truth, every department that I've dealt with never ever came to me to address that very issue, never. And the Department of Transportation when they get Federal monies to put in, you know, infrastructure for highways, that triggers the 106. So, I sit at the table, yeah, and in despite of what we input into the plan, Native Hawaiians or kuleanas, it's always based upon the public trust doctrine for the majority and not necessarily for us. So, time and time again I going come in front of this Council and I going kind of argue my points about certain issues and certain things. I think your responsibilities is to make sure that whoever is selected as the department heads or whatever heads, that they do the fullest diligence and duties to make sure that we part of the plan too. In the Public Works...the Parks Director, yeah, I know how excruciating that can be, but I see when I go around the communities, I see some parks real nice, then the community that I live in is kind of ramshacked [sic] and we get more homeless and drug abuse happening in our parks. You know that kind stuff but I not saying that I don't like the person that being selected as the Director, I think we probably going work well. We just gotta find time where I can come and I can talk and we can talk face to face on the table and that's been lacking throughout the years with me. I think a lot of people in the director's position, they kind of afraid of me because I'm straight to the point, I think that kind of nonsense should be put on the side already. If we're ever going to get anywhere, you gotta come to talk to me. I'm not a dirty person. I'm not a bad person. You might learn something. And what I stand for under the Aha Moku o Maui system, I am the CEO and my kuleana is to make sure that all our moku representatives have a place at the table or else we become...if we're not at the table, I what Alika says, if we not at the table then we the dinner. I tired of being the dinner. So, I ask you, I come to this body, the Corporate [sic] Counsel needs to be cleaned up a little bit to make sure that when they ask the question as pertaining to kuleana rights, what is that? So, you guys can understand so you guys get one clear definition on how you guys going react when it comes to voting for something.

CHAIR MOLINA: Okay, thank you, Mr. Kapu. Members, any need to clarify Mr. Kapu's comments on Corporation Counsel and I believe it was Planning? If not, Mr. Kapu, you may continue.

MR. KAPU: Okay. Now, for the main guy, the Managing Director Baz, I think he can do the job. I think he just gotta get out there with the community especially for us to sit down and see where we fit inside this. Every time I see when it comes to like the department heads' responsibility and looking at all these different facets, yeah, how all these things going be put into the matrix to make sure that everybody stay working on the, you know, this one machine operates all together. You no more one machine that only take cares one thing and another machine that take cares another. Bring 'em all together, try to figure out about how this work, that way, you know, I going be comfortable with Michele McLean being appointed as the Planning Director, where Karla Peters is going to be selected in her position, especially as well as the Corporate [sic] Counsel. Everybody inside here has a piece that is important to the longevity, not

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just the public trust doctrine but what about us, the kuleana, the Hawaiians that really, you guys get laws in front of you that only specifically addresses Native Hawaiians. We never get to that point yet. We're still stuck in addressing everybody else, the general public. The general public, believe it or not, your rights is totally different than ours. When we talk about access rights, you don't get the same kind of access rights that kanakas do. So, that kind of component imbedded into the clear understanding of where we fit in and how government applies and how all of a sudden the President came over here in 1993 and went sign one bill called 103-150 of the illegal overthrow of the Kingdom of Hawaii, then we're going to start getting someplace. We need to accept the fact that crimes went happen here and I willing to work with that. Not only me but our great leaders that represent the Native Hawaiian community is willing to sit down with this government to figure out how we going fix this problem. If the President made an apology bill, where is it at this point? If the Federal government--sad they shut down right now--cannot address the simplest issue as pertaining to Native Hawaiians, whether or not we Indians or we kanaka, that gotta give you guys something to go on to say that is the laws today addressing the concerns of the host culture which is us? So, I just leave you guys with that. And I mahalo you for everything that this County has done for us and at the same time I'm kind of pretty pissed at certain things that the County has done for us, but I stand here as a minority, as a kanaka, as a Hawaiian. Mahalo.

CHAIR MOLINA: Okay, thank you very much, Mr. Kapu. Members, any need to clarify Mr. Kapu's testimony? Thank you for your input, Mr. Kapu. Next to testify we have Mimi DesJardins, to follow...to be followed by Christie Trenholme. And Ms. DesJardins will be testifying on items (2) and (8).

MS. DESJARDINS: Okay, good afternoon, Chair Molina, Councilmembers, members of the public. My name is Mimi DesJardins, I'm a Deputy Corporation Counsel, but I'm here this afternoon speaking in my own individual capacity as a citizen of the County of Maui with a little bit of hopefully some insight to provide to you. I want to start with Ms. McLean and I want to testify in strong support of her. And I want to tell you that I don't know her socially, I only know her on a professional level. She was a Legislative Analyst back in the late '90s when I was a Deputy Corporation Counsel for the first time, and I was really impressed with what a hardworking, articulate woman she was back then. And I've watched her, you know, work this room and put your conferences together in your meetings and I was really impressed. And then over the years I, because I don't know her personally, I watched her in her career and became more impressed at the different roles that she took on, her position at KIRC and I do know some of the members there. I know they had positive things to say about her. But then fast forward to now and a year ago when I started at Corp. Counsel, one of my assignments is zoning enforcement and I've had a lot of opportunities to get on the phone with Michele, try to troubleshoot concerns that people are having. She's always there and it doesn't matter whether it's late at night or early in the morning, she answers the phone, she has an answer. We're able to collaborate together. I've watched her sit and be seriously criticized by commissions and I don't know that I

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could handle it as well as she does. She takes notes, she nods, and she will take into consideration what it is that people...what criticisms they have about whatever particular thing she's working on. I know she puts her heart and soul into public service and I strongly recommend her. I know that I've been listening to a little bit of the testimony today in between doing other things at work, and I know there's one particular issue that came up about the zipline. I just want to say that right or wrong, that's what happens. There are unpopular things that are going to take place and what I don't hear is a number of those. I hear though that there seems to be an issue with this one situation, and I want to remind all of you that you, I, everybody that works for the County, we're going to make mistakes. We're going to think we're doing the right thing and it turns out we're going to be wrong. Or we may be right and we're vindicated later by the courts or whatever but we try to do the best that we can, and I really truly believe that that's what is in Michele's heart. You know there's going to come times when you're going to do things that are unpopular. The same people that voted you in are going to start accusing you of being part of the system. It's just part of what we do and I encourage you all to not throw the babies out with the bathwater because I just don't think it's appropriate. Okay.

CHAIR MOLINA: Ms. DesJardins, Members, any need to clarify Ms. DesJardins' testimony regarding the Planning Director? Seeing none, proceed, Ms. DesJardins --

MS. DESJARDINS: Okay.

CHAIR MOLINA: --with your next item.

MS. DESJARDINS: Thank you. So, I would like to say a few words about my boss Pat Wong. I've been in private practice for 30 years. Hard for me to believe that but most of that time I've been my own boss, and I was really apprehensive about coming and working for somebody else. But I couldn't help but to want to take on this role as being a public servant because I've learned so much about the workings of government. And I gotta tell you that the style of leadership that Pat has benefits you directly and I'll tell you why, because he has an open-door policy, because he's not closed-minded, because we all talk to each other and collaborate on the things that are important. And I can tell you that you have the right to disregard our advice if you'd like to. You have the right to pass legislation that we do not approve as to form and legality. That's up to you. Our job is to put it together the best we can and to come up with what we think is the legal basis to oppose something if that's what we do. I can only think of two instances by the way in recent history. But your job is to pass it. If you get sued or the County gets sued because of that, we will represent you. That is not the question, the question is can we work together, do you trust us to give you the legal advice that you need to make the decisions that you guys have to make? Those aren't our decisions to make. I also want to point out that you have the ability to designate your own attorneys within your Office of Council Services to also provide you legal advice. And what I'm hoping to see is that we can continue to work with Mr. Wong. I've heard a lot of real broad strokes, spooky accusations about him that

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frankly remind me of things that Trump says and I have to say that. Okay. If you don't have details, don't start rumors about people that work hard. That's all I ask. But I would love to see us all work together to do what's best for the County. So, I strongly encourage you to keep him in. I'd like to continue working under him. And I really, really look forward to working with all of you. Thank you very much.

CHAIR MOLINA: Okay, thank you, Ms. DesJardins. Committee Members, any need to clarify her testimony? Seeing none, thank you. Next to testify we have Christie Trenholme, to be followed by Moana Lutey. And Ms. Trenholme will be testifying on item number (2).

MS. TRENHOLME: Okay. Thank you, Chair Molina and Committee Members, for allowing me to testify today. My name is Christie Trenholme and I'm testifying on my own behalf on vacation time in support of Patrick Wong as Corporation Counsel. I'm currently serving as a Deputy Corporation Counsel in the litigation section and I've worked for Pat Wong since 2015. I believe Pat is highly qualified to continue serving as the head of our Department. A little bit about me, I grew up here on Maui and graduated from Baldwin High School in 20...2003. After college on the mainland I went to the University of Hawaii for law school and due to limited opportunities, I started my career on the mainland at a law firm in New York City. I then clerked for a Federal judge and decided I wanted to specialize in labor and employment law so I went to a law firm in Honolulu. I always wanted to come back to Maui and didn't know if I would be able to practice labor and employment law here, but fortunately I found out about an opening at Corporation Counsel. And coming from the law firm environment, I was really impressed with Pat Wong's professionalism and the team he assembled at Corp. Counsel. After working for the County for three years now, I can attest that Corporation Counsel is a very difficult job. It requires a wide array of legal knowledge and really effective communication skills, and that's just the law side of it. In addition, Pat also has to be able to manage effectively an office of over 30 employees and that being said, I think Pat is one of the best bosses I've ever had in my entire legal career. In addition to always providing me with helpful insight and guidance in my cases, he has fostered an environment of congeniality and respect. Pat is not a micromanager and that's greatly appreciated. He, instead he motivates his employees by setting high expectations and allowing us to take charge of our cases and keeping an open-door policy for anytime we need his advice. Pat also consistently works on improving policies and processes in the County. For example, we recently introduced a new program to assist the departments with personnel investigations in an effort to ensure due process and fairness to all employees. Pat also plans to create a special investigation unit for personnel issues which will streamline the process and hopefully save the County a lot of time and money. In sum, there are many good attorneys out there, but it takes a special skill set to effectively lead the entire civil litigation department of the County of Maui, and Pat Wong is the best person to continue to serve as Corporation Counsel.

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CHAIR MOLINA: Okay, thank you very much for your testimony, Ms. Trenholme. Committee Members, any need to clarify? Seeing none, thank you. Next to testify is Moana Lutey, to be followed by Robert Friedlander. And Ms. Lutey will be testifying on item number (2).

MS. LUTEY: Thank you, Chair Molina. Good afternoon. Good afternoon, Councilmembers. We've met before, my name is Moana Lutey. I'm a graduate of Lahainaluna High School like Councilmember Sinenci. I am Native Hawaiian as is Pat Wong. I'm here to support the confirmation of my boss Pat Wong. I'm here on my own time as a...on vacation like everyone else in my office that are testifying today. And I'm a litigation attorney that started with Corporation Counsel in 1999. So, I've had three bosses during that time. Now, last time I sent all of you an e-mail, sorry it was kind of late but I was very busy. We've been very busy in our office. And what I didn't tell you is that I've known Pat since law school at UH. He was my friend in the, like the mid-'90s and we were friends until about 2005. I took a hiatus from our friendship when Pat represented my ex-husband in our divorce proceeding. Right? And but we've gotten past that. It lasted for three years but when I found out he was going to be my boss, I would have done anything short of a felony to prevent it because a felony would have, you know, made me lose my license. But fortunately people with more sense--I believe Chair Molina might have been on that committee--confirmed Pat. And the reason I'm telling you this 'cause it probably seems like TMI is that absolutely no one was more critical of Pat than me. That's the bottom line. Every single thing he did...I'm sorry. I scrutinized so heavily it was actually pretty much abusive. I would go into his office and test him on the law, on my cases, on my strategies to see like, did he understand what I do, do you understand what this office means to all of us because to me he was interloper. And he understood litigation. This is a man that actually offered to come to court with me on a shooting case. I mostly do police defense. He came with me to Federal court and I'm like oh gosh, we have a game plan here, let's go. And the judge and I are going at it. I'm not one for settlement, I like to try cases, I think it's important, especially for police because that's a really hard job. And so the judge gets exasperated with me and goes let's hear from the voice of reason. And I thought yeah, I want to hear from the voice of reason because we came in with a game plan. And I suddenly become a nullity in this conversation, but Pat takes my back and he does it in a manner that's, you know, so complementary that the judge lets us go. We won that case by motion which saved this County hundreds of thousands of dollars, and this isn't the first time where he's come. And so the way I like to explain it is that if Pat comes to court with you, it's like bringing you big brother to the fight. You may fool with me but you aren't fooling with him. And so that is priceless for us as litigators and honestly as attorneys in the office, it's hard to find that. This morning I watched people and listened to it because I'm like Ms. DesJardins...am I down to one second?

CHAIR MOLINA: Sorry, Ms. Lutey, I have to hold off your testimony based on the time limit the Chair set.

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MS. LUTEY: Okay.

CHAIR MOLINA: Members, any need to clarify Ms. Lutey's testimony regarding Mr. Wong? Okay, seeing none, thank you.

MS. LUTEY: Thank you.

CHAIR MOLINA: Thank you. Thank you. Okay, next to testify we have Mr. Robert Friedlander who will be testifying on items (2) and (8), to be followed by John Holiona. Mr. Friedlander? If you're in the gallery, give us a wave. Okay, seeing none, let's move on from Mr. Friedlander. Mr. Holiona? And he will be followed by Mike Spalding. And Mr. Holiona will be testifying on item (2).

MR. HOLIONA: Good afternoon, Chair, Councilmembers. Thank you for the opportunity. I stand before you to provide testimony on behalf in support of the confirmation of Patrick Wong as Corporation Counsel. I do this on my individual capacity although I am a Deputy with the Department. But locally as you're aware, the Department of Corporation Counsel represents the County in various matters, including the departments, boards, commissions, and et cetera. So, that results in a sheer volume of cases or matters coming through our door on a weekly basis. The challenge of just keeping track of those cases is a huge job, and I think my short time being in the Department, I've seen \_\_\_\_\_ Pat having done an excellent job in doing that, keeping track of the cases and make sure they're moving forward, nothing is stale. Now, just a background, you know, Pat and I have been friends for over 30 years now. We first came friends as classmates at William S. Richardson School of Law. And during that time while in school, you know, I did...I was amazed and I noticed Pat had a strong work ethic, he was honest, he had integrity and he would take the extra step to figure out, learn the law, figure out and resolve issues. And I say that because over the years, you know, we went our separate ways and our different life plans so when I did come back to work for him about a year ago, I see those same traits. If anything, they've gotten better. As a practicing attorney for over 27 years, leading Corp. Counsel for several years before I got here, my impression is those traits of integrity, honesty, doing the right thing, although it may be a difficult decision but doing the right things it still remains. And given the challenges of operating a department where we're the legal counsel for the government, the County government, it is a very high challenge, risk challenging job. And I think in my opinion he has done an excellent job to this point, and I believe he will being confirmed he would even do a better job. So, I ask that...my opinion, he is the best qualified person to be Corporation Counsel and I ask that this Council eventually approve or confirm Patrick Wong as Corporation Counsel. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Holiona. Members, any need to clarify --

COUNCILMEMBER KING: I just...



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CHAIR MOLINA: --Mr. Holiona's testimony?

COUNCILMEMBER KING: I just have a quick question.

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Is there anybody left at Corp. Counsel that's working in the office today?

MR. HOLIONA: Well, we are...

COUNCILMEMBER KING: Who's minding the store if everyone's on vacation?

MR. HOLIONA: Well, we are taking turns. This is just happened by lottery that we're all...couple of us are here, but we are still working and we are working throughout the day to get our cases going, so.

CHAIR MOLINA: Okay, thank you, Mr. Holiona.

MR. HOLIONA: Thank you.

CHAIR MOLINA: Thank you. Next to testify we have Mike Spalding, to be followed by Richelle Thomson. Mr. Spalding will be testifying on item number (8).

MR. SPALDING: I have to change my written testimony to say good afternoon instead of good morning, but thank you, Councilmembers and Chair of this Committee, Mr. Molina, for allowing me to testify. I'm testifying in favor of Michele McLean's appointment. I've been in Maui for over 40 years. I'm here to testify in support of Ms. McLean's confirmation as Planning Director. I have known Michele for eight years and consider her a friend but more than that she's a skilled administrator that has been successfully leading the Planning Department. She has extensive experience with Maui and Hawaii land use laws, regulations, and policies. She's an experienced planner who has earned the American Institute of Certified Planning certificate. Michele has a strong work ethic, excellent management skills, is accessible, fair, a problem solver, and has integrity. She is also cheerful and easy to work with. As an example of her integrity, about five years ago I took her out to lunch to just discuss issues with my daughter and she bought her own lunch, she didn't want me to buy her lunch. I thought that was a sign of integrity for her. It's not normally the way it goes. Michele seeks collaboration and consensus but is not afraid of making hard decisions that are pono. There are many initiatives that she is working on that are critical to the betterment of Maui. They include amending the SMA rules to deal with sea level rising and protecting our roads and infrastructure. She's trying to better regulate agricultural lands to protect and support true agriculture. She's working to improve the community plan update process among other things. Michele has been working with Maui landowners in identifying strategic properties that would benefit

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future generations by being purchased by the County before they get developed. I think that's a very important thing that I hope the Council will continue to pursue. Finding qualified department heads is a challenge, Maui is lucky to have someone of Michele's experience and background and proven track record willing to continue as Planning Director. Keeping Michele as Planning Director is a commitment to good governance for Maui. I am hoping for all of Maui that Michele will be confirmed as Planning Director. Thank you for allowing me to testify.

CHAIR MOLINA: Thank you, Mr. Spalding. Committee Members, any need to clarify Mr. Spalding's testimony? Seeing none, thank you.

MR. SPALDING: Thank you.

CHAIR MOLINA: Next to testify we have Richelle Thomson, followed by Keith Moniz. Ms. Thomson will be testifying on item (2).

MS. THOMSON: Thank you, Chair Molina and Committee Members. My name is Richelle Thomson and like the others who are testifying before you today from our Department, we're doing so on our own time and taking vacation for the time that we are up here. You have my written testimony in support of Michele McLean, also Mike Miyamoto, in Granicus. Today though, I'm specifically addressing this oral testimony in support of Pat Wong as Corporation Counsel. Pat is clear about our Department's role as legal advisors, it's not our job to create policy, that's your job. Our job is to provide the legal pros and cons to the departments, the Administration, and this Council so that the decision makers can make informed choices. One of the things that I did hear earlier by a testifier was some misinformation that I'd like to clear up. It was this person's testimony that a former Councilmember's proposed legislation was without exception not signed by our Department. She listed several pieces of legislation and I can convey to this Committee that as the Deputy assigned to that committee, the proposed ordinances underwent multiple revisions in committee and in conjunction with the Councilmember's staff. The majority of that legislation was approved and became law. I have copies if you'd like to review them. So, our review of proposed legislation is an important part of your Legislative process, although as Mimi DesJardins said, our signoff is not required in order for Council to approve ordinances. Often the first version of a proposed bill isn't flawless. The committee process is specifically designed to vet legislation so that bills that this body ultimately passes are clear to the regulated public and are legally sound. In addition to the work that our Department does for this body, the breadth of legal matters involving the County as a whole is immense. It involves litigation in State and Federal court to union contract negotiations, to working with our departments to ensure compliance with State and Federal regulations such as environmental impact laws, and our boards and commissions on their public trust responsibilities. In my opinion, it would be difficult to find an attorney who could rival the scope of Pat's legal knowledge and his ability to receive and process information and use his talent and experience to benefit this County. So, are you always going to like or agree with what Pat has to

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say? No. But can you trust that his advice is sound and that he has thoroughly researched it and demands the same of all of us? Yes. So, in closing, I ask for your support of Pat Wong as Corporation Counsel.

CHAIR MOLINA: Okay, thank you, Ms. Thomson. Members, any need to clarify Ms. Thomson's testimony?

COUNCILMEMBER SINENCI: Mr. Chair? Did you have...

CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes, did you have a copy to pass out for us?

MS. THOMSON: Sure. Chair, I can leave copies of the moratorium on sand mining and the polystyrene ordinance. And again...

CHAIR MOLINA: Okay, Committee Staff, if you can provide assistance.

MS. THOMSON: Thank you.

CHAIR MOLINA: Thank you. Thank you, Ms. Thomson. Next to testify we have Keith Moniz, to be followed David Dantes. Mr. Moniz, are you in the gallery? Okay, I see he's not here so moving on from Mr. Moniz. Mr. David Dantes? Mr. Dantes? I did see him earlier before the lunch break. Okay, he is not here as well. Next to testify after Mr. Dantes or scheduled to testify, Paul DesLauriers [sic], to be followed by Beverly Livingston. And Mr. DesLauriers [sic] is set to testify on three items, numbers (11), (8), and (2). And, Mr. DesLauriers [sic], please correct me if I've mispronounced your name, sir.

MR. DESLAURIERS: Aloha. It's...my name is Paul DesLauriers.

CHAIR MOLINA: DesLauriers.

MR. DESLAURIERS: And many of you know me as the director of the Maui Pono Network. I'd like to put on a different hat. Basically my background is an organizational development consultant and systems engineer. I worked 33 years in that profession. I've worked with hundreds of organizations and conducted well over 1,000 management assessments. I'd like to first comment on the process that's being used here. It's very, very difficult to get confidential information when you have people coming up and testifying in public like this. It's...when you look at the way organizations actually function, you have a director who has the most power, authority and influence, and they leave an impact on the department. They leave an impact from their own personality, from the way the structure is set up and how they develop the structure, and then the interpersonal dynamics that result in that. When you do an assessment, it's really very important to get a perspective of how people

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actually show up in their job on an ongoing basis. I've heard a lot of testimony. There's been a lot of controversy between one person and another, and if you look at the background of some of those people who are giving the testimony that are pro, there's certainly a lot of links that happen with that person and the director they're talking about. I think that as Bruce mentioned briefly that to have a citizen's commission or a citizen's committee to come in and do some objective assessment. I mean I can't emphasize how important this new role is for this County Council. What you are able to approve in this process and the directors that will move forward will really shape the success of your time here in the County Council. So, my first comment is, on the process is around Pat Wong and around the different types of information that we've been hearing from Autumn Ness and then from all the employees that work for Pat. Again, having a commission or a group of citizens that can get objective feedback that is confidential, that means that it would have to come from...

CHAIR MOLINA: Okay, sorry, Mr. DesLauriers. Members, any comments on Mr. DesLauriers testimony or excuse me, clarification regarding item (2)? If not, Mr. DesLauriers, please continue with your next agenda item --

UNIDENTIFIED SPEAKER: Mike?

CHAIR MOLINA: --for testimony. Oh, I'm sorry. Did I see someone? Oh, Ms. Paltin. Go ahead.

MR. DESLAURIERS: Yes.

COUNCILMEMBER PALTIN: I just was wondering if you're in favor or against. Are you in favor or against Corporation Counsel Wong?

MR. DESLAURIERS: I am against because again, I keep on hearing feedback from a lot of different people who do not want to come up here and testify because they're very much afraid of the repercussions that could occur. And they've seen some repercussions that have happened for other people who went against some of the other directors in the past. So, there's a history that is there that is really affecting the level of constructive feedback, honest feedback that you'll be able to get in your decision making process.

CHAIR MOLINA: Okay, thank you, Mr. Deslauriers. I believe you answered Councilmember Paltin's question.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay, you may proceed with your next agenda item, Mr. Deslauriers.

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MR. DESLAURIERS: Yes. So, and again the same happens with Michele McLean. In terms of the feedback I hear in the community about some of the processes of getting permits and some of the challenges that have been, happened in the past. Now, it doesn't reflect really the past six months but it really reflects a lot of what's happened in the past, and those people do not want to come forward because if they go for future permits, they're afraid that they'll get stifled in some way, shape or form. So again, the process of how you get feedback is extremely important. And if you could have a process where you look at the personal structural...interpersonal dynamics of the directors and get feedback that is objective and clear, that doesn't have any agenda behind it, that in turn will allow you to make very clear and honest decisions. It will also reflect that this new County Council really is there to be transparent. And you want to solicit feedback from people so that you can keep on improving the system, keep on getting people who are more and more qualified for the job. If I look at systems in the way organizations function, if you're stagnant in some areas, one way to really change that very quickly is to get a new director who has fresh ideas, who looks at things from a different perspective but not part of let's say the good ol' boy network or the way things have been done in the past. For a fresh eye, especially when we're looking at a corporation of nearly \$1 billion. I mean if I were hired by a corporation, you know, they would really want to get objective feedback that's very clear and honest and reflective of what is. And again, it's very difficult under this process for that. I know it's important to get feedback from the public, but at the same time I think there should be another mechanism that allows you to go into the departments themselves, talk to the people in a confidential way. I understand that the County Council themselves can't even do that, can't even get that feedback from the staff of those departments. So, it's a very difficult thing to get clarity, and hopefully if you look at this as an ongoing process that you'll have a budget for this type of professional process to occur in the future. But in the interim, a citizen's group could really support that feedback. Again, you have till March 9<sup>th</sup>, I would utilize the time. This is an extremely important decision. It'll affect the success of this whole Administration.

CHAIR MOLINA: Okay, thank you, Mr. DesLauriers. Members, any need to clarification from Mr. DesLauriers? Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Hi. Mahalo for your testimony. Will you please clarify your position on the confirmation of Ms. McLean?

MR. DESLAURIERS: I, again, am unclear of that and that's what I wanted to point out, the unclarity [sic] that I have because again I've received a lot of feedback but that was prior to her getting involved as Director and those people don't want to come forward here because of the potential repercussions. And I think that's an important point to make as you consider getting objective feedback.

CHAIR MOLINA: Okay, thank you, Mr. DesLauriers.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: Thank you. Okay, Mr. DesLauriers, you...okay, thank you. I believe you've completed your testimony on all the items you signed up for. Next to testify we have Beverly Livingston, to be followed by Joy Morris. Ms. Livingston, if you're in the gallery? I see not, okay, let's move on to Joy Morris. Joy Morris? Going once, twice, not here, okay, moving right along. Joe Pluta, Joseph Pluta? If you're in our gallery. Okay, Mr. Pluta must have left for another commitments. Peter Niess? Peter Niess? Okay, Mr. Niess is here, and he'll be followed by Francine Aaronson. And Mr. Niess will be testifying on all of the nominations --

MR. NIESS: Yes.

CHAIR MOLINA: --or excuse me, the...yeah, the interim director nominees I should say. Proceed, Mr. Niess.

MR. NIESS: Good afternoon, Council and Chair Molina. My name is Peter Niess, born and raised on Maui. I went to Haleakala Waldorf and Seabury. I'm a small business owner in Wailuku. I'm an architect. I'm a Ka Ipu Kukui fellow. I sit on a couple of nonprofit boards like Hui Malama Learning Center, American Institute of Architects, Hawaiian Outrigger Canoe Voyaging Society, and I love Maui, bottom line. I was also...I'm also applied to be on the Urban Design Review Board to replace Marty Cooper as the architect of, on that committee. So, I put in the time to give back to the community and one of the ways to do that is to make sure that the Legislative and Administrative Branch are moving policies forward that make Maui a better place. I was also on Mayor Victorino's appointment committee for selecting these directors. I just want you guys to know that that was the most trans...I'm, I was so proud of the way that was handled and it was done really well, super fairly done. No interference, it was completely up to us as we sat there and reviewed resumes for almost two weeks, interviewed each of the potential directors, and I strongly stand behind the recommendations that we made that Victorino passed on most of them, and they're the people here today. So, just know that that was a very fair, transparent process. It was well done and I hope that in the end of this, you will be approving most of the, or all of the directors that are, were appointed. And then just if I could speak about Michele McLean, as an architect I work with the Planning Department a lot. She's amazing. She's getting things done. She's simplifying the process for local people. I get a lot of people coming in to do farm plans for example, something that's changed recently, and it's hard, they have to hire a professional to do something simple, and Michele has just cut that out and it makes everyone's life easier. Mine, local people, and you still have to farm, it's not like we're getting around that but it's just an efficiency deal. Yeah, so I stand behind all of our recommendations, super transparent, and I look forward to seeing what's going to happen over the next two years. And yeah, let's make Maui better.

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CHAIR MOLINA: Thank you very much, Mr. Niess. Members, any need to clarify? Councilmember Paltin? Followed by Councilmember King.

COUNCILMEMBER PALTIN: Hi. You know just because it was brought up and you're vouching for the transparency of the process, I was wondering if you could walk us through that. Like, was everybody that was qualified interviewed? Did you get 100 percent of the resumes? And, you know, just for the transparency sake.

MR. NIESS: Yeah, yes. Madge is going to come up and she'll speak to this more so. But it's actually got a little bit confusing because at the end of 2018, the Council passed the qualification requirements that actually made people not qualify that you would think would. Or it pigeonholed it into you have to appoint this person 'cause nobody else qualifies, just so you guys know. And as far as the process went, we sat there and deliberated each one, talked about it, took notes. I, when I volunteered to do that, I thought it was going to take a day or two, and it took almost two weeks of we were going in at 9:00 in the morning and staying till 9:00 at night some days. And just reading the resumes, it quickly became apparent that we need to talk with the people and see their face when they're explaining their situations or their goals. And so that's part of why it took so long is we took the time to interview I don't know how many people but three or four for every directorship. Yeah.

COUNCILMEMBER PALTIN: So, you do know that you had 100 percent of the resumes that you went through and you interviewed not everyone but three or four that were qualified?

MR. NIESS: I'm not sure I understand. Did we receive all of them? Yes. Even ones...there was a date of I think the 20<sup>th</sup> or 22<sup>nd</sup>, when they're supposed to submit 'em, I think they allowed ones that came after that, because we just wanted to make sure that we're looking at everybody and making...the best people were going to be recommended.

CHAIR MOLINA: Okay, thank you, Mr. Niess. Councilmember Paltin, the Chair would just like to interject that once we hit the deliberation phase, we have our, the Mayor's Chief of Staff, Ms. Tegarden, that can further elaborate on the process, the selection of all of the nominees. And of course as Mr. Niess had mentioned, we do have another individual that will, can further expound on that. So, the Chair's preference is to again just maybe scratch the surface about the process at this time, but once we get into the formal phase of deliberation, that is when we can expound on that as well.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Thank you, Councilmember.

COUNCILMEMBER KING: Yeah, I have a question.

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CHAIR MOLINA: Councilmember King?

COUNCILMEMBER KING: Thank you. So, and just a question for you. So, Ms. Tegarden was involved in the process of these interviews?

CHAIR MOLINA: That would be something for her to answer, but being that she is the Mayor's Chief of Staff and representative, it was the Chair's feeling that she could further elaborate and expound on that process if she had privy to that knowledge of serving on the selection committee, if you will. But we can --

COUNCILMEMBER KING: She did serve on...

CHAIR MOLINA: --certainly ask her.

COUNCILMEMBER KING: Oh, she...okay. 'Cause that's why, I wanted to ask some questions because I was...my understanding is that she wasn't on the selection committee.

CHAIR MOLINA: Okay, well --

COUNCILMEMBER KING: ...*(inaudible)*...

CHAIR MOLINA: --go ahead and feel free to ask Mr. Niess then.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So, anyway, I wanted to...some of the information that was out there, there were, that there were 300 applicants. Is that true or is that all applicants for everything? 'Cause that statement was made by...

MR. NIESS: Not for directorship positions, and a lot of people in...didn't want to go through this and said they would only be deputy director. So, if...when it comes down to the actual number of applications, it was...I don't want to speak incorrectly but well under 100.

COUNCILMEMBER KING: For all the director positions together?

MR. NIESS: For actual director positions --

COUNCILMEMBER KING: Okay.

MR. NIESS: --yeah.



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COUNCILMEMBER KING: And did you do any recruitment or did you just receive --

MR. NIESS: Yes.

COUNCILMEMBER KING: --applications? Did you actually go out into the community and seek people of, for various positions or were you just like recipients of applicants?

MR. NIESS: I'm not...so I'm not super...I'm an architect by trade. So, I wasn't sure what I should and shouldn't do, and I was warned that...I didn't want people calling my office and saying oh, you should have me be the director or not. So, I didn't really...I didn't tell a lot of people.

COUNCILMEMBER KING: Well, actually I wasn't asking about you specifically --

MR. NIESS: Okay.

COUNCILMEMBER KING: --I was saying the committee. I'm sorry, I didn't...I should...I'm just asking about the committee. Did the committee go out and recruit or did you just, did the committee just receive applications?

MR. NIESS: I don't...

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . . answer.

COUNCILMEMBER KING: You don't know?

MR. NIESS: I don't know.

COUNCILMEMBER KING: Okay.

MR. NIESS: I think they...no, I know that the Mayor did recruit...

CHAIR MOLINA: Mr. Niess, I think you've answered the questions.

MR. NIESS: Okay.

CHAIR MOLINA: So, at a later point as you had mentioned, Mr. Niess, we have someone from that selection committee --

MR. NIESS: Okay, perfect.

CHAIR MOLINA: --who can expound and possibly answer the question that Member King had. And also we will use the deliberation phase as well to further expound on that. Members, any other --

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COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR MOLINA: --need to clarify? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. Good to see you here and thank you for doing that volunteer service, 'cause I can...I hear that it was grueling. I was just wondering and if Madge is going to come next I'm quite sure Madge will have input too, but I was just wondering who was on this blue ribbon committee besides yourself and Madge? I know Tony Takitani.

MR. NIESS: It's published but Jeanne Skog, Vince Mina of the Farmers Union, JoAnn --

COUNCILMEMBER SUGIMURA: Oh, Inamasu.

MR. NIESS: --Inamasu...

CHAIR MOLINA: Mr. Niess, please answer the question the best you can. When we get someone else --

MR. NIESS: Okay.

CHAIR MOLINA: --in the gallery...okay, thank you.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: Sorry to put you on the spot.

COUNCILMEMBER SUGIMURA: I'll ask Madge.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Yes, Miss...Councilmember, if you don't mind being patient once we --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: --get Ms. Schafer up here --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: --eventually --

COUNCILMEMBER SUGIMURA: Nice to see you. Thank you.

COUNCILMEMBER KING: Chair?

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COUNCILMEMBER SUGIMURA: Thanks again.

CHAIR MOLINA: --then you can further expound. Yes, Councilmember King?

COUNCILMEMBER KING: Yeah, I was not finished when you cut me off so I was, I have one more question.

CHAIR MOLINA: All right, proceed.

COUNCILMEMBER KING: Okay. Well, I just wanted to clarify because you said that you sent all the...the committee sent all the recommendations up, but I spoke to a couple people who said that there was at least one person who was appointed who was never interviewed. So, can you verify that if there were names that were actually, made it to the final list there were not on your interview, your committee's interview list?

MR. NIESS: I believe there was one.

COUNCILMEMBER KING: Okay.

MR. NIESS: Yes.

COUNCILMEMBER KING: Thank you. Thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Niess. Mr. Sinenci?

COUNCILMEMBER SINENCI: Just a quick question. Was the deputies of the directors part of the selection?

MR. NIESS: We interviewed potential deputies to see if they would be...make...they would be a good fit as a director. So, we did end up interviewing a lot of people that applied for only the deputy position with the thought that we may talk them into being director if we thought they would be a good leader.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR MOLINA: All right, thank you very much. Thank you, Mr. Niess.

VICE-CHAIR RAWLINS-FERNANDEZ: One last question, Chair.

CHAIR MOLINA: Yes. Oh, go ahead, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Thank you for your testimony. You mentioned that the qualifications really limited the pool of applicants. I was wondering, what specific qualifications stood out to you as being too stringent?

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MR. NIESS: I would have to look at the, I think it's a Charter amendment or a piece of ordinance that it was either the time required without a degree or the five-year degree was limiting in some positions. I believe it was in the either Prosecuting Attorney or Corp. Counsel, it was too limiting to where people didn't qualify, very many at all.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo.

CHAIR MOLINA: All right, thank you very much, Ms. Rawlins-Fernandez. Moving on, Members, Francine Aarona, to be followed by Susie Thieman. And Ms. Aarona will be testifying on item number (8).

MS. AARONA: Aloha, Chairman Mr. Molina and Councilmembers. My name is Francine Kekahuna Aarona, also known as Aunty Mopsy, Protect Paia. I am an activist at heart but I am here today to speak on the confirmation of Mayor Victorino's selection of Michele McLean as the Planning Director. As a member of the Paia Association Board and a resident of Paia, I have worked alongside with Ms. McLean with community issues that affect the people of Paia. She has attended community meetings to bring clarity to conflicting issues that we are faced with in our Paia-Haiku Community Plan and the Maui plan. She was very instrumental in clarifying the conflict that we face with short-term rentals in both plans. That is still an issue today that will hopefully be decided by this Council for the future of Paia-Haiku. I have been to many Planning Commission meetings where she has had to clarify decisions made by the Planning Department and remain professional in her explanations. She is trustworthy and remains fair in the recommendations that are presented. Her wealth of knowledge as a Deputy Planning Director and Acting Planning Director will keep us on track with unfinished business during her term as the Planning Director. She also sits on our Paia Board Association as a member and as a resident and is helpful in providing clarification to issues that face our community in decisions we make as a board. It is my hope that she continues to keep the community of, at the head of the table in making decisions on rules and regulations that govern our Maui plan and community plans. We have much unfinished business to be done in this next term, and I recommend that this Council confirm the appointment of Michele McLean as the Planning Director. Respectfully, Aunty Mopsy, Protect Paia.

CHAIR MOLINA: Okay, mahalo, Ms. Aarona. Committee Members, any need to clarify Ms. Aarona's testimony? Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. Aunty Mopsy --

MS. AARONA: Yes?

COUNCILMEMBER SUGIMURA: --nice to see you here.

MS. AARONA: Thank you.

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COUNCILMEMBER SUGIMURA: I'm glad to hear your testimony 'cause a lot of times you're maybe not on that side.

MS. AARONA: Yes. A lot of times I'm in opposition.

COUNCILMEMBER SUGIMURA: Yes. As you said you're an activist. But yeah, you're right, there's big decisions ahead that the last Council left undone which this Council will have to complete and one of them is directly --

MS. AARONA: Correct.

COUNCILMEMBER SUGIMURA: --right--short-term vacation rentals with Haiku and Paia, and we'll hear from you on that issue --

MS. AARONA: Yes.

COUNCILMEMBER SUGIMURA: --too but thanks a lot.

MS. AARONA: You will.

COUNCILMEMBER SUGIMURA: Appreciate your testimony.

MS. AARONA: Thank you.

CHAIR MOLINA: Okay, mahalo for your testimony. Councilmember Lee, followed by Councilmember King.

COUNCILMEMBER LEE: Thank you. I don't have any questions for you but I did want to comment that I appreciate you sticking to the agenda. And, Mr. Chair, we really need to have our testifiers talk about the nominees or, you know, the...because we really don't have time nor is it agendized to talk about issues whether it's in the community or the process of selection or the composition of committees, et cetera. I really hope that we can get back to focusing on the people who have been nominated by the Mayor. Thank you.

CHAIR MOLINA: Okay. Appreciate your comments, Member Lee, and the Chair is doing his best to remind the public that if you are going to bring up an issue and it involves directors, keep your comments directly focused on the director's involvement with the issue and not so much expand your discussions into the merits or demerits of the particular issue. So, we will certainly keep watch on that and I have also had the, Mr. Kushi from Corporation Counsel to remind me if we do start to stray. And I...however, you know, in defense of the public testimony, I'll...the Chair appreciates you keeping within the time parameters as well. But again, you heard it not only from myself but also now from Member Lee so please do your best as much as possible. We're here today to focus on the qualifications primarily of the nominees and their

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objectives for the departments and how they can maintain efficiency of the department and address any concerns. So, again, I respectfully ask all of our testifiers today to stay within those parameters. So, it is a fine line we are walking so...because we don't want to hopefully get any notifications from the Office of Information Practices related to Sunshine Law concern. And thank you, Auntie Mopsy, for standing...being up there. Councilmember King, you have a question for our testifier?

COUNCILMEMBER KING: Thank you, Chair. I appreciate that comment too but I also recognize the fact that many people in the community only know these directors through certain issues in their lives because --

CHAIR MOLINA: Correct.

COUNCILMEMBER KING: --they have not been widely in the community. So, my question to you...thank you for being here. I don't ever write your name, your full name down, I just always write Auntie Mopsy so that's how I know you. But no, I just wanted to get your feedback on the recent community plan amendment proposal that got to kicked back to committee and what...and the interaction because I know you're involved in it with the director, with the --

MS. AARONA: Yes.

COUNCILMEMBER KING: --proposed nominee was. Why that...why did that...

MS. AARONA: Well, as it stands, if you want to look at the book of law, the community plan still exists. And...

COUNCILMEMBER KING: No, I understand that. I just wanted to get a feel from you on what the involvement of the nominee who you're supporting was in that action and why, you know, if that was...because I know --

MS. AARONA: Yeah, she came out...

COUNCILMEMBER KING: --it went to the community, it passed through committee --

MS. AARONA: Yeah.

COUNCILMEMBER KING: --and got kicked back, so.

MS. AARONA: Yeah, she came out to meet with the community to clarify decisions regarding the Maui plan and the community plan that conflicted each other. It didn't jive. It wasn't amended. So, in her clarification and the process that she took at that meeting, I mean there were a lot of people upset and especially the vacation rentals, because now they're finding out that they may be illegally running their operation which they are legal, they've gone through the steps. So, not to...the community itself

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there in Paia and this was only for Paia because Paia and Haiku is so large. Haiku had their own meeting. But in Paia the vacation rental people came out and they understood the process but we felt as a community that they should not be jeopardized.

COUNCILMEMBER KING: Right. But I, let me --

MS. AARONA: Yeah.

COUNCILMEMBER KING: --just kind of clarify my question because it involves the nominee --

MS. AARONA: Involves the nominee.

COUNCILMEMBER KING: --and so it was after all of those meetings happened and the committee passed out an ordinance.

MS. AARONA: Right.

COUNCILMEMBER KING: Well, it got kicked back to the committee for this year, but I just wondered what the involvement after that point has been of the Planning --

MS. AARONA: Always supportive.

COUNCILMEMBER KING: --Department. So, you have had meetings after --

MS. AARONA: Yes, yeah.

COUNCILMEMBER KING: --the Council had...

MS. AARONA: We've had talks, yes.

COUNCILMEMBER KING: Okay. Okay.

MS. AARONA: Regarding that.

COUNCILMEMBER KING: Just you and her? Okay.

MS. AARONA: Yeah.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. All right, thank you, Chairman King. And thank you, Ms. Aarona.

MS. AARONA: Okay.

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CHAIR MOLINA: Okay, Members, moving on to our next testifier we have Susie Thieman, to be followed by Michele Haller. And, Members, after Ms. Haller completes her testimony, the Chair will be calling for a recess. Ms. Thieman will be testifying on two items, item number (1) and item number (8).

MS. THIEMAN: Good afternoon, Committee Chair Molina, Vice-Chair Rawlins-Fernandez, Council Chair King, and Members. My name is Susie Thieman, I'm the executive director of Lokahi Pacific, and I'm first going to talk about my support for Sandy Baz as Managing Director. About 15 years ago, I sold my business that I had started 25 years earlier on Oahu, and I decided I was going to live fulltime on Maui. I had bought a house here 15 years earlier and commuted for 15 years to Oahu every day. During that time I got to know Gladys Baisa who was the executive director of MEO and a lot of other folks who commuted on a daily basis. Gladys did not commute on a daily basis but there were times when it seemed like it because she had so many ties to Oahu and the folks over there with running her operation here. Once I had decided that I was going to be on Maui full time, I didn't go beyond that to decide what I was going to do here. Having sold my business, I had kind of the ability if you will to take my time, to think about it, decide what I wanted to do. I thought I wanted to write a book. I'm not the type to write a book. I can talk about it but I can't write it, and so one of the first things that I was approached with was the opportunity to teach a class on how to start your business or how to improve your business or how to sell your business. And that was a class that was being taught at MEO. It was at that time that I met Sandy Baz. He was Gladys Baisa's deputy director, and I got to work with him on a one-on-one basis as a coworker. I can't tell you how exciting that job was. It wasn't a job, it was the opportunity of a lifetime. Over the next seven years as I taught there, I had 1,500 graduates of that class. I still see people today eight years later who say...matter of fact somebody asked me this morning are you still teaching? I still have the book. I'm still planning on starting my business. This was kind of the atmosphere that surrounded things at MEO Business Development Corp. As...I soon became CEO of that Corp. Sandy was on our loan committee. He was just, he was so excited about the prospects of what we could do and how we could help these folks. He soon became the CEO of MEO, Inc. when Gladys retired. I'd come up with all kinds of ideas of things I wanted to do, how I wanted to help folks, and so on and so forth. Sandy and I would sit for hours and talk about the prospects.

CHAIR MOLINA: Okay, Ms. Thieman, your time has ended for, regarding Mr. Baz. Committee Members, any need to clarify Ms. Thieman's testimony regarding Mr. Baz? Seeing none, Ms. Thieman, continue with your next agenda item.

MS. THIEMAN: Can I just say that I had turned this, turned some copy in for everybody to see on my testimony?

CHAIR MOLINA: Yes. Sure.



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MS. THIEMAN: So, I did not read that testimony, that was just kind of off the cuff, that's why I ran out of time. Thank you, Chair Molina. The second one is Michele McLean. Since I moved from MEO to Lokahi Pacific, my focus now is on affordable housing. We have built four projects, the most recent one being the Mokuahau project in Wailuku here. When we bought the property, we talked about the two-acre piece of property that we were going to build on. Two acres became the whole focus of our planning and everything we were doing towards this property. Once the plans got into the Planning Department, the reviewer saw that and said wait a minute, they can't do 16 houses, they don't have 2 acres, they only have 1.932 acres. We kind of assumed they, you know, you would kind of go up since you're so close to two acres. No, rules don't allow that. So, I started talking with Michele about what do I do, do I go back and start over with our plans? And that would obviously cost us a lot of money to change the 16 lots that we had subdivided back to 15. It also would mean there's a family out there who would not get a house. To us that was crushing. I can't say how much that would hurt. I know that sounds silly but as a nonprofit whose mission is to help the community, do what we can for them, every house counts. Michele says go for a variance, give it a try. But I said it doesn't cost us anything, we're not losing anything if we don't do it. And she said you just spent ten minutes telling me how it would hurt you to not that have 16<sup>th</sup> house. That's your reason for the variance. We went through the process, we got the variance. I'm sitting here...I'm standing here today...I feel like I've been sitting here. I'm standing here today and I'm going to tell you that 16<sup>th</sup> family that got to move into that house that almost wasn't just enjoyed their first Christmas in their own home. The two kids they have, ecstatic. They have bicycles, they can ride in the cul-de-sac in that property. I can't imagine not getting the opportunity to know them and I thank Michele and her thinking about one house at a time. You can say what you want, I don't know a whole lot about her, but in that instance, she became my best friend, and if I have a problem with the next project she's the one I'd like to call. Thank you.

CHAIR MOLINA: Okay, thank you, Ms. Thieman. Members, any need to clarify Ms. Thieman's testimony? Seeing none, thank you very much, Susie.

MS. THIEMAN: Thank you.

CHAIR MOLINA: Next to testify we have Michele Haller and she'll be testifying on item number (8).

MS. HALLER: Good afternoon, Chairman Molina and the Councilmembers. I'm not in politics, I'm not in the industry, I'm not part of the tourism or anything, I'm just your regular hardworking, taxpaying citizen. And my name's Michele Haller and I'm here to support Michele McLean as the appointment for the deputy...I'm sorry, for the Director of the Planning Department for Maui County. My late husband and I moved here over 40 years ago and we've lived in Haiku the whole time. I currently own my own home up at top of East Kuiaha and Kaupakalua Road, and I have a farm along Wailuku River. It's now called Wailuku River, was Iao Stream for those that don't know that's

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changed name. My children were raised on Maui and like most kids left the island for a long period of time. Since my husband's passing, they've both come back to start their careers here and raise their family which is great for me. Sorry. . . .(inaudible). . . Time. I'm concerned for my family's future as well as the future of their friends and our community. We have a lot of short-term, long-range goals that we need a really good person to support us and to fight for us. There's going to be a lot of differences between people in the community, and I think that Michele is the best person to do the right thing. She's exceptionally bright, she has tremendous work ethic, goes the extra mile for you, listens to all sides and all positions, and she's true to her word. She's a true leader and has much support from those who have worked with her and who have worked...she's worked for. I'm lucky to call Michele my friend. I'm sorry, I'm so emotional. But I think the Maui County would really be lucky to have her as the Director for the Planning Department. And it's a little emotional for me because I'm trying to keep together a farm on...without my husband, and Michele has been a real supportive person. It's not easy farming and it's not a path I ever wanted to go on, but I've got something that is there and I just can't thank her enough for just being supportive. She can't do much to make things always work, but she's been a really great friend. And from what I've heard today she's been a great friend for many people.

CHAIR MOLINA: Okay. All right, thank you very much, Ms. Haller. And no apologies necessary, we appreciate your testimony. Committee Members, any need to clarify Ms. Haller's testimony? Seeing none, okay, Members, as the Chair stated earlier, we're going to be taking a break, but before we do that, I'd like to notify the following testifiers to be prepared to come up to the podium once we return from break and that is Noelani Sugata and Mr. Rob Parsons. Committee will be in recess till 3:20. . . . (gavel) . . .

**RECESS: 3:09 p.m.**

**RECONVENE: 3:24 p.m.**

CHAIR MOLINA: . . . (gavel) . . . The Government [sic] and [sic] Ethics and Transparency Committee is now come back to order. Members, it is 3:25, we are still in the testimonial phase of our meeting today. And we have to testify next Noelani Sugata, to be followed by Rob Parsons. Ms. Sugata will be testifying on item number (8).

MS. SUGATA: Aloha, Chair Molina and Councilmembers. My name is Noelani Sugata and I am here testifying as an individual. I am here today in support of Michele McLean as the Planning Director. I'm going to try to make this short because I know there's a lot of people. I have known Ms. McLean since October of 2015 in a professional capacity. I am the contracted executive director of the Paia Town Association, also known as the PTA. Michele McLean sits on the board. To be clear, I am not speaking on behalf of the organization. I am...it is really important for me to share my positive experiences that I have had working with Michele as Deputy Director and then Director of

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Planning. I like doing fun things and fun projects. Michele has helped me organize many of those. When I first came on, she helped me create the Paia mural in the Hana Highway parking lot. I didn't know anybody. I didn't know who to call but I said sure, yeah, let's paint a mural. And Michele was able to just send me directly to the Department of Public Works, and I was able to get the proper paperwork and permission from them. A few weeks later, the community came together and the mural was completed in February of 2016. So, I was hired in October of 2015. The mural is meaningful to me because I tried to do a similar project when I worked for another nonprofit on Oahu and it didn't happen. I have worked in many communities Statewide and this is probably the fastest and easiest project I have ever done. I have always been able to get an e-mail and/or phone call returned from the Planning Department and at times Public Works. I value people who want to collaborate and make things happen in a timely manner. There's also a lot of not-so-fun stuff that gets brought to my attention, and I am grateful that I can rely on Ms. McLean and her staff, because often it's way outside my capacity which is why I'm speaking for myself today. It's a lot to balance the needs of the community and the needs of the business district. I just want to thank Michele for all her years of service, mahalo for always taking time out of your busy day to help me. I would not be able to do any of this without you. This is my truth and thank you for your time.

CHAIR MOLINA: Okay, thank you very much, Ms. Sugata. Members, any need to clarify Ms. Sugata's testimony? Seeing none, thank you. Next to testify we have Rob Parsons, to be followed by Madge Schaefer. Mr. Parsons will be testifying on item number (1).

MR. PARSONS: Aloha, Chair Molina and Members of the Governance, Ethics, and Transparency Committee. I'd like...I'm Rob Parsons, a longtime Maui resident. I'd like to begin by congratulating each of you and thanking you for your dedication to serve in the capacity of our elected decisions makers and specifically today in consideration of the selection of those people who will be operating the County departments over the next several years. And I believe the reason we're here is because the voters have by Charter amendment asked for greater scrutiny in this process. Probably came out of dissatisfaction. I know that some people today have said well, you know, we trust the Mayor to pick the right people. But I think the truth is that the reason that we saw this on our ballots and voted for it--I should have looked up the number, I'm sure someone in this room did in the last few days look up the number of percentage of voters that voted for this--is so that we could really evaluate the choices of who's going to lead these departments. It's a very important decision, so thank you for taking it on. I was going to speak more broadly to the process, but I've modified my, that position. I want to thank Mayor's Chief of Staff Deidre Tegarden for her explanation of the process. I think we've learned a little more with the testimony of Mr. Niess this afternoon. Before that, I for one didn't know and I couldn't find in what was transmitted to you Councilmembers who was on the committee, what were the qualifications of that group that then selected, and what were the criteria, qualities, and qualifications that they were looking for in the directors. And I...we're beginning

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to get some of those answers, but if I were sitting in your seats, I would ask the Administration for much more information. The notes of those meetings that took place over two weeks, who else applied, how many applied. These are things that I would want to know if I were sitting in your seats, and I hope you'll ask those things. Also the financial disclosures haven't yet been transmitted. I went to the website and looked and it shows the financial disclosures for the previous Administrations, and that's one of the requirements for serving in this capacity. I just have a short amount of time left so I would say that I think Deputy Corporation Counsel Jeff Ueoka said it very well having been assigned to the Budget Committee for a number of years and seeing the performance of Sandy Baz as Budget Director. He knows every department and his powers, duties, and functions as outlined in the Charter are specific. I'll just read this --

CHAIR MOLINA: Go ahead.

MR. PARSONS: --for conclusion, Chair, if I may. Is that he's asked to supervise the administrative functions of those agencies, departments, boards and commissions assigned by the Mayor; evaluate the management and performance of each agency; and prescribe standards of administrative practice to be followed by all agencies under his or her supervision. And Sandy knows the ins and outs of every department because he had to as Budget Director. He knows the staffing needs, he knows the projects, he knows the long-range goals, and performance measures and I think is uniquely qualified to serve in the capacity of overseeing the performance of those directors and their departments and rank and file.

CHAIR MOLINA: Okay.

MR. PARSONS: So, thank you for the opportunity to share this with you today.

CHAIR MOLINA: Thank you very much for your testimony, Mr. Parsons. Members, need to clarify Mr. Parsons' testimony? Chairman King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mr. Parsons. So, from...because I know you worked in the last Administration so I'm just going to ask you a couple of technical questions related to your testimony. One was the...I mean I thought that was a really good point you made about financial disclosures, and are they not required to have financial disclosures in by a certain time? Because Councilmembers were required to have, to refile financial disclosures within two weeks of being appointed as Councilmembers. So, was that not...was that requirement of the Administration that was not fulfilled or do you...

MR. PARSONS: What I stated was that the website has not been updated. Those financial disclosures may have been provided but they haven't been provided to you. At least it wasn't in the transmittal that gave the names to you. The disclosures from the past

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Administration are there. And, you know, I think it's something that may be revealing in some cases so I would hope that you have that information going forward.

COUNCILMEMBER KING: Okay. And then the other question I have for you was on the oversight of the Managing Director, because...so just in your experience is that something that's automatic? Like does the Managing Director have oversight, automatic oversight over the departments?

MR. PARSONS: Well, I've been in public service for 12 years, the first Arakawa Administration in 2003 to 2006 and then from 2011 to 2018, and in that time, there have been a number of different ways that the Managing Director has chosen to address his role. And I went back to the Charter to look at specifically what it says about that, because in my perception, it's something that needs constant attention. And in the first Administration, I remember that Managing Director called a directors' meeting every week, you know every week of the year to get updates, and I think that kind of level of oversight would really help keep things on track. Sometimes it...well, I'll leave it at that.

COUNCILMEMBER KING: Okay, so that's what...so you're confident that Mr. Baz would follow?

MR. PARSONS: Yes, I am.

COUNCILMEMBER KING: Okay, great. Thank you.

CHAIR MOLINA: All right, thank you very much.

MR. PARSONS: Thank you.

CHAIR MOLINA: Seeing no other request for clarification, thank you very much, Mr. Parsons. Our next testifier we have Madge Schaefer, to be followed by Mr. Paul Janes-Brown. And Ms. Schaefer will be testifying on the following items, numbers (1), (11), (10), (3), and (7). Ms. Schaefer?

MS. SCHAEFER: Well, good afternoon. I'd like a clarification before the time starts. I heard Councilmember Lee say that she thought that this should not go...there should not be testimony as to the process. And I was going to as co-chair of the selection committee talk about the process. And so I need clarification.

CHAIR MOLINA: Okay, Ms. Schaefer, let me ask Corporation Counsel what our parameters are. If it is germane to our agenda items with regards to the process, in your opinion is it permissible to continue the discussion on the selection process? As I had mentioned earlier to some of the Members, if we want to get into a detailed discussion of the process itself, maybe we can have that during the deliberation phase of this meeting. In terms of testimony, Mr. Kushi, any thoughts? Go ahead.

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MR. KUSHI: Yes, Mr. Chair, this is the public testimony portion of the, of this meeting. If you want to get into the process...but again it's your call as well as this Committee's call. I think the issue of the, or the procedure or the process that got us here may be better discussed in deliberations; however, as public testimony, if the Chair feels that the public should know what happened, that's okay. I just caution that in terms of the selection committee, that they be very careful in not disclosing the applicants because there might be some indication of confidentiality of those who did apply.

MS. SCHAEFER: Yes, I understand that.

MR. KUSHI: But again --

CHAIR MOLINA: Hang on.

MR. KUSHI: --those are my caveats.

CHAIR MOLINA: Okay, thank you very much, Mr. Kushi. And, Members, I...if you can hold that thought, Member Lee. I can present this as an option for the body. Your questions on the process itself under the, my signature as the Committee Chair, we can present that as a request to the Administration, because I would prefer to hear it or have it memorialized in writing from the Mayor with regards to the selection process. I think that may be the more appropriate way to go.

MS. SCHAEFER: So, Mr. Molina, the Mayor wasn't there.

CHAIR MOLINA: Excuse me, Ms. Schaefer, could you let me finish please?

MS. SCHAEFER: Yes.

CHAIR MOLINA: Appreciate your comments. So, that is a consideration I would like to offer you at a later point. So, we can focus primarily on the nominees and their qualifications. So, with that said, Ms. Schaefer, if you prefer to have your testimony just confined to the five items or the five nominees and we can...Members, I would ask that you maybe hold off on your questions about the process at this juncture in the meeting, if there are no objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay, Miss...thank you.

MS. SCHAEFER: Well...

CHAIR MOLINA: Ms. Schaefer, proceed.

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MS. SCHAEFER: All right. I am going to object because it is now 3:40 and I have listened to testimony since nine o'clock this morning that had no restrictions. No restrictions. And we're now talking about the process, including talking with Peter who was a member of the committee. To ask that the Mayor describe what the process was, he wasn't there. He wasn't involved at all. And we hear about transparency and of many of the questions that have been raised by speculation and kind of snarly speculation, would be answered if we simply...if I simply told you what happened.

CHAIR MOLINA: Ms. Schaefer, I can offer you the opportunity when we get into deliberation phase to be a resource to share with the Committee as well if that is something you would like.

MS. SCHAEFER: Well, again, I'm going to object. First of all, I didn't bring my pajamas and I think at the rate this is going, you know, it's going to be a slumber party before it's over. But why did you get to my testimony, 58 testimonies into it and you tell me I can't talk about the very process that got these nominations here?

CHAIR MOLINA: Okay, Ms. Schaefer, well, I will compromise with you. I will allow...since your name was mentioned earlier in earlier testimony with regards to the process, I will permit...let you scratch the surface on this. Because while I respect the fact you were on that selection committee, at the same time, I think for the public as well and the Members, we need to see something memorialized in writing from the Mayor.

MS. SCHAEFER: Well, I can give it to you in writing if --

CHAIR MOLINA: Yes.

MS. SCHAEFER: --that's what you want.

CHAIR MOLINA: Well, as a Member of the Committee, but ultimately the Mayor has the final say on what went on with the selection process. So --

MS. SCHAEFER: But he wasn't there.

CHAIR MOLINA: --please...yeah. But...yeah. Well, that's not our concern, whether he was there or not. But however, please...I'll let you...permit to go and testify on the five items, and if you want to scratch a little bit on the surface of the testimony or the selection process in that time that you're given. I certainly will note your objections to this but please go ahead. We do have other testifiers waiting. So, thank you. And I appreciate what all you've done.

MS. SCHAEFER: Well, my name is Madge Schaefer. I was co-chair of the selection committee. I was very impressed with the work effort that went into this committee. I was very impressed that the Mayor came in and told us here are the applicants, the two things that I want you to consider are that they be customer service oriented and

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that they hold local values near and dear to their heart. The...well maybe one of you will ask some questions. The candidates that we submitted were thoroughly screened, they were...there were...was a lot of discussion and I think each of the candidates is very well qualified. One of the things that we thought was important was looking at and I'll zero in on one department, on Karla Peters. We thought she brought an outstanding resume, a lady who started at a typewriter and moved up to be well qualified for director. We thought it was important that there be younger people brought into the process. It's...we're all getting older and there needs to be incentives for young people to think about becoming government employees and moving up the chain of command such as it is. And I think Karla was an outstanding example. We saw a lot of potential mentorships, and when we recommended although we were told to recommend two or three, in some instances we recommended a deputy because we thought there would be a good yin and yang and they would learn from each other and balance out the department. And I can say that for every one of the members that you are considering, the nominees that you're considering today, I would be proud to say that I was part of their being appointed. I have great faith in them. I don't have much faith in government anymore but I have great faith in these people. And I speak...I think highly of all of them. And I'm just sorry that at 3:40 in the afternoon you decided to change the rules.

CHAIR MOLINA: Okay, thank you, Ms. Schaefer. Members, any clarification for Ms. Schaefer's testimony? Ms. Lee?

COUNCILMEMBER LEE: Thank you, Madge. I wasn't picking on you. I just felt that we were sometimes getting off course. And yes, quite a few people did go off course and I suppose it seems unfair that we didn't let you...give you more liberty to talk about other things other than the nominees. But frankly, when the other gentleman was up there, Mr. Niess, it was clear to me that he didn't know all of the details of the process. So, I didn't think it was fair for us to be asking him those kinds of questions. And yes, you are the co-chair so you probably have a command of the information --

MS. SCHAEFER: Right.

COUNCILMEMBER LEE: --that we need. But please understand our point where it's really the Mayor's Office that should providing this information and perhaps along with you when we do discuss the process.

MS. SCHAEFER: Well, the Mayor's Office was aware that I was going to give testimony because as I said, the Mayor wasn't there. The Chief of Staff was not there. And so the committee and my co-chair Tony Takitani, both of us agreed that the process should be made public and that's why I'm here. And I made the Mayor's Office aware that I wanted to...that we wanted testimony about the process. And they didn't have any problem with that. So, what you've done is you've deprived people of the transparency because the Mayor doesn't know what happened. He just knows what we did. He knows the first meeting and he knows the last meeting that he came to.



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We saw him for ten minutes at the first meeting, and for the last meeting we saw him after we had submitted our recommendations, he asked us to meet again so he could thank us. So --

COUNCILMEMBER LEE: Thank you.

MS. SCHAEFER: --I feel...

CHAIR MOLINA: Thank you, Member...

MS. SCHAEFER: I feel slighted and I'd like that officially on the record that you have stated that you want transparency, this Committee is about transparency but you don't want transparency.

CHAIR MOLINA: Ms. Schaefer, we'll let you continue with testimony on your other items that you had listed.

MS. SCHAEFER: I think that's it.

CHAIR MOLINA: That's it for now.

MS. SCHAEFER: Very disappointed.

CHAIR MOLINA: Okay. Well, I apologize for any misunderstandings. Councilmember Sugimura, question for Ms. Schaefer?

COUNCILMEMBER SUGIMURA: So, I just want to express appreciation from the public who is...who I represent just to say that I appreciate you and Mr. Niess for coming, because I can hear from some of the questions that they're...the community is also wondering what was the process, and, you know, I mean things like how many applicants or whatever other questions we heard. And I think that your reputation in the community is pretty, you know, fair and balanced so I was looking forward to hearing what you had to say after hearing Mr. Niess. So, I don't know how much the Chair will allow you to say more, but it sounds like you're willing to share more if need be. I don't know how we can get that information but, Chair, I guess I'll leave it up to you.

CHAIR MOLINA: All right. Well, thank you, Councilmember Sugimura. Well, Members, I guess I'm trying to look at it to do a balancing act here whereas some of you have concerns about possibly restricting further discussion on the I guess nomination process out of the Mayor's Office. The Chair did offer a compromise of having, continuing this discussion in the deliberation phase. Maybe everybody's just maybe a little tired and edgy at this point of the day, but I did hear a request from Ms. Schaefer earlier to provide additional clarification on the process which the Chair would have allowed but now I'm hearing things differently. So, if it is the will of this body, I will permit Ms. Schaefer to further elaborate, Members, if you have questions, but again,

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the Chair is not, I guess, being...suggested I'm not being transparent. I am offering the opportunity in open session for Ms. Schaefer to be as a resource person for the Mayor's Office to discuss this process during the deliberation phase which everyone is entitled to view. However, if this body by majority would prefer to hear Ms. Schaefer's comments and with regards to the process here in the testimonial phase, I leave it up to you, Members. You tell me what you want out of your Chair.

MS. SCHAEFER: I'll do both.

CHAIR MOLINA: Excuse me, Ms. Schaefer, let me...I'm talking to the Members. Council Chair --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --King, followed by --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --Councilmember Lee.

COUNCILMEMBER KING: Chair, I think that would be very fair if we had a discussion on the process during deliberations and if we asked Ms. Schaefer or, and/or her co-chair to be a resource for us on that discussion.

CHAIR MOLINA: And Chair is in agreement with that. Ms. Lee?

COUNCILMEMBER LEE: Thank you, Mr. Chair. My only concern about further discussion on process is whether or not it is officially agendized. So, I'm not sure what Mr. Kushi, did he...what his announce or pronouncement was, but if it is agendized, you know, you could ask a few more questions. But if it's not it's probably better that we wait until deliberations then we can really have an in-depth discussion on the process.

CHAIR MOLINA: Yeah, thank you for your comments, Ms. Lee, on that. I believe Mr. Kushi elaborated and as I interpreted Mr. Kushi's opinion, it's up to myself as the Chair to see where we...what leeway we have. And I had mentioned to Ms. Schaefer, you know, I'm willing to allow you to scratch the surface for now and then elaborate further in deliberations, 'cause we certainly value your work ethic and commitment towards the selection process. So, I'm going to go ahead and allow Ms. Schaefer if you want go ahead and expand on your thoughts with regards to the process, the nominations.

MS. SCHAEFER: I appreciate that, thank you.

CHAIR MOLINA: And thank you for being patient. And I'm not trying to look for any contentious here --

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MS. SCHAEFER: No, I know that.

CHAIR MOLINA: --\_\_\_\_\_ matters. We're just very spirited people.

MS. SCHAEFER: I'm just naturally grouchy, cranky.

CHAIR MOLINA: Join the crowd. Thank you, Madge. And just on a personal basis I certainly appreciate your knowledge and your input in this community, so please go ahead, Ms. Schaefer.

MS. SCHAEFER: Okay. I would like to describe the process that the screening committee followed for making director nominations. By the way, co-chair Takitani is in full agreement with this and was just unable to be here. There were seven members, Tony Takitani and myself were asked by the Mayor to be co-chairs which was a cruel sort of trick because he knows Tony and I like to mix it up. Jeanne Skog, Vince Mina, Peter Niess, JoAnn Inamasu, and Terryl Vencl rounded out the membership. The first meeting included a brief visit from Mayor Mike. He thanked us, gave us access to all applications, and asked that we suggest one or two names for each position. He advised us that he was looking for customer-oriented directors who understood the importance of local values. He asked us to have a decision for him by December 3<sup>rd</sup>. He advised that the final decision as to nominees would be his. We did not see or hear from him again until after we had submitted our candidates. Each member looked over all the applications independently. The next step, we asked that all applications for director and deputy director be pulled from the application bunch. Each of us made a list of potential candidates for interview. We compiled the individual list and then began working together to review the applications to check to see if they met Charter requirements for the position they were applying for. So, the first phase of it was independent, we worked by our self. We went in, we had access to all of the applications, they never left the building. They were locked up when someone wasn't going through the list. We then independently compiled our first blush list, and then that list was folded together and not surprisingly there were a lot of the same names on everyone's list. We also revisited all the applications once again to be sure that we had not missed a viable candidate who had not applied for the director position. So, after we refined the list then we individually took the list, the applications, all of the applications, went through them again just to see if we'd missed anybody. To protect the privacy of the applicants, the applications were never copied and they were kept in an office under lock and key. We set up interviews and during those interviews all committee members questioned the applicants. Several routine questions were asked at the end of each interview. After each interview...

CHAIR MOLINA: Yeah, sorry, Madge. I know you signed up for five items so you're on your second set of three minutes. Members, any need to clarify Ms. Schaefer's testimony thus far? If not, please go ahead and continue, Ms. Schaefer.

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MS. SCHAEFER: Okay. After each interview, we briefly discussed reactions of the committee regarding the applicant, very brief because we had about 15 or 20 minutes, sometimes half an hour in between. In depth and...discussions and recommendations occurred after all the interviews had been done. There was a candid and respectful evaluation of the candidates. A vote was taken on each. Not all were unanimous. We submitted the results on December 3<sup>rd</sup>. Seven of us met for more than 50 hours, not including our independent reviews of the applications. The committee brought a long view of Maui with many years of community service. On a personal note, I was impressed by the wisdom and knowledge that each contributed. The Mayor did not take all of our recommendations. It is very important that he be surrounded by a team that he can trust and share his values. It is his responsibility for that team. I urge you to approve the Mayor's team members as submitted.

CHAIR MOLINA: Members, any need for clarification of Ms. Schaefer? Member Lee?

COUNCILMEMBER LEE: Madge, who were the deviations?

MS. SCHAEFER: Who were...

COUNCILMEMBER LEE: Yeah, the original list that you submitted, how many and who were not accepted by the Mayor?

MS. SCHAEFER: Oh, I...that is personal...personnel information that I'm not comfortable in discussing. I think that's a question if you want to ask that of the Mayor. But we knew from the beginning and he made it very clear but he didn't really have to make it clear to us because we understood, we aren't...we are not...it's not our team, it's his team. And what we did was provide a list of the best qualified people for the positions that met the requirements of the Charter. And there was one and I think someone asked the question, there was one but there was a problem because of the definition in the Charter. We had...not that there was anything wrong with that candidate but we...he was the only one that qualified.

CHAIR MOLINA: Thank you.

MS. SCHAEFER: Because of the Charter issues.

CHAIR MOLINA: Thank you, Ms. Schaefer and Member Lee. And, Member Lee, of course if that is a question you'd like to pose in writing out of the Committee to the Mayor, we'd be happy to do that as well. Councilmember King?

COUNCILMEMBER KING: So, thanks for that explanation. Were you...was your committee able to look at things like financial disclosures?

MS. SCHAEFER: No, and I think that would have not been appropriate for us because I think the financial...I don't know --

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COUNCILMEMBER KING: Okay.

MS. SCHAEFER: --but it seems logical to me that financial disclosures should come after the director is approved. And --

COUNCILMEMBER KING: Yeah.

MS. SCHAEFER: --is it Council --

COUNCILMEMBER KING: No...

MS. SCHAEFER: --is Councilmembers have two weeks after they're sworn in to do financial?

COUNCILMEMBER KING: Well, we have to do it all, all candidates have to do it all along the way but then you have to do it --

MS. SCHAEFER: Yes, yeah.

COUNCILMEMBER KING: --again after.

MS. SCHAEFER: Yeah.

COUNCILMEMBER KING: So, it's been out there several times for, with Councilmembers.

MS. SCHAEFER: There was...what we did hear because then again someone asked the question, well, what about, you know, did you go out and solicit. Well, one of the things we decided early on was we didn't want our names publicized, because we wanted it to be an operation where it went through the Mayor's Office. You know it was...this is the Mayor's thing. But we did...and I think Peter alluded to it too, we did talk to people that we knew that were...that we knew they had not applied because we had seen the applications, that we asked, and the answer was not with this Council. I'm not making that up. I was as surprised as anybody else, but I know other members of the committee got the same thing.

CHAIR MOLINA: Okay, thank you very much, Ms. Schaefer.

MS. SCHAEFER: Not with this Council.

CHAIR MOLINA: I believe you answered Councilmember King's question. I'm a little hurt but just, I'm saying that tongue in cheek. Is there anything else, Madge? I'm sorry, Mr. Sinenci?

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COUNCILMEMBER SINENCI: Yeah, thanks, Madge. You mentioned there were departments where you guys wanted to look at the deputy as well as the director and they could be a working team.

MS. SCHAEFER: A mentor program, yeah.

COUNCILMEMBER SINENCI: Yeah, almost of a mentor program. Can you specify which department?

MS. SCHAEFER: Well, I think I did but I'm not sure Mr. Kushi is...

COUNCILMEMBER SINENCI: Is that...

MS. SCHAEFER: Because she's...it's one of the nominees and...

COUNCILMEMBER SINENCI: Oh, okay.

MS. SCHAEFER: And we just...we were...I have to admit we were taken with the young people. And young people, you know, are in their 40s, but it's all relative, you know, what's young, so.

CHAIR MOLINA: Thank you.

COUNCILMEMBER SINENCI: I have another...

CHAIR MOLINA: Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: One more question. Did the Mayor interview those picks?

MS. SCHAEFER: I presume he did. After we gave him the, our list, we had...there was nothing more, we were no longer involved. And someone said well, we didn't know who they are. Our names were published in the paper I think at the tail end of the story about who all the nominees were, so you'd have to be really determined to read all the way to the end to find us but we, our names were public. And some people did know and some of us got phone calls, and we just really didn't want...we wanted to keep that process really clean. And it seemed like it...the way to do that was to not say well, I got a phone call and this guy wants to, you know, so we didn't do that.

CHAIR MOLINA: Okay, all right.

MS. SCHAEFER: I mean --

CHAIR MOLINA: Thank you.

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MS. SCHAEFER: --it was...I've been on a lot of committees and I was very impressed with the dedication of the committee members, like I said, over 50 hours.

CHAIR MOLINA: Thank you, Ms. Schaefer. I think you've answered that question quite well. And just to...a thought, you know, when discussing jobs and age, let's be a little careful about that. Maybe someone out there may have a perception of, I don't want to use the term "age discrimination" or anything like that. And I'm saying that because I'm not a young person anymore but anyway.

MS. SCHAEFER: You know I'm not that politically correct either.

CHAIR MOLINA: Thank you, Madge. We have Councilmember Hokama, to be followed by Member Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: Chairman, thank you. Ms. Schaefer, thank you very much for your participation in our civics. One question, were you able to ask pointed questions to prospective nominees about whether or not there's a skeleton or two that may embarrass either the committee or the Mayor by forwarding the name to the Council?

MS. SCHAEFER: I think I could tell you a question that we asked every candidate and that was is there anything in your past that would in any way embarrass the County, the Administration, the Mayor? And we asked that of everyone. Mr. Hokama, you've known me for a long time and you know --

COUNCILMEMBER HOKAMA: Yes.

MS. SCHAEFER: --that I'm not famous for my lack of bluntness. And that --

COUNCILMEMBER HOKAMA: We went to the same school.

MS. SCHAEFER: --carried over, I think that's why Mike put me on there, to ask the sticky questions. And I wasn't the only one that asked them, I was...that's why this group was...I think so highly of this group.

COUNCILMEMBER HOKAMA: No, I...and if you did, I appreciate that in-depth review, because we know this is Maui, people chatter a lot. Okay. So, if you work in this structure, you know a lot of things that is...may not be well published in the public.

MS. SCHAEFER: We asked those questions specifically if that was out there and we were aware of it.

COUNCILMEMBER HOKAMA: Okay. Well, then I appreciate that. Whatever nominee comes before us, Chairman, is how I'm going to move forward, because I'm being told they were told about what could embarrass this County or this Administration. So, when

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those nominees come, I'll be ready with my questions, Chairman. But, Madge, thank you very much for your --

MS. SCHAEFER: You're more than welcome.

COUNCILMEMBER HOKAMA: --participation.

MS. SCHAEFER: It is my pleasure.

CHAIR MOLINA: Thank you, Mr. Hokama. You're certainly privileged too as a Member of the County Council as part of the vetting process. Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. Mahalo, Ms. Schaefer, for your testimony. Will you please submit it in writing to us later?

MS. SCHAEFER: Sure. It's not very fancy, I'll be more than happy to just give you all the copy of what I wrote in big type because the eyes are going too.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And my second question is did you apply to be on the selection committee?

MS. SCHAEFER: No, I did not, and I think that selection was made by Mike. I was not involved in Mike's campaign. I wasn't involved in any campaign this time and just for other reasons. But I did ask him, when he declared, I said to him so is this going to be the same old crony thing where you appoint whoever works on your committee to important jobs in the County? And he said absolutely not. I said have you thought about what you're going to do? And he said yeah, I'm going to have a screening committee. I said that's a good idea. That was the last time we talked about it until he called me and said okay, I'm setting up the screening committee. So, I like him, he's honest. He is honest as the day is long and no hidden agenda with that man, so we're lucky to have him.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I guess I'm not sure if this question would be more appropriate for the Mayor, but I'm just wondering how you were selected and asked to be co-chair?

MS. SCHAEFER: Oh, well you would have to think back to the days of the committee where we talked about the county manager, and Tony was appointed chair and I was appointed co-chair, and Tamara can tell you that Tony and I went at it quite a bit because we were on different sides of the fence. So, I said to Mike when he announced that he had selected us as co-chairs, I said it's a warped sense of humor of the Mayor



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that he puts the two of us together on this mission. But it worked beautifully and I respect him and he contributed so much to the committee 'cause of his experience.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Schaefer. And mahalo, Chair.

CHAIR MOLINA: Thank you, Councilmember. Thank you, Madge. And we kept --

COUNCILMEMBER SUGIMURA: Chair?

CHAIR MOLINA: --you up there a while but...oh, is there...yes, Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you very much, Chair. Thank you, Madge, I appreciate your detailed recollection of the process, because I think myself and I think a lot of people in the public was kind of wondering, and appreciate that. I was just wondering through...and I think Mr. Hokama asked that question, one of the routine questions but I had written down if there were routine questions that you had asked the candidates and I...

MS. SCHAEFER: You know the...was there a set of questions? No. There were...the interview was half an hour and we had...we had talked a little bit beforehand about things we might want to cover in the interview. Everyone raised questions, they were not the same questions. At the end of each session we asked three things, we asked them if there was anything that would embarrass, we asked them if they would be willing to serve for eight years, we asked if there was anything that they wanted to tell us that had not...or change in answer or whatever, was there anything they wanted to add to, before the interview was over.

COUNCILMEMBER SUGIMURA: So, it was pretty fair and open?

MS. SCHAEFER: Very evenhanded, and yet, like I said, there were some tough questions. There were some applicants that had some questions that were raised out in the community and that we were aware of and we asked about those things. We couldn't...you can't...you...we knew we couldn't be bashful, we couldn't be so polite that we didn't ask the important hard questions. And so that's what we did.

CHAIR MOLINA: Okay, thank you, Ms. Schaefer. You answered Councilmember Sugimura's question.

COUNCILMEMBER KING: Chair, can I...

CHAIR MOLINA: Councilmember King?

COUNCILMEMBER KING: Yeah, I'd like to follow up on a question, actually it was asked earlier of Mr. Niess and I think he said you might be able to answer it. But that was a question that one of my colleagues brought up about what was it in the...he made the

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statement that the qualifications made it too restrictive. So, the Charter did not change, the qualifications are in the ordinance. So, can you answer that question? Like --

MS. SCHAEFER: Yes.

COUNCILMEMBER KING: --what was it in there that made it difficult?

MS. SCHAEFER: All right, there was...there is one...again I'm trying to abide by Mr. Kushi's...I'm trying to figure out how I can get around this without referring to the person and the position. But there was a person who applied and was the only one qualified because of the description of that position.

COUNCILMEMBER KING: Right, but what was it in the description, in the ordinance...

MS. SCHAEFER: It said you had to have had either been the director or had been the deputy.

COUNCILMEMBER KING: I don't recall any of that language in there. I mean...

MS. SCHAEFER: Well, we were puzzled by it but we had no one to answer. Tony is an attorney, he didn't feel, you know, he didn't...he said it was ambiguous and so it did create a problem. And the other problem was and this goes to the description, the definitions, it says five years, a college degree or five years equivalent or equivalent service. And what is equivalent service, is it five years, is it six years, is it ten years of experience?

COUNCILMEMBER KING: Right, but so...

CHAIR MOLINA: Chairman King, at this point the Chair would like to put a stop for now for the questions for...to give Ms. Schaefer a breather. We've got 25 other people who, that have signed up for testimony. So, I've invited Ms. Schaefer to be part of the deliberation phase. She can follow up on any questions --

COUNCILMEMBER KING: You can...

CHAIR MOLINA: --at this point. So, if you'll indulge the Chair's request. Okay, thank you. Thank you, Madge.

MS. SCHAEFER: This is what I read to you. I'll give this to the clerk and I will be happy to come back if you promise me a parking space somewhere close.

CHAIR MOLINA: We'll definitely look into that.

COUNCILMEMBER KING: Probably won't be today.

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CHAIR MOLINA: And thank you, Ms. Schaefer, and I apologize for any misunderstandings with regards to the, my facilitation of today's meeting. But this is quite new ground we've broken on with the Council. Next we have to testify Mr. Paul Janes-Brown, to be followed by Mark Sheehan. And thank you, Mr. Janes-Brown, for your patience. Proceed.

MR. JANES-BROWN: You're the one who is patient. Aloha. I'm Paul Janes-Brown. I'm a 21-year malihini. I live in Pukalani. And I first, was the first development director for Maui Youth and Family Services. I followed that up as being the general manager for Maui Academy of Performing Arts. Then I went on to be the development director and marketing director for Maui Economic Opportunity. I went into my own business in consulting and I consulted with the Cameron Center, I consulted on the hale of Hospice Maui, helped to raise the funds for that, and I also work with Lokelani Ohana to establish the first adult home for adults with disabilities. I'm here to support and you're probably surprised because of what I'm here for, because I had such a strong position in initiating the council-manager form of government that we hopefully will be dealing with in this coming session. I'm here to support the confirmation of Sananda "Sandy" Baz as the next Maui County Managing Director. Both the temperament and experience, there is no one in our community who is better able to handle this job. It can be said Mr. Baz has been preparing for this job for a lifetime. I've known Mr. Baz for 15 years, first when I was development director for Maui Youth and Family Services. We frequently interfaced with MEO where Sandy worked in IT. When Gladys Baisa left, he...she handpicked Mr. Baz as her successor. After my wife passed in 2007, I became the development and marketing director at MEO where I had the privilege of working closely with Sandy on the projects that were important to MEO. In this capacity, I had the opportunity to observe not only his organizational acumen but also management expertise. MEO is the oldest and largest social service agency on Maui with a storied tradition of excellence in the community. Sandy expanded the agency, led the move from the old yard on Vevau and Kane Street to the new location in Puunene. And when he was called to expanded public service as Maui County Budget Director under Mayor Arakawa's Administration, he left MEO substantially better than when he began. As Budget Director, I don't need to tell you, Members who served during the previous Administration, what an excellent job he had done ensuring that both the budgets and...presented to the Council were sensible, served the needs of the community, and would allow for the County to maintain its reputation for fiscal accountability and management excellence. Mr. Baz is eminently qualified not only through experience but also by education, holds a degree in business management, was a winner of *Pacific Business News* 40 Under 40 award, in addition to other leadership awards, and has a master's degree in public administration. I urge esteemed Members of this Committee to look favorably upon Mr. Baz and confirm his appointment as next Maui County Manager. We cannot do better. Mahalo.

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CHAIR MOLINA: Thank you, Mr. Janes-Brown. Members, any need for clarification of Mr. Janes-Brown's testimony? Thank you very much. Okay, next to testify we have Mr. Mark Sheehan who will be testifying on two items, items (2) and (8), to be followed by Norma Barroga Cronkite. Mr. Sheehan? Is he in the gallery? Okay, apparently he has left. Okay, Ms. Norma Barroga Cronkite, you're up. And she'll be testifying on Committee item (8). And she will be followed by I believe Leona Wilson. Thank you.

MS. CRONKITE: I was going to say good morning but it's afternoon, Chair Molina, Vice-Chair Rawlins-Fernandez, and Council Chair Kelly King, and all the Committee Members. My name is Norma Barroga Cronkite, a former member of the Maui Planning Commission in the early '90s and a retired school administrator. I have 36 years of experience in the Hawaii Department of Education, of which 28 years was in administration. Thank you for this opportunity to speak before you today. I would like you to know that I strongly support Michele McLean's appointment and confirmation as Director of Planning. I believe that she meets the requirements of the job. She has more than eight years of serving as Director and Deputy Director for the County of Maui, Department of Planning. Michele McLean's academic profile indicates that she also meets the professional qualification for the position of Director of Planning. She has passed the American Institute of Certified Planners exam in 2018. She is also a member of the American Planning Association, and she went through the master's degree program in master's degree in business administration at the University of Phoenix. And she holds a bachelor's degree in political science. Based on the foregoing, I believe that Michele McLean meets both the work experience and professional qualifications for the Director of Planning position. I'm glad that there is a checks and balance in the County government relative to the appointment of County directors. This process prevents arbitrary and capricious appointments. And I'm very much interested in listening to your deliberations later on next week I believe, because I have something to say about the selection committee work, because I'm getting different messages because I was one of the applicants. In summary, please confirm Michele for the Director of Planning, she is highly qualified for the position, and I had personal experience with her relative to the permits that we had for our property in Kihei, and she was knowledgeable and very helpful when we came and asked for her help. So again, thank you for this opportunity and please consider Michele McLean. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Barroga Cronkite. Members, any need for clarification for, regarding Ms. Barroga Cronkite's testimony? Seeing none, thank you. Next to testify we have Leona Wilson, to be followed by Adele Rugg. And Ms. Wilson will be testifying on Committee item (8).

MS. WILSON: Good afternoon. My name's Leona Rocha Wilson. I just, I wasn't going to say this but, you know, I've heard people say I've been here for 19 years and 14 years, my family has been here for 134 years. They came as laborers so we've been around for a long time. As a matter of fact, it's the Rocha and Fernandez--I don't know if we're related--that came here back when. So, in effect I'm representing my family, the

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Rocha and the Fernandez family which is a very large family here on Maui. And some of you as a matter of point, some of you probably remembered that I made an application for a permit and it was denied. Well, that being said, during that time, I had the pleasure of working with Michele McLean, and so here I stand, you would think I would be upset about it but on the contrary. Michele McLean really, during that two years she really...I really grew to admire this woman. Her style of conducting herself, she took the time to explain the law and was always patient in doing so. And believe me, she needed patience with me. She answered my questions always with the understanding of the permit process. For many of us it was a new endeavor, it was stuff that we've never done before. So, it required a special person to go ahead and deal with those of us who are really emotional when we are in fact applying for an application or a permit. Her character is without question. She knows the law. She was able to articulate it to someone new like myself so that I could understand the process. Her patience, quiet lady, I did most of the talking. Her style is definitely needed as the Director of Planning. Let me tell you why, without her style I am sure there would have been tremendous conflict in our County. For those of us who are upset about certain things, she calmed us down, she made us understand why she was saying what she was saying and why it was necessary. So, I stand here before you asking to please approve Michele McLean as Planning Director. There's also something I'd like to say. I'd like you to consider all the appointees, the directors and the deputies, you know, they're just doing their jobs. They're just doing their jobs. Some of you like them, some of you don't. Some decisions are really bad, but they're trying to provide the roof over their head and food on the table for their families. So, when you're making decisions on people like this, please consider that. In conclusion, it is my hope that this Council will respect all the people of Maui, whether they voted for you, whether they voted for you or not, whether they did not vote. Your job is to make Maui better for all people. Thank you.

CHAIR MOLINA: Thank you, Ms. Rocha. Members, any need to clarify Ms. Rocha Wilson's testimony? Seeing none, thank you very much. Next to testify is Adele Rugg, and she'll be followed by Mr. Ernie Cronkite. And Ms. Rugg will be testifying on Committee item (8).

MS. RUGG: Good afternoon and aloha, Chair Molina, Council Chair King, and Vice-Chair \_\_\_\_\_, and all of the Councilmembers. Again congratulations on being elected to serve the people of the County. I'm here today to speak about Michele McLean. We worked together many years ago when she was in Council Services, and I was always impressed with her accessibility, her work ethic. She always did her homework. And I was always impressed with how she handled the constituency. I also am encouraging you to consider all of the Council...excuse me, all of the directors and deputies. I have worked with a number of them and again, they are good people. They're trying to do the job the best they can for the citizens of this County. So again, please, please go to your hearts, think of all these wonderful directors and deputies who have put their names on the line for all of us, because I can assure you having been in an Administration where we had to go through this process, there's nothing more

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important to the Mayor of this County to have directors and deputies that he can work with and can count on and can trust. Mahalo.

CHAIR MOLINA: Thank you, Ms. Rugg. Members, any need to clarify Ms. Rugg's testimony? Seeing none, thank you.

MS. RUGG: You're welcome.

CHAIR MOLINA: Next to testify is Ernie Cronkite, to be followed by Richard Higashi. Mr. Cronkite will be testifying on Committee item (8).

MR. CRONKITE: Good afternoon --

CHAIR MOLINA: Good afternoon.

MR. CRONKITE: --Chairman. Good afternoon, Council. I'm here to strongly support the nomination of Michele McLean. Michele has a lot of qualifications. She has a bachelor's degree. She has a...working in the MBA program at the University of the Pacific. She is also certified as a planner, and in her whole career prior to being with the County of Maui, she also worked in planning. She's been a Deputy Director of Planning here on Maui for eight years which gives her a lot of qualifications. I had some personal dealings with her, I had a house in Kihei that I needed some help with on the aftermarket building permit, and Michele walked me through it, explained it clearly. She was very, very good in how she did that, explained it, and she is a true professional. Michele is an asset to Maui County. It would be horrible for, not to let her stay in Maui County as, in a position of Director of Planning. I urge you to vote in favor of her. And I'd like to thank you very much for listening to me. And that's it.

CHAIR MOLINA: Okay, thank you very much, Mr. Cronkite. Members, any need to clarify Mr. Cronkite's testimony? Seeing none, thank you. Next to testify we have Mr. Richard Higashi, to be followed by Ms. Lucienne de Naie. And Mr. Higashi will be testifying on item (1).

MR. HIGASHI: Good afternoon, Mike and Members of the Council. I've...brings back memories about being on the Planning Commission and having to listen to testimony up until five and six o'clock in the afternoon, and after a while you feel like it's just going on continuously. But anyway, I just want to say that as a former member of, vice-chair, and acting chair of the Maui County Planning Commission, I've been informed that there was the possibility that Ms. Michele McLean's position might be disapproved. And this is the reason why I'm here. Basically, we are volunteer parents, we don't get paid, we're not employed, and I think the Planning Commission is one of the commissions that is like a quasar [sic] County Council. We cover practically all of the area that you cover. The only difference is we do not make the final decision, we basically make a recommendation. And Michele McLean is the direct...as that...when I was chair, she was the Deputy Director and as the Deputy

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Director she did an excellent job about supporting what we needed to do on the Commission. The Mayor to my knowledge is the first person that has selected a committee to evaluate candidates for the position of director and deputy director, and I think it's a merit on the Mayor's part to do something very different than what previous Administrators have done and that is provide an independent committee to be able to recommend the best possible candidate for the positions. I urge you as Members of the Council to give the Mayor the opportunity to work with the appointed positions for at least a year and then let the Mayor do an evaluation as to the effectiveness of that particular person. I thank you for giving me the opportunity to come before you and ask for your support in the new administrators that's coming about. Thank you very much.

CHAIR MOLINA: Thank you, Mr. Higashi. And by the way, thank you for your service on the Maui Planning Commission. We know that's quite a challenging Commission to work on. Members, any need to clarify Mr. Higashi's testimony? Seeing none, thank you. Next to testify we have Ms. Lucienne de Naie, to be followed by Zandra Amaral Crouse. Lucienne? Lucienne's left the building for the moment. Okay. We'll move on to Ms. Amaral Crouse. Thank you.

COUNCILMEMBER SUGIMURA: Chair? How many more testifiers do you have?

CHAIR MOLINA: Good question. By my count at this point, we have eight...we had 87 individuals signed up for testimony, or make that 86, we're currently at number 67 so we're looking at roughly 20 more testifiers. And Ms. Crouse will be testifying on item number (1) or actually on all nominees I should say. Thank you.

MS. CROUSE: Okay. Good evening, Councilmembers, Committee Chair Molina, and the Councilmember of my district, Kelly King, thank you, and all of you for all of the work that you do. I'd like to first open up to say that I like the idea of a selection committee. What I don't like is knowing what they asked, how they asked it, and how come one list got accepted and another one didn't. But that's a process we'll go through and I don't want to answer any questions, okay, you guys. I going just tell you what I think. Okay. First, Sandy Baz, I have known Sandy for many, many, many years before he went to MEO, and every time I've approached him as a young man and me as an older lady and asked him on things of how to operate in the community, what needs to be done in certain things, and me having been in many community organizations with youths and homeless and other committees of that sort, when he was in at MEO prior to becoming the CEO, you know, he was very helpful along with Gladys Baisa. So, and the work that I've seen him do last session with the previous Council and working with Councilmember Riki Hokama collaboratively and I saw very smooth. Generally, Riki generally really he's tough on our money, he keep 'em, but with Sandy the...he was the same way as well so they thought along the same lines. And they were able to save the County money by working collaboratively together and kukakuka as we say in Hawaii, talk story. So, I am in total support of Sandy Baz as our administrative head for Managing Director. I think he is collaborative. I think he's sensitive to

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everybody's needs, and I think he's exceptionally knowledgeable on the policies/procedures of our County, our State, and our Federal government that allows us to smoothly run through processes. But foremost above all, I would recommend him because I really don't know...I really can tell you it does not matter who you put in the departments, Mr. Baz will be able to work with them. It doesn't matter for him. What matters or what I've seen is just getting the job done. Thank you, Sandy. Thank you.

CHAIR MOLINA: Thank you very much, Zandra. Members, any need to clarify the testimony of Ms. Amaral Crouse? Seeing none, thank you very much.

MS. CROUSE: Thank you.

CHAIR MOLINA: Next to testify we have Albert Perez, and...

MS. CROUSE: I'm now on...

CHAIR MOLINA: Oh, excuse me, I'm sorry. You wanted to testify on every nominee.

MS. CROUSE: Yes.

CHAIR MOLINA: Correct.

MS. CROUSE: Yes.

CHAIR MOLINA: Okay, proceed.

MS. CROUSE: Yes. On item 1(11), Karla H. Peters, as our Parks and Recreation Director. I had the privilege of working not with her but with her, with Parks in Kihei even before she was in Parks. I mean this goes way back to JoAnne, when Karla was but a little girl, with JoAnne Johnson, when we were trying to get all these parks together. She worked as a private citizen, as a young lady working for parks in South Maui, and at that time we had a real problem because South Maui children could not play any games in South Maui, State championships or otherwise because of the layout on the field. Well, Karla was one of the people who worked with our community business owners, Dorvin Lee [sic] and other business owners to help to reconfig what is now called the Dorvin Lee [sic] Baseball Field. She has gone from doing menial things and doing it constructively, gone on to doing higher and better things, bigger things. Karla like Sandy I believe is collaborative. It doesn't matter who you put by her, she works with all people, any person. Foremost, Karla works with the community. When you approach her in the grocery store or Parks and Rec, she'll stop, she'll talk to you, and she will listen. So, I humbly ask that you as a body consider this girl and not because she's young, okay. I mean I heard about the process about being younger, you know. But simply because on her merits she deserves to be there but foremost not only Kihei but Maui County, Maui nui as a whole deserves to have her. Thank you.



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CHAIR MOLINA: Okay, Members, any need to clarify Ms. Amaral Crouse's testimony regarding Ms. Peters? Okay, Ms. Amaral Crouse, please proceed with your next item for testimony.

MS. CROUSE: Thank you. The appointment of administrative head, Director of Transportation, Marc Takamori. What really makes me excited about this is he is a keiki o ka aina, but we had a job to bring him back home. That excites me. When we can see our children being able to move back to Maui because they can find a job that they qualify for but not only qualify for, have a track record of expertise in what they are offering the citizens of Maui nui. For that I am grateful, and I humbly ask for you approve the nomination on Marc, of Marc Takamori. Thank you.

CHAIR MOLINA: Okay, thank you. Members, any need to clarify? Okay, proceed with your next item, Ms. Amaral Crouse.

MS. CROUSE: Crouse like in house. I know it's hard, it's hard. Okay. Administrative head, department...for the Director of Environmental Management, Michael M. Miyamoto. I will have to trust because I know very little about Mr. Miyamoto, I really do. But I will have to trust the testimony of those before me, those after me, and your deliberations to make a decision based upon qualifications. And also base your decision on the heart of the individual. This is where Maui nui really is different from any state I have ever lived in. We're a small community and unless a leader, be it a Councilperson like yourselves, be it our department heads, be it like our Mayor, unless we have the heart and interest and welfare of our people first, qualifications don't matter. Anyone can learn a job. Not too many people can feel the emotion and the need of keiki o ka aina. So, that there I humbly ask you listen to the deliberations, deliberate wisely and do what is right for the people of Maui nui. Thank you.

CHAIR MOLINA: Okay, Members, any need to clarify Ms. Amaral Crouse's testimony regarding Mr. Miyamoto? Seeing none, proceed, Ms. Amaral Crouse, with your next item for testimony.

MS. CROUSE: My next will be G-1(3) [sic], John King...Kim appointment for Prosecuting Attorney. When I worked with the courthouse, I had an opportunity to work with him. And I would like to combine his and Mr. Wong's, if I may, sir?

CHAIR MOLINA: Proceed.

MS. CROUSE: Okay. But I like my six minutes. Okay. No, no.

CHAIR MOLINA: I'll allow...okay, let me clarify, so...

MS. CROUSE: See my...you saw my representative go oh, come on.

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CHAIR MOLINA: Yeah, why don't you --

MS. CROUSE: Okay.

CHAIR MOLINA: --just go ahead with Mr. Kim for the rest --

MS. CROUSE: Okay.

CHAIR MOLINA: --of your time and then...

MS. CROUSE: Okay, Mr. Kim. I know the man and I think he would do well but foremost, don't listen to me, what I think is more pertinent is listening to the people he works with, listening to those attorneys who came before you. When I was at the courthouse...well, when I was at the University of Hawaii . . .*(inaudible)*. . . one of the courses we took and that was one that lasted for three months, every day, all day, and that was separating emotion from fact of law. When you search a law or someone comes to you with a problem, you don't focus on the emotion, you focus on the law. And we as a people wouldn't want to be any other way. We really wouldn't because our laws are put into place to protect us. And many, many...I mean my heart goes out to the many testifiers who suffered because of laws that they felt was or was not intentionally skewed against them. But while confirming Mr. Kim's appointment, I humbly ask that you look at the testifiers, look at the attorneys that work for and with him, look at the people who worked with and he for them. And again, have deliberations where you make prudent decisions based upon facts, not emotions, because as we all know, our community needs to rely on the law. Either than that, we have chaos. Thank you.

CHAIR MOLINA: Okay, thank you, Ms. Amaral Crouse.

MS. CROUSE: Okay.

CHAIR MOLINA: Members, any need for clarification? If not, Ms. Amaral Crouse, with your next item I believe that was Mr. Wong.

MS. CROUSE: No, that's Ms. Michele McLean --

CHAIR MOLINA: Okay --

MS. CROUSE: --next.

CHAIR MOLINA: --proceed.

MS. CROUSE: Yes, 1(8). Michele McLean, I had an opportunity very recently to go into her office and ask for some direction, some questions of her clerks and they couldn't answer the questions. So, Michele was in her office so they \_\_\_\_\_ around, got her, and

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she came out and she said you know what, come. And she took me into this conference room, got out all these blueprints, got out all the stuff and she said this is...come. And she with all that she has to contend with, sat down patiently and explained to me in a layman's term what I needed to tell my community because of development that's coming up in my community. But we needed answers and we needed to know what the County was doing, because nobody told us, nobody told them. And my hat goes off to her because with patience she sat there. She told me...I said you know what, this going take me some time so she went to her office, left me with this, but she said you know what, Zandra, if you need me I'm right around the corner. And I did not feel like I was bothering her at all, and I did not feel like I could not get up off of that table if I had a question and go right around the corner to ask her that questions if I had them. And that is something that I have rarely seen in government, in my community and I have been involved in government for well over 45 years in this community, born and raised. But that no matter, if I was born and raised, okay, so no take issue with that. But I humbly ask you to please, Council, Chair, please, when you look at Michele, look at the projects that that young man showed you on that board. She has brought many a projects, many a permitted, and most of those projects are for our local people. Why do we need to train someone else to only put off these projects for another two years? So, I humbly ask you support. She's intelligence [sic], she's patient. Foremost, she's collaborative and can work with people and that's important. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Ms. Amaral Crouse. Members, any need for clarification? Okay, Ms. Crouse, your final item.

MS. CROUSE: Patrick Wong, I would say the same thing as I did for Mr. Kim and that having worked in the courthouse, I have seen and sat in many a jury trials as an administrator, watching attorneys having to make hard decisions and not wanting to make the decisions that they make, because it's maybe a family member or...well we know each other, they know these guys. But they know and they are sworn by oath to uphold the law. So, the only decisions, be it laws of land use, criminal law, family law, whatever it is, there are guidelines for these lawyers to follow. So, I humbly ask you when you look at Mr. Wong, realize that as an attorney he only can interpret the law as it is written. Administratively maybe help, what you could do to help these lawyers is come up with legislation that would prevent what happened with the zipline happening again. That is my thoughts. 'Cause it's not Mr. Wong, it's the legislation that he needed to follow and you need to know that. And as a judicial...your responsibility really is, every decision you make on land, be it whatever, it needs to be based on facts. It needs to be based...and if it doesn't work, you are the body that can change the law. So, I humbly ask you, especially with land use there's much that needs to be changed, and Corp. Counsel would be a great place to, for you guys to tap into. So, I humbly ask you to look at his nomination and approve his nomination, because I do not believe it's Mr. Kim [sic], I believe it's the legislation as it lies today. No law, no legislation prevented those ziplines from going in, none, and if it did, why didn't you guys tell 'em? I mean you guys work collaboratively with them, not one

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here, one there. I thank you all for listening to me. I look forward to the next two years. I look at all of you, I appreciate all of you and the Mayor. I appreciate all you guys working together, but remember as the last testifier says, you are working for the people of Maui County, not about you. As my dear Mayor would say it's not about me, it is about we. Thank you.

CHAIR MOLINA: Thank you, Ms. Amaral Crouse. Members, any need to clarify Ms. Amaral Crouse's testimony? Seeing none, thank you for your testimony. Members, it is 4:45, Chair would like to take a brief ten...brief break, roughly ten minutes to consult with the Members on their availability for the rest of this evening. We do have about 18 more testifiers signed up. So, anyway, recess. Please be back promptly in ten minutes. . . . *(gavel)* . . .

**RECESS: 4:44 p.m.**

**RECONVENE: 5:01 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The Governance...Government [sic], Ethics, and Transparency Committee meeting will now come back to order. Members, it's just after 5:00 p.m., we're almost through with the testimonial phase. By the Chair's count we have 13 more sign-ups. As I had mentioned earlier there was a little bit more but some people have indicated they will not return this evening. So, let us continue with testimony. Brian McCafferty, to be followed by Lisa Almeida. Mr. McCafferty? Okay, he's not here. Moving on to Lisa Almeida. Lisa Almeida? Not here?

UNIDENTIFIED SPEAKER (from the audience): She's coming.

CHAIR MOLINA: Oh, she is coming? Okay, please proceed. Thank you. No rush, we don't want any injuries. Thank you for staying for our proceedings today. And, Members, thank you too. I know it's been a very long day. I, honestly the Chair didn't anticipate this much amount of testimony, but it's also a good thing to see democracy is in action here in Maui County. And thank you to all of you in the public who have stayed throughout these proceedings today. Ms. Almeida?

MS. ALMEIDA: Good evening, Committee Chair Molina and Councilmembers. My name is Lisa Almeida and I'm here to testify in support of Karla Peters for the position of Director of Parks and Recreation. Although I am an employee of the County of Maui Parks Department, I am here this evening as a private citizen. As a local resident born and raised here on Maui, I've seen over the years both personally and professionally the challenges that can come with living in such a unique and beautiful location. Each day people charged with the responsibility of overseeing and caring for this place that we all call home are faced with multiple complex decisions that must be made in dealing with the challenges that come with our unique ecosystem, our economic engines, and our mixed cultures. There are often a number of competing interests and a fine line between the balance of what's required to sustain our economy and

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what's necessary to preserve our environment and our community for generations to come. To be successful in such an endeavor isn't easy. Patience, professionalism, fairness, and an ethical foundation combined with our local values where they're needed and a broader national outlook to gain insight to the possibilities that are out there are all required. Karla possesses these qualities. In my time working with the County, I have worked most extensively with Karla since July of 2017. She has a solid knowledge of the procurement process for everything from contracts to purchase orders, knowledge of the Budget Ordinance, of the fiscal operations that need to occur within every year to effectively manage and utilize the funds that are appropriated, knowledge of the planning and development process for the County--and that's across departments, State agencies, not just parks--the knowledge of the processes involved in dealing with personnel actions, and most importantly the understanding of the day-to-day tasks necessary to keep the lights on and the facilities functioning, all of the things that you look for in a good manager. Aside from that, she possesses qualities that you look for in a good leader. She takes the time to learn about the situation or challenge at hand, what steps have already been taken, and then she assists in developing solutions. As nerve wracking as it can be to testify personally in a forum for which I am only accustomed to for work, I felt it important to come today and bring to life the documents that you have before you. Her qualifications and track record of successful performance and promotion, they speak for themselves. I am here because the intangibles are harder to measure. Her passion, her drive, and her commitment to the Department's success is not only evident in her performance but in the impact she has had on individuals such as myself by providing her assistance to help us succeed as the management team.

CHAIR MOLINA: Okay, thank you, Ms. Almeida. Members, is there a request to clarify Ms. Almeida's comments or testimony? Councilmember King?

COUNCILMEMBER KING: Thank you. Thank you for being here. You said something about documents that you brought before us?

MS. ALMEIDA: Oh no, I'm sorry, I meant the attachments that were a part of the submittals.

COUNCILMEMBER KING: Oh, they're already in the record?

MS. ALMEIDA: Yeah.

COUNCILMEMBER KING: Okay, thank you.

MS. ALMEIDA: Yeah.

CHAIR MOLINA: Okay, thank you, Member King. Okay, thank you, Ms. Almeida. Next to testify we have Sylvia Hamilton Kerr, to be followed by Kimberlyn Scott. Ms. Hamilton Kerr? Oh, there she is. Okay, thank you. And she'll be testifying on Committee item (8).

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MS. KERR: Good evening, Chair.

CHAIR MOLINA: Good evening.

MS. KERR: Good evening, Councilmembers. I'm sure you're all sore from sitting here. Thank you so much for all of you being here and hearing all of this. So, my name is Sylvia Hamilton Kerr and I'm testifying on, in support of Michele McLean. I am testifying just as a community member, a business person. I have a business in Haiku called Haiku Mill, and so I've been working with the County over the last year or two trying to get compliant on a lot of things to do with my business. And it's going along very well and thanks to all of you. So, I just wanted to say what an amazing experience it was sort of to, every time I've had anything to do with Michele McLean, it's been quite remarkable. At one point, there was a little glitch in the process of moving a certain issue along, and I was directed to get in touch with Michele so I think I probably sent her an e-mail and said here's the problem I'm having. It was just a, kind of a brief description, and I believe she got back to me in like ten minutes. Like I don't know if that happens very often in government, but I sent off the e-mail and I thought well I'll, hopefully I'll hear back within a few days and in fact it was almost immediately. And it was so common sense and easy. And I don't know if other people in my position feel the same way I do about the County, but to me it's just this massive maze that's completely unintelligible, it's this department and that department and a whole bunch of departments and sometimes they're conflicting and I don't know how they all work and I don't know what goes first to get to the next thing. It's all very confusing to me at least I mean and probably someone like me that doesn't have the experience and expertise in the County, it's all just confusing. So, when I've spoken to Michele or had dealings with Michele, whether it's e-mail or a call or whatever, she's so accessible. She's just there and she speaks to me, speaks to us in very clear terms and gets back to you immediately and she's just very helpful. So, thanks for hearing my testimony and thanks to all of you for sitting here. You must be so tired. Thank you.

CHAIR MOLINA: Thank you, Ms. Hamilton Kerr. And your thoughts are very much appreciated. Members, any need to clarify Ms. Hamilton Kerr's testimony? Seeing none, thank you.

MS. KERR: Thank you.

CHAIR MOLINA: Next to testify is Kimberlyn Scott, to be followed by Max Tsai. And Ms. Scott will be testifying on item (3).

MS. SCOTT: Aloha, Maui County Councilmembers. Thank you so much for the level of commitment it takes to stay this long. I am testifying in opposition to the appointment of J.D. Kim as Head Prosecutor of Maui County. I have had many interactions with Mr. Kim I would love to talk about, but because of the time limits I'm going to testify

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regarding Mr. Kim's lack of candor during his hiring process in 2011 and again in 2015, and here we are again in 2019. His lies of omission are against his prosecutorial responsibilities, rules, standards, code of ethics, and his oath of office. The issue is no longer what he omitted but...or when he omitted it, rather it is that he omitted. This is the opposite of transparency. The American Bar Association represents the highest standard achievable for prosecutors. It tells us clearly that "a lawyer's conduct should conform to the requirements of the law in the lawyer's business and personal affairs. A lawyer should demonstrate respect for the legal system and for those who serve it, including public officials. It is a lawyer's duty to uphold legal process. In light of the prosecutor's public responsibilities, broad authority and discretion, the prosecutor has a heightened duty of candor in fulfilling professional obligations." Will Mr. Kim apply the same heightened duty of candor he had during his hiring to the hiring process of other prosecutors in his charge? What if a victim witness or expert witness omits facts? Mr. Kim is setting a dangerous precedent for our County. All other counties within the State of Hawaii but Maui have elections to decide the position of the head prosecutor, thus the people have a say in the decision. Here you will decide what is best for the people. The Maui County Charter contains a code of ethics which declares "Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government." If the construct of truth, justice and law are to remain incorruptible then the purveyors of truth, justice and law must be incorruptible. Their ethical code must be without blemish so that they can with pono stand in judgment of others. As the guardians of justice, head prosecutors in particular can ill afford to tarnish truth or law by action or inaction. Can we say Mr. Kim has displayed a code of ethics that exemplify the highest standards of ethical conduct so that the public may justifiably have trust and confidence in the integrity of this government? The answer clearly is no. The Council has the power to decide...may I please finish?

CHAIR MOLINA: Proceed.

MS. SCOTT: The Council has the power to decide this issue through the Charter. "The Council shall have the power to conduct investigations of the operation of any department or function of the County and any subject upon which the Council may legislate." Today, you are the guardians of truth, justice and law. Let them guide your decision, do not give enormous power to anyone with questionable integrity. Thank you. Does anyone have any questions?

CHAIR MOLINA: Okay, thank you, Ms. Scott. Members, any need to clarify Ms. Scott's testimony? Thank you very much. Oh, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Sorry, Miss...

CHAIR MOLINA: I'm sorry. Go ahead, Ms. Keani, Ms. Rawlins-Fernandez.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your testimony today, Ms. Scott. I'm not sure if you would want to explain a little bit about an example of your situation or your experience with Mr. Kim?

MS. SCOTT: Well, there's multiple examples that I have dealt with, but one of the ones that I can support with a, with facts that are...let's see here. Basically, one of the prosecutorial responsibilities outlined that if a prosecutor in his position sees and knows that there is a deficiency in law, part of his job is to make it right. Okay. Now, I have a quote from the press where his Deputy Prosecutor Robert Rivera pointed or basically apologized to myself and my family, saying that we were subjected to a system that it totally ignores victims. And so obviously...and he was speaking for his office. So, obviously they know that this is a problem. In my interactions with J.D. Kim over the last five years, I've really tried as many victims do, to turn what was...what is a tragedy in my life to something good, try to get something good out of it. So, I've tried to help with victims enforcement, because we have zero enforcement, the press has more power than victims do in this State. And every time...this has been four years, every time J.D. Kim has come out against us. He's been unwilling to come to the table and discuss anything. He's just come out against. And when I asked him if we could sit down and have a conversation about how we can work it out, he told me that his offices do not work with victims and that is the truest thing he has ever said to me. They don't, they don't even acknowledge us. And I would like to point out that in this vetting process that we're all talking about, one of the biggest demographics, it's great that J.D. Kim has all of these attorneys who came to testify for him in his favor, they all have something to gain. I have a lot to lose and most of the victims that...because now I work in victim advocacy, they're afraid to come up here and talk, that's why there aren't a whole bunch of us up here. We are retaliated against and I can give examples to the Council of retaliations. I can prove that they've happened. This is not what we want from somebody with that kind of power, period. It...Maui County deserves so much better and I do believe we can find better.

CHAIR MOLINA: Thank you, Ms. Scott. Ms. Rawlins, are you finished?

VICE-CHAIR RAWLINS-FERNANDEZ: Thanks. I think yeah. Thank you.

CHAIR MOLINA: Thank you. Members, any other need for clarification?

COUNCILMEMBER KING: Just a question, Chair.

CHAIR MOLINA: Councilmember King?

COUNCILMEMBER KING: Thank you. Can you send us in writing, you know, any proof that you have?

MS. SCOTT: Absolutely. I have actually recordings, because after my second interview prior to the trial, it became very clear to me that I was being lied to so I began to record all



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of the conversations that went on. And I can't even tell you how many lies were told to us. And these were not just misrepresentations, they were outright lies. And I don't...I didn't go to school to be a victim or a lawyer, I'm the only one in the criminal...on the criminal stage besides the accused who basically...how should I put this, we're the only ones that are there without being paid to be there. And even talking today I feel at risk. There are still things going on in my daughter's case. I'm still trying to get some of her remains back, what little there is. And that's been held over my head. That should not be happening. That should not be happening. They should not make promises to me, tell me that they can do things and then turn it around when they find out I'm against.

CHAIR MOLINA: Thank you, Ms. Scott.

COUNCILMEMBER KING: I appreciate your coming here and I appreciate the position that puts you in. So, whatever you feel comfortable...

MS. SCOTT: I'll give you everything because I have nothing left to lose. So --

COUNCILMEMBER KING: Thank you.

MS. SCOTT: --I will do whatever. And I would really like to, you mentioned, Chair, that there is a...I can't remember what you called it, I wrote it down here. I would like to be asked to be a resource to the selection committee. I would really love that because I don't see how anybody could say that they have fully vetted a prosecutor, a head prosecutor without talking to the huge demographic represented by victims. I don't see...like, it's great that everybody's asking lawyers, but hello, we're here too and we have to interact with them and we have zero power and nothing to gain and everything to lose. So, I would love to be invited to that. I have a ton of information for you guys.

CHAIR MOLINA: All right.

MS. SCOTT: So --

CHAIR MOLINA: Thank you.

MS. SCOTT: --aloha and thank you again for hearing me, and I really hope you guys make the right decision here.

CHAIR MOLINA: Thank you, Ms. Scott. Okay, Members, next to testify we have Mr. Max Tsai. Mr. Tsai? Okay, has he left? Okay, moving on. We have Michael Newbro, followed by Gladys Baisa. Mr. Newbro? Michael? Not here? Okay, next to testify is Gladys Baisa, to be followed by Bobbie Patnode. A rather familiar face coming up to the podium, and Ms. Baisa will be testifying on all the nominees.

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MS. BAISA: Thank you, Chair Molina and Members. And I was going to say good afternoon but we're getting to evening. My name is Gladys Baisa and I'm here to express my support for Sandy Baz to become our Managing Director. I have a very short story--I promise--to share which will help you understand why I support him. When I was approaching my last years at MEO and I had been there a total of 37 years, my biggest concern was for who would be my successor. And I guess you guys know how I felt very deeply that I wanted to make sure that whoever was going to take my place would take care of that treasure. I was very lucky and very serendipitously, Sandy Baz came to work for MEO to install and maintain our new computer system. I had never met him before, didn't know who he was, never heard of him. And in a matter of weeks and I took it a little longer, I think it was about six months that I invited Sandy to lunch with a mission and the mission was to ask him would you like to be groomed to be my successor. It was that quick. I recognized the character, the smart young man this was, the heart that he has and the dedication he has to our community. Sandy has been born and raised in Maui, he is one of us. I went to the board and the...of course Sandy was surprised. He told me later he thought I had asked him to lunch 'cause I was going to fire him. Not even close. Not even close. I cannot get over how serendipitous that was and how beautiful that it worked out. Went to the board and the board I asked them if I could mentor him, because I really wanted to spend time making sure that he was ready when I left. Sandy did a beautiful job. I left very comfortably and went to the County Council not worried at all about MEO. And I think all of you know that MEO is doing very well and that Sandy took it to another level. And I trust him implicitly that we'll put our County in good hands. And so I wanted to tell you the story behind why I'm here in support of him. It's more than I like him, it's because I trust him and I know he'll do a good job for us. I'd really like to ask you for support for him.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. Members, any need to clarify Ms. Baisa's testimony? Okay, thank you, Ms. Baisa. Do you have some more testimony?

MS. BAISA: That's it.

CHAIR MOLINA: Okay.

MS. BAISA: Thank you very, very much. I told I'd keep it short and that's hard for me.

CHAIR MOLINA: Okay. You're a person of your word. Thank you so much, we appreciate your comments. Next to testify we have Bobbie Patnode, to be followed by Donnie Becker. And Ms. Patnode will be testifying on item number (8).

MS. PATNODE: Put this microphone back up here. Aloha, Council and Chair. My name is Bobbie Patnode, I'm testifying in support of the appointment of Michele McLean as Planning Director. As a member of the Ag Working Group, I worked with Ms. McLean starting in 2016, to revise and update the Planning Department rules for structures on Ag-zoned land. Michele came to the Ag Working Group looking for assistance so the

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Department would be able to have rules that made sense to farmers. We met several times in 2016, 2017 and 2018 and suggested many changes. Looking back in my notes from this work, I see many comments from the Ag Working Group about how Michele was receptive and committed to making the rules work for farmers. I don't have time to give you all the examples of how the existing rules caused problems and did not reflect farming reality. The Department was inconsistent in how the rules were administered and was heavily dependent on the individual staff person's view of agriculture. Michele wanted to be sure there was no inconsistency or certainly as little as possible. Along the way, we realized that the rules were not working because they were written from the perspective that the farmer was trying to skirt the law. In fact, all real farmers want to do is run their business and make some money. Demonstrating strategic leadership, Ms. McLean agreed that the rules needed to be written so they support farmers instead of assuming farmers are cheating. We agreed we should not have rules that are not needed or not based on the law. The Orion audit report helped as it pointed out that Maui has devolved into excessive rulemaking. We did some work to look on how other counties administer buildings in the Ag zone. We learned that the Big Island and Kauai do not require a farm plan and instead use a declaration. Michele agreed this was possible for Maui, which will save both farmers and the Department time and money. We completed the work on updating the rules in November, and in December the public comment meeting was held. Even at this meeting, Michele demonstrated the principle to support farmers and made two final changes. The new rules are now effective. There is more work to be done. Michele has said she will help us write a bill that would allow for changes in housing on Ag-zoned property so farmers can help with our housing problems. Michele strongly supports the rewrite of Title 19. We are all sitting on the brink of changes for agriculture in Maui County. My experience working with Michele McLean has shown that she believes the Planning Department works better when the community is involved, and that's why I support her as Director.

CHAIR MOLINA: Thank you, Ms. Patnode. Members, any need to clarify Ms. Patnode's testimony? Seeing none, thank you for your comments, Bobbie. Next to testify we have Donnie Becker. Donnie? Not here? Okay. Moving on, Brian Bilberry, and followed by Hayden Aluli.

MR. BILBERRY: Thank you, Chair. Members, good evening. I am going to be testifying hopefully very briefly on item number (2) and then I just have a quick comment on items number (1) and (8). I came to the Department of Corporation Counsel in 2014 after 17 years in private practice. I was just looking for a change and Maui looked like a really interesting place to come. I talked to one of your retired judges and I told him I was interested in a position with Corporation Counsel, and the first thing he said to me was that the County of Maui was extremely fortunate to have Pat Wong as its Corporation Counsel. I've been with Corp. Counsel for four-and-a-half years and I have to agree with that assessment 150 percent. I've had the occasion to work with three of Maui's current Circuit Court judges. They all speak very highly of Mr. Wong. One in particular has commented to me about his facility for legal analysis and

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understanding of the law, his legal ability. And he has actually worked directly with Pat in the private sector before becoming a judge and mentioned to me that when you are talking with Mr. Pat about legal matters, it doesn't take long to realize he's generally two or three steps ahead of you, and I can confirm that to be the case. We have worked on some pretty complex cases. Just in the last two years, we've had three cases in front of the Hawaii Supreme Court. We've got another one which is likely to go there. We just finished a case with the US Supreme Court, and Mr. Wong has been able to grasp very quickly and with significant facility the complexity of these cases and assist me greatly in getting those cases and in front of the courts and having our positions heard. So, that is an invaluable asset. Three of our Circuit Court judges think and speak very highly of this lawyer. We've had, at least I've attended three annual municipal attorney conferences in the last three or four years. All of Pat's peers and that means the corporation counsels from the island of Kauai, the island of Hawaii and the City and County of Honolulu all also think and speak highly of Pat. And they have all, in my experience of dealing with them, have looked to him for guidance. And most recently we just had the case dealing with the ballot initiative and...I need to move forward. You also heard two attorneys in the private sector come up here and speak very positively about Mr. Wong. That is my experience in dealing with lawyers in the community, they definitely all have positive things to say and I think his honesty and integrity amongst the things that have discussed or always come up. The only...the last thing I wanted to talk about was professional responsibility.

CHAIR MOLINA: Okay, Mr. Bilberry, if you could conclude --

MR. BILBERRY: I'll wrap it up.

CHAIR MOLINA: --in the next 30 seconds?

MR. BILBERRY: Thank you. I think I can. I've been with Pat on multiple occasion in the former Mayor's Office. I've been with Pat in front of this body, the former Council's body, Council body and what I've witnessed is that he listens to all sides of a debate, and I've witnessed on occasions have to explain to both the Mayor's Office and to this body why a particular course of action might be a problem for the County. It is not a lawyer's job to simply do what a client tells them to do, and any lawyer that does that is going to get himself eventually into trouble with the ethics board and likely lead his council into trouble. I've watched him navigate between competing interests of the Administration and the Council and has been able to reconcile conflicting positions after listening to both sides, I think. And again, resolving conflicts and advocating ultimately for courses of action which are in the interest of the County. He's not political. He is...his heart really is in the interest of the County of Maui and I've seen that over and over again.

CHAIR MOLINA: Okay, thank you, Mr. Bilberry.

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MR. BILBERRY: Okay.

CHAIR MOLINA: Members, any need to clarify Mr. Bilberry's testimony regarding Mr. Wong?  
Seeing none, thank you very much for your testimony, sir.

MR. BILBERRY: Actually I had signed up to testify on the other --

CHAIR MOLINA: Oh --

MR. BILBERRY: --issues as well.

CHAIR MOLINA: --I apologize. So, you had --

MR. BILBERRY: But that's...

CHAIR MOLINA: --item (2). Members, any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Go ahead, Mr. Bilberry. You can testify on your next item.

MR. BILBERRY: Yeah and just quickly, all I wanted to say is on item number (1) I haven't had to...the opportunity to work with Mr. Baz at length, but I have had the opportunity to work with Mr. Baz and I find him to be a consummate professional. He did assist us in a case that somebody mentioned here earlier. I certainly will on another occasion when we discuss that case, dispel some of the, I think what were misrepresentations being made here about that resort litigation and about what the import of Mr. Baz's testimony was. But Mr. Baz did assist us with that case and I found that he grasped the issues and the concerns readily. And again after 17 years in the private practice, I have not met individuals with the level of professionalism that I've met here working with the County that I did in private practice. I would highly endorse Mr. Baz as the Managing Director. I have worked closely with Ms. McLean. We actually tried a case in 2015 and Ms. McLean had to sit there for four weeks with us during that case. It was a jury trial. And I find Ms. McLean to also be another consummate professional who the County is fortunate to have. So, I would just ask you to, you know, also approve Ms. McLean as the Director of Department of Planning. Thank you very much.

CHAIR MOLINA: Thank you, Mr. Bilberry.

MR. BILBERRY: I will...

CHAIR MOLINA: Members, any need for clarification?

MR. BILBERRY: I will look forward to working with you all as we go forward.

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CHAIR MOLINA: Okay, thank you. Seeing none, thank you, Mr. Bilberry. Your testimony is appreciated. Next to testify we have Mr. Hayden Aluli, to be followed by Jamie Becraft. And Mr. Aluli will be testifying on I believe three items, item (8), (2), and (3) if I'm correct.

MR. ALULI: No, it's just (8) and...

CHAIR MOLINA: Just (8) and (2)? Okay, thank you. Proceed.

MR. ALULI: Aloha. Aloha, Chair Molina and honorable Members of the Council. First off, I want to congratulate all of you on being the voice of your district to represent those interests of the public. And in doing so, I am proud to be here to testify in strong support of Ms. McLean. Looking at her resume and seeing how highly qualified she is, I think I agree that the County is very well and fortunate to have her expertise as the Director of Planning. As a side note, I heard some testimony that she, when she was in private practice went to the dark side. Okay. I think it is gaining experience. I was personally involved in that alleged dark side. I have a family property out in the west end that we intervened where Ms. McLean was the consultant for the developer, and I can say that she was professional and handled the case that we were involved in, in a very cordial and professional manner. And in speaking to what I heard about some testimony about you were put here to huli the system. Now, I think of huli'ing a system as paddling my canoe and we go huli. Yeah, that's something that you don't want to do, because when you do that, you have to reorganize and get back in that canoe and figure out where everybody's going to be. Okay. So, the concept of huli'ing the system is I hope that you don't read your mandate as some people have, because as I look at a system that went huli is in the Federal government. Okay. We have a system that they claimed to drain the swamp, but they went huli the system and look where we are. You have a brand new Mayor, you need to work with his process and trust that his vetting process of nominating each, and those directors are...been vetted properly. And what a unfortunate situation if we do have a system where all of you Councilmembers along with the Administration are trying to go in a direction in the best interest of us the County of Maui that you like huli the system. Why don't you get organized and trust that the nominators...nominations that he has vetted and asked for your confirmation is get on the same canoe, paddle the same stroke and go forward. And I hope that you're able to do that starting with Ms. McLean. Now, I want to also...I written...given some written testimony in strong support of Corporation Counsel Patrick Kanohalani Wong. I am a Native Hawaiian attorney and I'm just blessed to have the privilege and honor of being licensed to practice law since 1984. And I look to other members of the bar and I'm proud to see Patrick giving eight years' experience, leading one of the largest law firms in the County of Maui. Now, in doing my preparation to try to come here to voice my strong support, I looked at Patrick's reappointment process four years ago and I really was taken at the kind of negative comments that came from the public that does not or did not understand the role of a lawyer and the role of protecting attorney-client privileges and why it's necessary to go

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into executive session. One of the huge gripes that I heard was the decision of Corporation Counsel not to file and protect the GMO litigation, the initiative. Right? And the decision or I hear the comments or read the comments that that was such a wrong decision because the public said Patrick is not representing us. But you know that's not his role as an attorney, Corporation Counsel, his role and his client is the County of Maui, not the general public. And I know that he say...based on the testimony, he did not join the lawsuit and I guess Atay had to jump in and had to hire their own lawyers to implement or protect the banning of the GMO. But what happened when it went to Federal court, Patrick's decision not to involve or expose the County to attorney's fees because the Federal court found as a matter of law that a county's initiative is preempted by State and Federal law. So, even though the people wanted the banning of GMO, as a matter of law, that initiative was a nonstarter. Okay, nonstarter. And Patrick did the right thing despite the popular vote, right, the popular people that came in and said support us, he saved the County millions of attorney's fees arguably and I want to, you to know that. And lastly, easy to throw mud, I heard accusations of money laundering, breaking the law, but you know what, it's so hard to clean up. Where is the evidence? And I hope that you would exercise your independence and your due diligence and talk to these deputies and staff of Corporation Counsel and get your feedback, because he's running a good ship. Thank you very much.

CHAIR MOLINA: Thank you, Mr. Aluli. Members, any need for clarification on Mr. Aluli's testimony regarding Ms. McLean and Mr. Wong? Seeing none, thank you.

MR. ALULI: Thank you.

CHAIR MOLINA: Thank you. Next to testify we have Jamie Becraft, to be followed by our last person to have signed up for public testimony, Mr. Ivan Lay.

MR. BECRAFT: Thank you, Mr. Chair. Thank you, everyone, for staying after and letting us finish our testimony. My name's Jamie Becraft and I'm here to support Patrick Wong. A little background about myself, I served 25 years as a Maui County police officer, and I've been able to work with three different Administrations of Corporation Counsel. And I've done quite a bit of work with them, variety of type of cases throughout my career, including testifying with them, defending the County all the way to the Federal court level. And based on that, I'm going to say I give Patrick Wong my highest recommendation. You know I'd like to give a quote from the late President Reagan, he once said "The greatest leader is not necessarily the one who does the greatest things, he's the one that gets the people to do the greatest things." And this is Pat, this is Pat Wong by definition. He doesn't walk around tooting his own horn, he doesn't talk about the multitude of situations where he's protected the County in lawsuits, given advice that helped us in a multitude of different ways. It's just not who he is. But he has, he's done all sorts of things to protect the County and save us money, keep us out of litigation, and all sorts of improvements. He's what I define as a great leader. He clears the way for his employees and empowers them to be able to

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do great things, and he does it through his leadership and the fact that they know, you know, they can go to him. He has the experience. He's a litigator, he spent a lot of time in court. To our, you know, to our Members and especially our new Members, you know, you're tasked to make these difficult calls right out of the gate, you know, you just got here, so I feel for you. And the thing about negative, it's easy to be negative. People love to find one thing, you know, that I want to talk about, the one time you tripped over your laces, you know. That's just not the appropriate thing to do. To me, one thing doesn't make a person. We remember that not everyone agrees with everything we said, you know, you don't agree with your spouse, you don't agree even with your parents. You're not going to agree with everything but you have to look at a person in totality. And the totality of Pat's decisions and how he's run Corporation Counsel to me speaks for itself and it's unquestioned. So, I would truly hope that not only does he gets passed but I would truly that everyone Councilmember votes to pass him.

CHAIR MOLINA: Okay, thank you very much, Mr. Becraft. And, Mr. Becraft, by the way did sign up to testify on two items. Any need for clarification for Mr. Becraft regarding his testimony on Mr. Wong? Okay, seeing none, and by the way, Mr. Becraft, I just wanted to add on your sign-up sheet you did indicate that you are a registered lobbyist. Can you tell us what...I see it highlighted here. No? Okay, so you're...

MR. BECRAFT: No.

CHAIR MOLINA: So, that was a mistake?

MR. BECRAFT: I don't have a highlighter.

CHAIR MOLINA: Okay. I'm just ...*(inaudible)*... Okay, so for the record you are not a registered lobbyist?

MR. BECRAFT: I'm not, yeah, I'm not trusted with a highlighter.

CHAIR MOLINA: Okay, I don't know why this was shaded, but anyway. All right, you may proceed with your next item which is item (1).

MR. BECRAFT: Thank you. I also want to speak in, on regard to Sandy Baz. I've worked with him also since he was in MEO. I was in, you know, being in the Police Department, we're involved in all sorts of programs and I've always found Sandy to be very supportive, very intelligent man. Never had any problems with him and he's been working in the County since, probably before I was. So, I just think that he also in a totality of everything, if you look at all of his accomplishments, if you're able to find something wrong, I'm sure you can on anybody, but I think his totality of his work speaks for itself and I support him also.



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CHAIR MOLINA: Thank you very much, Mr. Becraft. Members, any need to clarify Mr. Becraft's testimony?

MR. BECRAFT: Thank you.

CHAIR MOLINA: Seeing none, thank you. Next to testify we have Mr. Ivan Lay, and we did have one more request for testimony, Mr. Lay will be followed by Michael Hopper. Mr. Lay? Okay, is Mr. Lay here? He was here earlier. Seeing none, Mr. Hopper, you have the podium. And Mr. Hopper will be testifying on item (2).

MR. HOPPER: Good evening, Councilmembers and Mr. Chair and Members of the Committee. My name is Michael Hopper, I'm a Deputy Corporation Counsel. I did submit written testimony on this matter. I wasn't sure if I'd be able to make it, I had a commission meeting earlier this morning, but I guess fortunately for me that we're afterhours now and so I have the opportunity to come and testify. I've been a Deputy Corporation Counsel with the Department for the past 12 years. I've worked in a couple of different Administrations. I've met and worked with some of you and those of you that I have not met or worked with before, I look forward to working with you in the coming years. I've worked with Pat for the last eight years, and I'm here to testify in strong support of his appointment as Corporation Counsel for the County of Maui. During the eight years that I've worked with Pat, he's demonstrated I think the unique ability to understand both complex issues in the litigation and counseling and drafting sections of our Department. I think that's a very wide variety of issues that we have to deal with, and I think Pat has demonstrated the ability to understand both sides of the, of our Department which can be drastically different sides. He came from a litigation background but I think he has managed over the past eight years to develop a strong understanding of all matters before the County. In addition and perhaps most importantly, I think Pat has staffed our Department with a strong group of deputies that work very well together. I feel that I can go to another deputy on an issue that they may have researched before, and I can save a tremendous amount of time by communicating with them on that issue and finding the right answer on that issue which would maybe otherwise take me a day of research to look at. So, I think that that's extremely important. And I think the comradery in our Department is also very important as I think that we feel that, you know, we're working together as a team to provide the County's legal needs together. And so I just wanted to come and supplement my written testimony in support of the appointment of Pat Wong as Corporation Counsel. Thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Hopper. Members, any need for clarification regarding Mr. Hopper's testimony? Seeing none, thank you very much, Mr. Hopper. Mr. Hopper was the last person to have signed up for public testimony. Is there anyone in the gallery that would like to testify on any of our agenda items today? Seeing no one approaching, Committee Staff, can you verify if there are still testifiers waiting on our sister islands, Molokai, Lanai as well as Hana?

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MS. ESPELETA: Mr. Chair, Staff received no e-mails of any testifiers in those districts.

CHAIR MOLINA: Thank you. Members, if there are no objections, the Chair will close public testimony for today's agenda.

COUNCILMEMBERS VOICED NO OBJECTIONS

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR MOLINA: Thank you very much, Members. Members, it's about quarter to 6:00. I realize you have been here going on close to nine hours. The Chair would like to ask for your indulgence. I believe we can take action on one, possibly two of our director nominees. So at this point, I know Mr. Baz is up first on the agenda, I anticipate possibly some drawn-out discussion on Mr. Baz. We do have a couple of other directors that may not require as much discussion. What is the pleasure of the body, would you like to proceed with the agenda as such or would you allow the Chair some flexibility to consider other nominees, Members?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Any...yes?

COUNCILMEMBER KING: Do we...I'm happy to go ahead and, you know, at your pleasure, but do we have a firm stop date or stop time for the meeting?

CHAIR MOLINA: Yeah, thank you for bringing that up, Chairman King. The Chair was looking at holding you for your commitment to stay till 7:00 p.m. tonight, roughly an hour. Is that...can many of you stay till then or 6:30? What is the pleasure of the Members before...I'd like to know...well, we have seven Members here present. We need a minimum of five to continue, and of course five votes are needed to take action whichever way. Seven o'clock, can --

COUNCILMEMBER KING: Can we...

CHAIR MOLINA: --is there a problem for some of you to stay until 7:00? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: That's fine. Why don't you...what are you proposing I guess?

CHAIR MOLINA: I'm proposing working till at least 7:00.

COUNCILMEMBER SUGIMURA: That's fine.

CHAIR MOLINA: About roughly, a little over an hour. Ms. Lee?

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COUNCILMEMBER LEE: Do you have a list of recommendations?

CHAIR MOLINA: A list of recommendations...

COUNCILMEMBER LEE: On the nominees.

CHAIR MOLINA: I don't have a list per se but I would recommend maybe two of our nominees that may not take up considerable time such as Ms. Peters as well as Mr. Takamori.

COUNCILMEMBER SUGIMURA: And then you adjourn, I mean you'll recess, is that what you're thinking?

CHAIR MOLINA: And then we...Chair will consider a recess. I will go as long as you want to stay here, Members.

COUNCILMEMBER LEE: Move to approve.

CHAIR MOLINA: Okay, well let's first call up the nominee. So, first of all let me ask for your indulgence to allow the Chair some flexibility to --

COUNCILMEMBER SUGIMURA: So...fine.

CHAIR MOLINA: --consider other nominees.

COUNCILMEMBER SUGIMURA: Fine.

CHAIR MOLINA: Okay, thank you. All righty, then if there are no objections, the Chair would like to first proceed with Ms. Peters, the nominee as Parks Director.

COUNCILMEMBERS VOICED NO OBJECTIONS

**GET-1(11) APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF  
DEPARTMENTS (DIRECTOR OF PARKS AND RECREATION) (CC 19-1)**

CHAIR MOLINA: Ms. Peters? And I realize it's late. Members, I had a ten-minute dissertation to give to you prior to hearing from our nominee, but in the interest of saving time and the long day you have spent with us here, I will forego that. I'm glad some of you are still smiling, it's been a long day but certainly very interesting testimony and compelling. Ms. Peters, please get comfortable. I'd like to ask Ms. Tegarden if she's still in the room to please come...have a...join us up here. As the Mayor's representative, if, Ms. Tegarden, if you have any brief opening comments with regards to Ms. Peters, I will allow you that opportunity. If not, we'll go right directly to

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Ms. Peters to give us a summary or an overview of reasons why she would like to be considered as the Director of our Parks Department. You can have a seat at the press desk. Yeah. Do we have a...any room upfront? If not, that's fine. Okay. Ms. Tegarden, do you have any opening comments with regards to Ms. Peters?

MS. TEGARDEN: Yes, thank you, Committee Chair. It's been a long day and on behalf of our office we thank everyone for being here. I know we are on a tight schedule and I would just like to say that Mayor Victorino has all confidence and support in Ms. Peters and her ability to do an excellent job. She's been vetted by a selection committee and also the Mayor himself. I think the testimony today speaks to her abilities, her knowledge, both by staff members and members of the community. So, we have all confidence in her and all confidence in the Members here this evening to meet with her and discuss more in depth about her qualifications. And on behalf of the Mayor, again we thank you and we look forward to a favorable outcome. Thank you.

CHAIR MOLINA: Thank you, Ms. Tegarden. All right, Ms. Peters, you have the floor.

MS. PETERS: Good evening, Chair Molina and Committee Members. Thank you for the opportunity for me to appear to you here today. My name is Karla Peters and I've been appointed as the Director of the Parks and Recreation by Mayor Victorino. I was born and raised here on Maui and I've been in public service for 28 years, 21 of which have been with the Department of Parks and Recreation. I have 18 years of administrative experience in planning, design, construction, maintenance, and operations of the Parks and Recreation. In my most recent position as the Park Maintenance Superintendent, I administered, organized, directed and was responsible for the Department's Construction and Maintenance Division, beautification section, and the Waiehu Golf Course. In this capacity I was also responsible for the Division's overall budget and personnel. I applied for the position of the Director of the Department of Parks and Recreation with the intent of guiding our 416 team members in accomplishing the Department's missions and goals. With my ability to work effectively and collaborate with our team, County and State agencies and the Maui community, I believe we can improve the image of the Department, provide quality customer service, formulate and implement the Department's strategic plan, and utilize preventative maintenance procedures to assist in the maintenance of our aging facilities. I am happy to answer any questions you have and respectfully request your consideration. Mahalo.

CHAIR MOLINA: Thank you very much, Ms. Peters, and thank you for staying late with us. The floor is now open for questions. Chair would like to recognize Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I'll approach this more from my Committee's responsibilities' standpoint, Chairman, since I have a jurisdiction of parks and this Department. So, first I will state for the record that I

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have met with the nominee earlier and we had some discussions. One of the areas that she is very well informed about that I have taken great interest in and pursued it legislatively is the ability of concessions in this County and for us to have another revenue source to provide the funding for what we would like in our Parks and Recreation program, including facilities, programs, expansions. And so with that this evening, Ms. Peters, can you tell the, this Committee what is your priority or plans in how you want to approach the concession component of, for your Department?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair, thank you. Member Hokama, yes, so we have the concession bill that did go into effect and we are actively working on preparing administrative rules. We're looking at concessions in doing sponsorships, food trucks, and then also ultimately getting more concessions and new vendors out at the Waiehu Golf Course. We are also doing a, looking into an RFP for our special events and concessioning out items that we regularly require of the vendors at these events.

COUNCILMEMBER HOKAMA: Okay. Again, you mentioned 20 years and it belies how you look at us and how I look at you with age, so I'm happy you have that experience, Ms. Peters. But one of the things that you're aware of that, you know, I'll say it, I'm an old guy. Okay. So, my understanding of what Parks and Recs activity should be has changed over the course of I would say easily ten years. So, what have you seen changes from our community as in regards to recreation facilities that either we're not keeping up with or we're not recognizing as a need for us to provide through the Council? 'Cause, you know, 20 years ago, I can tell you I never ever heard of a pickleball thing, okay, but now pickleball is a huge thing nationally. So, obviously things are happening in Parks and Recs. Your observation for us, we are keeping up with what the community is looking at for physical fitness, competition, just being outside in the sun, what are your observations in this area?

MS. PETERS: Chair?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: So, Councilmember Hokama, what we're doing now is we're actively master planning a lot of our parks and looking at the current trends and getting community engagement to see yes, there is wide, you know, requests for pickleball. We need places for dogs to recreate. Dog parks are very highly requested as well. And we just recently opened up the Upcountry Skate Park so we do look at the trends within the, you know, nationwide trends and are hoping to incorporate that in our master planning to make sure that what we do build and what we do provide is what is the current trends and with what the community wants.

COUNCILMEMBER HOKAMA: So, Chairman, if I may please?

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CHAIR MOLINA: Proceed.

COUNCILMEMBER HOKAMA: Yeah, thank you. So, I guess you would be also looking at updating some of our requirements, whether it be minimal park requirements. Because I've noticed we have issues. Okay. I consider what's on Waiale a drainage basin. Okay. Some people call it the goat park. Some people call it a dog park. But it's pretty hard to be...for me to call it a park wherein one, where is the facility of a park, where is the restroom, where is the parking? Okay. I consider that a drainage basin but yet my understanding it's one of your parks. Is that correct?

MS. PETERS: So, in Maui County Code 18.16.320 is the Park Dedication Ordinance, and it requires for every residential or dwelling unit in excess of three to provide either land, a cash in-lieu fee or a combination of both. Also part of that requirement is that this body accepts a park dedication agreement based on what the developer is proposing. So, what we're looking at doing right now and bringing it to committee is changing or making revisions to that Code. 'Cause the Code says that the developer provide grading, grassing, automatic irrigation, parking and restroom which may be waived. So, in our system planning what we're identifying is what types of parks we have. So, if we're proposing for an active park based on the number of acreages, we look at saying okay, we need 50 to 100 stalls and we need our restrooms to have the capacity to take in the amount of visitors and users of the park to make it usable. You know we have good examples of areas where we did not require adequate parking, and people park within our parks, they park on the street. You know our average irrigation head runs 50 to \$100 a head, and if we have irrigation being run over by cars every day, that brings a big burden to our Department. So, that is something that we are actively looking in bringing back to committee and revisiting that County Code where we can use our system planning in identifying whether it's active or passive parks and what are the requirements and have that matrix, a fix to the Code.

COUNCILMEMBER HOKAMA: No, I understand 'cause that's Maui Lani Park and that's the new State Regional Park that the Lieutenant Governor got for us. So, I can appreciate that because it's amazing where people will park if we don't designate parking. So, I can appreciate your challenge in your Department there. The last one I wanted to ask you because you, you know, you're very versed and I appreciate that, how would you approach right now for your Department regarding some of the critical mass requirements of your positions? You would prefer to do overtime or would you prefer to look at expanded positions? What would you be your preference on how to get the job done, overtime or positions?

MS. PETERS: Chair?

CHAIR MOLINA: Proceed, Ms. Peters.

MS. PETERS: Member Hokama, yes, we would prefer positions. So, a lot of times our employees, you know, in order to live here, some of them do have to work another job.

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So, the requirement of, you know, or asking them to do the overtime may not always be an option. We'd rather the position, we'd rather train our staff and have a full-time body in that position to be able to, you know, execute and manage what we have to do on a day-to-day basis to keep our parks operational.

COUNCILMEMBER HOKAMA: No, I ask that because we are aware of the new acreage we have for, responsibilities of and the need for us to particularly look at how we're going to approach Central. It is your biggest district with the greatest need and cost. So, no, I'm looking forward to your recommendations and I am going to support your confirmation, 'cause I believe you're the right person at the right time for this Department. You will have other challenges internally I guarantee you, but as the Council's Committee Chair, I will definitely be supporting your confirmation. Thank you, Mr. Molina.

CHAIR MOLINA: And thank you, Mr. Hokama.

MS. PETERS: Thank you, Member Hokama.

CHAIR MOLINA: Thank you. Members, questions for Ms. Peters? Chair King, followed by Member Lee.

COUNCILMEMBER KING: Thank you, Chair. I have a lot of questions but I'm going to keep it to a few and let the other Members ask.

CHAIR MOLINA: Thank you. The Chair appreciates that.

COUNCILMEMBER KING: I don't want to monopolize, but I wanted to ask you about management experience because you talked about being in charge of personnel and I don't know what that means. But have you had, have you actually had direct oversight into a lot of the, over the Parks Department employees?

MS. PETERS: Chair?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Yes, Chair King, I have. In my most recent position, I was the Parks Maintenance Superintendent in which I had 66, 99 percent UPW employees under me. As part of my other positions in the Planning and Development Division, I've managed consultants and contractors to ensure adherence to a...project plans that we were running on task and on schedule with our projects. And my last project out of that position as a CIP Coordinator was the Phase 1A of the South Maui Community Park which was a \$12 million construction project. And that cost did not include the design and permitting in which I was a part of for about ten years.

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COUNCILMEMBER KING: Okay. So, I was just...because I read all that but I didn't know how many people you were actually supervising. And kind of following up on Mr. Hokama's comment, do you see an opportunity to, going forward to run things more efficiently in the Department so that we don't have a lot of overtime or a lot of need for expanded personnel?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Thank you, Chair. Yeah, so we are actively looking at our organizational charts and ensuring that they align with the tasks that we have to do on a day-to-day basis. So with the expansion in Central Maui, we are, we did do a reorganization and we are proposing and will be in our '20 Budget proposal, we have two districts. So, we're splitting Central Maui into two. Now with that being said, we provide more park land to clean and to maintain as well as running our recreational programs. So, we need to be able to provide that staff in order to eliminate the overtime and run effectively. Maintenance of our equipment, we're looking at, you know, making sure we can get those maintained and properly on site so that we can operate during the normal work hours, the normal eight-hour workday. Now if we have equipment breakdown then it needs to get repaired, we don't have the equipment there, we may run into some overtime. Overtime is not something that is guaranteed, we do look effectively at the budget and ensure that we have the funding for it. If not, we will make, you know, a priority to find a way to get it done. And as my long-term goal--and I know you folks have all read it--is a friends program for every park district. You know it's the nationwide new normal, it's engaging our citizens to help us with items that we are tasked with that we don't have the manpower, equipment or funding for.

COUNCILMEMBER KING: Okay. And thank you for that, I appreciate that because I know we just bought this new parking lot in North Kihei for that beach park and the Aha Moku folks in Kihei are actually proposing that they do a friends program and can do some of the caretaking. So, my excitement in moving forward and having new leadership is to find smarter ways to do business and not just, you know, continue on the same old ways and then stuff happens and we have to add people on but to actually look for ways of doing things more efficiently and more effectively and bringing in revenue. So, my last question, Chair, and it's a twofold question having to do with revenue is can we move forward with the golf course in...I know you're trying to upgrade the food and beverage service, but in looking at more, making it more attractive to tourists and possibly doing tournaments there? And then the other question was on the CORA permits, because my understanding is that those have not been given out for a long time so there's a pot of money there that is collected by those, the existing CORA permits. But what we heard last year was that there are a lot of people on that waitlist that have not been getting those. So, could you just comment on those two items? Then I'll yield.

MS. PETERS: Chair?



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CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair King, yeah, so as far as the Waiehu Golf Course is concerned, on January 29<sup>th</sup>, we're opening up our request for proposals for a new operation software. What that's going to include is online booking which will attract our visitors. Also, a website marketing so that we can effectively bring in people and not have them only rely on our County website to see what we offer at the course. As well as that is it incorporates a point-of-sale system. Right now, we're using an antiquated reservation system and the County's cashing system. So, we're looking at being effective and efficient and getting a system that we can integrate and provide all of that into one operation. We're proposing to...we redid the back nine and if you folks have not been out there, it looks fabulous. Our, you know, our Waiehu Golf Course and beautification turf team have worked really hard. We didn't hire any contractors, it was all done in house. They did temporary greens at the request of the community to not close down. Maybe not the most opportune but we did not have to close down the course. So, we're proposing in April to do the front nine renovation. We have included that in the Fiscal Year '19 Budget, shown a reduction in revenue, because we do propose like in the back nine that there is a reduction in revenue and but yet that'll bring us up to where we can actively market the course, bring in, you know, tournaments. With the master plan of the new clubhouse, there'll actually be somewhere for these people to go and after the tournament have their functions, pass out the awards that they need to do. Right now, I don't know if any of you have seen it, it's just a little room and it's so inadequate for our golfers or just for anyone to be able to use. We're also looking at, you know, the concessions, working on...we have that restaurant concession is not actively in progress, we need to get some Code requirements done. So after it was vacated, we did a thorough inspection of the area and, you know, we have some requirements that we need to do before we can reduce liability and actually concession that out. So, we are working on getting that done. Our in-house staff has worked great in our construction and maintenance to upgrade the restroom on the back nine, number 14 tee. So, we get annual USGA reports and in one of those reports it did mention that people, you know, restrooms are important and the look of our restroom, and just the health and safety of it is important so we upgraded that. And we're also looking at the RFP of, or, you know, a concession where we can get a vendor to say hey, this is what I can do for you as far as, you know, implementing GolfBoards. You know that, they do that in West Maui, you know, we need to attract the younger generation. We need to attract our students to bring back golf into the community, to bring it back to a trend.

COUNCILMEMBER KING: Okay, thank you. And just quick thoughts on the CORA program, on how we can improve that.

MS. PETERS: So with the CORA program, what we really need to do first before we explore anything is to bring in all the stakeholders. It's important that we vet through a process that is fair and equitable in number one, what the rates and fees will be, and number two, if we are going to allow for additional permits. So, a study was done

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years back, I can't give you the date but I can get that information if you need it because I was one of the project managers on it, but we had assessed the environmental impact. And so it wasn't an Environmental Assessment but it did...we had people actively out there looking and, you know, how many vendors...I mean how many people actually are using the park versus how many commercial activity is going on. So, that's another thing that we may want to look at, but I think it's a process that we all need to sit down and look at it in a more I guess open session where all the stakeholders are there so we can all make a smart growth decision.

COUNCILMEMBER KING: Okay, thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Councilmember King. And certainly that topic of golf was on my mind to ask that question. And very good questions, you did ask and...

COUNCILMEMBER KING: Well, I was there recently, it's beautiful, it's way more beautiful than my golf game was 'cause that was pretty bad. But I just, I really want to give a shout out to the, our groundskeeper folks that are improving the golf course.

CHAIR MOLINA: I'm sure that's much appreciated. And, you know, folks, we do have two of the most proficient golfers in Maui County Council history sitting here right in the room tonight, I speak of Councilmember Hokama and Councilmember Lee. And, Ms. Lee, you have the floor now.

COUNCILMEMBER LEE: Well, thank you for the BS. But anyway, I heard that Kelly took three hours to play the front nine?

COUNCILMEMBER KING: Only four holes.

COUNCILMEMBER LEE: Only four, oh my gosh. Yeah, so, Karla, I too will be supporting your nomination happily. We've met and we've gone over your qualifications, and, you know, it's very impressive all the things you have been able to do with the Parks Department. But following up on the question on, of the golf course, I just have two questions too. Is it too late to consider instead of closing down the front nine, doing three holes at a time, renovating the three greens at a time?

MS. PETERS: Chair?

COUNCILMEMBER LEE: And the reason...

CHAIR MOLINA: . . .*(inaudible)*. . .

COUNCILMEMBER LEE: Oh.

CHAIR MOLINA: I'm sorry, go ahead.

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COUNCILMEMBER LEE: Let me just follow this up a little bit. Because we lost a lot of clubs, you know, club play, individual play, because people prefer to play 18 holes or more than nine twice, yeah. And it was difficult for a lot of people who went there and who played there on a regular basis to play the front nine twice. So, we lost them to other golf courses, yeah, Kihei, Kahili, and so forth. So, have you considered the possibility of just closing three holes at a time?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair? Councilmember Lee, yeah, so when we did the back nine renovation, we did do temporary greens so that we could accommodate, you know, the golfers who did want to do the full 18 and not play the front nine twice. So, in going through that process, it was a very extensive process and we did come to this body many a times through committee to explain the reasons why we needed to do all nine holes at one time. So, the mobilization and to demobilize each individual hole or even at three would be cost prohibitive. So, we would have to have all, you know, we would be doing our, you know, killing off the grass and then having to come in and redo and then...so you mobilize and then you demobilize. You get crew to help maintain that three and then you're moving on to the next three. So, you can possibly have, you know, where you get some weeds going on to your new three greens from the other six that are still not done or in process, as well as, you know, it just...the manpower and time it takes, we just thought it would be cost prohibitive. And, you know, it's a four-and-a-half month process that I think if we all go and look at the back nine that it's well worth that time and that's the Department's...but we can also revisit and, you know, discuss that if that would be, you know, what this body is recommending.

COUNCILMEMBER LEE: Oh, I would highly suggest you talk to Art Rego, the golf pro at the golf court. Mr. Kushi and I golf there every single Saturday and almost every single Sunday so we're very, very familiar. And you know how I can tell that we're losing a lot of money? Is when you can find a parking space. You know generally we have to park way down the road, but nowadays you can park right upfront because hardly anybody's golfing, yeah. So, you may want to think about the additional cost of doing three holes at a time versus losing all these clubs, you know. So, you know, which one do you take? Yeah, which one? And then the other quick question, were you able to open the Waikapu Community Center?

MS. PETERS: Yes.

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Sorry, Chair.

CHAIR MOLINA: Okay.

MS. PETERS: So, yes, I did reach out to the Waikapu Community Association --

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COUNCILMEMBER LEE: Thank you.

MS. PETERS: --and our permit staff as well as our Planning and Development Division. So, right now the Waikapu Community Center is closed, and we're awaiting permits to get the renovation underway. We see no problem with doing a month-to-month rental for meetings. So, we are going to put out a, you know, a press release and just let people know it's not adequate for larger functions. We did have to board up some of the windows because of, we had vandalism during that time that it's being closed. But we will work with the community association and I am in contact with them. And we will also be working with the community and maybe doing a month-to-month where people can come in and get a permit for a smaller function. What we're trying to eliminate is the larger long-term booking and then we have the permit and the contractor's ready and we have to hold up even longer. So, we're not looking at long-term rental right now. I'm actively working on getting the permit. We're working with the agency on either getting us their response, or we will be reaching out to Department of Public Works and asking their assistance.

COUNCILMEMBER LEE: Thank you. And my last question or comment is first of all the comment, thank you very much for all you do for working with the other departments on the homeless problem. As you probably know, the Council's priority this term is affordable housing and trying to manage our homeless problem. And I understand that a lot of the homeless have been using our parks, in fact they were even staying I think in the Waikapu Community Center for some time. So, you know, I'm hoping that all of the departments will work with us, you know, as a team to address these very major problems. Thank you.

MS. PETERS: Chair? Thank you, Member Lee. Yeah, so we're looking at, you know, actively collaborating with the compassionate response team that was created or organized last year with Department of Housing and Human Concerns, Maui Police Department, our Parks Department and...

COUNCILMEMBER LEE: Public Works.

MS. PETERS: Public Works, yes. I was not going to forget Public Works, very important, we need all of their equipment to assist us. So, I believe that we've created a good team already, we will need to come back to the table, we have a lot of new players but players who are excited in what we can do to, you know, work with this body and with Administration on this important issue, yes.

COUNCILMEMBER LEE: Thank you very much.

CHAIR MOLINA: Thank you, Member Lee, for --

MS. PETERS: Thank you.

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CHAIR MOLINA: --that round of questions, and just a follow-up on your comments, Ms. Peters, with regard to doing outreach with the community. We met and you discussed that approach and I certainly can appreciate that. I believe it's important for not only your Department but for all departments to do outreach with the community, 'cause it's important our community knows what's going on with our departments, especially in the field of parks. So, I appreciate that initiative and energy that you're showing on that which I have not seen from other directors in years past. So, thank you. Thank you so much on that. Members, the floor is open. Mr. Sinenci from Hana, followed by Ms. Sugimura.

COUNCILMEMBER SINENCI: Hi, Ms. Peters. Thank you for meeting with myself and our staff last week. I just have a couple questions for you. You know at our orientation meeting with OCS, we were shown that the Parks Department has a high rate of employees who claim Workers' Compensation. And so...and I understand the high risk with working maintenance and outdoors. And I was wondering if you had a plan to address some of these high numbers and save the County with some of these workman's comp?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair? Thank you, Committee Member Sinenci. So, in looking at our numbers we have decreased since what was reported in the reports that the Cost of Government Commission provided. So, in 2017, we had 33 recordable claims. In 2018, we had 20, so we've seen a significant reduction in our Workers' Comp claims, and this is primarily due to enforcing that everyone wear their protective equipment. We have a safety specialist who is on our staff and is available and does training. We have an onboarding program for our new hires, and it's identified depending on what position you have that you will be required to take the safety training. As part of the return to work after a Workers' Comp claim, we do require the employee to go through more refresher training and whatever other additional training, safety training is required. So, we've seen reductions. We're working hard to make that number reduce, you know, significantly. And I believe that in utilizing our safety programs and ensuring that all of our staff is trained, we will achieve a lower number next year or this year.

COUNCILMEMBER SINENCI: Thank you.

MS. PETERS: Thank you.

COUNCILMEMBER SINENCI: My second question is as the Environmental Committee Chair, we can appreciate that you've picked several parks on a trial basis to use non-pesticide usage, and we hope you continue with that. My question would be we have a lot of aging facilities and some of our problems with some of the public restrooms have been either we cannot input leach fields because of the close proximity

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to water, and oftentimes we're pumping gray water at high cost to the County. And so I was wondering if there were some, some of your ideas or plans to address an environmental approach to some of our aging facilities?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair, thank you. Member Sinenci, yeah, so we are working with the Department of Environmental Management on that new wastewater system out there at Helene Hall. We're also looking into, you know, looking at our facilities and making sure, ensuring that the type of environmental issues are what we're wanting and where we're wanting it to be. So, as far as, you know, I know there is that issue with the pumping out in Hana, and so we're actively researching to see what our other options are in the interim of that new wastewater system. We are working with the Department of Water Supply on a gray water system out in Launiupoko. So, what that new initiative is, is it'll take the water from the showers and will, it'll go through a system in which we can utilize it for proper irrigation.

COUNCILMEMBER SINENCI: Thank you. My last question is, you know, we have a lot of families that for economic development they'll use some of the parks for concessions and festivals that we have out in East Maui. And for some of 'em the permitting process has been a chore, so to speak, for them, because they have to either get the Department of Health if a permit, if they're selling food. They need to insure the activity. So, is there any plans to...do you foresee doing any online permitting to kind of streamline that process?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Chair, thank you. Yeah, so we're governed by, you know, the Chapter 13.04A of our parks and recreational facilities, and what we do is we're trying to not only expedite the special event permit process but provide more outreach to the community. Our permit and enforcement team, you know, if you call upon them, they will walk you through the process. You know in looking at it, it is cumbersome, but it is required as part of our Code and we have to ensure that, you know, our...what we provide for our public is safe. You know we do require them to, you know, the special events to have requirements where yes, you may need to get a Department of Health permit if you're selling some type of food concession. We may require you to get Porta Potties if there is not enough available restrooms in the area. But in reaching out to the Department staff and, you know, we just ran...I just ran across this last week is I had a constituent e-mail me and say hey, Karla, there, you know, there's a flaw in the process, and I said explain to me what you need done. And so we had staff walk her through it and she's like, it wasn't bad at all. You know it's just again, community outreach. We are looking once we get the golf course and that operation system, in looking into a new permitting system which would allow for online reservations. Right now, the capability of on...we have no online reservations for our, any type of park or facility or for a special event. What we would start first with would be camping only

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because there's no refund. So, when you rent a community center say, you have to put down, you know, a deposit, and upon proper cleaning and the return of the key, you get refunded that. So, it's a little tricky process in doing online booking and the refunds, but we are working to get a system that we can effectively try out with the permitting of the camping and then move forward and eventually be able to do everything online, yes. That would be a goal.

COUNCILMEMBER SINENCI: Thank you.

MS. PETERS: Thank you.

CHAIR MOLINA: Okay, thank you, Councilmember Sinenci. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So nice to see you here and what a long day. I must say that I too support you to be confirmed as the Director of the Parks and Recreation. And all...the Members have asked you good questions about your future plans and things that are happening in the Department, but where I want to start is how fortunate I am to have seen you grow. In 1999 to 2002 when I worked for the Office of Economic Development and did projects in the community, I worked with you and I didn't realize you were the secretary for the planning, Parks Planning Office. And I always remember you 'cause you were very helpful and made sure that, you know, things got done or whatever you were asked, it happened. And by seeing you grow and develop into this manager and coming now for me to sit in this Council Chambers and see you through the budget process, our last budget process when you were sitting back where Deidre Tegarden was, and I heard you talk about your Department and your programs and I was so proud of you. And I just want to say that you know your stuff. And I can hear your passion as you're, you know, answering the questions of the Department. I want thank you for finally opening up the Upcountry Skate Park and it is a, something that I heard about for two years. Everybody was anxious, you know, to make this happen. I want to thank our Members who put in additional funds for it and for getting up the security fence. I'm glad to hear you have the friends of the parks programs, because I think the kids would love to participate. So, are...has that launched already or is it a future? I think it was a future growth.

MS. PETERS: Chair?

CHAIR MOLINA: Proceed, Ms. Peters.

MS. PETERS: Councilmember Sugimura, thank you very much. It was...it's always been a pleasure working with you as well. We know or with the only program that exists and it wasn't as a Department implemented are the South Maui Volunteers. So, Bob and Lis Richardson, you know, they very actively work on dune restoration. They work through a nonprofit where they can provide, you know, new benches and where it doesn't interfere with any of our collective bargaining agreements. But they can get funding through a nonprofit for items that we maybe cannot, you know, replace at the

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current time with the current operation budget. So, that is a more long-term goal. I did meet with my management team or our management team, and I asked them, what are your guys short-term and long-term goals? Being that I got this question and I wanted to ensure that I was portraying what our vision is of not only myself but of our team and our Department, and that was something that did come up. So, you know, I defer a lot to our executive management team. We have over, well over 150 years of public service between the seven of us, and I think, you know, they make the Department what it is, and to improve the image and to be able to do community outreach. You know another vision of mine is hey, we need to let everyone know who we are in the Parks Department. We have to get out. We do Fourth Fridays for our master planning. So, we're planning on doing, you know, let's go out and go do a First Friday somewhere or, you know, some type of event where it doesn't have to be about a project but it's about who we are, can we get your concerns, what can we do. And people in that different light, in a different atmosphere, you know, you get more collaborative, you get more energy, more creative, 'cause we're not all sitting around a table with our notes trying to figure out how to do things.

COUNCILMEMBER SUGIMURA: Excellent. One last question, Chair. So, the Upcountry area, East Maui parks I think is what it's called but it's so huge and Billy Amoral does a fantastic job. I think myself and Member Sinenci, we share the same area and it is so huge, but I hope one day as you have looked at the Central Maui area, I hope you can look at the Upcountry area or the East Maui parks area and maybe, you know, put it into two separate districts or something. I appreciate Mice, I think Mice works in the east...in Hana area and I've worked with her for Festivals of Aloha and Billy Amoral. I mean your crew is fabulous, so I want to thank you on that. And I want to do a personal thank you also to you as you helped the Boundless Playground which is right by the MACC, for it to come together with Pundy Yokouchi and all of the many Carpenters Union and all the volunteers that really put that together. But I hear from the family how you were instrumental in making sure that what needed to get done from the County side got handled and reaching out to the many volunteers that made it happen, so a personal thank you on that. And I totally support and I'm proud of you actually as I've seen you grow into this position. So, congratulations, and I look forward to working with you.

MS. PETERS: Thank you. I look forward to working with you too.

CHAIR MOLINA: Thank you, Councilmember Sugimura. If there are no other questions...Councilmember Rawlins-Fernandez, you have --

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: --a question? Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Chair. Okay, aloha, Ms. Peters. Thank you again for meeting with me. I saw in your questionnaire and I was hoping that you



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could explain more as you did in our meeting to clarify on the record what the strategic planning process looks like. It says it, that it started two years ago and then once the, once it's completed. And so just like as far as like the timeline and how long do you expect this to be completed?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Thank you, Chair. Yes, thank you for meeting me with...meeting with me too. I'm glad we got to share our ideas. Yeah, so our strategic plan, we started it about two years ago and right now we're in the data analysis and we're gathering our data phase of it. So, what we're doing is we have a tactical plan. We have our strategic plan committee that we need to reach back out to, you know, with everything that was going on, with the expansion of the Department, with change in leadership, it, the process kind of came to a little, you know, stop. And but in no way were we going to not proceed with it. So, what we're doing right now is, you know, getting back together. We're going to assemble our committee, complete the tactical plan. We'll need to then get all of our data, extract the internal and external resources that we need to do to come up with the formulation. So, once we come up with the formula of or formulate our strategy, we would then implement and then once you start implementing, you would then need to evaluate. So, in my estimation and, you know, we do this in house with staff who are already tasked with other projects and other duties. So, we anticipate the, you know, our final data collection and the tactical part of our plan to be possibly done within the next 18 months. And then from then, what we can do is move into the formulation. So, you know, it's not a process that we want to rush through and we've identified that in the very initial stages of the strategic planning. So, we came up with, you know, what is the Department's vision. What...we know what our mission is but what's the vision and goals, and in order to achieve those goals, our tactical plan is very important. It's some...nothing...something that we do not want to rush through. The system planning is important. Our district plans are important. You know asset management, getting a hold of all of our assets and properly managing them is important. Updating of inventory, we have inventory on, you know, the finance report from the 1980s, and, you know, so it may have gotten disposed of and, you know, just not properly taken off of inventory. So, that cleanup process is important and this is a part of the plan that we do not want to rush through. The tactical phase is very important.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR MOLINA: Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: And so a follow-up question to that, as the Budget Chair I'm curious to know how you would relate your goal setting in your strat planning, strategic planning to your budget request?

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CHAIR MOLINA: Ms. Peters?

MS. PETERS: Thank you, Chair. So, our budget request should be in alignment with what we come up with, our strategic plan. So, the goals that we've identified and the objectives that we do, they all need to be in alignment with the budget as well as our, you know, what our performance measures. So, what the strategic plan will help us identify in the budget is how are we doing? Can we do better performance measures as well as better budget planning? So, in looking at asset management, preventative maintenance procedures, we can identify failures before they occur. Like I said our, you know, our buildings are aging and we need to be able to address that. Maintenance is huge and by identifying a failure before they occur, we're not reacting but doing proactive budget planning.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Do you have another question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I have about three more.

CHAIR MOLINA: Yeah, go ahead. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, in our meeting we spoke about preventative care, put...doing a work order or operational software and a permitting software as you were discussing with Member Sinenci. So, have these costs been, have these expenses already been allocated?

MS. PETERS: Chair?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: So, the computerized maintenance management system has already been in effect and that's how we do our maintenance program. So, what happens is a work order is generated for any type of repair or a need within one of our parks, and this is identified through inspections or just, you know, if we get some information from the community or a constituent. So, it is inputted into that system. What we can then do is it's assigned to the appropriate staff, they come back in and at the end of day close out the work order by inputting the labor hours and material cost so we can then identify exactly how much it cost us to fix that broken irrigation head that got run over at the park from an event or, you know, something to that effect. Or in a larger projects when we do renovations internally, you know, it may take a longer process so we can see that it may be not, it would be cost prohibitive for us to take on a large project like that with only two plumbers, with only two painters, you know. And therefore it's something that we may want to look through the procurement process and putting it out to bid. As far as the permitting system, no, we haven't, we have not budgeted for it. We're still in the process of formulating an RFP and getting estimates

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so that we can put it into the budget. We're hoping to...anticipate getting that into the Fiscal Year '21.

VICE-CHAIR RAWLINS-FERNANDEZ: Twenty twenty-one.

MS. PETERS: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you.

MS. PETERS: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Member Sinenci mentioned that he hopes you will continue to work with Beyond Pesticides and pesticide-free management, and thank you for, you know, working with those organizations to take our County to that level of pest control. So, but I'm...so he said he hopes you'll continue but I'm going to ask the question, do you have plans to implement and expand the pesticide-free management parks for County-owned lands in your jurisdiction in line with the public's overwhelming support for this model?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: Thank you, Chair. Yeah, so we got a resolution for a donation from Beyond Pesticides which is a nonprofit organization. What they did do is they came out and they looked at the five pilot parks that we selected and they did soil analysis and came up with a recommendation. What we identified or what...and actually what they identified in the recommendation is the products that they were requesting that we use were not readily available here on Maui. So, then they...and also they being, you know, not from Maui, we're not able to work at...on...with us one on one on the implementation of the proposed process. So, what we did do is we worked with a local landscape person that they had identified that would be our guide to help us to implement, and we incorporated molasses into our soil and salt to kill the weeds. We did present to the committee at that time that, you know, it wasn't, the weed control, it wasn't as effective, but we also identified that hey, maybe we do need to incorporate our friends groups or our youth leagues and, you know, we have to actively maybe just start pulling the weeds. And so yes, we are going to be looking to exploring more options. I think we just need to get better, a better guidance from Beyond Pesticides. And, you know, in speaking with our turf team and looking at what we can do, you know, they don't want to be putting down chemicals either, it's, you know, it's harmful for the person applying it as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. And last question, so we spoke about accountability on, in West Maui and will you please expand a little on how you plan to help support West Maui to ensure that parks and the community centers are better maintained on that side?

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MS. PETERS: Chair?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: So, we have challenges in all of our districts and I know we spoke specifically about West Maui. So, what we are doing is making sure that everyone is accountable in the restroom checklist. You know so what I've tasked our executive management team with is like we have to have a standard operating procedure and not every procedure is identified. So, we bring staff onboard, we don't have that procedure, how are they...how are we to measure to make sure they're accountable and doing the work that we're requiring them to do? So, you know, if you go out and look at other restrooms in, you know, public area or, you know, private, whether it be at the hotels, you may see a checklist on a clipboard and every morning someone goes in and they check and say okay I did all these things, initial it. You know in the afternoon they do the same thing. But we have to have that standard operating procedure in order to hold people accountable for what they do.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, that's great. Okay, that was my last question. And I just again want to thank you for providing that support to our Molokai team. They really appreciate your hard work and collaboration, and I intend to support your confirmation. Thank you.

MS. PETERS: Thank you.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Committee Members, wonderful, wonderful set of questions you've asked. As a matter of fact, the Chair has pretty much run out of things to ask Ms. Peters; however, I do have one. In my prior service as a Councilmember, one of the things that I would get is calls from the public expressing concern about response times from the Department with regards to any parks concern. So, they would reach out to the Councilmembers, and certainly repairs of our parks and so forth is the responsibility of the Administration. How do you plan to improve the response time from the Department to the public when they have concerns? Because we'd certainly like to avoid having them call us and with complaints that the Department is not responding to them in a respectable amount of time. Can you share that with the Committee?

MS. PETERS: Chair and Committee, yeah, so as part of our priority for quality customer service, we are requiring that we give a response within 48 hours. And the response, you know, we do e-mail training and we're going to do customer service training. And what we're saying is whether your response be thank you for your e-mail, we will follow up and get back to you. Because we at, you know, at every...not every instance do we have the information to provide, and I'd rather provide...our staff and myself provide accurate information rather than making up something just so that we can respond. So, as part of our e-mail training and we just, I, you know, rolled it out again, we did it I want to say a year and a half ago, is that everyone was told within 48

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hours we're getting a response. As far as emergencies, you know, if someone calls me and leaves me a message then...and that same response within that time. So, you know, we know that it's not always achievable but we're going to work hard to make sure. You know our Deputy Director in the first week went through 1,000 e-mails that came to our general Parks' e-mail. What we're working with right now is our internal and external communication. We have seven means of ways that constituents can provide us with information or concerns and it funnels into not one system. So, that is one of our top priority goals is to identify and get the Department a system that can, we can funnel all of these concerns and compliments in and be able to, you know, get it back into our staff and get back to our constituents. And, you know, again we may not be able to address all of the concerns, but we will at least...you will at least get a reply back.

CHAIR MOLINA: All right, thank you, Ms. Peters. And I think as long as we can go towards the direction of improvement. And thank you. And I know it's part of your plan for more community outreach, and I'm sure the community would be much appreciative of that and a lot the associations that you've told me you're willing to go out. And maybe provide a hotline so to speak if that's one option to consider. Well, Members, the Chair is ready to offer a recommendation. Prior to that, Councilmember Hokama?

COUNCILMEMBER HOKAMA: Chairman, quickly. One, I would just ask Ms. Tegarden that what Ms. Peters just shared should be Countywide. All departments should respond timely to public requests, not just Parks, every department. One last question, did you in any way receive any type of communications from a former Member regarding whether or not you had five votes for confirmation before this meeting?

MS. PETERS: Chair?

CHAIR MOLINA: Ms. Peters?

MS. PETERS: No, I did not.

COUNCILMEMBER HOKAMA: Okay, 'cause I plan to ask every nominee this question. Thank you, Chairman.

CHAIR MOLINA: Thank you, Mr. Hokama. Members, the Chair is ready to offer a recommendation, and if you look at your agenda, there are two resolutions for consideration. One is of course to approve and the other resolution is to disapprove. The Chair would like to recommend to you the adoption of the revised proposed resolution entitled Approving the Mayor's Appointment for Karla Peters as the Director of Parks and Recreation. This motion would include the incorporation of any nonsubstantive revisions that may be needed, along with the filing of the proposed resolution entitled Disapproving the Mayor's Appointment for Ms. Peters. Motion, Members?

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COUNCILMEMBER HOKAMA: So moved.

CHAIR MOLINA: It's been moved by Mr. Hokama --

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: --seconded by Member Lee. The floor is open for discussion. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I think I appreciate you giving the time to the nominee to respond to our questions. I think we've asked some very pertinent questions where I believe the public will feel that our vetment was thorough. And I think we have an outstanding nominee. Part of her, I would say her outstanding qualifications is that she knows the Department because she is a Department person. I hope we take into account for those that have no County experience but are putting themselves before us, that we would take appropriate considerations because it takes a lot to go through a public review like this for a job interview. Okay. It's a difficult thing for her family besides herself. So, I want to thank your family for allowing you to volunteer for this difficult process, 'cause it's not easy to go before cameras and everybody talking about a prospective job. So, I want to thank you for one, putting yourself forward in a difficult position for a very public and open job because parks is every day. And so I thank you for your willingness to serve our people. Thank you, Chairman.

CHAIR MOLINA: Thank you, Member Hokama. Members, further discussion on the motion? Seeing none, the Chair will call for the vote. All in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Zero. Thank you, Chair, will mark it seven "ayes," zero "noes," and two excusals, Councilmembers Paltin and Kama.



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COUNCILMEMBER HOKAMA: No.

CHAIR MOLINA: No? Who's...Mr. Hokama's not available.

COUNCILMEMBER KING: Chair? Yeah, Chair, you know, I think Mr. Hokama...

CHAIR MOLINA: Sorry, Ms. King, go ahead.

COUNCILMEMBER KING: Yeah. So, I think I'm not sure if you're going but I'm going, I gotta get up early.

CHAIR MOLINA: You gotta go?

COUNCILMEMBER KING: I'm going to Honolulu --

CHAIR MOLINA: That'll leave us just...

COUNCILMEMBER KING: --tomorrow so I think Mr. Hokama as well --

CHAIR MOLINA: Five.

COUNCILMEMBER KING: --we have to go to the HSAC legislative briefing tomorrow.

CHAIR MOLINA: All righty. Well, that would just basically leave us with bare quorum so Chair's preference is to operate with much more Members than that, so the rest of you, no?

COUNCILMEMBER SUGIMURA: Let's do it.

CHAIR MOLINA: Are you fine, the rest of you who have not...Ms. Lee?

COUNCILMEMBER LEE: Mr. Chair, if everybody promises not to talk too long --

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER LEE: --then we can do it. Because obviously the two people who are leaving probably are supportive of the nominee anyway, so it's okay to have a bare quorum.

CHAIR MOLINA: All right. So noted, Ms. Lee. All right, I'd like to call upon Mr. Takamori to come up to the front. And thank you for waiting all day for us.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Chair? Would you mind a quick recess?

CHAIR MOLINA: Okay, yes. Recess subject to the call of the Chair. . . . *(gavel)* . . .



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**RECESS: 6:51 p.m.**

**RECONVENE: 6:56 p.m.**

CHAIR MOLINA: . . . (*gavel*) . . . The Government [sic], Ethics, and Transparency Committee is now ready to reconvene. Members, it is almost 7:00 p.m.

**GET-1(10) APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF  
DEPARTMENTS (DIRECTOR OF TRANSPORTATION) (CC 19-1)**

CHAIR MOLINA: We'll now refer to item number GET-1(10) and that is in relation to the confirmation of Mr. Marc Takamori as the Director of Transportation. Mr. Takamori, thank you for waiting here for a while. I'd like to first recognize Chief of Staff, Ms. Tegarden to provide opening comments.

MS. TEGARDEN: Thank you, Chair. And in the spirit of keeping it short, I will say that regarding Councilmember Hokama's statement about customer service and the wonderful process that Ms. Peters has in place, that is a number one priority of Mayor Victorino, customer service. So, we intend to ensure that we all follow through on customer service. And in that vein, Mr. Takamori who you are going to be questioning next, not only brings a heart of customer service, he also brings the experience, education, and enthusiasm to this position as the Director of the Transportation Department. We look forward to your questions and your hopefully favorable nomination. Thank you very much.

CHAIR MOLINA: All right, thank you, Ms. Tegarden. Mr. Takamori, you have the floor.

MR. TAKAMORI: Good evening, everyone, Committee Chair Molina and Committee Members. Thank you for having me this evening. I'm Marc Takamori, I am the current Acting Director for the Department of Transportation. I'm here for consideration for Director of Transportation. A little bit about me, I am, I'm born and raised here on Maui. I graduated from Maui High School. I, you know, being young at that time, it's like, you know, you want to venture off so I said I'm going to leave Maui, I don't think I'm gonna come back, you know. So, I went off to school in California. I majored in computer engineering with an engineering management minor. I worked at Cisco Systems in San Jose for a year while I was up in school, and it...that really taught me a lot about the culture of living and working on the mainland. I knew that at a certain point after going through working up there, I knew that, you know, that's something that I didn't care for and just couldn't believe how crazy busy it is in California, especially in Silicon Valley. So, I returned home and I actually got a job with Oceanit Laboratories. I worked out of the Kihei office in the Kihei Tech Park on Department of Defense projects dealing with autonomous telescope systems that we installed in different places of the US as well as certain places internationally. So, that was a very exciting

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time for me. I got to travel and see the world from a different perspective. And then eventually when the recession came and Senator Inouye passed away, the funds for Department of Defense projects started to dwindle going towards the Kihei Tech Park and I guess in the tech industry. So, I was transferred to Oahu, Oceanit Laboratories headquarters, and I worked in their IT division as a network administrator. And I thought that, you know, moving to Oahu would be something that I would have enjoyed as well, but it's just quite crazy to think growing up here on Maui, I'm assuming people from more rural places, you know, besides Kahului at the time, you know, I thought that oh, I can handle living on Oahu, it's just like Maui, you know, it's Hawaii, it shouldn't be too bad. But no, it's again crazy busy. So, I was like oh, I need to get back to Maui, that's where I really feel home is. So, I had the opportunity to come into the, as a Deputy Director for the Department of Transportation under Arakawa. And one of the projects or goals that I had coming in was to bring technology into our bus systems. So, that was basically one of the biggest things that I was working on was, is just making it easier for our riders to know where their buses are, tracking their buses, being able to put out announcements, and just, you know, provide the riders with up-to-date information regarding detours, delays, service interruptions. And so while working in the Department, I also got my MBA through UH Shidler College of Business. And in the last ten months, I was actually the transportation system analyst dealing with the oversight and maintenance of the IT systems that we've installed in our buses. So, just a little bit about what we oversee [sic] in our Department. Pretty much our Department oversees anything to do with buses. So, we oversee contracts for the Maui Bus fixed route system, our ADA Paratransit system, our commuter service system, and we oversee two grants for human services transportation that's provided by Maui Economic Opportunity and a State, a grant to the State Department of Health for our air ambulance program. One of the major projects that we are dealing with right now is the relocation of our Central Maui Transit Hub. Right now, it's currently at Queen Kaahumanu Center and our license to occupy will expire at the ending of January 2020. And so we've been working with HHFDC who is the Hawaii Housing Finance and Development Corporation and DAGS, so that's the Department of General...Accounts and General Services, for the usage of their parcel near the Kahului Library. And so with them allowing us to utilize that parcel, we will be able to move our transit hub from Kaahumanu Center to right across the street off of Kane Street near the library. Being that our transit system is a hub-and-spoke system, at the top and bottom of every hour, you will have buses that will be coming to the hub and leaving the hub. And so depending on the route, we didn't want to...we wanted to make certain that we didn't impact or have a major impact with routes such as the Lahaina Islander route. Being that those routes are an hour out and an hour back, the further you move away from our central hub could definitely have a role in creating buses that are going to be late and not making their hour time to get out to West Maui and back. So, that's one of the projects that we're dealing with right now. And I guess I'm here today just to, you know, for your consideration as the Director of Transportation. And if you have any questions, I'm here to answer it for you. Thank you.

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CHAIR MOLINA: Thank you very much, Mr. Takamori. And, Members, before I open up the floor for questions, just a reminder we do have bare quorum, if for whatever reason you have to leave the room, inform the Chair and we'll take the necessary recess in order for you to come back. So, with that being said, the floor is now open. I will recognize the subject matter Chair of the intermodal Committee, Ms. Sugimura to ask the questions of Mr. Takamori.

COUNCILMEMBER SUGIMURA: Thank you. First of all, I'm going to make this short because I totally support Mr. Takamori in this position. I've...I know that he was a Deputy Director at one time and has provided a lot of information of your technology information where you've helped the Department become more customer friendly by having information accessible to the user, so that was really huge. I want to commend you also for being an integral part of making possible the MPO. As when I worked for Senator Hirono, I remember calling or talking to you and the Department once through her office, and you talked about this brand new entity that was...you were required to create. So, I wonder if you could just talk a little bit about that, and I want to stress not only is the bus hub important, but the MPO is important as you will sit on the policy board for that. And we look forward to, you know, making decisions that'll help you and the community.

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you, Chair. Member Sugimura, thank you. So, back in...because of the 2010 Census, the Federal government saw that the population of the Kahului-Wailuku-Paia area had a population greater than 50,000 residents. So, with that, with breaking the 50,000 threshold, that requires us by Federal law to create a Maui or a metropolitan planning organization. So, the metropolitan planning organization is an organization that acts as a decision-making agency and receives Federal funds to carry out the continuing, cooperating...cooperative, and comprehensive planning process between the State of Hawaii and the County of Maui. And because...so when...because this was quite a new MPO for Hawaii...so I believe Oahu MPO has been in existence maybe since like the '70s. And so when we were trying to get the Maui MPO going, a lot of people didn't know how to get it started. You know everybody's...all the people that we've dealt with, you know, knew oh okay, this is what Oahu used to do or this is, you know, they knew what was going on at that time, but nobody knew, you know, what came first, the chicken or the egg. And so it was quite a trying process for us, but, you know, with the help of, I guess at the time the County Council they were quite supportive of it, I mean, you know, having us move forward. So, we were able to pass ordinances that allows us to create the Maui MPO. So, technically the Maui MPO is administratively tied to our Department but we don't have direct oversight. So, what it is, is the MPO, their salaries and operations funds comes out from a County and State match that then they match together to then get Federal funds for their operations. And so because we're tied to them, a lot of...they utilize like Department of Finance. They have I guess buckets of money that they will, you know, use and allocate. They do go through a community process. So,

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what's nice about the MPO is that it's really to allow the community to be a participant in seeing how Federally-funded projects here on Maui, you know, versus, you know, if it's a County project with Federal funds or a State project with Federal funds, all of those projects has to go through the technical advisory committee that reports their recommendations to the policy board. And so the policy board is the one that actually makes the final decision. And so I believe the policy board is going to change in this calendar year, because there was State legislation passed to increase the, is it seven...I think it's seven policy board members to nine. So, nine now includes Director of Public Works, Director of Planning, Director of Transportation, you have three Councilmembers, and then you have one House representative that oversees...one House representative that I believe it's written so that they have to be a resident of Maui, and then a Senator that also has to be a resident of Maui. So, that brings it to...did I bring up...

COUNCILMEMBER SUGIMURA: To nine.

MR. TAKAMORI: Oh and sorry, and the State Department of Transportation Director. So, those are the nine people that sit on the policy board. But I believe that just having this new organization, it really kind of shows the community that hey, we can be a part of this. We can make a difference. We can come out and we can testify for these projects that we want to see move forward, so that's part of the whole reason why this MPO needed to be formed through the Federal rules.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay, thank you, Member Sugimura. Thank you for that very thorough response, Mr. Takamori. Members, any other questions for Mr. Takamori? Okay, can see...okay, we'll start with Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Member Fernandez. I just had a couple questions. Mr. Takamori, you mentioned the move of the bus hub across the street. Are you using main thoroughfares to go out into the outlying communities? Are you going through the...through Central communities to...I mean what's your bus route from that --

CHAIR MOLINA: Mr. Takamori?

COUNCILMEMBER SINENCI: --point?

MR. TAKAMORI: Thank you, Chair. Member Sinenci, when we move...so right now at Queen Kaahumanu Center, we have all of our buses entering and exits either from the Onehee Street or Kea Street entrances on Wakea Avenue. So, they're either coming from...depending off...if they're coming from Lahaina or Wailuku, they'll be coming off from Kaahumanu Avenue onto Wakea into the mall at Kea Street, or if they're coming from Upcountry, Haiku, or Kihei, they'll be coming from Kamehameha Avenue from

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the airport way heading into Onehee and then turning into the mall. So, with the relocation of the hub, they're still going to be using the major thoroughfares such as Kaahumanu Avenue, probably turning on Kane Street and then on to Vevau, or they'll be coming from Kamehameha Avenue and then turning on Lono Avenue onto Vevau. So, then you...so we're still using those major thoroughfares but we will be entering and exiting onto Vevau Street.

COUNCILMEMBER SINENCI: Okay. And so that hub needs to be finished by 2020 you said when Kaahumanu's permit ends?

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you, Chair. Member Sinenci, yes, that is our true goal; however, Kaahumanu has been very, has been working very well with us in...and has a really good understanding that if there are delays, there are...they will allow us to stay while we still continue our progress to move forward with the transition of moving to Vevau Street.

COUNCILMEMBER SINENCI: Okay, one last question. Do you foresee in the future any use with electrical types of alternative energies --

CHAIR MOLINA: Mr. Takamori?

COUNCILMEMBER SINENCI: --for the bus system?

MR. TAKAMORI: Thank you, Chair. Member Sinenci, yes, we definitely are excited for moving towards potentially electric buses. We view electric buses as a vehicle that will help us with our reliability. Right now, with the conventional diesel engine, we have a lot of moving parts. It's almost like when you have your computer, nowadays your computer comes with an SSD, you know, solid state hard drive. I mean that is amazing, you know, it's so fast and it's super reliable, you know, versus a mechanical hard drive. So...sorry, but in terms of buses, yeah, we definitely are excited to move towards electric buses. We've actually applied as a State. So, we work very well with our County agencies from, you know, transit agencies from City and County of Honolulu, Hawaii County, Kauai County where we applied for Federal funds for a Low-No grant that will allow us to do a study on the feasibility of electric buses and infrastructure improvements. And we're trying to put that money together with Volkswagen monies, the Volkswagen settlement from their diesel emissions issue that they just went through a few years ago, so each state got millions. I think Hawaii got allocated like a little over \$8 million. So, we're trying to see if we can also get some of those Volkswagen funds that then we can go out and purchase as a test two electric buses for our fleet. Yes.

COUNCILMEMBER SINENCI: Thank you.

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CHAIR MOLINA: Okay, thank you, Member Sinenci. Members, any other questions for Mr. Takamori? Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Mr. Takamori. Mahalo again for meeting with me this week. I enjoyed the testimony in support of you today. I particularly enjoyed the story about you building a gingerbread bus hub at one of your parties. So, I have three questions. I tried to put them together so it wouldn't take so long. So, okay, what are your plans to increase bus ridership?

CHAIR MOLINA: Mr. Takamori?

VICE-CHAIR RAWLINS-FERNANDEZ: But sorry, I'm going to --

CHAIR MOLINA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --put them all together --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --unless you would like them separate. Okay, increase bus ridership, broaden the service for all riders including those needing Paratransit services, and how will you modify the existing services to meet the growing needs and sustainability goals for our County?

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you, Chair. Member Rawlins-Fernandez, thank you for the, for those, for the three questions. I might ask you to repeat the last one but --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. TAKAMORI: --I guess how are we going to increase bus ridership. So, one of the things that we're always looking at doing is always reevaluating. So, what's nice with the technology that we've installed in our buses, we actually have what's called a CAD/AVL system, a computer-aided dispatch/automatic vehicle locator system that with the system, you know, we allow riders to track where the buses are. One of the things that we've also installed in our buses are passenger counters. So, it will capture the data down to the hour, the route, the bus, the bus stop, and it will, and then it will tell us how many people got on and off at that particular stop. So, we're always look...with that type of data now that we're collecting, we can now reevaluate every route to see if there are different tweaks that we can do within let's say the hour round-trip that that route will take to see if there are better ways of serving our population. We...our ridership population. We do periodically when we believe we want to make a change we'll ask for...we'll do surveys in our buses as well as meet with the drivers, 'cause the drivers are pretty much at the frontlines. They deal

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with...they see the same riders every day, they talk story with the riders so they know, you know, if riders are complaining then we can find out from them what their complaints are or what their recommendations are, if we can make those changes. But anytime we can do a no-cost modification to routes that will increase ridership and not make it an inconvenience for other riders, we are totally for it. And so that's one of the things that we always look at. We have one...in the past, we've requested funds to add later hours of service. So, right now if you were at Kaahumanu Center and you needed to go home to West Maui, you would have to leave Kaahumanu Center at 7:30. That's the last bus that leaves in the evening. And for most people I think that that's quite early, so we've requested in the past budget cycles, I'm not quite sure what's in our budget this year, we...I haven't met with the Budget Director yet, but just making it more convenient for the riders. And usually when you make it more convenient, more people will then want to ride. And so just having more outreach as well as community, you know, community feedback, talking with the drivers, looking at our data, we try to see what we can do to increase ridership that way. Moving on to your second question, broaden the service for all riders including Paratransit. So, what's nice, based on Federal law when we create a fixed-route system, that also...when we create a new fixed-route system into a new service area, that automatically triggers us to provide service for Paratransit, for persons with disability. So, if we can get more funding to add new routes and provide more services to areas that don't have services for the Maui Bus system, we are happy to try those new routes. It can be on a pilot basis. We do follow our short-range transit plan recommendations that was updated a few years ago. And it's, a short-range transit plan is valid for I think they did it for five years. And so I think right now we're in the middle of the short-range transit plan. We do look at different new routes based on community feedback. So, it might not have been where route A, you know, route A was, you know, could have been mentioned as no, we think you should move forward on this first, but if we had a larger outcry on route C then we would consider moving forward with route C based on community feedback. And then if you could repeat the third question, that would be great.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. How would you modify the existing services to meet the growing needs and sustainability goals of our County?

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you, Chair. Member, thank you for that question. So, again, we, using the data that we're collecting with the IT system we have installed in our buses, we do look to modify to service areas. So, one of our recent changes that we did back in December was our Wailuku and Wailuku reverse routes currently service, you know, from Kaahumanu Center it goes through, come through Kehalani by Ka Hale A Ke Ola, then it'll go by the Wailuku Post Office through Waiehu Terrace, and then we used to go to Waiehu Heights. And what we've been noticing because of increased traffic in the mornings and in the afternoons on, in the Waihee area and Happy Valley, our buses started to fall behind schedule severely, almost like certain days it can be

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20 to 25 minutes behind schedule. And because each...because we have one bus assigned to each route for the entire day, once a bus starts to fall behind, it's hard to get back on track. And so if people miss their connections, they're essentially waiting one more hour to catch the next bus. So, we really had to reevaluate what can we do to keep our current riders and make it still convenient. So, our former Director made the decision that we would be moving Waiehu Heights service from the current Wailuku/Wailuku reverse loops to our Waihee Villager route. And so there was, I believe there were two people that called to...they were concerned about that, but once they understood what the changes were and that they were still going to have service up in Waiehu Heights...and part of the reason why we made that decision was that per the data that we collected using the CAD/AVL system, it showed that there wasn't terribly high ridership in Waiehu during those times. So, it was a very simple change that we did to try and modify our existing services. And as...and one of the things that we're always considering is with new developments, when new developments come in, they have to submit their projects to our Department for comment. So, anytime a new project comes through, we like to review to make certain that, you know, there's through streets, there's collector roads that our buses could potentially go through and just make it more transit. As well as we like to look and make certain that it's pedestrian friendly, because a lot of times, you know, we'll have our bus stop on the side of the road but, you know, that's not the end of the line for the rider, they have to walk home. So, just we like to make certain that, you know, there's complete streets or, you know, it's just safe for pedestrians to get to and from the bus safely.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Thank you.

CHAIR MOLINA: Is that it, Member Rawlins-Fernandez? You have one more?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, yeah.

CHAIR MOLINA: Okay. Please, and, Members, again, please I would ask that you make it quick, get direct to the point. We do...we are in the process of possibly losing quorum in the next few minutes. Proceed, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Okay. Okay, okay. This is going to be the last one then. So, with the second bus hub, I see the plans here, what...but it doesn't include what the expected cost for this will be. What do you anticipate it costing?

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you. Oh, thank you, Chair. I'll make it quick too. Okay, so the County Council provided \$650,000 in planning and design funds the last...this past or this current fiscal year. And the...we were able to get State funds from our State Legislature to provide \$2.5 million. So, we are working within the \$2.5 million budget that we were allocated by the State.



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VICE-CHAIR RAWLINS-FERNANDEZ: One more.

CHAIR MOLINA: Please make it quick. Thank you. Go ahead, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I'm really happy to hear that you'll, you have plans to convert to alternative fuels or electric buses. You spoke about doing a feasibility study. When do you anticipate getting that done or requesting funding for that?

CHAIR MOLINA: Mr. Takamori?

MR. TAKAMORI: Thank you. The feasibility study I believe will come through the collaborative application process that we're dealing with the other counties. So, it's not a feasibility study just for Maui, I think it's, my understanding it's Statewide in helping us with our infrastructure costs.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you so much.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Finally Chair will recognize, Ms. Lee, if you have any questions?

COUNCILMEMBER LEE: None.

CHAIR MOLINA: Yeah, I presume you're ready for a recommendation as --

COUNCILMEMBER LEE: Ready.

CHAIR MOLINA: --some of the other Members.

COUNCILMEMBER LEE: Ready.

CHAIR MOLINA: All right, Members, prior to the Chair's recommendation, I want to thank Mr. Takamori for your forward thinking and approach towards improving our bus service for our citizens. I like the fact that you're looking at updated technology to keep our riders informed as to when bus riders will expect the bus to arrive as well as depart. So, with that being said, the Chair is going to recommend the adoption of the revised proposed resolution entitled Approving the Mayor's Appointment for Director of Transportation, namely Mr. Marc Takamori. This will include incorporating any nonsubstantive revisions that may be needed as well as the filing of the proposed resolution entitled Disapproving the Mayor's Appointment for the Director of Transportation. Motion?

COUNCILMEMBER SUGIMURA: So moved, Chair.

COUNCILMEMBER LEE: Second.



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CHAIR MOLINA: There is a committee meeting and I want to thank...it is committee week and Member Kama has an Affordable Housing Committee meeting but she anticipates being done by 3:00 p.m. So, she did afford us that opportunity to have the meeting at that time.

COUNCILMEMBER LEE: Her meeting is at what?

CHAIR MOLINA: I believe at 1:30.

COUNCILMEMBER LEE: One thirty?

CHAIR MOLINA: That's correct. Yeah, so we do want to thank Ms. Kama as well as Chairman King for approving that. So, again, one week from tonight...

COUNCILMEMBER SUGIMURA: Chair, can I ask you a question?

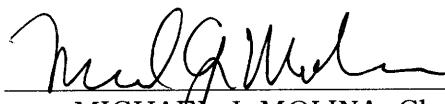
CHAIR MOLINA: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, do you plan on finishing the rest of the...that day? Or are you thinking of recessing again?

CHAIR MOLINA: I, well, I'm optimistic, I'm hoping we can address and deliberate on the five remaining nominees on this agenda that night however long it takes. If we do consider an additional recess date then so be it. So, that is the Chair's thoughts and opinion on this matter. But thank you, we've been here for ten-and-a-half hours. And to our new Members, welcome to the Maui County Council. Okay, so that being said, this meeting is in recess. The GET meeting is recessed until Wednesday, January 30, 3:00 p.m. . . . *(gavel)* . . .

**RECESS: 7:30 p.m.**

APPROVED BY:

  
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MICHAEL J. MOLINA, Chair  
Governance, Ethics, and Transparency  
Committee

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Transcribed by: Daniel Schoenbeck

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

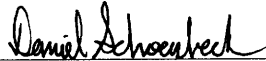
**January 23, 2019**

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CERTIFICATE

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

DATED the 14<sup>th</sup> day of February, 2019, in Kula, Hawaii

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Daniel Schoenbeck