

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

January 29, 2019

CONVENE: 9:00 a.m.

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

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 Teagarden, Chief of Staff, Office of the Mayor
Will Spence, Acting Director of Housing and Human Concerns
Jeff Pearson, Acting Director of Water Supply
David Goode, Acting Director of Public Works
Scott Teruya, Acting Director of Finance

OTHERS: Mayor Michael Victorino
Michael Spalding
Helene Kau, Deputy Director of Water Supply
Kamie Davis
Candice Hayes
Chris Hayes
Walter Ritte (via telephone conference bridge from Molokai Council Office)

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Gail Fujiwara
Dulce Butay
James Basco
Laki Kaahumanu
Marcy Martin
Donna Ting
Mahina Poepoe (via telephone conference bridge from Molokai
Council Office)
Noelani Ahia
Tom Welch
Autumn Ness
Sydney Smith
Lisa Barnes
Hugh Starr
Kai Nishiki
Tina Rothman
Lani Eckart-Dodd, Board Treasurer, Hui O Na Wai Eha
Kaapuni Aiwohi, Board member, Hui O Na Wai Eha
Cassandra Abdul, Executive Director, Na Hale O Maui
Susie Thieman, Executive Director, Lokahi Pacific
Clare Apana
Tom Cook
Don Couch
Kaniloa Kamaunu
Lucienne de Naie
Christopher Fishkin
Gary Woods (*aka His Highness Kaua*)
Plus (12) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . (*gavel*) . . . The Government [*sic*], Ethics, and Transparency Committee meeting is now called to order. It is just after 9:00 am on Wednesday, January 29, 2019. For the record, we have in attendance, Councilmembers Lee, Rawlins-Fernandez, Hokama, Paltin, Sugimura, Kama, and Molina. Excused, are Members Sinenci and King. And here's Member Sinenci walking in the room. Good morning, Mr. Sinenci, and good morning, Members. Thank you for being here today. We have four of the Mayor's nominees for directorships on the agenda today. But we're going to start first with the testimonial phase of our meeting this morning. And for those of you testifying, just as a general reminder please silence all cell phones and any other noisemaking devices so as not to create any unanticipated distractions. Committee Staff joining us this morning we have Ms. Espeleta, who's the Committee Analyst, joined by Ms. Martins, who is the Committee Secretary. And, Members, thank you again for all of your hard work back on January 23rd where we considered

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seven of the other directorship nominees from the Mayor. We had a seven-and-a-half-hour meeting due mostly to the amount of testimony. And so, I want to thank you all, and we still managed to get a couple of decisions made as well. So, thank you all for your hard work. This morning we're going to go up until 12 o'clock because we do have another committee meeting scheduled after. So, we will see how fast we can go today. Thus far, we have 21 sign-ups for testimony this morning. And speaking of which, the Chair will go over the rules. And, Member Kama, you had a question, did I...

COUNCILMEMBER KAMA: Yes, I, does Corp. Counsel need to be present or no need?

CHAIR MOLINA: I believe we can continue with public testimony without Corporation Counsel if my memory serves me correct. So, we'll proceed. Now, once we get into the deliberative phases, we will definitely need Corp. Counsel on hand.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Thank you for the question. And good morning, Council Chair King. Thank you for joining us. So, for the record, we have all nine Members in attendance. Thank you, thank you so much, Members. Okay. It's time now for public testimony. And by the way, we do have three offices on standby to provide testimony if available on Molokai, Lanai, and Hana. For those of you testifying, please be sure to state your full name for the record and any organization that you may be representing. You'll be given three minutes to testify. And, Members, as a reminder, the Chair was a little bit lenient at the last meeting when it came to asking questions about the selection process of the Mayor's nominees. So, I would ask that if at all possible, refrain from asking any questions about that to the testifiers and save those questions for the deliberative phase of our meeting today, in other words, once public testimony is done, and that will be in full view of the public. So, any issues of transparency that issue will remain, it is a, we're all transparent here. Now, there may be the possibility of executive session, but we'll cross that bridge when we get to it. So, with that being said, if there are no questions let us begin with public testimony. We have first, I've asked the body's considerate, I will ask the body's consideration of having the Mayor go up first. The Mayor of course is a very busy individual. So, if there are no objections, I'd like to have the Mayor come up to the podium first to provide his remarks.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: No objections? Okay. So, be it. Mayor Victorino, thank you for being here.

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. . . BEGIN PUBLIC TESTIMONY . . .

MR. VICTORINO: Mahalo and good morning, everyone. It's a little different feeling sitting here, not there. So, if I'm a little nervous, let me tell you it's just because it's different, you know, let me start with that. First of all, I'd like to say that I apologize for last week not being here. I was at the Conference of Mayors in Washington DC and one of the big topics that we had just to go real quickly, was the government shutdown. And by the time Friday rolled around, I guess the good lord struck Mr. Trump and they reopened government. So, now we're at least back for the next three weeks with some normalcy in our governmental structure. I don't know how long that will last, and most of us mayors all agreed we're not sure. The other aspect is I'd like to express my tremendous respect and recognize all the hard work all of you are doing to vet through this nomination process. This is the first time this has ever happened for Maui County. So, you along with me, are learning how this all transpires and keeping it transparent. So, I wanted to tell you that, Mr. Chair, when you are ready and you want to know the true process that was put down by me, I'm more than happy to come up if I'm available and speak to all of you and the public to understand how the process went. Remember now, we're all sailing in uncharted waters. This has never happened before. So, please excuse me if I fumble, tumble, and stumble, it is all part of the process, and I think all of you agree, we're all learning together. Our nominees went through a rigorous vetting process. Nominations were made, sent to me, and I made that final call as the coach, and you know I take sports as my mantra, as the coach, you make that final decision 'cause you live with that final decision. Now, there's another process, and I call this the ownership, because the Council becomes the owner and then they say yes or no to the nominees. So, with that being said, I will look upon you, with your wisdom, your knowledge, and your experience to look upon all of the nominees and their qualifications and other aspects that you believe to be relevant to this process. So, Mr. Chair, I leave it in good hands. I have no qualms with all of the Councilmembers here, and their expertise and willingness to do what is right for the people of Maui County, just like me. Finally, almost all of our qualifications were set by the County Council under Ordinances 4840, 4841, oh wow, man, that three minutes goes fast --

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

MAYOR VICTORINO: --but I'm Portuguese, so I can speed it up, 4847, 4848, and 4864. It's important to know that I really had that mantra as far as qualifications were concerned. And finally, the biggest thing for me was that every one of my directors, deputy directors, and the entire County staff and County employees will be working for you, the people of Maui County. There should be no other more important issue than working for the people of Maui County. Mahalo, Mr. Mayor, thank you very much, I mean, Mr. Chair. I'm the Mayor.

CHAIR MOLINA: Thank you for the promotion.

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MAYOR VICTORINO: Okay. You see, I told you I was nervous. I wasn't lying. Yeah, thank you, Mr. Chair, very much.

CHAIR MOLINA: Thank you. Thank you, Mr. Mayor. Committee Members, any need to clarify Mayor Victorino's comments? Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha and good morning --

MR. VICTORINO: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: --Mr. Mayor. One quick question. As you were going through the numbers, what were those numbers? I'm sorry, I missed it.

MAYOR VICTORINO: We'll give them to you. I'll make sure that we provide this to you, the testimony. I'll have copies made for you.

VICE-CHAIR RAWLINS-FERNANDEZ: But what were those numbers that you were listing?

MAYOR VICTORINO: These were the different provisions with the MQs, the minimum qualifications put down by the former Council, the last Council. Okay. So, yeah, I'll make sure this testimony has made copies and made available to all of you. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

MAYOR VICTORINO: You're welcome.

CHAIR MOLINA: Thank you for the clarification. Any other need to clarify Mayor Victorino's comments? Seeing none, thank you very much, Mr. Mayor.

MAYOR VICTORINO: Mahalo. Have a great day.

CHAIR MOLINA: We know you're quite a busy individual.

MAYOR VICTORINO: Thank you.

CHAIR MOLINA: Thanks for being here. Okay. Let's begin now with our first testimonial signed up. That's Mr. Mike Spalding, and he'll be testifying on Committee items 4, 6, and 9. Good morning, Mr. Spalding.

MR. SPALDING: Greetings, everybody. Members of the Council and Staff, I'm Michael Spalding, resident of Kula, testifying in favor of the confirmation of David Goode as Director of Public Works, Jeff Pearson as Director of Department of Water Supply, and Will Spence as Director of Housing. In order to save time, I will combine my testimony for these three individuals if that's alright with you. I'd like to just start off by saying that this, as Councilmembers, these decisions that you make are probably the most

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critical that you're going to be making in the next two years. And I also want to say that there's a limited pool of qualified people that want to work in government at the pay scale that's available in these positions. So, you know, I want you to just be very careful in your consideration of the Mayor's careful vetting of the people that are, you know, he's bringing forward to you. So, you know, I'm going to start my testimony now, but I just wanted to make that point. I've known David Goode for 15 years. He has raised his family on Maui and tries to make Maui a better place, both in his position as Director of Public Works and his role as a father and community member. Dave administrates one of the most critical functions of the County of Maui, the Department of Public Works. He oversees 250 employees which keep our roads safe and repaired, administers the DSA that is involved in all permitting, and the engineering department. These departments are run efficiently and allow the County government to function for the betterment of the community. Dave is accessible and responds to recommendations from the community for Public Works' projects. If you see a pothole or an unsafe road condition and call Dave, he will not only take your call, but the problem will be solved. He has had 12 years of experience in doing this job and is good at it. He has the respect of his staff and employees that he supervises. Dave is hardworking, has integrity, and is ready and willing to carry out the duties of his most critical position in the County. I urge you to consider confirming Dave Goode for Director of Public Works. I would also like to ask for your consideration of confirming Jeff Pearson as Director of the Department of Water Supply. I've known Jeff for ten years and interacted with him in situations both in work and in play. He's a great guy. We take it for granted when we turn on our taps for water in our homes. This is one of our most important resources. We need to have an experienced and competent administrator in this position. Jeff comes with knowledge, integrity, and experience in not only having worked in the Department as an engineer, but also working on the State Water Commission. He is truly qualified to head the Department of Water Supply, and I urge you to consider confirming him for this position. And I'm going to talk about Will Spence. Now, I ask you consider confirming Will Spence as Director of Housing. Workforce housing is in dire need for our working families on Maui. Will, having been Planning Director, knows the process for getting housing built. With his experience, work ethic, and integrity, the Council and Administration can work with Will in creating housing options for our working families. I urge you to confirm Will, David, and Jeff Pearson. By doing so, you will ensure the County government will run smoothly for the betterment of all of Maui. Thank you for your time and consideration of these three nominees. Aloha, Michael Spalding.

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

MR. SPALDING: Thank you.

CHAIR MOLINA: Next to testify we have Helene Kau, who'll be followed by Kamie Davis.

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MS. KAU: Good morning, Chair Molina, and Committee Members. I'm Helene Kau, Deputy Director of the Department of Water Supply, but I'm speaking as a private citizen in support of approving Mayor Victorino's appointment of Jeff Pearson as the Director of Water Supply. I've known Jeff professionally and socially for over 20 years. We have worked together in his various capacities, including consulting engineer, water supply engineer, Deputy of Water Supply, and Chief Executive Officer of the State of Hawaii's Commission on Water Resource Management. Jeff is knowledgeable, he's easy to work with, and his depth and breadth of knowledge and experience provides a solid background for him as Director. I know Jeff's family and many of his friends as well. He's a good husband, he's a good father, he's a good grandfather, and he's a good brother. Our community is a better place thanks to his efforts. Please confirm Jeff Pearson's appointment as Director of Water Supply. He's qualified, he does good work, and he's a good guy. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Kau. Members, any need to clarify Ms. Kau's testimony? If not, thank you very much.

MS. KAU: Thank you.

CHAIR MOLINA: Next to testify we have Kamie Davis, to be followed by Candice Hayes.

MS. DAVIS: I think I'm as nervous as the Mayor. I've never done anything like this before, but I felt like it was really important for me to be here.

CHAIR MOLINA: Excuse me, Ms. Davis, can you bring the mic up? Thank you very much.

MS. DAVIS: Sorry, I'm here to, in Will Spence's behalf. And I'm just a private citizen and I've been working with Will Spence for about a year and a half now to help provide more housing that's affordable for, you know, the people that are here every single day, not the people that are vacationing. And this is a really important thing in my heart, and I give effort to it 24 hours a day. And when I met Will Spence, I learned that he had the same passion in his heart to help provide the thousands of units we are short of affordable housing. And from the time that I've met him, he has worked right beside me. If I call him at six o'clock at night he answers the phone, if I call him at four o'clock in the morning he answers the phone, he replies to e-mails. He is on this with me as intensely as I am. And that is my experience with him, and I know that he will be there for human concerns. I mean, that's, you know, that's what he'll do. He will make sure that the housing is provided, and we will work towards that and I know that he'll work with everybody around him to make sure that affordable housing is an attainable thing here on Maui. And I just really appreciate him. I appreciate who he is, and I appreciate the kindness that he shows, and the concern that he has for the people of Maui.

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CHAIR MOLINA: Okay. Thank you very much, Ms. Davis. Members, any need to clarify Ms. Davis' testimony? Seeing none, thank you very much. Next to testify we have Candice Hayes, who will be testifying on item 9, to be followed by Chris Hayes.

MS. HAYES: Hello, I'm Candice Hayes. I live in Kihei for the last 30 years. I've never done this before, and I didn't have anything written. But I took off work today because I thought it was so important to come and tell you that you need to keep Will Spence in as Director of Housing. He's concerned about the housing needs of the people of Maui, he's effective, he's efficient, he's caring, you know, you put a call in to him, he returns your calls, you e-mail him, he responds, and I just can't imagine what would happen if someone else were in that position. I think he's the best person for the position and I sincerely hope that you all confirm him as Director of Housing. He's the best person for the job. He has the experience. He's been doing a good job. He has ideas to continue to move forward and supply more housing for the people. So, please, please, reconfirm Will Spence as Director of Housing. He's the best man. I can assure you that. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Hayes. Chair King?

COUNCILMEMBER KING: Yeah, thank you. I don't know if I missed it. Did you clarify your position or, I mean, is, do you work for Housing or what your association?

MS. HAYES: No, I'm a chiropractor.

COUNCILMEMBER KING: So, your association with Mr. Spence is through?

MS. HAYES: Just trying to get housing --

COUNCILMEMBER KING: For yourself?

MS. HAYES: --affordable housing.

COUNCILMEMBER KING: Oh, okay. Thank you.

CHAIR MOLINA: Thank you. Members, any other need to clarify Ms. Hayes' testimony? Seeing none, thank you very much.

MS. HAYES: Thank you.

CHAIR MOLINA: Next to testify is Chris Hayes. And, Members, after Ms. Hayes, we do have a request from Molokai for public testimony. And Chair will address that upon the completion of Mr. Hayes' testimony. Good morning.

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MR. HAYES: Hi, Chris Hayes, I'm here to support the confirmation of Will Spence and David Goode for, in their positions. I don't have much more to add. I just wanted to let you know that I'm in support of them to be confirmed for their positions. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hayes. Members, any need to clarify Mr. Hayes' testimony? Seeing none, thank you. Okay. Members, we're going out to Molokai, now. We have Walter Ritte, who would like to testify on items number 6 and 9. Good morning, Mr. Ritte.

MS. LINDO: Aloha, this is Zhanter Lindo at the Molokai District Office and there is one person waiting to testify, Walter Ritte, on item 1(6), and 1(9).

CHAIR MOLINA: Proceed.

MR. RITTE: Aloha kakou. My name is Walter Ritte, I'm testifying from Molokai. I wanted to testify regarding the confirmation of David Goode. On Molokai, we're very proud of our fishponds here on Molokai and we've had a very strong relationship with our Council in support of our fishpond development. It's something that is going to be one of the key ingredients for our future of our ability to feed our people here on Molokai and also to help stock the reefs of all of the different counties. So, fishponds is very, very important and we had a resolution regarding the support of fishponds from our Council all of these years and we've had very strong support from Public Works all of these years on Molokai. And then, all of a sudden Mr. Goode gave some kind of a directive that we could not use the old resolution, we needed a new resolution. We got a new resolution, resolution number 1881 and it's, the resolution also showed strong support for fishponds on Molokai and yet, Mr. Goode did not want to follow that resolution and all since nine months ago we've not had any kind of support from the County for our fishponds here on Molokai. So, I thought that was really a bad situation for us to have to deal with somebody on Maui that does not understand what we're doing here on Molokai and how we've been working together with the Public Works all of these years. So, it's strange that Mr. Goode did not take the Council directives which is part of the resolution seriously. I don't think he understands Molokai's uniqueness, what we're trying to accomplish here on Molokai --

CHAIR MOLINA: Mr. Ritte, Mr. Ritte, I apologize, I have to stop your testimony for now.

MR. RITTE: --and the need that we have for help regarding our fishponds.

CHAIR MOLINA: Okay.

MR. RITTE: So, we need...so...

CHAIR MOLINA: Continue, Mr. Ritte, go ahead. Okay. Now it's up. So...

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MR. RITTE: We need somebody who is sensitive to the people of Molokai, and especially to the aina, whether it's the sand, the river rocks, or fishponds, and I don't think this is the guy that understands us and the feeling that we have towards our aina and the protection that we have towards these items that I've just mentioned.

CHAIR MOLINA: Okay. Thank you very much, Mr. Ritte.

MR. RITTE: So, I'm not in support of Mr. Goode to be the Public Works person.

CHAIR MOLINA: Okay. Thank you, Mr. Ritte.

MR. RITTE: So, the other one I wanted...

CHAIR MOLINA: Members, any need to clarify Mr. Ritte's testimony? Okay. Mr. Ritte, you can continue with your next agenda item you wanted to testify on. I believe, Mr. Ritte, you wanted to testify on the appointment of Will Spence?

MR. RITTE: Okay. Yeah. The next one I want to testify on Mr. Will Spence. We've been having, the only contact we've had with him is part of our Molokai Community Plan that was like pulling teeth working with this guy. It was really, really hard. He made it extra hard for us to get what we wanted in our plan. And he's also part of the Planning Commission and those were really bad days for us trying to figure out why he was doing things on the Planning Commission that he had the power to do but we could not agree with. And we're very, we got to really know him during the Planning process when we did the Molokai Community Plan and I must say that that was a very terrible experience for us here on Molokai. So, based on that, I cannot support such a person wherever he's going to be put. He just doesn't have the kind of personality that I think can get along with any community. So, those are my inputs and I appreciate this opportunity. And it's a hard opportunity to be talking to you guys over the phone where we can't see you guys eye to eye, you can't see me eye to eye. But at least we have a chance to talk. Mahalo.

CHAIR MOLINA: Mahalo, Mr. Ritte. Committee Members, any need to clarify Mr. Ritte's testimony? Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, good morning, Mr. Ritte. Mahalo for your testimony this morning. I have one question.

MR. RITTE: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: I wanted to know if you would be able to provide details on, you mentioned something about him being on the Planning Commission and making decisions that was not supportive of our community.

CHAIR MOLINA: Mr. Ritte, go ahead.

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MR. RITTE: Yeah, I had a hard time hearing that. Can you repeat?

CHAIR MOLINA: Councilmember Rawlins, can you repeat your question to Mr. Ritte?

VICE-CHAIR RAWLINS-FERNANDEZ: Would you mind providing details on what it was that Mr. Spence did on the Planning Commission on Molokai?

MR. RITTE: Well, it started from day one when we had, trying to figure out what is going to be our vision statement and they didn't agree with some of those kinds of things that we wanted to put on. We had some old things called the Manae, the east, Manae East End Policy Statement which we wanted in there and we went round and round and all around. We had to go and get support from the Office of Hawaiian Affairs, we had to get all kinds of changes made. He just made it really difficult for us as a community who kept saying we wanted A, B, C, D. And they kept saying well, according to Planning procedures we could not have A, B, C, D and we went round and round, and we made all kinds of changes. And then, when we tried to put in what we wanted on Molokai, each district is so different, so we tried to get each district representative exactly what they wanted in their districts because they were so different. And we had a really, really difficult time getting those things across because things we wanted in, they did not want to put into our plan.

CHAIR MOLINA: Okay. Thank you, Mr. Ritte. Member Rawlins, is that it?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification.

CHAIR MOLINA: Okay. Members, any other need to clarify Mr. Ritte's testimony on Mr. Spence? Seeing one, thank you very much for your testimony, Mr. Ritte. Aloha.

MR. RITTE: Aloha.

CHAIR MOLINA: . Okay. Members, continuing with public testimony. We have Gail Fujiwara, to be followed by Dulce Butay. And Ms. Fujiwara will be testifying on item number 5. And, Members, we'll be working on our technology with regards to boosting up our sound here for you. Good morning, Ms. Fujiwara.

MS. FUJIWARA: Good morning. Good morning, Chair Molina, and Committee Members. My name is Gail Fujiwara, and I'm here to testify for GET 1-5 [sic] on my own personal vacation time. I would like to express my support for Scott Teruya and ask for your consideration to confirm him as the Director of Finance. As a 25-year employee with the Finance Department, I've experienced both positive and ineffective leadership from the Director's Office. Employees within our Department welcome change in directorship. My interactions with Mr. Teruya has been solely in a professional capacity, and I feel that Mr. Teruya highly, is highly capable of providing positive change and direction for our Department. Experience and familiarity with the

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Department is extremely important for an incoming director. Mr. Teruya possess this expertise and knowledge of the Department from his time working within the and heading the extremely critical Real Property Tax Division. I trust in Mr. Teruya's professional vision for the Finance Department. His experience in government and knowledge of the Department makes him an ideal candidate for this position. I request for your favorable consideration to confirm him as Director of Finance. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Fujiwara. Members, any need to clarify Ms. Fujiwara's testimony? Chairman King?

COUNCILMEMBER KING: Thank you, Chair. So, what was your position in, you're in Department of Finance? What's your position?

MS. FUJIWARA: Yes, I'm an accountant.

COUNCILMEMBER KING: You're an accountant?

MS. FUJIWARA: Yeah, in claims.

COUNCILMEMBER KING: Okay. Okay. I just wanted, so, you're off today?

MS. FUJIWARA: I took vacation, I'm signed out for vacation.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Thank you, Members. Any other need to clarify the testimony? Seeing none, thank you. Next to testify is Dulce Butay, followed by James Basco. And Ms. Butay will be testifying on item 5.

MS. BUTAY: Good morning, Chair Molina, and Committee Members. My name is Dulce Karen Butay, and I'm here to testify GET-1(5) and I am here today on my own time. I work with the Department of Finance, Risk Management Division in 2001. But in 2013, Risk Management Division has been moved to Corporation Counsel. But in 2015, I applied for the admin position, admin officer position for the Department of Finance. So, I'm back in Finance. I have experienced both positive and negative leadership from the Director's Office and with the interaction of other Finance employees, we welcome changes and new leadership. I am asking for your consideration to confirm Mr. Scott Teruya as the Director of Finance. I have worked with Mr. Teruya in the last three years and I feel that Mr. Teruya is capable of providing positive change and direction of the Department of Finance. With his ten-plus years of management experience and his knowledge with the Department, it's really important for the incoming director to possess these qualities and I believe that Mr. Teruya possess these expertise and knowledge of the Department. Mr. Teruya is well equipped to grow from challenges that the Department of Finance will be

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presented with. Please confirm Mr. Scott Teruya as the Director of Finance. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Butay. Members, any need to clarify her testimony? Councilmember Sinenci?

COUNCILMEMBER SINENCI: Yes, question. You said there were some both positive and negative. Is that with the prior director or with...can you explain?

MS. BUTAY: Yes, prior directors since I've been like from 2001 to like, you know, to now.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you. Any other need to clarify her testimony? Seeing none, thank you.

MS. BUTAY: Thank you.

CHAIR MOLINA: Next to testify we have James Basco, and he'll be testifying on item 9, to be followed by Laki Kaahumanu.

MR. BASCO: Good morning. My Name is James Basco. I am testifying here today in support of Mr. Spence and I would like to thank the Council for hearing this and also the Chair. It was about 25 years ago that I first met Will. I was serving on the Citizens Advisory Committee for the Paia-Haiku region with another nine or so people. Twenty-five years ago, was a long time ago so I cannot exactly tell you what that was. But I was in my late 30s, early 40s I guess, and I think Will was fresh out of college already working for the County. We found Will to be extremely helpful in whatever obscure map we needed or different kinds of regulations and stuff that would help us see clearer to what we were trying to do as a region back then. Most recently, fast forwarding a quarter century, I found myself in a little bit of a problem with some, I got some very bright young entrepreneurs angry with me in my neighborhood because I, you know, we wouldn't go along with becoming Cabo San Lucas, or wherever they wanted the place to be in. Then I found myself in trouble because they managed to find some faults on my tax map key which I had never looked at before. But Will, along with a couple other employees from the County, who must remain anonymous, Will was one of the few people that reached out and helped along. And when I spoke to Will recently, you know, he mentioned, I asked him how do you like this new position you're in now? And he said, I'm happy now, I don't have a conflict. So, I think after all these years of serving in the County, Will has finally reached a place where he feels he's doing the best good for the people of Maui County instead of being our, an enforcer or a regulator. He now is somebody who is trying to advocate for people. And I just hope that the County sees fit to confirm Mr. Spence, Will. Thank you very much. If anybody has any questions, I'll be happy to answer.

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

MR. BASCO: Thank you very much again. Mahalo.

CHAIR MOLINA: Mahalo. Next to testify we have Pastor Laki Kaahumanu, followed by Marcy Martin.

MR. KAAHUMANU: Aloha . . . *(speaking Hawaiian)*. . . Laki Pomaikai Kaahumanu, a decent of Queen Kaahumanu, Senior Pastor Church on the Go. I'm here to share with you about Will Smith, oh sorry, Will Spence. I don't know Will, but I met him at meeting that Mayor introduced us about the homeless situation and that he was to be in the directorship of housing. And it's sad because, e kala mai iau, can you have this passed out to the Members?

CHAIR MOLINA: Okay. We'll ask the Staff to assist.

MR. KAAHUMANU: It's just a flier of all the children that we were sheltering for over 30 years. And it's sad that the kanakas are homeless in Hawaii. I don't know what Will does or why he's being put in the position. But those of you here, if it wasn't for God, I wouldn't be here. And you've been chosen to be able to assist in making a decision that should benefit the kanaka maoli. 'Cause it's sad when I look at Hawaiians sleeping on the side of the road, and all we want them to know is that our father loved the world that he gave us his son. E kala mai, hele mai. This is a royal lineage of Kamehameha genealogy scroll. This for our Chairman because he the head. That scroll would never be put in my hand to know the legacy that we come from a royal lineage. We're not here to condemn. We're here to give a helping hand up. And if God has chosen obviously Will Spence to be in the place of Housing to help us kanakas. I just bought a tool shed to take two Hawaiians off the side of the road and put them on army cots so they can help malama our aina that we just got Kaae Road now we own. I want our children's, children's children to know when you look at the picture, my wife and I have been married 40 years. We don't have any kids of our own. Why would God shut the womb of my wife to not give me my own children? Because I didn't know he had plans to have me adopt 18 of these children to let them know that God loved them as much as he love you. E kala mai, I didn't mean to be preaching. But I know my time is up. If you want to hear more of the word, call me, girl. Mahalo nui, Chair.

CHAIR MOLINA: Mahalo, pastor. Members, any need to clarify Pastor Kaahumanu's testimony? Seeing none, thank you for your testimony and for the scrolls.

COUNCILMEMBER SUGIMURA: Mr. Chair?

CHAIR MOLINA: Oh, I'm sorry. Pastor, we have a need to clarify.

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COUNCILMEMBER SUGIMURA: One question.

CHAIR MOLINA: Councilmember Sugimura?

MR. KAAHUMANU: Huh?

CHAIR MOLINA: She wants to ask you a question.

COUNCILMEMBER SUGIMURA: Hi, Pastor Laki.

MR. KAAHUMANU: Well, tell her call me. Yes?

COUNCILMEMBER SUGIMURA: So, just a quick question.

MR. KAAHUMANU: Yeah?

COUNCILMEMBER SUGIMURA: Based on your testimony, 'cause we're here to confirm Directors. Are you saying that Will Spence helped you in this mission that you were talking about as it relates to our item on the agenda?

MR. KAAHUMANU: Not yet, but I'm believing because akua put him in the position to be Director here to help the kanakas. And God bless him, and those of you here because if was not for you, how can we expect any help for our people?

COUNCILMEMBER SUGIMURA: Thank you.

MR. KAAHUMANU: So, I'm expecting God to bless you since you when ask me the question.

CHAIR MOLINA: Alright, thank you.

MR. KAAHUMANU: Can I go now?

CHAIR MOLINA: Is there any other need for Pastor to clarify his testimony? If not, I'm sure if the Members have, they got your number, Pastor.

MR. KAAHUMANU: Thank you.

CHAIR MOLINA: Thank you.

MR. KAAHUMANU: Okay. Next?

CHAIR MOLINA: Next to testify we have Marcy Martin, and she'll be testifying on item 5, and she'll be followed by Donna Ting.

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MS. MARTIN: My name is Marcy Martin, and I am the Property Technical Officer with the Real Property Assessment Division. Today I'm on vacation, here on my own behalf testifying for GET item 1, sub-item (5). Over the past nine years, few people have worked as closely to Scott Teruya as I have. When I was hired, Scott shared his vision with Real Property with me, to become a nationally recognized role model for best practices in real property assessment and administration. I took the job knowing that working for Scott was going to be challenging and not business as usual. In 2018, Scott's vision for Real Property was realized. Through hard work, dedication, embracing change, budget management, partnership with government units, successfully completing projects, division restructuring, successfully implementing new technology, successfully implementing legislation, intensive negotiating, and change management, Real Property became the 38th government unit to earn the Certificate of Excellence in Assessment Administration from the International Association of Assessing Officers. This designation recognizes government units utilizing best appraisal and assessment practices. I am endorsing Scott Teruya as Finance Director because I believe he can do for Finance what he has done for Real Property. I have provided a short list of accomplishments that substantiate my testimony. I ask that you read them, I e-mailed them on Sunday night, or allow me to read them, which would require me to go probably two minutes over time, prior to voting on sub-item 5, appointment of Director of Finance, Scott Teruya.

CHAIR MOLINA: Okay. Thank you very much, Ms. Martin. Members, any need to clarify her testimony? Seeing none, thank you for your testimony this morning. Next to testify we have Donna Ting, and after the completion of Ms. Ting's testimony we're going to go back out to Molokai.

MS. TING: Good morning, Chair, and people of the Council. My name is Donna Ting, and when they're talking about years, I got my license to sell real estate in Maui when I was 19. And at that time there were only five real estate companies in the entire island. So, I've been doing it for a long time. Housing is a very critical thing, and Maui County is like a magnet. It's bringing all of, people from everywhere in the globe. They want a bit of our paradise. One of the things that I was responsible for, is I began an organization for disabled adults. Because believe me, if you think the working man has a hard time finding housing, people with disabilities, it's almost impossible. Our organization, Laakea Foundation, was first on Maui since 1985 to have a house licensed by the State of Hawaii for disabled adults. Maui County has been, it's been interesting working with the County Council because the kind of thing that we did isn't done every day. And people like Will Spence and David Goode made a considerable difference. They have the ability to change the paradigm. You know, laws are not always black and white, and sometimes, as some people have testified, things don't go their way. But these people have been open minded and concerned. I personally have gotten phone calls from Will Spence at night and I know that his family is really important. So, we'll start talking, he'll say I thought about this and I thought I should call you while I still remembered it. And we'll start talking and then all of a sudden, he'll go, oh my God, my wife is waiting for dinner. The guy cares. He

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lives and breathes it. He is the man. And I came last week to testify not realizing there would be 85 people and I was number 72. But I waited until four o'clock. And I have to say that our Mayor Victorino's people that he picked, it's not easy to find somebody who's qualified and really has a passion to make Maui a better community. And so, I would just encourage you, Will Spence, David Goode, Sandy Baz, and anyway, these are people that have made a difference in the non-profit organization and in the County of Maui. And I really want you to know that they can make a difference and they will continue to make a difference, and they have the background to do that. So, thank you.

CHAIR MOLINA: Thank you very much, Ms. Ting, for your testimony. Members, any need to clarify Ms. Ting's testimony? Seeing none, thank you very much. Staff, let's go back out to Molokai and reach out to Zhantell, see who we have standing by to give testimony.

MS. LINDO: Aloha, this is Zhan at the Molokai District Office. We have one testifier, Mahina Poepoe, on item 1(9).

MS. POEPOE: Hi, my name is Mahina Poepoe. I am testifying on item 1(9). I am in opposition to Will Spence for Housing and Human Concerns Director. As the Planning Director, I found, or we found Mr. Spence really difficult to work with as we developed our community plan on Molokai. We had to fight tooth and nail to get and keep our East End and West End Policy Statements in our plan as chapters. You know, we weren't empowered throughout the process. We weren't provided the tools that later on we found were available, you know, like that we could use stronger language, that we could make site specific suggestions which I do think would've changed the outcome of our plan. And, you know, the East End Policy Statement is probably the most culturally important chapter in the plan. In that statement, among other things it asked for a permanent moratorium in tourist accommodations, yet under Mr. Spence, this was never acknowledged, or cited in the Department reviews of short-term rental applications and short-term rentals proliferated in the area. So, I get how planning experience qualifies for the housing aspect of this position. But this is also for human concerns and I'm not sure that he has the background in social services, you know, for that aspect of the position. And just one more thought was the last thing I saw coming out of Planning, one of the last things at the Molokai Planning Commission from Will Spence's desk was a resolution to essentially allow accessory uses to have their own accessory uses on Ag lots. The example given was that so a farmer, so if a farmer had a pool, it's rational that that farmer also be allowed to have a cabana to accompany the pool. You know, I just found that to further degrade Ag zoning and promote pseudo-Ag uses and if we're talking about truly affordable housing, which is a platform, all of you and the Mayor ran on, I don't know that this is the kind of person to really help accomplish that. Okay. Thank you. That's all I got.

CHAIR MOLINA: Okay, mahalo for your testimony, Ms. Poepoe. Committee Members, any need to clarify Ms. Poepoe's testimony?

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COUNCILMEMBER SUGIMURA: Chair?

CHAIR MOLINA: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Ms. Poepoe, thank you for testifying. Are you, were you a member of the Molokai CPAC?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: No, I wasn't. I was involved as a community member from when it got to the Commission level, and then when it went to you guys at the Council.

COUNCILMEMBER SUGIMURA: So, you were a testifier at a Molokai Planning Commission meeting when the Molokai Island Plan came to it, is that correct?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: When the community plan was at the Commission, it was like over a couple months and I attended a lot of those meetings, testified, you know, was there for their presentations and stuff like that, if that answers your question.

COUNCILMEMBER SUGIMURA: So, basically, you're saying that the Molokai Planning Commission didn't accept what you were saying then, correct, if you were not a...

MS. POEPOE: No, no because Will Spence was there also for some of the meetings if not all of them. And he spoke a lot when community members would testify and also, he really did not like the East End and West End Policy Statements in those meetings on Molokai and also from watching Planning meetings on Maui.

COUNCILMEMBER SUGIMURA: Thank you.

MS. POEPOE: And he wanted it to be removed.

CHAIR MOLINA: Thank you, Ms. Sugimura.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Thank you, Ms. Poepoe, any need to clarify Ms. Poepoe's testimony? Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Ms. Poepoe. I know you were intimately involved as a citizen of Molokai and an involved community member. And I just wanted to clarify your observations about support for the East End and West End Policies, that you did feel supported by the Council, because I

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think we came out strongly in support of the East End and West End Policies. And what is your observance of the working relationship between the Council and the Planning Department during that time? The time that the Council had that plan?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: And yeah, I recognize your support and thank you for your support of the statements. From, it was really frustrating to watch on the TV that, you know, the Planning Department had a front row seat at making revisions with you guys there. And they like wanted to delete so much stuff throughout that process and I don't know exactly what they were but notes that they would send that were available to read in testimony really, really changed a lot about the draft I think that came across to you guys. So, it was really hard to see that happen. I just don't think that they have a good concept of who we are here, and we get treated like Maui a lot. I don't know.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Poepoe, and thank you, Chair King. Any other need to clarify? Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Poepoe. Mahalo for your testimony this morning. One question, you mentioned that our current, the Molokai Community Plan, the current...the previous plan didn't allow for tourist accommodations on the East End, and under Mr. Spence's leadership short-term vacation rentals proliferated on that side. How under his leadership was that able to happen?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: I don't know. Most of them were administratively approved. So, that the Molokai Planning Commission and this community had no idea that they were even happening. And it wasn't until they were so densely saturated in some neighborhoods, that they would trigger a review at the Commission. So, when there were, I think more than 2 within 500 feet is when we would actually see the review. So, through administrative approvals I guess is how it happened without us knowing.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: See, it sounds like you knew. Mahalo for that clarification.

CHAIR MOLINA: Okay. Thank you, Ms. Rawlins-Fernandez. Any other need to clarify Ms. Poepoe's questions? Councilmember Kama?

COUNCILMEMBER KAMA: Good morning, Mahina, and mahalo for your testimony. I have a question. Do you believe that the Molokai Island Plan is owned by the people of

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Molokai and they're the owners of it? Or do you believe that the owners might be people who live on this island?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: I feel like we own it. There are things in it that, you know, could've been better and that were kind of watered down from how strong they were before. I can't cite them offhand. But I feel like we had to fight really hard, like harder than we should've had to, to get things in there like our East and West End Policy Statements.

COUNCILMEMBER KAMA: So, can I follow up with another question, Chair?

CHAIR MOLINA: Yes, and Councilmember Kama, if you could again, tie in Mr. Spence's role in it.

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER KAMA: Yes, so, do you believe that people who are going to be working on their community plans should not have to fight tooth and nail with any department to be able to get their hearts and their souls into their plans?

CHAIR MOLINA: Ms. Poepoe?

MS. POEPOE: Yes, I do. And I hope that people feel more empowered and are offered the tools that are available to them to actually make like the most meaningful and, you know, strong contributions as they can to their community plan.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama. Members, any other need to clarify Ms. Poepoe's testimony? Councilmember Hokama?

COUNCILMEMBER HOKAMA: Chairman, not a question, just a request to you. You know, this portion as I understand it is to clarify testimony provided, not to solicit additional testimony that wasn't presented during the original three minutes. So, I would ask for your Chairmanship in ensuring that the discussion is appropriate during this phase of the meeting, Chairman. Thank you.

CHAIR MOLINA: Okay. So, noted, Mr. Hokama. And the Chair appreciates all of you monitoring it as well because sometimes the Chair will, you know, may interpret things differently. But however, if you see it differently, please let the Chair know, and the Chair will rope everybody back in on here. But thank you for your questions to

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the testifier. So, seeing no other need to clarify Ms. Poepoe's testimony, we shall move on. Thank you, Ms. Poepoe.

MS. POEPOE: Thank you.

CHAIR MOLINA: Okay. Members, we're going to come back to Maui now, and we have Clare Apana standing by to give testimony. And she'll be providing testimony on items 9 and 6, and she'll be followed by Autumn Ness.

MS. APANA: Chair, may I request to switch places with a testifier who's farther down that has to go to work and school? . . . *(inaudible)* . . .

CHAIR MOLINA: Okay. Members, any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay.

MS. APANA: Thank you very much.

CHAIR MOLINA: Alright, proceed. And the testifier please identify yourself for the record.

MS. AHIA: Aloha mai kakou, good morning. I'm Noelani Ahia, and I'm testifying on item, I think it's 1(6), GET 1(6). Thank you for allowing me to switch. I very much appreciate it. So, the Department of Public Works under David Goode's direction allowed illegal sand mining using a grading permit issued by his Department. Resource extraction requires a Special Use Permit in the zone where Maui Lani was sand mining. It wasn't until the public complained, that the Planning Department issued a notice of violation. Despite this fact, Mr. Goode's Department has renewed this Maui Lani Partners Phase 9 grading and grubbing permit five times. The original date is December of 2014 and it was just renewed again. These permits are only valid for one year. The law says, the Department of Public Works Director may grant a time extension in cases of hardship or for a good cause. I wonder what Maui Lani Partners hardship was? Was making \$30 million in 2016 from selling sand containing iwi not enough? In addition, the facts stated on the permit have drastically changed since 2014. This permit has the box checked for no known burials. Now, after the discovery of iwi, this should've triggered a consultation with SHPD before a new permit could be obtained for the following year. But because the Department of Public Works, under David Goode's direction, overstepped their authority and renewed this permit that was used for illegal sand mining, the iwi kupuna are left in peril. Now, these permits also violate the community plan which clearly protects the sand dunes as wahi pana, and yet they have been mined down and sold for profit. I do not know David Goode personally, he's likely a very nice man. But I do not trust his judgment based on his past actions to protect our iwi kupuna, to protect our natural resources, _____ Hawaii, or to follow the law. For these reasons, I ask the Council not to approve Mayor Victorino's

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appointment of David Goode to the Director of the Department of Public Works. Maui deserves better, and our iwi kupuna deserve better. Mahalo.

CHAIR MOLINA: Thank you, Ms. Ahia. Members, any need to clarify Ms. Ahia's testimony? Councilmember Sinenci?

COUNCILMEMBER SINENCI: Yes, Ms. Ahia --

MS. AHIA: Yes, thank you.

COUNCILMEMBER SINENCI: --do you know if the sand mining is still continuing to this day?

MS. AHIA: At the moment, because of the notice of violation they are not removing sand. However, the sand mining moratorium has expired. So, we have to take that up again as a community. But that area was never zoned for sand mining. So, as far as I know, there's not supposed to be sand being removed. But, you know, on this permit, it allowed for excavation, 213,920 cubic yards. And 100,000 cubic yards is 130,000 tons. So, we're looking at over 260--, 270--, 280,000 tons of sand that was removed using this permit.

CHAIR MOLINA: Ms. Ahia, I'm sorry. I believe you answered Mr. Sinenci's question.

MS. AHIA: Okay. Thank you.

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

MS. AHIA: Thank you.

CHAIR MOLINA: Next to testify we have Autumn Ness. She will be testifying on items 9 and 6, to be followed by Tom Welch.

MS. NESS: Good morning, Committee. Thanks for the opportunity. I am actually going to testify the first part, reread the testimony that I did last time because Councilmember Kama was not here. I can't get my computer to...I'm so sorry, my computer just froze, crap. I thought Auntie Clare was going next and I was on a different page. I'm so sorry. Can I let someone go ahead of me until my computer comes back?

CHAIR MOLINA: Members, any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay.

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MS. NESS: I'm so sorry.

CHAIR MOLINA: Alright, we'll have Mr. Welch. And Mr. Welch will be testifying on items number 5 and 6. And he'll be followed by Sydney Smith.

MR. WELCH: Good morning, Mr. Chair, Members of the Committee. My name is Tom Welch. I'm a local practicing lawyer, and I'm testifying in favor of the confirmation of Scott Teruya. I've known Scott and worked with him for 15 years, the last 10 of which he was head of the, Director of the Real Property Tax Division, and our office represents a lot of people who pay a lot of real estate taxes. And I have to say, that Scott, in his quiet behind-the-scenes capacity, has done more than almost anyone to improve and enhance the reputation of Maui County government with Maui taxpayers, and to improve its reputation as for fairness and consistency and efficiency. Government offices don't get complimented very often for efficiency. But it's true here, and all while collecting about \$300 million of revenue for the County. Now, how, why do I say that? One of the main, he's done several things for his Department. Number one, he's trained his assessors and done a very good job of administering the whole assessment process. But most of all, he did one very important thing, on his own initiative, he created the Maui County Real Property Tax website. He's converted Maui County from a system of paper tax maps, paper tax map key, tax key maps, to, and paper card files to a fully automated, comprehensive, accessible system, and it's very, very good. Any of you who have used it, you will, you know how good it is. And in fact, I think the other counties have copied it. We, our office handles a lot of tax appeals. Ten years ago, we used to do, I don't know, 15 tax appeals a year. Win 'em, we won lots, we lost a couple, but today, in the last three years I've only handled one tax appeal and I lost it. And the reason is, there's so much information collated, and efficiently presented, and accessible to not only government, but the citizens and the property owners. And I think the whole real estate industry uses that website all the time. I use it seven or eight times a day, it's very, very good, and it's really Scott's doing. He created it, he designed it, he implemented it, and it's a great success. And...

CHAIR MOLINA: You need to conclude, a few seconds to conclude, Mr. Welch, on Mr. Teruya.

MR. WELCH: On that one, but I have...

CHAIR MOLINA: Yeah, what I'll do first, hold off on your testimony on Mr. Teruya, and I'll ask the Members if they have any clarification in regards to your testimony on Mr. Teruya. Councilmember Paltin?

COUNCILMEMBER PALTIN: How did you know that he created that website?

CHAIR MOLINA: Because I, because I've been told that by members of his staff who have appreciated it and supported it and have used it a lot.

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COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay. Thank you, Members. Any other need to clarify Mr. Welch's testimony regarding Mr. Teruya? Seeing none...oh go ahead, Councilmember Kama.

COUNCILMEMBER KAMA: So, how does the website benefit the people in the community?

CHAIR MOLINA: Oh, excuse me, Ms. Kama, again, the question should be phrased more as Mr. Teruya's role with the website again. So, we...

COUNCILMEMBER KAMA: Okay. Can, so, can you tell me then, and correct me if I'm not wording this right because I can only speak from what my heart says, I'm thinking about it in my head --

CHAIR MOLINA: No problem, we appreciate your...

COUNCILMEMBER KAMA: --so, but I'm open to comments. So, sir, what, or how do you, what do you think was in Scott Teruya's mind when he decided to create this website in terms of what would the people of this community benefit?

MR. WELCH: Good question. When...the Real Property appraisal process for tax purposes is complicated, it requires a lot of expertise. But most of all, it requires information, and information that's cross-referenced. For example, if you're going to assess a particular property, you need to know all the recent sales in the area, comparable sales of similar properties elsewhere on the island, you need to know the history of assessments on properties around a particular assessed property. And when you have all of that information at your fingertips, before we didn't have it, you had to go dig and you had to know where to look. Now, there's, you can push a button and things are cross-referenced. You can find all of the recent sales in the last year, or two years, or whatever, in the immediate neighborhood or in that part of the island, or, it's all available. And when you have that information at your fingertips, it gives the Department the power not only to assess accurately, but to defend their assessments. I've had people come in and not be happy with their assessment and so, we talk about a tax appeal and so, I make an appointment to, with the assessors to, within a, you know, to sit down and discuss it. And we walk into the room and the assessor pulls out a thing and says, well look, here's what's happened in the neighborhood, here's what, you know...

CHAIR MOLINA: Mr. Welch, I think you've answered Councilmember Kama's questions.

MR. WELCH: Okay. Good, thank you, sorry.

CHAIR MOLINA: Ms. Kama, any other need to clarify?

COUNCILMEMBER KAMA: No, that's all, sir. Thank you.

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CHAIR MOLINA: Thank you. And, Ms. Kama, I gotta compliment you on restructuring your question, that was just grade A, awesome job.

MR. WELCH: Good question.

CHAIR MOLINA: Okay. Members, any other need to clarify Mr. Welch's statements? Council Chair King?

COUNCILMEMBER KING: Thank you, Thank you for being here, Mr. Welch. Since you're close with Mr. Teruya, have you gotten any indication from him that he will be able to lower the amount set aside for appeals, the annual amounts set aside for appeals with this new system that he created?

MR. WELCH: I haven't discussed that with him, and I can't answer that question.

COUNCILMEMBER KING: Okay. 'Cause that would really benefit the people of Maui.

MR. WELCH: It would.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you. Members, any other need to clarify Mr. Welch's testimony? Seeing none, thank you very much, Mr. Welch. Next to testify we have Sydney Smith, followed by Lisa Barnes.

MR. WELCH: Excuse me, Chair, I have a...

CHAIR MOLINA: Oh, yes, yes, my apologies, Mr. Welch.

MR. WELCH: That's okay.

CHAIR MOLINA: Okay. Yeah, you can go ahead and testify on your next item.

MR. WELCH: Very quickly, I also wanted to put in a good word for David Goode as Planning...as Public Works Director. I testified recently when I came before you for Michelle McLean, and I won't go on and on again, but I do want to say that in the affordable housing industry, and I represent a lot of developers that are thinking of, or embarking on affordable housing projects, the decision to go or no go on a project is based on a series of risk evaluations, including the factor of what can be expected from government agencies, and the Council, and the whole approval process along the way because it affects timing, it affects the decisions, it's their, every decision affects cost and so forth. And with David, and also Michelle, and Will, Will, back when he was Planning Director, Will now when he's, had been functioning as Housing Director, and Michelle as a very strong Deputy under Will and now Planning Director, the

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industry has a lot of confidence that that risk factor can be dealt with and minimized. They know they're going to be treated fairly, and consistently, and promptly, and that's a big factor in decisions for going forward on affordable housing projects. So, I just wanted to emphasize that and say that we really do support those three, including David.

CHAIR MOLINA: Okay. Thank you very much, Mr. Welch. Members, any need to clarify Mr. Welch's testimony regarding Director Goode?

COUNCILMEMBER SINENCI: Yes.

CHAIR MOLINA: Councilmember Sinenci?

COUNCILMEMBER SINENCI: I have question for Mr. Welch. You know, the County is in a housing crisis where we've got over 13,000 of affordable homes that we need to quickly fill. Do you think these appointees would help to facilitate, and streamline, and address our housing crisis?

CHAIR MOLINA: Councilmember, just to stress now, now you're talking specifically of Mr. Goode's role with the affordable housing crisis? Is that your question to Mr. Welch?

COUNCILMEMBER SINENCI: Well, he was...he addressed three different . . .(inaudible). . .

CHAIR MOLINA: Yeah, again, the Chair would prefer that, yeah, just keep it to Mr. Goode.

COUNCILMEMBER SINENCI: Okay. Mr. Goode.

CHAIR MOLINA: Yeah.

MR. WELCH: Yes, I firmly believe that in the interaction between the industry that is thinking of doing this and taking the risk and proceeding on these projects, having the confidence of and knowing these people, and David in particular, as a known quantity, a known quantity, they have a lot of experience with him. They know his judgment, they know his point of view, they know his efficiency, they know that they're going to be treated fairly. It makes a big difference in the way they make their decision to do an affordable project or to go try to build a condominium somewhere else and a, or a hotel, or something like that. And I've got, a lot of people because of these people, my, several of my clients are saying, you know, this is a business we really should pursue.

CHAIR MOLINA: Okay. Thank you. Members, any other need to clarify Mr. Welch's statements regarding Mr. Goode? Seeing none, thank you. Next to testify we have Sydney Smith, to be followed by Lisa Barnes. And Ms. Smith will be...okay. Chair doesn't like playing musical chairs with testifiers here. But I'll let this go. No more

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changes, please, Ms. Ness or Ms. Smith. Thank you. Okay. We are back to Autumn Ness to testify.

MS. NESS: Apologies, sorry, technical difficulties.

CHAIR MOLINA: No problem. Okay.

MS. NESS: My name is Autumn Ness. I'm going to testify on two items. The first one I'll lump a few items together, and the next one I'll talk about Public Works. Apologies, these are kind of a repeat of my comments from before because Member Kama wasn't here. We have big problems that need to be fixed, especially related to infrastructure and housing. And I think it's pretty ludicrous to think that we can solve any of these problems with the same leadership that created them in the first place. One of the reasons that so many people voted for the first time ever in this last election, and a driver of the huli campaign is change and the way the 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 tired of watching industry be regulated by departments that are directed by people who consistently side with those interests, and that is exactly what many of these renominated directors have done for years. As Councilmembers, once a department head is approved, you have zero power over how a department operates. Even in Budget time you can put things in the Budget, but they don't have to spend it. Now is the only time you are able to speak up and say enough. And that is why people in 2016 voted on their ballot to give you guys the power of confirmation over these directors. They need you to speak up for them. Working for Member Cochran, there are so many times we found a department breaking the law, or not doing their job and they would come and sit at that desk right there and straight lie to the Members about it, and we had no recourse unless we had the time or the money to sue, and generally we don't. There's three branches of government. You make the laws, the departments administer them, and if they don't uphold their end of the deal, you sue. But over the years, many of these reappointment, reappointed directors have blatant, been blatant in their disregard of their responsibility to the people. They have faced no consequences because we don't have the time or the money to sue, and they know that. So, the community is left playing whack-a-mole, chasing down shady deals, and doing GoFundMe sites for lawsuits when they can. Now, they're coming to you for reappointment, and the voters of Maui County in the last election elected you with a mandate to change things and huli the system. And this is one of the first big parts of that huli. I hear a lot of people say, oh, this is the best nominee for the job because they have institutional knowledge, or no one else qualified applied. With all due respect, that's an insult to the talented people on Maui who could do this job for the will of the people. If, once institutional knowledge is being used to subvert the law to make money for their friends and make bad decisions, I would say I don't need that institutional knowledge in this job. I'd rather have someone on the job learning as they go, who wants to do the work of the people. I also would say, huli the system means that if your first director is not good and they get denied, and your second

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director is not good and they get denied, then you have to keep doing this, and we have to keep going through this process until we have somebody that is good. My next item...

CHAIR MOLINA: Hang on, Ms. Ness. So, just to clarify your testimony here, you signed up for items 9, and 6. Any particular director that you spoke of in your testimony?

MS. NESS: That was in general, all of the, I looped them all together, the first two in that one. And now, I'm going to talk about Director Goode, I mean, Public Works.

CHAIR MOLINA: Okay. Your next item will be on...

MS. NESS: Yeah.

CHAIR MOLINA: Okay.

MS. NESS: Yes.

CHAIR MOLINA: First, any need to clarify her earlier testimony, Members? Ms. Rawlins-Fernandez, you had...

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Ms. Ness.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your testimony.

MS. NESS: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, who were the two directors in that first testimony?

MS. NESS: Spence and Teruya.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. NESS: The first two departments.

CHAIR MOLINA: Okay.

MS. NESS: I just kind of looped them.

VICE-CHAIR RAWLINS-FERNANDEZ: And what your position was...

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MS. NESS: My position is that we can't solve the same problems we're dealing with now with people who created it. So, if people have been in charge of those departments until now, we can't expect anything new to change if we're putting them in place.

VICE-CHAIR RAWLINS-FERNANDEZ: So, you're in opposition?

MS. NESS: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Thank you.

MS. NESS: Long -winded answer, sorry.

CHAIR MOLINA: Okay. No problem. Ms. Paltin, you have a question?

COUNCILMEMBER PALTIN: I think Teruya wasn't in the position already. Is that still your position that you're opposed to it?

MS. NESS: I don't want to say right now that I'm opposed or to him specifically in that position. My general, working in this building for a few years between one foot in the building and one foot in the community is that there are positions of leadership, whether they're a director position or not, that have, the people have not been thinking outside of the box towards solutions. So, if he was in a different role and has not been thinking outside of the box towards solutions, I'm just asking you as the Councilmembers to consider that. I can't speak specifically to him, 'cause I don't have a lot of personal relationships with him. So, it's, I'm not going to say I oppose or support him because that's kind of irresponsible. But I just, I'm asking you in general to keep that in your mind.

COUNCILMEMBER PALTIN: Thank you for the clarification.

MS. NESS: Yeah, sorry for not being so...

CHAIR MOLINA: That's okay.

MS. NESS: Yeah.

CHAIR MOLINA: No problem. Okay. Ms. Ness, you can go ahead and proceed to testify on Director Goode.

MS. NESS: Okay. This is a little hard for me. But I'm just gonna do it. Working for Councilmember Cochran, so many huge controversies that we had to deal with started and ended with David Goode. I'll do my best to bullet point them, and I can provide you all the proof you need if requested. The flood in Iao which resulted in the dredging of Wailuku River and the crushing of pohaku that ended up in the landfill, David Goode can deny it, but we have proof that it all happened. We spent ten, this body

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approved \$10 million of taxpayer money out of our Emergency Fund with the promise that FEMA would reimburse it. But they broke so many FEMA rules, you might want to ask how much we ever got from FEMA for all of that. Sand mining, this Council spent over half a year figuring out how to stop the blatant disregard of our sand and iwi for gigantic profit. David Goode was at all of those meetings, well aware of how hard everyone was working to make a fair sand mining moratorium. And we got word at the end that the Public Works Department, under David Goode's direction, fast tracked a permit to continue grading that area in something like 28 minutes, unheard of, a total slap in the face. He did an end run around this body and the whole community by rushing a permit and getting them grandfathered in so that whatever law was passed here didn't apply to the biggest offender, the very reason we were trying to pass the moratorium in the first place. In Kihei, David Goode spent years pushing a wildly unpopular culvert project at Kulanihakoi. The Kihei Community Association was against it, Aha Moku Council was against it, Sierra Club, it created way more cultural and infrastructural problems that it solved and had a grossly inflated price tag. It took a huge hail Mary here in this room, community involvement at the last minute to get him to stop it. Many of us were wondering, this project is so crazy, somebody has to be making money off all this. Finally, we got David Goode to agree to stop it and actually listened to what the community was saying, and we get an e-mail a week or so later saying, you know what, the project you've been pushing so hard for didn't even have the proper permitting anyway. So, you'll hear also in a few more testifiers about the absolute farce that is going on at Moomuku in Makena, either right under the Department's nose, or with their support, I can't figure out which. But all of this points to two things which are equally strong arguments against David Goode's reappointment; one is gross incompetence, or corruption and collusion with the industry that he's supposed to be, that's profiting off his bad decisions. I don't know which it is, but neither of them are a quality that I want in the Director of Public Works. When David Goode is up here, he's gonna deny all this stuff and make it sound like it was a misunderstanding. But he has misrepresented the truth on that desk repeatedly in the past. He has lied to this body. And you know what they say, fool me once, shame on you, full me twice, then don't complain when the Department continues to collude with industry and make bad decisions for the next four years that our children have to deal with for no, who knows how long. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Ness. Members, any need to clarify Ms. Ness' testimony regarding Mr. Goode? Seeing none, thank you very much. Okay. Next to testify we have Sydney Smith, to be followed by Lisa Barnes. And for the record, I've been informed that so far, Hana and Lanai, there are no testifiers for any of our director appointees today. Go ahead, Ms. Smith.

MS. SMITH: Alright, good morning. Aloha, Chair, and Councilmembers. My name is Sydney Smith. My husband and I own Maliko Estate Coffee. I'm a member of the Maui Coffee Association and the Ag Working Group. I'm here to support Will Spence as Housing and Human Concerns Director. I've worked with dozens of department directors over the years and I've found Director Spence to be the most compassionate, and the most

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willing to help citizens find solutions to their issues. With knowledge of planning and zoning, he's uniquely qualified to get workforce and affordable housing beyond the dream stage to reality. While Planning Director for nearly eight years, he tried valiantly to change the culture of zoning and enforcement from a stall, fine, and punish mentality, to an assist, serve, and support policy. This proved to be nearly impossible. I hope that Michelle McLean will continue that work so that we can all move forward. In Housing and Human Concerns, he doesn't have that problem. His entire Department has one focus only, to help Maui County's citizens, to help our aging community, to help our citizens with addiction, illness, injury, and disabilities, and to help solve our housing crisis. As a member of the Ag Working Group, we've successfully worked with all departments to bring Maui County's outdated industrial ag regulations into a smaller family farm mindset. Will Spence was very involved with our efforts to update the rules and Title 19 of Maui County Code. I'm in discussions now to assist Director Spence in creating a housing working group that will be made up of volunteers and creative thinkers who can bring the private sector and the nonprofit sector together with government to solve our housing crisis. I have absolute confidence that Will Spence has the knowledge, expertise, compassion, and qualities necessary to make affordable housing here in Maui County a reality. Thank you.

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

MS. SMITH: Aloha.

CHAIR MOLINA: Aloha. Next to testify, we have Lisa Barnes. And she'll be followed by Hugh Starr.

MS. BARNES: Good morning. My name is Lisa Barnes. I'm eight months pregnant so bear with me here. I just wanted to talk on behalf of Will Spence. I was, I had the luxury of attending the lottery that was a couple of weeks ago and I saw firsthand how compassionate he was. I believe he has the background experience and the backbone, which it takes to continue his job and I'm in favor of him, 100 percent. I hope you are as well. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Barnes. Members, any need to clarify testimony? Ms. Paltin?

COUNCILMEMBER PALTIN: What lottery are you talking about?

MS. BARNES: The housing lottery.

COUNCILMEMBER PALTIN: For which?

MS. BARNES: For people of Maui County, there was...

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CHAIR MOLINA: If I could interject, the First-Time Homebuyers --

MS. BARNES: Yeah.

CHAIR MOLINA: --Fund lottery.

MS. BARNES: Yes.

COUNCILMEMBER PALTIN: Thank you.

MS. BARNES: You're welcome.

CHAIR MOLINA: Thank you. Any other need to clarify Ms. Barnes' testimony? Seeing none, thank you very much. Next to testify we have Hugh Starr, and he'll be followed by Kai Nishiki. And Mr. Starr will be testifying on three items, items 4, 9, and 6.

MR. STARR: Thank you, Chair Molina, Councilmembers. I'm Hugh Starr, from Upcountry. And maybe for those of you who I haven't actually met yet, congratulations. But I have been a mostly ag land planner, manager, consultant, sales person for Upcountry ag lands for about 49, 50 years. In this capacity I've had an opportunity over the last two or three decades to work with the three individuals and I wanted to just come and support 'em, and testify in support of David Goode, Will Spence, and Jeff Pearson. David Goode's qualities, to me, and I just wanted to share those with you, is that he is, of course, has experience, he's been serving in the capacity that he's seeking, and the Mayor is seeking to place him in for some time. And I've had a lot of experience to run into him. Nothing ever goes perfectly, but he is a task master. He does have a quality of accessibility and he is level headed. So, for those reasons, I would respectfully request that you consider confirming him as the Director of Public Works. Will Spence, I've known when he was in private practice and as Director, and as a staff person at the Planning Department. I've worked with him in my capacity in my profession for many years and I've always found Will to be creative. He's open minded, and he does have a wealth of experience relating to zoning and land use, which I think could be a constructive asset and experience for him at Housing and Human Concerns. I do think Housing and Human Concerns, I'm hoping as others have eluded to, that we are at the cusp of really solving finally the will between your Council and our new Mayor to find common cause to solve the homelessness problem, and the affordable housing problem for our island working people. I know that there's the will out there, and I'm really confident you all will be able to do that. In essence, I think Will would be an asset at Housing. Jeff Pearson, I have known also with my interest in water in particular. He's worked inside and outside the private and public sector. He has a wealth of experience as a technician with water and I think it's especially valuable right now with what this transition we're going through with Mahi Pono that he has worked with the State Water Commission, that he has been with the Board of Water Supply, or the Department of Water Supply, and that those two agencies will need to be collaborating as we move forward in this big transition that we're sorting

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out right now. So, I think he is a valuable asset to have at the helm of a water department because he's articulate in matters related to water. I support them all. I would respectfully request that you consider their confirmation and that this would help the collaboration between your Council and our new Mayor, Mr. Victorino. Mahalo.

CHAIR MOLINA: Okay. Thank you very much, Mr. Starr, and thank you for encompassing all your testimony regarding the three directors within three minutes, very impressive. Members, any need to clarify Mr. Starr's testimony regarding any of the three nominees? Chairman King?

COUNCILMEMBER KING: Thank you, Chair. So, thanks for being here, Hugh.

MR. STARR: Yeah, thank you, Chair.

COUNCILMEMBER KING: So, I just wanted to clarify your position because you said you were with an ag group Upcountry. But do you still work for A&B and are you representing them here?

MR. STARR: I, so, I do work with the Ag Working group. I mean, as a, you know, as a volunteer, I've been with them for a long time. I do agricultural consulting. I have done ag consulting for Alexander and Baldwin, as well as I have done brokerage work on some of their former pineapple land. When Maui Pine went out of business, A&B wanted to sell some of their lands that had no relation to either development or sugar. And I did assist them in selling some of those properties, that's correct, yeah.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Alright, thank you very much. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Yes, I have a question for Mr. Starr. Thank you for testimony this morning.

MR. STARR: Mahalo.

COUNCILMEMBER SINENCI: To your knowledge, do you feel that Mr. Spence had addressed some of the illegal vacation rentals as the Planning Director?

MR. STARR: Well, honestly, I have to say I don't follow that issue very much. My focus is on ag land and I've never personally or professionally been engaged in the short-term rental, or illegal vacation rental process. I know it's contentious and I've kind of observed it from the sidelines. But I don't really have much of any consequence to share that would make any sense. I think, I apologize, I just don't know much about it.

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COUNCILMEMBER SINENCI: Thank you.

MR. STARR: Yeah, mahalo.

CHAIR MOLINA: Okay. Thank you very much, Councilmembers. Any other need to clarify Mr. Starr's testimony? Seeing none, thank you very much, Mr. Starr.

MR. STARR: Thank you.

CHAIR MOLINA: Next to testify we have Kai Nishiki, and she'll be followed by Tina Rothman. And upon the completion of Ms. Rothman's testimony we're going to take our morning break after. Good morning. Ms. Nishiki will be testifying on items 9 and 6.

MS. NISHIKI: Good morning, Councilmembers. Today, we will hear from a lot of developers, lawyers...oh, I'm sorry, Kai Nishiki testifying. Today, we'll hear from a lot of developers, lawyers, and lobbyists who are here to support these directors. They will tell you how helpful, how experienced, and what a good job they have done. But see, that's the problem. Why are these directors helping developers? What, they should be working in the best interests of all of our residents of Maui, not just special interests. As you all know, shoreline hardening is a serious concern for our island community, especially with impending sea level rise. In 2018, the State Legislature did not approve the proposed seawall for Hololani Developers on Kahana Bay in West Maui. The Hololani Developers then met with, met privately with outgoing Planning Director, Will Spence, and conspired to change the County permit to allow Hololani to start construction immediately. With this action, Will Spence illegally left out the Maui Planning Commission, and the public's ability to have any say in this change. This also was a workaround proper environmental review. On December 3rd, the Environmental Court held that Will Spence wrongly approved these changes, and I am handing out a letter that was sent to the Planning Department. On December 3rd, the Environmental Court held that Will Spence wrongly approved these changes. Judge Cardoza said, he was deeply disturbed by the Planning Director's actions, and this was a blatant workaround in response to the State Legislature's decision. This decision is a disgraceful example of judgment by a nominee who is placed in a position of authority. Let's talk about the decisions that he could've made and didn't. He could've used his Planning Directorship to help bring down the cost of development for affordable housing. For instance, the Housing TIG, the temporary investigative group, which is made up of real estate, environmentalists, and other stakeholders of Maui County, put out a report. And in that report, they all agreed that the top two contributing factors to our housing crisis are the convoluted permitting process, and time associated, which equates to higher prices for home development, and lack of progressive action to enforce the proliferation of illegal TVRs operating in our County. If it wasn't for the progressive actions of the County hiring an outside consultant to identify illegal operations, where would we be today? Why should Will Spence be allowed to be Housing Director when as Planning Director, he failed to address these major contributors to our housing crisis and issued bogus approvals...

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CHAIR MOLINA: Sorry, Ms. Nishiki, I'll have to stop your testimony on Mr. Spence. Members, any need to clarify Ms. Nishiki's testimony regarding Mr. Spence? Okay. Thank you. Ms. Nishiki, you can provide testimony now on your next item.

MS. NISHIKI: Thank you. I am also submitting a letter that David Goode submitted to Suzanne Case and the BLNR. And this was a letter of strong support for the Hololani seawall, stating that it would resolve a long-standing drainage issue and provide important public benefit such as public beach access. However, the truth is, is that the County is perfectly capable of dealing with the drainage issue on its own, and Department of Public Works did not need to issue this letter at all. They had money allocated in the budget to address the drainage issue, and the public benefit of public beach access, we have enjoyed for many years. So, the Hololani development was in no way contributing to either of these proposed public benefit that he had in his letter. And when I asked him at a meeting shortly after the letter was submitted, I asked him why would, why did you submit that letter? I mean, there was no necessity for you to support a seawall, which is really in opposition to everything that our County stands for? And he said, well, you know, the developers kept pressuring me to write this letter. And I said, well, when I read the letter, it really sounds like they basically wrote the letter for you and you signed it. And he just like kind of like laughed and smiled. So, obviously, you know, he probably didn't write this letter. The developers just went in there with their wording and said, hey, can you sign this for me? And you know, Will Spence and David Goode have a long record of lying to the County Council about many things. And I just don't feel that they are a good fit. There's a lot of people who are well qualified and I would just urge you to not vote for their approval as directors. Mahalo.

CHAIR MOLINA: Okay. Thank you, Ms. Nishiki. Members, any need to clarify Ms. Nishiki's testimony regarding Mr. Goode? Chairman King?

COUNCILMEMBER KING: Thank you. Just, earlier you said you had some documentation you were going to share with us --

MS. NISHIKI: Yes.

COUNCILMEMBER KING: --regarding the Hololani wall, seawall? You have that to hand out?

MS. NISHIKI: Yes, I gave it to the County Clerk.

COUNCILMEMBER KING: Okay.

MS. NISHIKI: I think she'll be passing it our shortly.

COUNCILMEMBER KING: Okay. Thank you.

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MS. NISHIKI: Mahalo.

CHAIR MOLINA: Okay. Members, any other need to clarify? Seeing none, thank you very much, Ms. Nishiki.

MS. NISHIKI: Thank you.

CHAIR MOLINA: Next to testify we have Tina Rothman. And Tina will be testifying on item number 6. And upon the completion of Ms. Rothman's testimony, we're going to take our morning break. Good morning, Ms. Rothman.

MS. ROTHMAN: Good morning. Good morning, my name is Tina Rothman. I am a GIS analyst in the private sector. I've become familiar with the Department of Public Works through a research project over the past year and my stance is that I don't agree with the nomination of Mr. Goode for the Director of Public Works for the two following reasons. I believe that he has demonstrated a lack of interagency cooperation, especially in regards to the HRS Chapter 6E historic preservation process. The agency that I'm referring to in specific is the State Historic Preservation Division, also known as SHPD. SHPD and Public Works have a very crucial relationship. SHPD is the State agency that Public Works sends grading permits to, in order to comment on historic sites that will be affected by grading. SHPD will then make a recommendation to either proceed with the grading permit, or not to proceed. So, as you can see, the input that SHPD has on ground altering permits is very important. I want to refer you to a memo from 2016 written by Director Goode to the rest of the Department, and it's in regards to the Historic Preservation Department's review timeline. And basically, it's saying that if the SHPD doesn't submit comments within a certain period, the Public Works Department will just proceed with the permit. So, here's one paragraph from that letter, effective immediately, if SHPD fails to provide written comments back to the County of Maui, Department of Public Works, within the timeframe specified in the rules, or by agreement between Public Works and SHPD, for any project submittal, Public Works shall presume that SHPD concurs with the submittal and shall proceed to process all plans and permits associated with the project accordingly. So, basically what that's saying is that they're not going to wait around for SHPD to submit their comments. Let's see, as I understand it, before this memo, Public Works gave SHPD extra time for review in consideration of the chronic staffing shortage that SHPD experiences. This letter then represents a shift in policy from where Department of Public Works worked with SHPD, to a shift to basically working against them. I believe we need a person leading the Department that understands and respects the roles that other agencies play and enact policies that support interagency cooperation.

CHAIR MOLINA: Okay. Thank you very much, Ms. Rothman. Members, any need to clarify Ms. Rothman's testimony? Councilmember Sugimura?

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COUNCILMEMBER SUGIMURA: Thank you, Chair. So, Ms. Rothman, you've been working with Public Works you say for the past year? Is that what you said?

MS. ROTHMAN: Not working with them. I've been communicating with them for research on grading permits. So, as a private community member, not an employee.

COUNCILMEMBER SUGIMURA: So, you've worked with Mr. Goode? Is that what, you're testifying about his qualifications and handling of, work with SHPD, and you --

MS. ROTHMAN: Yes.

COUNCILMEMBER SUGIMURA: --have been working on what, grading permits?

MS. ROTHMAN: This is, the grading permits are in regard to the Moomuku project, which is that area past the third entrance of Makena. So, we did a presentation on it a couple of times, I believe you were there. I think it was IEM-80.

COUNCILMEMBER SUGIMURA: And I think that the comments that you're making regarding SHPD in relationship to Public Works, you know that we have no jurisdiction over the State SHPD DLNR Division, right? I mean --

MS. ROTHMAN: Yes.

COUNCILMEMBER SUGIMURA: --Mr. Goode, could not instruct DLNR to do something, or SHPD to do anything. But you're, what are you saying regarding that?

MS. ROTHMAN: What I'm saying is that the Chapter 6E historic preservation process requires interagency cooperation, and the memo that was written by doctor, or Director Goode reflects a lack of cooperation with SHPD by holding them to an unreasonable timeframe. I think everybody at, who's worked with SHPD or has been there knows how understaffed they are. And to require a 30-day time period to comment on a grading permit is, it's in the law, yes, but previous to this memo, the Department was flexible with SHPD. And I think that this memo represents a change in the direction of the Department from one of working with SHPD to really being inflexible with SHPD. So, what I'm asking for is a return or some other way of making that relationship, that very crucial relationship function.

CHAIR MOLINA: Thank you, Ms. Rothman. Councilmember, you have any more need for clarification?

COUNCILMEMBER SUGIMURA: So, I'll reserve questions later regarding this 'cause we're talking about State law versus what the County is responsible to do. It's kind of out of the realm for the discussion.

CHAIR MOLINA: Yeah, we can do that during the deliberation phase.

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COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Okay. Members, any other need to clarify?

COUNCILMEMBER SINENCI: Chair?

CHAIR MOLINA: Councilmember Sinenci, followed by Chair King.

COUNCILMEMBER SINENCI: I just had a question for Ms. Rothman. So, if SHPD was part of the project and they found burial sites --

MS. ROTHMAN: Yes.

COUNCILMEMBER SINENCI: --would they then put a stop order until they can --

MS. ROTHMAN: They...

COUNCILMEMBER SINENCI: --better vet...

CHAIR MOLINA: Again, Ms. Rothman, in your response to Mr. Sinenci, please again tie in Mr. Goode's role with the question that's being presented.

MS. ROTHMAN: Okay.

COUNCILMEMBER SINENCI: Thank you, Chair.

MS. ROTHMAN: So, first of all, if Mr. Goode's directive is that SHPD has to comment within 30 days and no more, it doesn't even get to the point where SHPD can provide comments on it.

CHAIR MOLINA: Okay. Thank you, Councilmember. Chairman King?

COUNCILMEMBER KING: Okay. Thank you, Chair. I just wanted to ask Ms. Rothman --

MS. ROTHMAN: Yes.

COUNCILMEMBER KING: --I think you came into the presentation with Justin Kekiwi, can you provide a copy of that memo that you're talking about?

MS. ROTHMAN: Yes.

COUNCILMEMBER KING: So, that...to the Council?

MS. ROTHMAN: Yes, it's public record, but yeah, I can e-mail it to the Council.

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COUNCILMEMBER KING: Yeah, okay, thank you.

CHAIR MOLINA: Okay. Thank you very much, Members. If there's no other need to clarify, we're going to go ahead and take our morning break. But before that, I'd like to notify --

COUNCILMEMBER PALTIN: Chair?

CHAIR MOLINA: --Lani...I heard a, sorry, Ms. Paltin? Clarification, yeah, go ahead.

COUNCILMEMBER PALTIN: I thought in the beginning of your testimony you said you had two points?

MS. ROTHMAN: Yeah, testimony ran out, but do I have time to make the second point?

CHAIR MOLINA: Chair is going to ask that because we, you know, time was given and not to again continue testimony. Chair would prefer that you ask a question related to what's already been given by the testifier if that's alright. Now, again, we have a break. Maybe at that point, Councilmember, you can ask that question.

COUNCILMEMBER KING: Chair, point of order?

CHAIR MOLINA: Yes?

COUNCILMEMBER KING: I think what Ms. Paltin is referring to is that there was another item that Ms. Rothman wanted to testify on?

MS. ROTHMAN: Yes.

CHAIR MOLINA: Oh, I'm sorry. Did you, I have Ms. Rothman just listed as testifying on item number 6 which was related to Mr. Goode.

MS. ROTHMAN: Oh, yeah.

CHAIR MOLINA: Yes. Okay.

MS. ROTHMAN: It's just one item.

CHAIR MOLINA: Ms. Paltin?

COUNCILMEMBER PALTIN: I was wondering if you could e-mail us the second point.

MS. ROTHMAN: Yes.

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CHAIR MOLINA: Okay. Alright, thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: And thank you for your patience on that, Ms. Paltin.

MS. ROTHMAN: Thank you.

CHAIR MOLINA: Alrighty. Thank you, Ms. Rothman. Members, before we break, I'd like to notify Lani Eckart-Dodd, and Kaapuni Aiwohi that you'll be testifying once we return from our morning break. Members, meeting in recess until 10:50. . . . *(gavel)* . . .

RECESS: 10:40 a.m.

RECONVENE: 10:54 a.m.

CHAIR MOLINA: . . . *(gavel)* . . . The GET meeting for Tuesday, January 29, 2019 is now back in session. Members, it is five minutes until the hour of 11 o'clock. We are still in the testimonial phase of this morning's meeting. And as the Chair had mentioned earlier, we have the following testifiers to give testimony. We have Lani Eckart-Dodd, to be followed by Kaapuni Aiwohi. Ms. Dodd, proceed to the podium.

MS. ECKART-DODD: Aloha mai kakou. I'm Lani Eckart-Dodd. I'm the current Board Treasurer of the Hui O Na Wai Eha, and today I'll be providing testimony on behalf of our organization as it relates to the appointment of Mr. Jeff Pearson as the Director of the Maui County Department of Water Supply. Hui O Na Wai Eha was established in 2003, and our mission is to advocate for the restoration and stewardship of mauka to makai stream flow in Waikapu, Wailuku, Waiehu, and Waihee streams, to protect cultural and natural resources related to their traditional and customary practices of Native Hawaiian kuleana kalo farmers, to engage the Maui community through water resource management education outreach programs and initiatives, and our organization's core value is centered around o la i ka wai, which speaks to the importance of protecting one of our most important natural resources, the life giving waters of kane. Hui O Na Wai Eha strongly believes that the Director of the Maui County Department of Water Supply has an extremely important kuleana, or purposeful role, which is to promote and lead in the responsible stewardship of our precious water resources, and that is in addition to the Department's mission of providing clean water efficiently. Hui O Na Wai Eha expects that responsible stewardship of our water resources includes managing all regions within our diverse watersheds. The Hui expects that the director will have vast knowledge of the Maui County community, an ability to engage and collaborate with all community stakeholders in a transparent and respectful way. The organization's board of directors and legal team know Mr. Pearson quite well as it relates to his duration of, as former Deputy Director of the State Commission on Water Resource Management. We are here to share with you some of our direct experiences in working with Mr. Pearson,

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which includes detailed examples and background as to our reasoning why Hui O Na Wai Eha has very strong reservations about his appointment to be the next Director of the Maui County Department of Water Supply. Written testimony in length has been provided. And I'm going to tag team with fellow board member Kaapuni Aiwohi, and he's going to provide more specific examples of why we are holding strong reservations for his appointment. Hui O Na Wai Eha believes the former leader, as the former leader of CWRM, Mr. Pearson struggled, and in many instances failed in upholding the public trust doctrine and water code. We found that he consistently sided with the interests of corporations that sell water for profit, like that of Wailuku Water Company, and the Hui consistently noted a pattern in which Mr. Pearson failed to enforce legally binding interim instream flow standards and stream work authorizations and permits while specifically targeting Native Hawaiian kuleana kalo farmers and attempting to impose fines against exercising their traditional and customary practices. In addition to this testimony, there are supplemental documents that we have attached for you to read more in depth about as it relates to the extensive challenges, we had working with Mr. Pearson. It is our hope that you can take into serious consideration our testimony prior to making this important decision.

CHAIR MOLINA: Okay. Thank you, Miss...I'm sorry, I'll have to stop your testimony at this point.

MS. ECKART-DODD: Thank you.

CHAIR MOLINA: Committee Members, any need to clarify Ms. Eckart-Dodd's testimony? Seeing none, thank you.

MS. ECKART-DODD: Thank you.

CHAIR MOLINA: Next to testify we have Kaapuni Aiwohi, to be followed by Cassandra Abdul. And Mr. Aiwohi will be testifying on item 4.

MR. AIWOHI: Aloha mai kakou. My name is Kaapuni Aiwohi from Wailuku. I'm just going to provide four main examples of direct instances that we've worked with Mr. Pearson on a Statewide level. The first one was in August of 2016 where Mr. Pearson and CWRM staff were responsible for targeting one of our founding board members, Mr. John Dewey on issuing a \$4,500 fine for failing to secure a permit. When the Water Commission took this issue up at a formal hearing, the strong opposition and even went so far as the Water Commission issuing a formal apology to the Dewey family and reversing that decision to fine them, that is point one. Number two was in August of '16, immediately following the CWRM targeting of the Dewey family, there was a noncompliance of the instream flow standards by Waikapu. And this data came specifically from his department, the data was used specifically in the complaints was data that CWRM collected, analyzed, and uploaded themselves. This was to show the noncompliance by Wailuku Water Company but state the facts that how Mr. Pearson did not act to enforce their own data for almost one year clearly demonstrating

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violations. So, just pointing out that it really took the community to come out and call out the department before that they needed to act on their own data. Point number three is in September of October '17. We had that 100-year flood that devastated Iao Valley and there was unauthorized work that took place in the river prior to permitting and oversight by a State agency. Following the issuance of both permits, Wailuku Water Company continued to deviate from what they were permitted to do. Wailuku River completely shifted south of their intake and completely changed it and created these six to eight-foot mounds. Mr. Pearson's role did not hold Wailuku Water Company accountable for what they did and how they deviated from that plan and allowed them to completely change things, and there was no oversight on that situation. The last instance I wanted to talk about was how Wailuku Water Company still did not follow those mandated instream flow standards and that they even went so far to lock their gate where they're supposed to be opening and closing it depending on the amount of stream flow because after a certain, if the water is too low, they're supposed to release more, demonstrating that they weren't going to release any more at all. They ended up just locking the gate, showing that no matter what, they were not going to do anything about it. So, we did file formal reports about that. There was no investigation. When we did finally hear back, we were told that it was okay because of "based on figures Wailuku Water Company e-mailed to him," rather than their own State data that they took. Then there's a quote that they had to tell Mister, the Wailuku Water Company that they would need to follow those rules, yeah.

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

COUNCILMEMBER PALTIN: I had a question. So, it seems like, you know, with the Dewey case in the Commission on Water Resource Management decision that you guys had some recourse that they were able to eventually change the decision. Are you aware of like what your recourse would be if Pearson, Mister, director appointee Pearson were the Water Director if there's some type of recourse if the wrong decision is made in that instance, like a process?

MS. AIWOHI: Well, and that was kind of hard for us, and that's why we just have reservations because I'm sure he's a great guy. We just wanted to show specific examples of how we worked with him and just know that this is his history. So, if something were to happen like this again, to just know that the Council, I mean, now is responsible for the action if something like this happened again because this is a clear history of how he acted before.

COUNCILMEMBER PALTIN: Thank you.

MS. AIWOHI: Mahalo.

CHAIR MOLINA: Okay. Thank you. Any other need to clarify? Chairman King?

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COUNCILMEMBER KING: Thank you, Chair. So, Mr. Aiwohi, you're signed on to this letter from the Hui Na Wai Eha. So, I guess I'm, what I'm hearing, and I just wanted to clarify if what I'm hearing is right, that you have a very strained relationship with Mr. Pearson and you're not assuming, you're not looking forward to that improving if he becomes Water Director?

MS. AIWOHI: Well, I mean, there has been a lot of changes. Things have been different with Mr. Pearson. We are very hopeful that we are going to move forward, and we want to just trust and believe in it. We just wanted to make it aware of his history. That way, if something were to happen in the future, that all of us has decided that, you know, that we're accountable to these things if it were to happen again.

COUNCILMEMBER KING: Okay. So, have you had any meetings with Mr. Pearson since the initial nomination?

MS. AIWOHI: No, not at all.

COUNCILMEMBER KING: Okay. Thank you.

MS. AIWOHI: Mahalo.

CHAIR MOLINA: Okay. Thank you. Members, any other need for clarification of Mr. Aiwohi's testimony? Seeing none, mahalo for your testimony.

MS. AIWOHI: Mahalo.

CHAIR MOLINA: Thank you. Next to testify we have Cassandra Abdul, to be followed by Susie Thieman.

MS. ABDUL: Good morning. It's nice to be here with the new Council and having the opportunity to talk about some of the proposed directors. Na Hale O Maui, I'm the Executive Director, is a nonprofit developer of housing. We have acquired housing through foreclosures, rehabs, and also built houses. And to date we have 33 island families living in affordable homes. They earn between 80 to 120 percent of the area median income, and they are much of the workforce that runs the County for us. So, we found that it's necessary to work with many of the departments as well as the Council and we are very pleased that we have been able to do that to the benefit of our members, families that are in between 80 to 120 percent of the area median income when the County funds the projects that we work on. One of the highlights we just recently had was the County, in my memory, the first time that the County has exercised this option during a deed restricted period when a family wants to sell their home. And the Department of Housing and Human Concerns started with the former Director and finished with Will Spence who is the current Director, or the Acting Director, we were able to receive this house in kind. We're repairing it and we're very pleased to let you know that we expect to be able to put another family in that house

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within 60 days, and that'll be family number 34. So, we have 34 houses, but we've actually resold five of our houses. We know that our houses stay affordable in perpetuity and it's taken the Department of Housing and Human Concerns to realize that we have the ability to take temporarily affordable homes and make them affordable forever in perpetuity. And we appreciate all the work that has been done by all the personnel there, as well as the Council because we could not do it without you. We're here today in support of Will Spence, who is the Acting Director of the Department of Housing and Human Concerns. As I mentioned, it was through him that we were able to get this last house. And we found as a nonprofit developer, that working collaboratively with Administration, with the Council, and with the different departments like Department of Housing and Human Concerns, is the only way that we can accomplish our goals of putting more families in affordable housing and keeping them there. So, we ask that you support the nomination by the Mayor, and that you confirm Will Spence as the Director of Housing and Human Concerns. Mahalo.

CHAIR MOLINA: Okay. Thank you, Ms. Abdul. Committee Members, any need to clarify Ms. Abdul's testimony? Chairman King?

COUNCILMEMBER KING: Thank you. Thank you for being here, Ms. Abdul, and thank you for your work in affordable housing. Just a real quick question. So, do you think that if Mr. Spence hadn't been the Director of Housing you would've not gotten that house?

MS. ABDUL: Yes, I do.

COUNCILMEMBER KING: Okay. So, what was the actual action that you believe would not have been done by the previous Director?

MS. ABDUL: Well, in the past, when houses have, during the deed restricted period, when they are, they come up for sale, the homeowner is required to offer it back to the County. And in the past, either, for whatever reason, those options were never exercised. The families were able to sell the houses out on the open market, so they got market prices and they benefitted from that. If, so, the homeowner has to first offer it to the Department of Housing and Human Concerns. So, clearly, if they did not take action to exercise that option and then subsequently to allow us to receive it as an in-kind grant, it would've gone out to the market.

COUNCILMEMBER KING: So, you're saying that prior, there were violations of that rule?

MS. ABDUL: It's not a violation. It's an agreement that as a homeowner, let's say I have, I buy a deed restricted house. And for ten years...

CHAIR MOLINA: Sorry, Ms. Abdul, if you would again craft your response to Chairman King as to Mr. Spence's role as how to, if I'm correct, I'm trying to interpret the question ... *(inaudible)* ...

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MS. ABDUL: Right.

COUNCILMEMBER KING: No, I just want to find out because you said there's a rule and it hadn't been followed before.

MS. ABDUL: Yes.

COUNCILMEMBER KING: And so, what was the difference between Mr. Spence in that position and the previous Director where it wasn't followed.

MS. ABDUL: I'm just trying to clarify that it is not a rule. It is an option. So, that means the County has the right to buy back the house. And for whatever reason in the past, it hasn't been done. This particular house was started by Carol Reimann when she was in the Department as the Director and finished up with Will Spence. And without them we would not have received this house.

COUNCILMEMBER KING: Okay. Yeah. And...

MS. ABDUL: And of course, with the Council.

COUNCILMEMBER KING: Yeah, I just, I guess my question was not really clarified. But, you know, I just wanted to find out why it hadn't been done before and what you think is different about this, Mr. Spence being in this position than previous.

MS. ABDUL: I think that...

COUNCILMEMBER KING: So, that...

CHAIR MOLINA: Okay. Thank you.

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

CHAIR MOLINA: Members, any other need for clarification from Ms. Abdul? Seeing none, thank you for your question.

MS. ABDUL: Thanks. Sorry, if I wasn't real clear in my answer.

CHAIR MOLINA: No problem, no sorry's necessary. Next, we have Susie Thieman, to be followed by Clare Apana. Ms. Thieman will be testifying on item number 6.

MS. THIEMAN: Good morning, Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and Council Chair King, Members. I come before you today in support of David Goode as Public Works Director. I've given written testimony out on him and I, like I did the other day, I will not read that to you. I know you all are very good readers. You have

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to be because you go through volumes of paper. So, I just wanted to comment that I've worked with him both in our neighborhood, as he's a neighbor of mine, and publicly as Lokahi Pacific. I didn't say I'm Susie Thieman, Executive Director of Lokahi Pacific did I? Okay. Through my position, I've worked with him on our housing projects. I think the thing that stands out the most for me with working with David is how he gets back to you right away when you leave a message, or you shoot him an e-mail. I've seen other places where e-mails get lost or forgotten. Oh, it's not a big deal, I'll get to it later, whatever the case might be. But David's not that way. If he sees a message, he calls, finds out what it's about. And if he can, he answers it right there on the spot. If he can't, if it's something that one of his people should be handling, he tells me who, passes it on to them, and they call me and get the answers back, what a great thing. When you're working with, as a nonprofit building affordable housing, our whole focus is on getting a great house built at a great price for our buyers, for these families who so desperately need permanent housing. I think he helps tremendously in that respect. I'd like to just make the comment that the realtor on our development team has also submitted written testimony to you on behalf of David, that's Gerald Hokoana. It's just, it's so wonderful to work with somebody who cares about what we're doing. And I think even though I didn't spend much time, I'm going to shift gears just a second here, I didn't spend much time working with Will Spence when he was in Planning, but as we start thinking about our next project, from everything I've seen and heard as he transferred to Housing, I'm looking forward to working with him and I hope you will allow us to do that. Thank you very much.

CHAIR MOLINA: Okay. Thank you very much, Ms. Thieman. Members, any need to clarify testimony? Seeing none, thank you. Next to testify we have Clare Apana, followed by Tom Cook. And Ms. Apana will be testifying on items number 9 and 6.

MS. APANA: Good morning, nice to see you again. The view looks quite different from the standpoint of a person in the public and the person who is kanaka maoli. I hear all these raving reports about people. I'd like to give you my personal viewpoint and experience. I'd like to start in 2010 with the Maui Lani Safeway Project. The only thing I could get was one mitigation in that project, in the phase two approval, and that was that they would go at six inches at a time when they graded. I saw numerous violations of this which I reported to SHPD, I reported it to Public Works. They said no, you have to go to the Planning Department. They're the ones who are responsible. I called them, they called the developer, they said everything's okay. So, no matter how many times I made the complaint, nothing was ever done. I don't think that that's really being responsive to me. The second I'd like to go to is 2012, the Kahoma Homes Project which had an affordable housing component. What is interesting about this, is it was at the Land Use Commission and two moms came forward as interveners. Those two moms being not at all schooled in legal proceedings went through, researched the entire thing and they got the Land Use Commission to vote no on the project. The County of Maui, with the State, got the Land Use Commission to vote again. What happened was a heiau that had been documented

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clearly ten years before by a nationally renowned archaeologist was bulldozed. I didn't see Public Works saving that or noting it. But they were there at the hearings that lasted a year. When they were asked about the channel at Kahoma, and the pollution, and the violations, they had no knowledge. Both Mr. Spence and Mr. Goode. They had no knowledge. Okay. I'd like to go forward. I'm sorry, I'm putting them together, Chair, I hope that's okay.

CHAIR MOLINA: Okay. Alright, you know what, what we'll do, Clare, first I'll ask the Members if they need to clarify any of your testimony for this first three minutes. Any need to clarify? Okay. So, be it. Go on and testify on your next item.

MS. APANA: On my next item I'd like to go forward to the last two years, and I've seen many of your faces over the last two years as we have tried to get clarification from this County on sand mining, and the extraction of sand. I have a letter from OHA sent in June of 2017 to Mr. Spence. It has never been answered. And if you can imagine how I rode those people at OHA to get an answer, and they were still not able to get an answer. They are another State agency asking, asking for clarification about the sand mining, the sand mining permits, was it legal, is the County going to do anything about these permits, how will they in the future enforce the zoning laws? No answer. And so, comes the sand mining moratorium bill, and we showed up for seven-and-a-half months to every single hearing, and in that time, we tried very hard to work with the Chair at that time Elle Cochran to bring forth the issues. And I was actually mad at their office until I found out that they were being blocked by the departments, by the Corporation Counsel, which is why we couldn't get forward. I do not believe that Director Spence and Director Goode are working in the interest of the Hawaiian people, or this County. They've wasted so much money. If they had answered the first letter, there would be no need to do the rest. It remains unanswered, unanswered. And that permit got letters from OHA, from our attorney, Lance Collins, from myself, and the Director still did not rescind it. And again, this year he has approved it. Since then, I learned that they had a violation of how much the actual height that they took down on that land. But that didn't matter to Director Goode. He renewed the same questionable permit that allows for that sand mining. I do not believe that this problem will be solved. And actually, Mayor Victorino promised us...

CHAIR MOLINA: I'm sorry, Ms. Apana, I'm going to have to stop your testimony at that point.

MS. APANA: Oh, okay.

CHAIR MOLINA: Members, any need for clarification on Ms. Apana's testimony regarding Mr. Goode? Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Apana. Mahalo for your testimony. Regarding the OHA letter --

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MS. APANA: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: --who was that letter addressed to?

MS. APANA: To Will Spence.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR MOLINA: Thank you. Members, any other need to clarify? Seeing none, thank you, Ms. Apana.

MS. APANA: Thank you.

CHAIR MOLINA: Next to testify, we have Tom Cook, to be followed by Don Couch. Mr. Cook will be testifying on items number 6 and 9.

MR. COOK: Aloha, and good morning, Councilmembers, Council Chair. No talking points today. I left my permit board at home. There was a correction in *The Maui News* the following day because the caption underneath it had misquoted that that whole list was permits that had been approved by Michelle McLean, and that was inaccurate. It was a list of all of the County permits that are on the books and required. And the intent was to demonstrate the complexity of the permitting process. So, that was a correction. I'm here today to give, in support of David Goode as the Director of Public Works, and Will Spence as the Housing Division. I know them professionally, and over the years that I've interacted with them I've found that they have integrity and the sincerity. I'm like really sad because the tension and the conflict that is occurring. We have a new Mayor, we have a very dynamic new Council. My first job was unloading containers at the old Quonset huts when I was a teenager for eight bucks an hour. Maui has gone through a lot of changes in a very short period of time. It's very painful, it's very challenging. I'm hopeful that we can collaborate and work together. And when I say that, I really mean like everybody. Mayor Victorino, I have high hopes for, I don't know if he's going to be a great leader. I don't know if he's going to be a good executive director for the County. But I'm asking you to be supportive. You do have opportunities to weigh in on the performance of the people who are being reviewed. And I'm not talking about legally pushing the eject button and firing them. I'm talking about you clarifying this new role and responsibility that the County Council has now, to review and approve all appointees from now on. And that on the record you can, as Councilmembers, weigh in on a variety of things. I really want to build houses for local people. Culturally and physically and every other way, I mean, it's locals just getting pushed to the side. And if...it's not, it isn't...social and political challenges are preventing us from building homes. Okay. Social and political. Let's stop fighting each other, let's start working together. Let's, the 900 kids going graduate from the public schools every single year, let's do the right thing by them. Aloha, thank you very much for the opportunity. And mostly I just wanted to speak from my heart and ask us to please work together.

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CHAIR MOLINA: Thank you, Mr. Cooke. Committee Members, any need to clarify? Councilmember Kama?

COUNCILMEMBER KAMA: Mr. Cooke, you, I just want to know, do you believe that if none of these men were reconfirmed, that you would not be able to build affordable housing?

MR. COOK: No, ma'am, not at all, I just, I think that, may I answer that? My thought process is that the learning curve, it'll be more delay, it'll just be more delay because the people that are in these positions now have the experience and I'm going to hold them accountable, I'm going to hold them accountable. But that's, if we get new people who have to understand the government, and the departments, and relationships, and everything, I think it's just going to delay housing, and delay housing, and delay housing. Thank you for the opportunity to answer your question. And I hope that that did answer your question.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Okay. Members, any other need to clarify Mr. Cooke's testimony? Seeing none, thank you, Mr. Cook.

MR. COOK: Thank you.

CHAIR MOLINA: Next to testify we have Don Couch, to be followed by Kaniloa Kamaunu. And Mr. Couch will be testifying on item number 6.

MR. COUCH: Good morning, Mr. Chair, and Members of the Council. My name is Don Couch, and I'm taking my vacation time to come here and testify. I put down item 6, and this kind of can pertain to everybody on both agendas. But I just wanted to say, I've worked very closely with the members that are being appointed, requesting your approval. For the most part they've done a great job and have been very responsive to my offices wherever I've been, whether it's down here or in the Mayor's Office. When I was here, we had a long discussion about this opportunity that you have now, to put on the ballot, getting the qualifications of the appointees. There was a big discussion on County manager, it went 50/50, and the first thought was, okay, first step, we'll try and get qualifications, let the Council look at the qualifications and approve the Mayor's appointees. Everybody wanted a County manager for continuity, and to make sure people have the qualifications. You have people on that list who definitely have the qualifications, and it certainly is continuity that we're having here between Administrations, which is exactly what the County manager thing was supposed to be about. I know people with qualifications are going to upset people sometimes. You all are going to upset people, half the people, half the time, you know that's part of the job. So, there are going to be people who are upset with you for something at some time. And there was talk about a mandate, you know, huli the system. I don't really

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see a mandate. We have if you want to call it, old school Mayor, versus the opponent. We have two incumbents that were removed, one replaced with an old school, or an experienced person, and one that was replaced with a new person, that's not a mandate. The only mandate I can think of is that they want, everybody wants everybody to work together. Otherwise, they'd put all of one side in office, or all of the other side. So, I think the mandate that's out there is please let's work together. These folks that have been, requested your approval all have very good qualifications, which is what the discussion was to put that item on the ballot, was qualifications. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Mr. Couch. Members, any need to clarify Mr. Couch's testimony? Seeing none, thank you. Next to testify we have Kaniloa Kamaunu, followed by Lucienne de Naie. And Mr. Kamaunu will be testifying on items 4 and 6.

MR. KAMAUNU: Aloha mai kakou, Kaniloa Kamaunu . . . *(speaking Hawaiian)*. . . o Maui moku o Wailuku ahupuaa Waihee. So, my response to those that have been selected, you know, for me, when you're dealing with me, I only speak for myself, I consider myself a subject of the Kingdom of Hawaii as provided in the laws that the Federal statutes have made. They try to declare us as Native Hawaiians, but it's inaccurate. Hawaiians were never, never ever naturalized to Hawaii, to America. That being said, we are still subjects of the Kingdom. With that being said, our rights are vested to us. That means, from 1839 Declarations of Rights until today, those rights and vested rights given to us, given to my parents, their parents, and so forth, still apply to me today. I have claimed kuleana, kuleana rights. I have been recognized in this County Council when it came to Na Wai Eha case. I was recognized in the Na Wai Eha case, as well as through the State Water Commission, Resource. I was recognized as kuleana. I was recognized to have superior rights. If you want to go read those minutes, you can do so. So, that being said, whoever you pick, if this is your delegate for this position, then Mr. Pearson better be, better know who I am, what I'm about, and what laws protect me. That's his responsibility. You as the County Council if you're going to choose him, you are mandated to protect my rights as kuleana kanaka maoli and . . . *(speaking Hawaiian)*. . . My rights are vested to me. I protect my rights on my mountain in Waihee on my rights as far as dealing with my water. No one interferes with me. My mother told me, the water will always run. And I make sure in my loi nobody takes my water. Yeah. So, I continue those rights that are given to me from my mother passed down. And so, if Mr. Pearson is going to take that job, please be assured who I am, and what I saying today is true or false, because all the documentation of Federal government clarifies we are still kanaka, we still have rights. So, you have the uphold the rights, since your government is occupying our lands, and are trustees of our resources you are mandated to make sure that my rights are protected under those guys that you have. Now, continue on to Mr. Goode.

CHAIR MOLINA: Mr. Kamaunu --

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MR. KAMAUNU: Oh, sorry.

CHAIR MOLINA: --I will just ask the Members first if they have any need to clarify your comments regarding Mr. Pearson. Okay. Seeing none...

COUNCILMEMBER KING: Oh, I have a...

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Thank you. Thank you for being here, Mr. Kaniloa. So, I guess my question is, what is your position on Mr. Pearson. So, do you feel that your rights will be protected? Do you feel that they are going to be challenged?

MR. KAMAUNU: It's hard to say 'cause I have no working experience with him --

COUNCILMEMBER KING: Okay.

MR. KAMAUNU: --or dealings with him personally. So, for me to make such comments would be ill advised. I hold you responsible because you're going to make that decision today. And when that time comes, I will be here. Yeah, I not here to talk ill of anyone.

COUNCILMEMBER KING: Okay.

MR. KAMAUNU: People have done that already. I don't need to. But I'm declaring what my rights are, and what I expect out of this County to protect, and also the Mayor's Office since he'll be on your payroll, yeah --

COUNCILMEMBER KING: Okay.

MR. KAMAUNU: --and that the people are the ones who pay him.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Thank you. Okay. Mr. Kaniloa, you may continue with your next item to testify.

MR. KAMAUNU: Mahalo. Again, I make the same claim. Being kuleana, my lands, I am the seventh generation from Piimaiwaa to stand on the lands that I have been given from my ancestors and I protect that. Piimaiwaa, _____, Kekahuna these are all my family members. And in my moku, in my area, you're going to find them surrounded by me. I am surrounded by them. Even though they have tax map keys and may be under the control of others, I still have an interest in those properties, and I live on my property that was given to us. And so, again, I can speak ill, but will that do any good? I hold you responsible to uphold my rights as a kanaka. That my kuleana

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rights that have been given and passed down to me will not be violated. We're already being violated by one, paying real property tax which is illegal because our lands are already free of encumbrances. Yet, this County, and this State still forces us to pay taxes and still haven't explained to me why when they cannot show their interest to my property. I don't see Maui County's interest anywhere on the documentation, yeah, of the . . . *(speaking Hawaiian)*. . . I no see Maui County's name there. So, why am I paying an homage to an entity that has no interest on the property? But yet, I'm being forced. So, for Mr. Goode, he knows what he has done throughout Maui. It's been on the news. It's been broadcasted. So, you can go look for yourself. That's your due diligence to find the dirt, or the good, or whatever, on this person. But my dealing with him personally weren't very good. My kupuna disappear every day, whether it's through him, or through his Department, or through the policies and the laws that have been created by this Council previously and now is the reason why the sand dunes went from a description of the dunes, to now central planes. How do we go from dunes to central planes? That means we're missing something in between, maybe the sand and the iwi kupuna that are gone? But, you know, it's up to you guys to make a conscience selection on who you put in charge. Because when we the people come forward, you're the head, your heads going be on the block because today's your chance to do the right thing yeah? Malama pono. That's your responsibility and you have to make that decision. You cannot blame the people, 'cause we never vote them in. Mahalo.

CHAIR MOLINA: Okay. Mahalo, Mr. Kamaunu. Members, any need to clarify Mr. Kamaunu's testimony on Mr. Goode? Seeing none, thank you.

MR. KAMAUNU: Mahalo.

CHAIR MOLINA: Next to testify we have Lucienne de Naie, to be followed by Christopher Fishkin. And Ms. de Naie will be testifying on items 4 and 6.

MS. de NAIE: Aloha, Chair Molina, and Committee Members. My name is Lucienne de Naie, I'm testifying on my own behalf. But I want to say that if we want to get together and work together, that when decisions are made, everyone needs to be at the table. I don't think the Mayor's vetting committee invited members of the cultural committee, community who were concerned about practices promulgated by departments under his authority. I don't think members of the environmental community were invited. So, if we want to get the people that everybody that can work with, we need to have people at the table giving their manao. I'd like to address first, the Water Director position. And Mr. Pearson is a lovely person. I've worked with him over the years. He is an engineer. He has that qualification. But what you really need to look at is what a person does on the job and how they make those tough decisions. I can only speak from what I know from Mr. Pearson's recent term as head of the State Water Commission. My friends in, over on the Kona side were trying to get their aquifer designated so it could be managed. He basically took the word of private consultants over science-based facts that were presented by the National Park. People in Kauai

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were trying to work with him to get a better outcome for their water situation and he just was very unresponsive. And I have to say in my own personal experience, the Water Commission was told by Alexander and Baldwin in 2016 that the stream that supplies water to my community, I mean, really water because people have no drinking water from the County there, so, this stream is the source of their drinking water and any other water they need, it was supposed to be restored and the Commission had this lengthy permit process. It could never be restored until this permit was completed. And finally, through filing of Freedom of Information Act request last October, we discovered that the community had been left out of the loop under Mr. Pearson's leadership. No one ever contacted us to let us know what was happening. This isn't the way the Commission used to treat us. They used to send out people. We would have discussions. We would discuss with EMI. I just question whether Mr. Pearson's leadership is going to be the visionary leadership we need to protect our water resources and make them available for all people equally. Moving on to...

CHAIR MOLINA: Okay. Excuse me, Ms. de Naie, if I could ask the Members for clarification on --

MS. de NAIE: Yes, oh sorry, thank you.

CHAIR MOLINA: --your testimony regarding Mr. Pearson?

MS. de NAIE: Thank you.

CHAIR MOLINA: Okay. Seeing none, you may go on to your next item.

MS. de NAIE: Alright, so, for Public Works, I like Mr. Goode, too. I like both these people. But liking someone, and having them be a nice neighbor, or available for all the noncontroversial things, of course they're going to be available for, you know, the members of the construction industry, and affordable housing providers. I mean, of course, those are the easy things to do. But are they available on the tough stuff? And this is where I see, you know, Mr. Goode has not been committed to having Public Works really work with Historic Preservation. We've seen disasters like Moomuku. It's just how can we do better? Can we do the, can we do better with the same people? Is it going to change? And I just hope you ask the good questions of the nominees because I'm very discouraged. It's like the tough stuff is kind of put to the side of the table because, you know, let's just work on the easy stuff, and the tough stuff maybe bumbye. And we in the rural areas just feel like subdivisions are approved by Public Works, and our communities are never notified even though there's a provision that they're supposed to get input on historical resources from the public, not just from State Historic. It's not exercised by these directors. We want a person who cares about the tough stuff. So, please do the best you can to find the people that will do that. Thank you.

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CHAIR MOLINA: Okay. Thank you, Ms. de Naie. Members, any need to clarify Ms. de Naie's testimony regarding Mr. Goode? Seeing none, thank you very much. Next to testify we have Christopher Fishkin, to be followed by His Highness Kaua.

MR. FISHKIN: Aloha, Councilmembers new and old. I'm here today to present you with this document which has been filed by Eric Paulson regarding the two lot, the two-lot deception by Mr. Goode's office. In conjunction with Corp. Counsel, and specifically Mr. Kushi over here, who in executive session on any questions pertaining to two-lot can really not advise you. You need your own counsel, Council. The three-lot or less deferral agreements that were never collected by this County, and through Mr. Wong, and Mr. Goode's tenure is now under County audit. So, what happens next? Upcountry water bill gets used to deceptively make the same exemptions or waiver for roadway improvements, for two-lots or less subdivisions island wide. The whole Council voted not knowing what they were voting for 'cause it was deceptively put in at the last moment, specifically in violation of the Maui County Charter [sic], County Rule 4D which says another public hearing shall not be required after a bill or resolution is amended unless the revisions are so fundamental as to transform the original proposal into a new proposal. That's actually Corporate Counsel's own legal memorandum that supported that rule which was absolutely violated. Mr. Kushi who's sitting over here, actually stated at the time that this will not be used island wide. This is being implemented by Mr. Goode's office island wide. There are two bills presently before committees by Mr. Guzman and Ms. Cochran to reamend that because it was complete deception. The Council was completely fooled by the Department of Public Works and supported by Mr. Kushi and Ms. Oana, Jennifer Oana who's testimony is in the record. I'm going to leave a copy of this with the Clerk. I do not have the funds to make 16 copies right now for everyone here. I'm going to leave a copy of this with the Clerk. I'll be happy to e-mail a copy to anybody here. But you really should read this reply. Now, it just came before Judge Loo, again another resident is getting crushed who's not seeking anything. He's getting accepted in junction of these two-lot or less subdivisions granting roadway exemptions to A&B and Snorkel Bobs that was supposed to be meant, according to Mr. Kushi and Ms. Oana, for just little old aunty. Yet, it's just, it's happening again and again. So, my request to you, is when is anyone going to be held accountable? It's one thing to nominate people into positions and hope to work together. But this County never holds anybody accountable for anything, whether it's Alan Arakawa at Palama Drive which got, which there was a 38-page affordable housing proposal that was done by a nationwide affordable housing expert when Mr. Wong bought that, advised you guys to buy that back from the developer. It's just, when are we going to hold people accountable in this County for when things are done wrong instead of just moving on?

CHAIR MOLINA: Mr. Fishkin, I'm sorry. I have to hold up your testimony. Members, any need to clarify Mr. Fishkin's testimony? Councilmember Sugimura?

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COUNCILMEMBER SUGIMURA: So, I'm not sure if it's applicable to—you're talking about a lawsuit that is current? I don't even know if he should be speaking about this to us if it's a current lawsuit.

MR. FISHKIN: Yes, of course because the Council...

CHAIR MOLINA: Hang on. Whoa, whoa, whoa. Hang on.

MR. FISHKIN: Yeah, because during pending litigation, the Council can never investigate anything going on in this County.

COUNCILMEMBER SUGIMURA: Excuse me, I'm asking the Chair a question.

MR. FISHKIN: But you...

CHAIR MOLINA: Mr. Fishkin, hang on.

MR. FISHKIN: That is...

CHAIR MOLINA: Sir!

MR. FISHKIN: That is unfair!

CHAIR MOLINA: Recess. . . . (*gavel*) . . .

RECESS: 11:44 a.m.

RECONVENE: 11:45 a.m.

CHAIR MOLINA: . . . (*gavel*) . . . The GET meeting for Tuesday, January 29 is now back in session. It is 11:45 pm. Thank you, Members. Next, the last person to testify today on our agenda items, we have His Highness Kaua. I hope I pronounced that right. Mr. Kaua if you may, or your highness I should say, please proceed to the podium. Members, the Chair is aware of the time. Once the completion of testimony is in the books. The Chair will ask for your indulgence about the possibility of taking action on at least one of our nominees. We do have a Committee meeting coming up at 1:30 under the leadership of Councilmember Sinenci. So, we will be...Mr. Sinenci, you have anything to add? Okay. Thank you. And for the record we did have, I believe if Staff will correct me, 31 signups here on Maui, and 2 on Molokai, for a total of 33 thus far. Okay.

MR. KAUA: For the record, to the united serpent states...

CHAIR MOLINA: Sir, please state your name for the record just before you continue your testimony.

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MR. KAUA: You said it already. Therefore, as Highness Kaua council advisor in the Kingdom known as you guys' attorneys also on the other side is on the military of warrior with Kamehameha line therefore is war captain. This is to all, all of you, you, you, you, unique, unique, unique. It is a bottom line that was presented for this year that you have known me, father, me, we. Gary lives in me, copyright, copy claim, all rights reserved. Therefore, I stepped up in the position of council advisor in the Kingdom. We represents what brother have said earlier, earlier we have a lot of rights that goes beyond what you guys are doing, which is nothing but false, nothing but a criminal actions. How is this being done? Well, let me go with this. First crime of the century is word. It was stated by our people for two years and eight months and I still ask them today. What is the three biggest crimes? Nobody ever rebutted it. It is word, you put it on a letter to it, it changes everything. And because I heard this word over and over again, over and over again, you get used to, to it. Why, because you got sense to comments...

CHAIR MOLINA: His Highness, come closer to the microphone, yeah. Thank you.

MR. KAUA: Common sense of what criminal actions been doing for 100-plus years. Being that pure blooded, pure blooded, pure blooded, pure blooded, I don't need a word with a letter behind it changes everything. I don't need 100 percent or .001 percent, pure in blood.

CHAIR MOLINA: Your Highness, if I can ask, just tell us your opinion about the nominees today.

MR. KAUA: Well, that's why I going through the whole, the bottom line is, right here, this is charges of war, charges beyond. Tribunal is taking effect in all of the nation, and it's happening here as I talk to you because right now, I've asked, and I've said already to Victorino. You guys ought to be bringing things together because a lot of the people been voting and saying what is wrong that's been going on with the crimes inside. I born here on Maui. Me and my brother Gary we get to talking a lot of times together. 'Cause why, we get to relate, positive relationship. My father and my brother is positively loves me. He lives in me. That's why having my brother living in me makes it, ugh, yeah. The great news is, people are here, which is the people which is saying what is right for our government itself.

CHAIR MOLINA: His highness, I'm sorry.

MR. KAUA: You going here this . . . *(inaudible)* . . .

CHAIR MOLINA: Time ran out yeah, so sorry. Let me ask the Members if they have questions for you.

MR. KAUA: What question do they have?

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CHAIR MOLINA: Members, any need to clarify? Hang on. Hang on.

MR. KAUA: Ask whatever question you guys have!

CHAIR MOLINA: Hang on. Any questions for his Highness?

MR. KAUA: Please!

CHAIR MOLINA: Seeing none, okay. Thank you. Mahalo for your testimony.

MR. KAUA: Hey, I not leaving you yet!

CHAIR MOLINA: You gotta leave. Okay.

MR. KAUA: This is . . . *(inaudible)* . . . already!

CHAIR MOLINA: Meeting in recess.

RECESS: 11:51 a.m.

RECONVENE: 11:53 a.m.

CHAIR MOLINA: . . . *(gavel)*. . . The GET meeting for Tuesday, January 29 is now back in session. Thank you very much for your patience, Members. His Highness was the last person to sign up. Staff, do we have any people waiting to sign up on Molokai, Lanai, or Hana?

MS. ESPELETA: Mr. Chair, there are none.

CHAIR MOLINA: Okay. Seeing none on those islands. Is there anyone else in the gallery that would like to testify? Seeing none, with no objections, Members, the Chair will close testimony for all agenda items today.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Thank you very much, Members.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: As the Chair stated earlier, the Chair is aware of the time. Is the body ready to act, or take a, start the interview process on at least one of our nominees today? The Chair will try not to take it past 12:15 if possible, out of consideration for Councilmember Sinenci's Committee. If you'll allow the Chair some flexibility I, on the

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agenda, I would ask you for the consideration of the taking some action possibly on Mr. Teruya. Councilmember King, you had a question?

COUNCILMEMBER KING: Yeah, no I just, I'm just a little adverse to limiting us to 20 minutes on any of the nominees because I think when we went the previous meeting, when we went into it with that mode of it being quick, it took at least half an hour or 40 minutes to get through the nominee. And so, you know, I wouldn't want anybody's questions to be cut off in the interest of time. So, my preference would be to, you know, go to the recess where we could be fully prepared and there won't be constraints on the, you know, nominees being able to give their point of view, as well as the Councilmembers being able to ask all the questions that we need to ask.

CHAIR MOLINA: Okay. So, noted. Members --

COUNCILMEMBER KAMA: I concur.

CHAIR MOLINA: --you've heard the consideration of one Member. Councilmember Kama, I'm sorry.

COUNCILMEMBER KAMA: I concur with Chair King.

CHAIR MOLINA: Okay. Members, anyone else would like to proceed?

COUNCILMEMBER SUGIMURA: Would you like us to stay until 12:30, Chair?

CHAIR MOLINA: Chair is open to go as long as we want, but nothing, yeah --

COUNCILMEMBER SUGIMURA: Twelve thirty is too long.

CHAIR MOLINA: --I have to be considerate of Councilmember Sinenci's Committee meeting at 1:30. Anyone else, we have two Members that would prefer to recess this meeting to fully vet the four nominees today.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Yes, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so I stayed for both of the directors in the last meeting and they took closer to an hour each and --

CHAIR MOLINA: Hour and a half.

VICE-CHAIR RAWLINS-FERNANDEZ: --my questions were kind of cut off in the second one. And again, I wouldn't want any of our Councilmembers to not have, you know, the full opportunity to ask all of their questions.

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CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I understand, you know, your, and I appreciate your push to move forward on these issues.

CHAIR MOLINA: So, noted, and thank you, the Chair appreciates your comments on this. So...

COUNCILMEMBER SINENCI: Chair?

CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, as the EACP I would yield some time. However, if we're on a, we have a deadline for our next meeting, and I believe we have some people from Oahu today for the next meeting.

CHAIR MOLINA: Oh, for your Committee meeting?

COUNCILMEMBER SINENCI: Yeah. So, e kala mai. Thank you.

CHAIR MOLINA: That's certainly a good point to make. So, with that being said, Members, out of consideration for our neighbor island resource personnel, and as well as providing all of you a, I guess much more fuller opportunity to vet our nominees, the Chair will not take up any decision making or interviewing of the four nominees today. However, the Chair would like to ask for a consideration of a recess date of Friday, February 1st at 1:30. The Chair did poll all of you last week. I believe seven Members did commit to meeting after the Council meeting 1:30 this Friday. So, unless that changes, we have seven Members of the nine Members of this Committee that have committed to meet and deliberate on our four nominees today. So, with that being said, any other questions before the Chair recesses?

COUNCILMEMBER SUGIMURA: What time would you convene?

CHAIR MOLINA: Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: What time would you convene on the, on the first?

CHAIR MOLINA: One thirty pm.

COUNCILMEMBER SUGIMURA: Oh, same. Okay.

CHAIR MOLINA: Yes.

COUNCILMEMBER SUGIMURA: I think we were, oh we replied yes. So, I'll be present.

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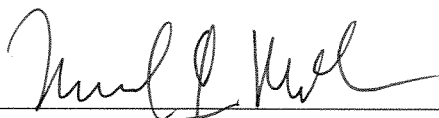
CHAIR MOLINA: Okay. Thank you very much. And Chair would be hopeful if all nine of you, however, I do understand some of you have some commitments where you have to go off island. So, Chair is certainly mindful of that. So, with that being said, Chairman King?

COUNCILMEMBER KING: Just wanted to clarify that's on the assumption that we finish the Council meeting by noon. So, it's a full, the Council is scheduled at 9:00 am in the morning, and it doesn't look like a terribly heavy schedule. But I even hesitate to say that because sometimes I, we jinx ourselves by thinking that. But we will try to complete it by noon so that we can hold that meeting. But I just wanted to clarify that if we do have to come back, we're going to have to either come back and recess the full Council meeting, or we will have to rearrange the schedule so that we get anything that's dire handled in the earlier hours.

CHAIR MOLINA: Sure, thank you, thank you for that consideration. And I know on the, under your shepherding, the Council meeting you'll do your best to make sure that we can get to business at 1:30. And certainly, Members, I will ask again for extra time of you on Friday. I do believe we have at least one Member that has to leave by 4:00. Chair hopefully is going to ask you not to go past 4:30 on Friday. But we've done, we're done with the testimonial phase. So, this will give us roughly three hours to deliberate our four nominees on Friday, February 1st. So, if there are no other questions, the Chair will recess the GET meeting of January 29, 2019 to Friday, February 1st, 1:30 p.m. right here in the Council Chambers. Staff, any other things you want me to add? Seeing none, okay. This meeting is in recess until Friday, February 1st, 1:30 p.m. . . . *(gavel)* . . .

RECESS: 11:57 a.m.

APPROVED BY:



MICHAEL J. MOLINA, Chair
Governance, Ethics, and Transparency
Committee

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Transcribed by: Marie Tesoro

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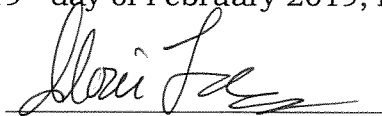
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CERTIFICATE

I, Marie Tesoro, 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 19th day of February 2019, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read 'Marie Tesoro', is written over a horizontal line.

Marie Tesoro