

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

May 2, 2019

CONVENE: 9:02 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (left at 12:04 p.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin (left at 2:45 p.m.)
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

STAFF: Carla Nakata, Legislative Attorney
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci
Gina Flammer, Executive Assistant to Councilmember Sinenci

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
Gladys Baisa, Executive Assistant, Office of the Mayor
Michael Victorino, Mayor
Eric Nakagawa, Acting Director, Department of Public Works, Department of Environmental Management
Moana Lutey, Acting Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Acting Director, Department of Public Works

OTHERS: Barbara Halai Fernandez
Kaimana Brummel
Mimi DesJardins

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Laks Abraham
Artemio Baxa
Jerrie Sheppard
Richelle Lu
Lauren Loor
Stephen Kealoha
Christie Trenholme
Caleb Rowe
Kristin Tarnstrom
Norma Cronkite
Hayden Aluli
Jasee Lau
Donna Sterling
Michael Williams
Plus (4) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: ... *(gavel)* ... The Governance, Ethics, and Transparency Committee meeting for Thursday, May 2, 2019 will now commence. It is two minutes after the hour of nine o'clock. Good morning, Members. For the record, we have all Members present for the Committee. Chair wants to thank all of you for being here on your off week. I know you've had to juggle your schedules and meeting with your constituents in order for you to be here, so the Chair very much appreciates you doing that. So much for a part-time job, and I know, Members, you are a bit tired and trying to get reenergized after the grueling Budget process led by our Budget Chair, Ms. Rawlins-Fernandez, and thank you for all of your hard work. So, thank you so much, Members. We do have a very ambitious agenda this morning. We have three nominees for boards and commissions, as well as the three nominees from the Mayor for the respected directorial positions in the departments that are on your agenda. We will begin first with public testimony, but before we do that, Chair wants to recognize Staff. We have Staff Analyst, Ms. Carla Nakata, as well as Secretary, Pauline Martins, assisting us. And from Corporation Counsel, we have Mr. Ed Kushi. And representing the Mayor's Office, we have Ms. Gladys Baisa. So, we'll start first with public testimony. Chair would like to just go over some general rules. You will have three minutes to testify. At the two-and-a-half minute mark, you will see a yellow warning light informing you have 30 seconds to conclude your testimony. Please state your full name for the record and any organization you may be representing, as well as inform the Committee if you are a lobbyist as well. So, with those ground rules being set, Staff is there any questions or need to inform the Chair of something? Okay, we have our list of testifiers, very good. And we may take a break to check in on our sister islands of Molokai and Lanai, if they have any testifiers, as well as our friends out in Hana as well.

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. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR MOLINA: So, let us go ahead and start first with testimony right here in Wailuku. We have, first to testify, we have Barbara Halai Fernandez, to be followed by Kaimana Brummel. And Ms. Fernandez will be testifying on GET Item 1(6).

MS. FERNANDEZ: Aloha, Chair Molina --

CHAIR MOLINA: Good morning.

MS. FERNANDEZ: --Council Chair King, and, aloha, everybody, you look so cheerful. My name is Barbara Halai Fernandez and I'm testifying on the appointment of Rowena Andaya, who is a family friend and I've also known her here many years. She's been an excellent manager. She offers community education and public information. E kala mai, this is agenda number GET-1(6). Anyway, she really adds a lot of public information to her department. The times I was working on projects as Vice-President and Director of Maui Green and Beautiful, that's our nonprofit group, to educate and protect the environment, Rowena was always available and always returned my calls. I am speaking as an individual today, but I need to express her professionalism and knowledgeable care regarding issues and projects with the Public Works Department. She is all set, board, she's ready to go. And, work-wise, she's stepped into this top Public Works' position. I have noticed the staff she works alongside of shows respect to Rowena and that's really important too. And they feel comfortable with her to express good things, as well as concerns. Rowena sees the whole story, the whole picture of a job regarding Public Works, input, very in tune with environmental issues. So, in closing, this professional woman, with all her excellence in leadership, planning--also, I didn't know that you knew is she's FEMA trained also--working relations, even with our Hawaiian organizations, so, makai no. And in just her past, with patience, which is important to reflect in that Public Works' job, you know, you have to have a lot of patience with your staff and the community. So, she can do it, folks, she's the person. I look forward to working with her again. Let's approve her appointment as Director of Public Works. Mahalo nui.

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

MS. FERNANDEZ: A hui hou.

CHAIR MOLINA: A hui hou. Next to testify, we have Kaimana Brummel, who will be testifying on GET Item 1(6), to be followed by Mimi DesJardins.

MS. BRUMMEL: Aloha kakahiaka, Councilmembers. My name is Kaimana Brummel. I'm here to testify in support of the appointment of Rowena Dagdag-Andaya as the Director of Public Works. I'm speaking as an individual today. I've known Rowena for about two years and I find in working in meetings that one of the ways you can really

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get to know someone is by the questions that they ask, it kind of speaks to what are things that they want to know from a project or from a person, what values that they hold important, and I always find that when Rowena is in meetings, she's always thinking about how does this impact the people, not just how does this happen in a, you know, kind of abstract or nuts and bolts or dirt kind of a way, but how is this going to impact the folks that have lived here and their legacy moving forward, how does it impact people who are here today, and how, more importantly, is this going to impact people moving forward? This is a community that has raised her and I see so much care that she takes and that this is the community that is now raising her own kids. And you can see that in the involvement and in the things that, the values that they are starting to learn from her. The other thing I wanted to talk about was, besides the love of her community, was her desire or her--I always see that she wants to get things right. And the way that I see her doing that is that she's open to hearing from all types of people and that she is open to knowing that maybe she doesn't have all of the answers. I have seen that, since being appointed by the Mayor as the Director, she has already taken proactive steps to meet with people who maybe weren't coming to the table or who maybe didn't, who weren't being heard, and I see a genuine desire in her, not just to meet with people, to make sure that there's no pilikia in the future, but to really meet with people to make sure that we're getting things right. So, I urge you to vote in favor of Rowena Dagdag-Andaya as Director of Public Works. Mahalo.

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

MS. BRUMMEL: Mahalo.

CHAIR MOLINA: --for sharing. Next to testify is Mimi DesJardins, and she'll be testifying on GET Items 2(1) [sic] and 2(6) [sic], and she'll be followed by Laksmi Abraham.

MS. DESJARDINS: Okay, good morning, aloha, folks. I'm a little bit nervous this morning because I have very strong opinions about Ms. Lutey. I'm going to start with her. I am submitting my testimony as an individual. I am working with her in the office. I am a Deputy Corporation Counsel, I'm here on my own time, but I wanted to just let you know that I've known Ms. Lutey since the early '90s. She was a Deputy Prosecuting Attorney, I was a Deputy Public Defender. We often were involved in cases from opposite sides and I will tell you that she was not an attorney do be taken lightly. Although she possessed, and I think still does, all the character traits of a professional, friendly and very cooperative opposing counsel, she was also one of the most aggressive supporters and defenders of the County and of her clients that I ever came across. She never wanted to win just because she wanted to win. She understood that her role as a public prosecutor was to seek justice and to uncover the truth. She always tried cases with these goals in mind. I have enormous respect for her, I did back then, and I still do, and I really appreciate the fact that she is willing to settle when she feels that it is in her client's best interest. When she became a Deputy

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Corporation Counsel, I can tell you that word on the street was that the County was no longer giving away the store. Although our paths didn't cross a lot after she became a Deputy Corporation Counsel, I read about her cases in the paper, I saw her take hard cases to trial and win, I was impressed. I always heard from attorneys, though, that she remained diligent, aggressive, a very worthy opponie [sic], but yet, also, even keeled in her demeanor, very approachable in terms of settlement, friendly, professional, and open-minded. If confirmed, Ms. Lutey would be the first female Corporation Counsel in the history of Maui County and although I think this is a great advancement for women in general, I think it's also rather pathetic when you think about it. It is 2019. Why is it so difficult for women to be in leadership roles in this County? Although it would be nice not to have to discuss a person's gender when considering him or her for a leadership position, the fact of the matter is we need to take gender into consideration because we need to advance women in leadership roles in this County. As it happens, we would not be advancing this woman because she's a woman, we'd also be advancing her because she happens to be a top-notch, excellent lawyer with great managerial and personal skills, she's well respected in the community, she's deeply committed to public service, and I would be proud and honored to call her my boss. In sum, I think a leader is someone who possesses creativity, innovation, is a good decision maker and inspires others to do an excellent job. Moana is someone who is accountable for her decisions and she communicates well because she knows how to listen. Ms. Lutey possesses all of these characteristics. I strongly urge you to do the right thing for the County by supporting her confirmation. I feel very deeply sorry for --

MS. NAKATA: Three minutes.

MS. DESJARDINS: --Mr. Wong, but I will tell you that the silver lining in this is that we are going to get a leader who is definitely worthy of this County. I'd like to just say a...

CHAIR MOLINA: Ms. DesJardins, you have to, we have to, I have to stop your testimony, you hit the three-minute mark.

MS. DESJARDINS: Right.

CHAIR MOLINA: Staff, could you make sure that the, I guess, the noisemaker beeps so that way the testifier is alerted to that. Thank you. Okay, Members, any need to clarify Ms. DesJardins testimony?

MS. DESJARDINS: I also asked to testify, very briefly, on Ms. Dagdag-Andaya's --

CHAIR MOLINA: Alright, you may proceed on --

MS. DESJARDINS: --appointment.

CHAIR MOLINA: --that would be GET Item 2(6) [sic], if I'm correct.

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MS. DESJARDINS: Thank you.

COUNCILMEMBER KING: Can I ask a question, Chair? Are you allowing questions on the first testimony or do you want to wait till...

CHAIR MOLINA: Yeah, go ahead, you can ask your questions. This is just on the first nominee, I presume?

COUNCILMEMBER KING: Okay, yeah, thank you. Thank you for being here, Mimi, I appreciate it. And I have a lot of respect for you and your opinion. One of my biggest issues with Corp. Counsel, just in general, is the ability to serve both the Mayor and the Council, you know, should there be a conflict or a difference of policy and I just wanted to get your opinion of Ms. Lutey and do you think that she'll be able to do that objectively?

MS. DESJARDINS: Thank you for the question. You know, when I started working here in the '90s, that same question was lingering from way back then and I think it's always there. I have two suggestions. One is, I do know one thing about Ms. Lutey is that if you have a concern, the best thing to do is to approach her and give it to her straight up and she'll help you work it out and if she doesn't know the answer, she'll find it for you. As, in terms of conflicts, there's definitely going to be times when conflict will arise. But, again, I think unless we communicate, and I will say this because I have so much respect for all of you, the less that we communicate about our concerns, the less we're going to be able to work together to make sure everybody gets represented the way that, they deserve that.

COUNCILMEMBER KING: No, I understand that and I have met with, but I just wanted to get your opinion of...

MS. DESJARDINS: I do, absolutely, feel that--and the reason, Chair King, why I say that is because I've had many discussions with her where we talk about these things in the open. How do we resolve this? How do we get rid of this appearance of conflict? There may not even be one and yet the appearance is something that needs to be addressed, so.

COUNCILMEMBER KING: Okay. Thanks.

MS. DESJARDINS: Thank you.

CHAIR MOLINA: Hang on, Ms. DesJardins, you have a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha, Ms. DesJardins, thanks for being here. My question is, you're, if I was, if my memory is correct, you were also testifying in support of Mr. Wong for Corp. Counsel and now you're testifying in support of Ms. Lutey for

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Corp. Counsel. I didn't vote for Mr. Wong to be confirmed and I was wondering, do you feel the same about Ms. Lutey as you did for Mr. Wong?

MS. DESJARDINS: No, I don't, to be honest with you. I have a lot of respect for Mr. Wong, he was a great leader for our office, he was a good boss for me, I appreciated his knowledge base. But, if I can be candid, the difference between Ms. Lutey and Mr. Wong, for me is, one of it is, her approachability. I do feel, as a member of that team, that not only can I go to her if I have a question or an issue or something that I think needs to be cleared at a level higher than myself, but she seeks us out and asks us because she knows what our strengths are. So, for example, she might come to me and say, I know you've worked a lot on this or you did this in the past, what do you think about this? Let me give you one other very small example. I recently went to a meeting that happened to be all women from different departments, we were trying to resolve a difficult situation and there was one male lawyer in the room and we got finished with our meeting and when we were done, he walked out, he goes, wow, I have never been in a meeting where so much got done so quickly. And we still had time to chat a little bit about how our kids were doing. So, we got it done and he was really impressed by that and so I, you know, I hate bringing up the gender thing, I'm uncomfortable with that, but at the same time, I think it's time we do it. I think our children deserve it, our daughters deserve it, but I think, Ms. Paltin, in answer to your question, I find her approachable and yet she will also approach us and ask us for our opinion. I appreciate that.

COUNCILMEMBER PALTIN: So, if you were to choose between Mr. Wong and Ms. Lutey, you would choose Ms. Lutey?

MS. DESJARDINS: I definitely would choose Ms. Lutey.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. DESJARDINS: Yeah, thanks.

CHAIR MOLINA: Thank you, Member Paltin. Members, any other need to clarify the testimony for the nomination of Ms. Lutey? If not, I'll ask Ms. DesJardins to continue her testimony, I believe, on the next nominee. Proceed.

MS. DESJARDINS: Thank you. I just want to say a few brief words about Ms. Andaya-Dagdag, I might have gotten backwards and if I did, I apologize. I want to reiterate the same feelings I had about women in leadership roles because I think she's fantastic, I think she's smart. I will tell you that I have seen her in meetings, I've seen her answer your questions with a lot of earnest, heartfelt response. I mean, she really deeply cares about what she's doing. I cannot imagine why someone would want to be the head of Public Works, that's not even within the realm of something that I would know about, but I am so impressed with the way that I've seen her reach out and try to get the answer to something, really works hard at doing that. And I'm

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not here to dis, you know, the male population, but I have to tell you that women come to these leadership roles with very different skills and I think that we should take advantage of having these wonderful women who are willing to step up and be leaders because, I tell you, being in a room full of women solving a problem is a really refreshing thing. And, again, I'm so sorry, I apologize, I don't mean to offend anybody, but that's kind of how I feel, so. Thank you.

CHAIR MOLINA: Okay, thank you, Ms. DesJardins. Members, any need to clarify her testimony? Seeing none, thank you for sharing. Next to testify, we have Ms. Laksmi Abraham, to be followed by Mr. Artemio Baxa, and Ms. Abraham will be testifying on GET Item 1(6).

MS. ABRAHAM: Aloha, Committee Chair Molina, aloha, Councilmembers. Thank you for taking the time to hear my testimony this morning. My name is Laks Abraham, I am the Program Manager for Blue Zones Project here in Central Maui. I am here today in support of Rowena Dagdag-Andaya's appointment to Public Works. And I don't even know where to begin but Rowena has just been amazing in working with our program. Blue Zones Project depends on a leadership team and a group of volunteers to drive the work that we do in the community and, of which none would be possible without the support of the volunteers that we work with. And Rowena is truly a Blue Zones champion for this community. She serves on our leadership team, which drives the entire project, but she also serves on our Built-Environment Committee and, in that capacity, she has helped support many multimodal transportation different types of projects that help make our community safer, more walkable, more bikeable, and just overall safer to use our roadways and our parks here in our community. Some of the projects that she has supported while she has been working with Blue Zones Project is the completions of our Complete Streets Guide, which was recently adopted by Public Works and will be presented to the Council in this next Budget hearing. Also, she has supported the approval of the Maui Lani roundabout. This project was driven primarily with her support and we are now going to create a roundabout that's going to be safer for kids to access Pomaikai School and allow parents to feel safer about letting their kids walk to school on a daily basis and, in the long run, will save lives. She has also supported the Kane Street project, which will be presented to Council in this next hearing as well, and the Kane Street project is about implementing complete streets elements that are going to help make Kane Street safer for the kupuna that are being accommodated through the development that's happening with Catholic Charities right there off of Kane Street, but also for the new transportation hub. So, we're really excited to be working on that project with her. She's also helped us move forward with our Walking School Bus with Pomaikai School where we were able to mobilize over 120 kids and their parents to walk to school. And since then, that has encouraged many families to coordinate their own walking paths to school. We also had to do a Safe Routes to School path to do that that we worked on with her. She, Rowena and I have known each other for many years. We went to Maui High School together and I am now working with her for the first time in my professional career, and I just cannot tell you enough about how amazing she is to work with. She truly

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cares about our community. She cares about doing the right things for our community and creating a place that's safer and better for our entire community. So, I support her appointment and I hope you will as well. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Abraham. Members, any need to clarify Ms. Abraham's testimony? Thank you very much, appreciate it. Next to testify, we have Mr. Artemio Baxa, who'll be testifying on GET Items 1(6), 1(2) and 1(7). And upon the conclusion of Mr. Baxa's testimony, Chair would like to check in on our neighbor island offices out in Molokai, Lanai, as well as in Hana. Good morning, Mr. Baxa.

MR. BAXA: Good morning, Honorable Chair, Committee, Councilman Molina, officers and members of the County Council. I will be testifying on three people, as announced by the Chair. First, I'd like to deal with Ms. Rowena Dagdag-Andaya. I know the family very well. I'm telling you that so that you can see whether, if I am bias or not, but I know the family very well. The father and the mother, Mr. and Mrs. Fred Andaya [sic]. I know the husband as well, Herman Andaya. He used to be a judicial clerk of mine when I was at the bench. Rowena Dagdag-Andaya is a community leader, I know her. I know she's intelligent, she's a woman of integrity, character, and character, and I know she has experience. The last position that she held was as Deputy Director for Department of Public Works. She had been there for eight years. To me, experience means a lot. Please confirm her for the position of Director of Public Works. Now I'm going to Ms. Moana Lutey. Again, I know her very well. Twenty years ago, she and I worked as deputy prosecutors of the County of Maui. I know Ms. Lutey as a very hard working, dedicated deputy prosecutor. And then she moved to the Department of the Corporation Counsel. Later on I learned she became the head of the division of litigation. I know her, too, as a woman of integrity, ability and character. Please confirm her as well. The last person that I'm going to ask for confirmation is Eric Nakagawa for the Environmental Management. I must confess, I do not know much about him personally, but at the appointment by the Mayor of him as the Environmental Management Director, I was there. And, you know, when he was asked to speak, he just said, I cannot talk much, I don't know how to talk much, I am an engineer, I just try to do the best I can to do my job. Ladies and gentlemen, in my own mind, that means an exhibition of humility, which I also value, one of the family values that I consider important in life. Thank you so much. That's all that I have to say.

CHAIR MOLINA: Okay, thank you very, Judge Baxa. Members, any need to clarify Judge Baxa's testimony on our three nominees for the directorships? Seeing none --

MR. BAXA: Thank you, Mr. Chair.

CHAIR MOLINA: --thank you very much, Judge, we appreciate your testimony. Okay, let's go out to beautiful Molokai and check in with Ms. Lindo to see if we have any testifiers. Good morning, Ms. Lindo.

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MS. LINDO: Aloha, Chair, this is Zhan at the Molokai District Office and there are no testifiers here today.

CHAIR MOLINA: Okay, mahalo. Let's go out to wonderful Lanai and Ms. Fernandez. Ms. Fernandez, do we have any testifiers out in Lanai?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez at the Lanai Office and there is no one waiting to testify.

CHAIR MOLINA: Thank you very much, Ms. Fernandez. And, finally, let's go out to heavenly Hana and check in with Ms. Medeiros-Olivera [sic], good morning.

MS. MEDEIROS: Good morning, Chair, this is Mavis Olivera-Medeiros from the Hana Office. There is no one here waiting to testify.

CHAIR MOLINA: Mahalo, thank you. Alright, we'll continue with testimony here in Wailuku. Next to testify, we have Jerrie Sheppard, who'll be testifying on Items 1(6) and 1(2), to be followed by Richelle Lu.

MS. SHEPPARD: Good morning. Good morning. I am a Deputy Corporation Counsel, I'm here on my own time this morning. I have two people I want to address. The first is Rowena Dagdag-Andaya.

CHAIR MOLINA: Excuse me, Ms. Sheppard, could you bring the mic up closer to your voice? There you go. Thank you.

MS. SHEPPARD: Weird that somebody can't hear me. I've known Rowena since I've been over here as a Corporation Counsel and I've worked with her in the Emergency Management Center, as well as I've seen her testify here in Council Chambers and I've seen her work with boards and commissions, presenting information to the boards and commissions. The thing I like best about Rowena is that she can take the complexities of what she's trying to tell you and make them clear, which is really hard 'cause I don't understand engineering at all. But she really does clarify that stuff and make it so that everybody can digest it. When she's been with the people in boards and commissions, she is so friendly and she doesn't just come and do her thing and leave. She comes, she meets people, she presents her information and she hangs out and talks with them after and I think that's really a reflection of the kind of person she is. I think she's absolutely the best person for that job. I also want to talk about Moana Lutey, this is GET-1(2). Moana, I've known her for over 20 years. She was a deputy corporation...or deputy prosecutor when I got hired there, so I worked with her for a few years there and then she moved over to Corporation Counsel. I actually worked a lot with her in Family Court. We did a lot of domestic violence cases. She did juveniles mostly while I was there. I always saw her prepared, I watched how she prepared her cases, I watched how she interacted with the victims and the witnesses

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and I think I copied a lot of that skill when I became a deputy prosecutor. When she came over to Corporation Counsel, I continued to confer with her on criminal law enforcement matters and on records control matters and things like that. It was always wonderful to work with Moana. She was adept at what she was doing. She was quick. She was sharp. She knew what she was talking about. She was always professional, and as Mimi DesJardins said, very approachable. She always made time for you and I'm kind like, how can she take that many phone calls in a day and still do all her work? That was pretty amazing. Our Department has been through kind of a roller coaster in the last quarter and I would say that, with all those ups and downs, we looked to individuals in our department for leadership, how to kind of navigate our through that. Moana was always solid, we kind of copied her reflection and maintained her decorum. I really think she's great. One more thing, she is the only nominee in this County who has a Disney movie named after her, so there you go.

CHAIR MOLINA: Thank you very much, Sheppard, for that bit of information. Hang on, Ms. Sheppard. Members, any need to clarify Ms. Sheppard's testimony for the first nominee she signed up to testify on? Okay, seeing none, Ms. Sheppard, you'll be given an additional three minutes to testify on your next...

MS. SHEPPARD: That's it.

CHAIR MOLINA: Yes, you had two individuals.

MS. SHEPPARD: I did both.

CHAIR MOLINA: Oh, you did both?

MS. SHEPPARD: Yeah.

CHAIR MOLINA: No need to give additional thoughts?

MS. SHEPPARD: . . . *(inaudible)* . . .

CHAIR MOLINA: Alright, okay, well, thank you, very short and concise, appreciate that. Next we have Richelle Lu, who'll be testifying on GET Item 1(2), followed by Ms. Lauren Loor--I think I'm, hoping I pronounced it right, okay. Good morning, Ms. Lu.

MS. LU: Good morning. Good morning, Committee Chair Molina and members of the GET Committee. My name is Richelle Lu. Some of you might also know me under my practicing name, I am a practicing attorney and a Deputy Corporation Counsel, I'm known there as Richelle Kawasaki. I am here testifying as an individual today on my own time and I'm urging the Committee to vote to recommend that the Council adopt the proposed resolution entitled Approving the Mayor's Appointment of Moana M. Lutey for Corporation Counsel. I've known Ms. Lutey for in excess of

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25 years. We went to law school together. We've also had the opportunity to work in varying capacities over the years. I have approximately 13 years of experience with the Council, having worked for Council Services for ten years, as well as at the Prosecutor's Office for just over three years. So, I did, I wanted to share with you that Ms. Lutey trained me as a prosecutor. We were interns there prior to us both being hired there as attorneys. She started and then I moved back from Honolulu to work at the Prosecutor's Office. And that experience and the foundation that she gave me as a new deputy there was the reason why I was able to successfully perform in that capacity and I have used those skills throughout the years. And when I returned to the Prosecutor's Office a couple of years ago, before moving over to Corporation Counsel, I did draw on a lot of that experience. She's an excellent trainer. You've heard a lot about her ability as a lawyer, but I also wanted to speak briefly to let you know that she's an incredible human being. Moana is kind, she's loyal, she's always willing to lend a helping hand and she's easy to respect. You never have to doubt her honesty and her truthfulness. You know, Judge Baxa spoke of her integrity and she does have an extremely high level of integrity. Her honesty is unquestionable and that's something that's extremely valuable, I think, to the County as a whole. What I would like to say to you is that Ms. Lutey as the Corporation Counsel, you know, that's a very difficult job. It is one that I heard earlier people speaking or asking questions about conflicts with regard to that particular job and it is a difficult one where you're serving both the Council and the Mayor. What I would like to point out is that her job really is to represent the County as a whole and I think she can do that extremely well. She will balance those interests and she will never steer this County wrong. Thank you for the opportunity to testify.

CHAIR MOLINA: Thank you very much, Ms. Lu. Members, any need to clarify Ms. Lu's testimony? Seeing none, thank you very much. Next to testify, we have Lauren Loor and she'll be testifying on GET Item 1(6), to be followed by Stephen Kealoha.

MS. LOOR: Good morning, Chair.

CHAIR MOLINA: Good morning.

MS. LOOR: Good morning, members of the Committee, great to see you guys. My name is Lauren Loor. I'm here today as a concerned community member. I'm here to testify on Item GET-1(6). I coordinate the Healthy Eating, Active Living Coalition for Maui, Molokai and Lanai and we have three focus areas, one of them is the built environment. Our coalition advocates for an environment built specifically for the health of the community and its residents. We convene stakeholders from different sectors who have a role in creating the built environment. Rowena Dagdag-Andaya has been a member of our coalition for many years advocating for healthier, walkable, and safer communities. She is also the chair for the built environment group HEAL and Blue Zones Project Central Maui share. She has been a wonderful collaborator and a leader guiding our organizations to use our resources in the best ways to reach our common goal, which is a healthier Maui. When it comes to Complete Streets

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policy and implementation, Vision Zero, and Safe Routes to School, Rowena has been the number one advocate at our table. She always has been the person willing to make these ideas and concepts into a reality. I ask members of the Committee today to please confirm Rowena as the Director of the Department of Public Works so that we may continue to collaborate with her and put our best effort and our best work forward to reach the goal for a healthier Maui through the built environment. Mahalo for the opportunity to testify.

CHAIR MOLINA: Okay, thank you, Ms. Loor. Members, any need to clarify Ms. Loor's testimony? Seeing none, thank you very much. Next to testify, we have Mr. Stephen Kealoha, who will be testifying on GET Item 1(6), to be followed by Christie Trenholme.

MR. KEALOHA: Good morning, Chairman Molina --

CHAIR MOLINA: Good morning.

MR. KEALOHA: --and members of the GET Committee. I'm Stephen Kealoha and I represent myself in testifying before you regarding my support of the nomination of Acting Director Rowena Dagdag-Andaya. As Director of the Public Works Department, I support Ms. Dagdag-Andaya for this position for these reasons. As a Deputy Director since 2011, her qualifications outlined in her resume are surely adequate, if not exceptional, for the Director's position. It isn't always that you will find a candidate who is qualified to step right into a like position in a leadership role and I am one of the males who believe in women leadership. Her other experiences prior to working as a Deputy Director further embellish her excellent background, knowledge and experience. Having known her and her husband for several years, I also personally vouch for her integrity and credibility as respected citizen of this community. This is because of my interactions with her personally and through association in more formal community and other situations. Further, as Chairman of the Maui Leadership Council and a current board director of Catholic Charities Hawaii, a Statewide charitable, nonprofit organization, I have had official County-related interactions with Ms. Dagdag-Andaya. The first was in January 2018 when I testified before the Planning Commission in support of the SMA Use Permit application for our proposed 164-unit Kahului Lani Project for affordable senior housing, now under construction. At that hearing, a commissioner raised a concern about safety for the future kupuna residents while crossing Kane Street to access the Queen Kaahumanu Shopping Center. It was Ms. Dagdag-Andaya's immediate proactive decision at that hearing to declare that she would seek funding for flashing pedestrian crosswalk lights to provide for this safety measure. The second occasion was when there appeared to be a slight delay in the final stages of obtaining the building permit for the same project in late 2018. Though Ms. Dagdag-Andaya's, through Ms. Dagdag-Andaya's immediate attention and others to this matter, the situation was resolved fairly rapidly. These two instances for providing excellent customer service shows that she cares about serving the community well. The adage, the proof is in the pudding, is very applicable here. Lastly, Chairman Molina, I would like to offer my criteria for the Council's

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consideration and approval of this Department of Public Works Department nomination. First, that the person adequately meets the qualifications of the mission of this position and has a proven record of leadership capabilities. Second, that the person rises to the level of credibility and integrity expected of County employees who serve the public. Lastly, but equally important, that the person will place customer service as a high priority in fulfilling the requirements of that position. Thank you very much.

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

MR. KEALOHA: Thank you.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Excuse me, Mr. Kealoha, sorry, you've been called back.

COUNCILMEMBER KING: Sorry about that.

CHAIR MOLINA: Council Chair King has a question for you.

COUNCILMEMBER KING: Thank you.

MR. KEALOHA: Oh, hi.

COUNCILMEMBER KING: Thank you for...hi. Thanks for being here. So, the qualifications that you just read off, was that from County ordinance or was that...because I don't remember that, the third sentence in there but...

MR. KEALOHA: The last, you mean, my last recommendation?

COUNCILMEMBER KING: Well, you read off qualifications in your testimony. Was that from our ordinance, our existing ordinance?

MR. KEALOHA: Yeah, I kind of read briefly through the ordinance and also I do know, you know, a bit of her resume that she prepared for this position so, you know, I have that familiarity with it.

COUNCILMEMBER KING: Okay, thank you.

MR. KEALOHA: Yeah, thank you.

COUNCILMEMBER KING: And then my other question to you is, what is the Maui Leadership Council that you mentioned?

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MR. KEALOHA: Oh, okay, well, it used to --

COUNCILMEMBER KING: Just real briefly.

MR. KEALOHA: --be called the Advisory Board for Catholic Charities, the --

COUNCILMEMBER KING: Oh, for Catholic Charities.

MR. KEALOHA: --Maui Advisory Board, but they changed the name to Leadership Council because there is a board of directors, the board of advisors and there's another, you know, Maui Advisory Board, and it was too confusing --

COUNCILMEMBER KING: Okay.

MR. KEALOHA: --so Leadership Council sounded better.

COUNCILMEMBER KING: No, I think that's great. I thought maybe it was a County organization I hadn't heard of yet, but thank you for being here, I appreciate your testimony.

MR. KEALOHA: You're welcome. Thank you.

CHAIR MOLINA: Okay, thank you. Members, any other need to clarify Mr. Kealoha's testimony? Seeing none, thank you. Next to testify, we have Christie Trenholme, who will be testifying on GET Item 1(2), to be followed by Caleb Rowe.

MS. TRENHOLME: Good morning, Councilmembers --

CHAIR MOLINA: Good morning.

MS. TRENHOLME: --and thank you for your time. I'm here testifying on my own behalf on vacation time. As detailed in my written testimony, I strongly urge you to confirm Moana Lutey as Corporation Counsel. She's an excellent attorney and manager and she's also a caring, considerate and thoughtful human being. One example, as I was thinking about my testimony, of the good will and trust that Moana has built at the County during the course of her employment here, is a recent case where I had to interview a number of County employee witnesses and they were very reluctant to speak with me because, of course, who wants to speak with an attorney. So, one County witness, in particular, was very reluctant but when I told her that Moana was my supervisor, she opened up immediately and told me that Moana literally saved her life. It turns out, a few years ago, Moana had a big case in Federal court on Oahu and she had brought a number of County witnesses with her and they ended up winning the case and going out to dinner to celebrate. And this one witness started to get ill during dinner and Moana said, you know, you don't look good, let me take you to the doctor. She was very hesitant, everyone else left, but Moana said, I insist, and took

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her to the hospital and turns out she had severe food poisoning and was facing potentially fatal complications. So, that's just one example of how Moana really goes above and beyond for County employees and really cares about the people that work here. Finally, it is truly an inspiration that Moana will be the first female Corporation Counsel to serve for the County of Maui. She brings us stability and leadership that our Department needs right now and I just ask you to please confirm her as Corporation Counsel. Thank you.

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

MS. TRENHOLME: Thanks.

CHAIR MOLINA: Next to testify, we have Caleb Rowe, who will be testifying on GET Item 1(2), followed by Kristin Tarnstrom.

MR. ROWE: Thank you, Chair. Members of the Council, thank you for letting me speak today on behalf of the appointment of my supervisor and hopefully soon to be my boss, Moana Lutey. My name is Caleb Rowe. I'm a Deputy Corporation Counsel and I took vacation time to be here this morning. I've been with the Department since 2012 and when I started I was a pretty brand new lawyer. I graduated from law school in 2010. Moana has been my direct supervisor, as the head of litigation that entire time so I think it's safe to say that she is a person, more than anyone, who taught me how to be a lawyer. She let me know when I'm being too nice or accommodating to opposing counsel, which is a problem that I sometimes have. She also lets me know when I'm being overly sassy or too stubborn, which is also a problem that I have. In other words, she knows how to be balanced and she has taught me not only how important balance is but how to achieve it in my own work. She has a breadth of knowledge, not only of litigation process and strategy, but of the inner workings of the County of Maui. Moana is an invaluable asset to the Department of the Corporation Counsel and to the County of Maui as a whole. We are all lucky that she is willing to take on this awesome responsibility, especially after the turmoil of the last few months, and I would strongly encourage you all to support her appointment. Thank you.

CHAIR MOLINA: Thank you, Mr. Rowe. Members, any need to clarify Mr. Rowe's testimony? Seeing none, thank you very much, Mr. Rowe. Next to testify on GET Item 1(2), we have Kristin Tarnstrom, to be followed by Norma Cronkite.

MS. TARNSTROM: Thank you, Chair Molina --

CHAIR MOLINA: Good morning.

MS. TARNSTROM: --Chair King and all Councilmembers. I'm here to support Moana Lutey's confirmation as the next Corporation Counsel. I'm a Deputy Corporation Counsel with

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the office and I'm also here on my own time. I've also been lucky to work with Moana as my litigation supervisor since I was hired as a Deputy Corporation Counsel in May of 2014. Moana immediately stood out as welcoming, supportive, capable, intelligent, and insightful leader. There is much to learn when starting out as a deputy in the office and despite her own case load, she never hesitated to guide me through difficult issues, review briefs and to provide context and insight into how the County's myriad departments, divisions, boards and commissions operate. She still plays this pivotal role not just to me but to many of my colleagues. And as an attorney, one can be faced with many ethical dilemmas and issues throughout a case. Moana has never hesitated to, in her advice, to do what is right. Moana is also an incredibly compassionate individual. This is not only shown by her love of animals and the effort she'll put in to office birthday parties, but the exhaustive effort that she'll put into someone on a case when they need help, so much so that she has to put in extra time after hours or on weekends to complete her own large workload. Moana is a skilled attorney, a team builder, she's unflagging in her commitment to this County and is very much respected in our office. She has the institutional knowledge and the sound judgment necessary to be an excellent Corporation Counsel and I urge you to support her confirmation. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Tarnstrom. Members, any need to clarify Ms. Tarnstrom's testimony? Seeing none, thank you very much. Next to testify, we have Ms. Norma Cronkite, who will be testifying on GET Item 1(6) and she'll be followed by Mr. Hayden Aluli.

MS. CRONKITE: Good morning, Committee Chair --

CHAIR MOLINA: Good morning.

MS. CRONKITE: --Molina, Council Chair Kelly King, and members of the GET Committee. My name is Norma Barroga Cronkite, retired school administrator. I'm here to support the appointment of Rowena Dagdag-Andaya as Director of Public Works. I had the opportunity to know Rowena Dagdag-Andaya as a fine young lady when she just came out of college. She was actively involved in the community and I had the opportunity to work with her, not only in the community, but also in the Department of Education. She is intelligent with a high level of integrity and has good work ethic. She is a visionary leader, a team player with excellent management skills. She has the tenacity to do her job well and she has demonstrated all of that, not only in the community, but in the Department of Education. She has the educational background and the relevant work experience related to the job as Director of Public Works. I know that she also worked for Hiranaga and Associates [sic], so that really is something that she has under her belt, other than, you know, working as Deputy of Public Works. So, I humbly ask that you confirm her nomination as Director of Public Works. Thank you very much.

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CHAIR MOLINA: Thank you, Ms. Cronkite. Members, any need to clarify Ms. Cronkite's testimony? Seeing none, thank you for sharing. Next to testify, we have Mr. Hayden Aluli, who will be testifying on GET Item 1(2).

MR. ALULI: Good morning, Chair Molina --

CHAIR MOLINA: Good morning.

MR. ALULI: --members of the Council. Thank you for this opportunity for listening to all the people who testified in strong support of Moana Lutey for Corporation Counsel. I know from personal knowledge and from her reputation that you are going to be getting an excellent Corporation Counsel to lead this County in the future. Personal knowledge, Ms. Lutey defended, successfully, an excessive use of force of case that I was representing. We lost in the U.S. District Court of Hawaii and she also successfully defended her win in the Ninth Circuit Court of Appeals. And throughout that experience that I had with her, she was professional, she was competent, she was a strong litigator. On a personal note, the County had, pool had eaten my swim shorts over, down at Kahului and I thought, oh, no problem, it was County's fault, I'm going to file a claim. But to my surprise, it was denied. And, so, you know, that's the kind of litigator that leads that office, the way she successfully has defended the County. Her reputation, I've come to know throughout the years of practice that I've been on Maui, she has strong litigation skills. Her reputation is she's honest, she's diligent, she's competent and all of the leadership skills that you would be getting by confirming Moana Lutey as Corporation Counsel. And, lastly, well, second to the last, is I'm really excited to see the makeup of this Council and see the kind of breaking glass ceilings that some of you have overcome to reach your leadership roles on this Council. This will be the first time and the first opportunity for Maui County to really affirm gender equality by confirming Moana Lutey as the first Hawaiian, Native Hawaiian woman, to lead the Corporation Counsel. And, last, I'd just like to say that in participating in the process of getting a Corporation Counsel here the last few months, is that I think confirming Ms. Lutey from within the ranks of Corporation Counsel is a really important move. And looking at the steersmanship of a canoe, you want to, there'll be very little disruption with just replacing a steersman, rather than changing the whole morality of the Corporation Counsel. Thank you for this opportunity to voice my strong support for Ms. Lutey.

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

COUNCILMEMBER PALTIN: Good morning, Mr. Aluli, thanks for being here.

MR. ALULI: Good morning.

COUNCILMEMBER PALTIN: You were also a strong supporter of Mr. Wong, is that correct?

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MR. ALULI: Yes.

COUNCILMEMBER PALTIN: And I was wondering if you could compare and contrast your support for Mr. Wong versus Ms. Lutey?

MR. ALULI: Could you clarify your question again, please, Ms. Paltin?

COUNCILMEMBER PALTIN: If you had the choice to choose between the two, which would you prefer?

CHAIR MOLINA: Mr. Aluli?

MR. ALULI: I think, as you know, I was a strong proponent for Patrick Wong, as I am today a strong proponent for Ms. Lutey. I think both of them have strong leadership skills, I'm excited that both of them are Native Hawaiians. I am, frankly, disappointed that despite the government not charging Patrick Wong with a criminal offense, that he resigned, because I think he is a important asset for this County. Now, having to replace Mr. Wong with Ms. Lutey, I think is an excellent choice. I think the morality of the office will be, remain intact. I think she comes from like 20-some years of working for the County, she's an excellent choice.

COUNCILMEMBER PALTIN: So, if you had your choice, you would prefer Mr. Wong?

MR. ALULI: I would say that I am disappointed that the County has to go through this turmoil with respect to replacing him. I, frankly, wish that he were here to, 'cause he has an excellent eight-year record of being Corporation Counsel, but he is not the steersperson for the Corporation Counsel. Now, you're looking at a competent alternative steers person and that person is Native Hawaiian, female, Ms. Lutey.

COUNCILMEMBER PALTIN: And being that you wanted to fulfill the position from the ranks, you feel that she is the best of the ranks or would...

MR. ALULI: Oh, absolutely, I mean, her, my personal knowledge of her competency and me knowing all the work that she's put in as a Deputy Corporation Counsel and my personal knowledge and reputation that I know of her, she is the best and most excellent choice for appointing from within the ranks, yes.

COUNCILMEMBER PALTIN: Thank you.

MR. ALULI: Thank you.

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

MR. ALULI: Thank you.

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CHAIR MOLINA: Members, we did have one additional sign up after Mr. Aluli's testimony. We have Mr. Jasee Lau.

MR. LAU: Good morning.

CHAIR MOLINA: Good morning.

MR. LAU: My name is Jasee Lau from Kula. Mahalo to the other guy that the Mayor nominated for the Environmental Management position, I hope he's alright, I hope you guys take of him, he's my friend. Eric Nakagawa, if approved, I'm looking forward to working with Eric on environmental management in Kula, specifically with the three Rs, recycle, reduce, and reuse, and with my Council representative's help and cooperation. Yuki Lei Sugimura might look like she's perfect, and she might have got all As on her three Rs, reading, writing and arithmetic, but she's not too keen on recycling. I even saw a cardboard box on top of her rubbish can one day. So, I don't know your address, Mr. Chair, but don't worry about me checking your house. It ain't right that Kula has to come all the way over to your neighborhood in Makawao to recycle.

CHAIR MOLINA: Alright, thank you, Mr. Lau. Members, any need to clarify Mr. Lau's testimony? Seeing none, thank you very much, Jasee. Members, Mr. Lau is the last person to have signed up for testimony. Staff, do we have any additional signups? Nothing? Okay, very good. Anyone in the gallery that would like to testify? Seeing no one approaching, Members, if there are no objections, the Chair will close public testimony on all of our agenda items for today.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so noted.

. . . END OF PUBLIC TESTIMONY . . .

**GET-2(3) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (FIRE
AND PUBLIC SAFETY COMMISSION) (CC 19-24)**

CHAIR MOLINA: Alright, Members, let's get right down to business. We'll start out first with our first item, which is GET Item 2(3) related the nomination of Donna Sterling to the Fire and Public Safety Commission for the County of Maui. And from the Mayor's Office, we have Ms. Gladys Baisa, and we'd also like to welcome the presence of our Mayor, Mr. Mike Victorino, to our proceedings this morning. Ms. Baisa, I'd like to ask you to provide a brief overview of Ms. Sterling. Proceed.

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MS. BAISA: Good morning, Chair, and thank you very much, and Members, for the opportunity to be here today to represent the Mayor and I'm very delighted that he's able to be with us because I am just the messenger. These choices are Mayor's. I'm here to talk about, initially about Donna Sterling, and she is our choice of a nominee for the Fire and Public Safety Commission. I had the opportunity to meet this lady several months ago and I have to tell you, I never cease to be amazed at her enthusiasm. She is very, very desirous of this job and has stayed with me during the whole process, as you know it's been rather lengthy, and I don't know how many times she's called me to find out when she was going to be scheduled 'cause she was very concerned that maybe there were concerns about her and she wanted to be sure. She is here today if you have any questions. She lives in Kahikinui and went to Kamehameha Schools and has been very, very involved in the community. Her employment currently would allow her to participate and she is more than willing to make the drive from Kahikinui to the meetings. I made sure that we discussed that many times and the fact that she's here today is proof and she also is willing to come again tomorrow if you need her. She has a great deal of experience with Kahikinui, having lived there for 19 years, and has experienced many times, six to seven fires and more, issues with fires out there and all of the challenges that come with it. And when I looked at the Fire and Public Safety Commission makeup, it's very important to us, the gender balance is important, we would, with her, we would now have three women instead of, I'm sorry, six, we used to have more men, and with her we'll have three women and six men, which I think is wonderful. And so, Mayor strongly recommends that you approve her and we're very happy that she has volunteered. We're here for any questions and so is she.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. As Ms. Baisa mentioned, the nominee is here but I see Member Kama has a question first. Ms. Kama, do you have a question for Administration?

COUNCILMEMBER KAMA: More for Ms. Sterling than the Administration, if I may, Chair.

CHAIR MOLINA: Alright, Members, if there are no objections, Chair would like to call upon the nominee, Ms. Sterling, to the podium.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Good morning, Ms. Sterling. Before responding to a question, I'd just like to ask you, just give us a short, brief overview of some reasons why you would like to serve on this Commission. And then, right after you're done, then I'll open up the floor to questions from the Members.

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MS. STERLING: Okay. Aloha kakahiaka, Chair and Committee. I have been a resident of Kahikinui for, coming up, 19 years, part of the grassroots. I'm impacted and have a vested interest in fire and after Kauaula happened, I decided to jump on board with the Maui Fire and Public Safety because I can bring a lot of experience, not just with being the person in the fire with two structures, but with being on the Board of Kahikinui many years, administrative projects I have would be brought forward, so I'm really happy. I've been waiting for this moment to bring my knowledge, I'm a classmate of, Class of 1967. That doesn't give you my age but it's time that I share some of the knowledge that I've experienced and the community. And, so that's why I volunteered for this committee. Any questions?

CHAIR MOLINA: Aright, thank you very much, Ms. Sterling. Chair will recognize Member Kama, any questions for Ms. Sterling?

COUNCILMEMBER KAMA: Yes, thank you, Chair. Thank you for being here --

MS. STERLING: You're welcome.

COUNCILMEMBER KAMA: --this morning, Ms. Sterling. So, I noticed that you live in Kahikinui and I also know that Kahikinui is inaccessible from the main road.

MS. STERLING: Right.

COUNCILMEMBER KAMA: So, when you all have your fires up there, how do you put them out? Maybe you should describe Kahikinui for us so we get an idea of what it is.

MS. STERLING: Sure. So, for those people that don't know, we are off grid. We're a Hawaiian Homestead, 22,000 acres. Of that, we have 13, 24/7 families living there. There are, there is a partially paved concrete road at the 23-mile marker that leads into the homestead, which is good because your emergency response ambulance and the Fire Department come in. How do we put the fire out? We have a tree going, phone tree among the 24/7s if there is any fire. What we do is talk to each other, contact 911 and get an update where the fire is isolated to, and then we mobile our people to, especially the...we're a four-wheel drive road, so we do have, Kahikinui has underground fiber-optic modem but we have four-wheel drive road, we collect water. We have a good system right now, but we're going to have more concrete roads paved. I know we took a lot of the fire budget because 2016, the big 6,000-acre fire, which impacted my house and another foundation house, but we're working out a fire plan through the Board of Directors and that's about it, that, we're moving forward.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Ms. Sterling.

MS. STERLING: Sure.

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CHAIR MOLINA: Thank you, Member Kama. Members, any other questions for Ms. Sterling?
Councilmember Paltin?

COUNCILMEMBER PALTIN: Aloha, Ms. Sterling --

MS. STERLING: Aloha.

COUNCILMEMBER PALTIN: --thank you for coming out here today. I just was wondering,
your knowledge and opinions of Ocean Safety, which is also under the jurisdiction of
Fire and Public Safety.

MS. STERLING: We, in Kahikinui, have had several ocean voyaging wrecks along the
coastline. There's seven miles wide from 21-mile marker to 28. The only ocean that
I've been impacted are the wrecks and couple deaths along the trail. It is so, the
terrain is so hard to access the makai side, we don't have a lot of incidents down in
the ocean. My experience is, my late husband, Leon Sterling, was Hokulea captain,
one of the original, so I got to sail with him and be on the board with Mookiha. So, I
continue to be an active crew member. If it's ocean, it is ocean and we're very aware of
how the canoes, Hui o Waa Kaulua, come into play with the aha moku concept. So,
I'm aware of the ocean. I know...go ahead.

COUNCILMEMBER PALTIN: I guess, my question is, how do you envision the role of the
Ocean Safety Bureau within the Fire Department moving forward?

MS. STERLING: Yeah, well, you know, it's going to come down to the population of our
beaches are increasing, and with that in mind, we have to continually monitor the
ocean safety to the point where, if need be, we need more personnel or, you know,
dollars in the budget, then that needs to be done. It could be our family and we're
getting a lot more accidents, so.

COUNCILMEMBER PALTIN: Thank you.

MS. STERLING: Sure.

CHAIR MOLINA: Thank you, Member Paltin. We have Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Donna, for being here --

MS. STERLING: Hi, aloha.

COUNCILMEMBER SINENCI: --this morning. Aloha. So you said, off the grid. You guys
don't have any waterlines going up to Kahikinui?

MS. STERLING: No.

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COUNCILMEMBER SINENCI: Not so far. So, you're tracking [sic] all your water into the...

MS. STERLING: Yeah.

COUNCILMEMBER SINENCI: Okay. And then the second question was, do you know anything about Auwahi Wind, wanting to expand across the street into Kahikinui?

CHAIR MOLINA: I'm sorry, Mr. Sinenci?

COUNCILMEMBER SINENCI: Oh, sorry.

CHAIR MOLINA: If you could please tie your question into Ms. Sterling's role on the Fire Commission, if possible, rather than just the general area?

COUNCILMEMBER SINENCI: Does Auwahi Wind have any, I guess, stakes in...I'll withdraw. I'll ask her on...

CHAIR MOLINA: Thank you. I'm sorry to be so strict on that, but do you have any question for her regarded to maybe why she wants to be on the Fire Commission, what she could bring?

COUNCILMEMBER SINENCI: No, I've known Ms. Sterling for eight years under the aha moku, I think she's qualified. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Any other questions? Chair King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Ms. Sterling. So, I just wanted to get your confirmation about the time that it takes to serve on boards and commissions and expanding the knowledge base to the entire County versus --

MS. STERLING: Right.

COUNCILMEMBER KING: --Kahikinui.

MS. STERLING: I thought about that.

COUNCILMEMBER KING: Yeah.

MS. STERLING: Yeah, you know, I, being on this commission would not, and I want to emphasize, this is not just about Kahikinui. Please, it's not just about Kahikinui. Kauaula happened, Maalaea happened, Molokai happened, Lanai. It's all of the islands in the Maui nui. And all I can do is bring what knowledge I have from the tough life that I live and healthy blood pressure place that I live, and bring it forward to share with other islands, it's not just for Kahikinui. We're all in the same boat.

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COUNCILMEMBER KING: Okay.

MS. STERLING: It hurts.

COUNCILMEMBER KING: Thank you. Thank you for that answer. I just wanted to give you a chance to address that --

MS. STERLING: Thank you.

COUNCILMEMBER KING: --because I was pretty sure I knew what the answer was but I do think that it's important that when we serve on boards and commissions as the County Council, you know, that we're looking at the broader issue. Thank you so much.

MS. STERLING: Agreed.

CHAIR MOLINA: Alright, thank you, Chair King. Seeing no other questions for Ms. Sterling--oh, sorry, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Sterling --

MS. STERLING: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: --aloha for being here. So, with all boards and commissions, attendance, there will always be a big concern, but it sounds like you're confident that you'll be able to make most of the meetings.

MS. STERLING: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Have you attended the Fire and Public Safety Commission meetings before?

MS. STERLING: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And when you have to come to, in your decision-making process, can you describe a little bit how you come to your conclusions in deciding one way or the other --

MS. STERLING: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: --as a commissioner?

MS. STERLING: I'm going to take that question first. Is that it?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. That's the only question.

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MS. STERLING: What was the first one?

VICE-CHAIR RAWLINS-FERNANDEZ: Well, just how, what is your --

MS. STERLING: Attendance.

VICE-CHAIR RAWLINS-FERNANDEZ: --decision-making process? Oh, okay, attendance, yeah.

MS. STERLING: So, I have a 2018 F-150, brand new. I have a mom who's 95, who lives in Kihei. So, if there's a meeting scheduled, even if it's in Lahaina or somewhere, I would spend the night out at Kihei and zip like I did today to the meeting. So, attendance is not a problem. I have transportation and a place to stay. What was the second question?

VICE-CHAIR RAWLINS-FERNANDEZ: Just your decision-making process.

MS. STERLING: Oh, I've been before the Maui Fire, during 2016, I attended, I went before two or three of the, three times, the Public Safety, when Jeff Murray was our Chief. And, basically, I just vented what needed to be done and to reassure the Chief that we, the community, would provide a fire-wise plan and maybe get some reservoirs for our homesteaders so we can help put out the fire. In other words, don't put it all on the budget of the Fire Department and the County, but make the community accountable to living there and getting grants for water. In other words, help the Fire Department 'cause it was a very long fire and it was a very expensive fire. And the third is, my decision-making would be based on my experience, of course, but as a board member, we would need to bring all of our members' research and their manao, they come from, I think all from Maui, but you've got--I like the members on that Fire Committee, you've got a variety of people that can move projects, so I would take that into consideration before I make a decision.

VICE-CHAIR RAWLINS-FERNANDEZ: There are two commissioners from Molokai and one from Lanai, I believe.

MS. STERLING: . . . *(inaudible)*. . . we got the group, we got the lahui.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MS. STERLING: It's good.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Sterling.

MS. STERLING: Sure.

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CHAIR MOLINA: Thank you, Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Ms. Sterling, Chair has just one question for you. Should you be confirmed to this commission, you and eight other members of that commission have a tremendous responsibility. The fate of the Fire Chief is in your hands. You decide to hire and fire the Fire Chief and, of course, do a, I believe, a yearly evaluation. Are you comfortable with, if you see something inappropriate or where the Department needs improvement, are you comfortable with saying it right out front to the Chief, we need to improve this or else? Can you share your thoughts --

MS. STERLING: Right.

CHAIR MOLINA: --on that?

MS. STERLING: Yeah, and you're right. Am I comfortable if I had to say something that was out of line or something that came up that was brought up at the commission, and the reason is, I wouldn't hesitate 'cause I'm impacted, I've been through six, seven fires and if it means that the personnel under him, then that needs to be addressed because we're dealing with lives, I know that, safety, the public. No hesitation, right.

CHAIR MOLINA: Thank you for that response. And, in general, you know, I'll speak for the Members and hopefully I'm saying it right, we certainly don't want any of our commission members who serve on commissions, like the Police, Liquor and Personnel who determine the fate of the directors or chiefs to be so-called rubberstamps, we want people that are independent minded and that can look at things very constructively, so thank you for that response.

MS. STERLING: You're welcome.

CHAIR MOLINA: Thank you. Seeing no other questions for Ms. Sterling, we want to thank you for sharing your thoughts with us and responding to the questions of the Committee.

MS. STERLING: Aloha.

CHAIR MOLINA: Thank you.

MS. STERLING: Thank you.

CHAIR MOLINA: Members, because the, we're under some time constraints with making a decision on Ms. Sterling today, as well as two of our other nominees for the various boards and commissions, the Chair is going to defer this matter because on your Council agenda tomorrow, the Council will make the decision on these three

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nominees. So, if there are no objections, the Chair will defer Item GET-2(3) related to the nomination of Ms. Sterling.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so noted.

ACTION: DEFER.

GET-2(5) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (SALARY COMMISSION) (CC 19-24)

CHAIR MOLINA: Alright, let's go on to the next nominee, which is the, relating to the appointment of Vernon Oato to the Salary Commission for the County of Maui. I'd like to ask Ms. Baisa to give us a brief overview of Mr. Oato.

MS. BAISA: Thank you very much, Chair. I am really sorry, but, you know, when this was scheduled, unfortunately, Mr. Oato was kind of taken back. He had a longstanding medical appointment at ten o'clock this morning and he did come; however, you might have seen him leave about ten minutes before 10:00 'cause he had to take that appointment, that medical appointment. But he was here and he has volunteered that he'll be happy to come back again tomorrow, if the Council wants to interview him. He comes...I received his application and I thought it was a gift of God. You know, I was on the Salary Commission many years ago and when I was on it, my dear wish was that we would have a human resource professional on that committee. I never thought that we'd find one and Mr. Oato applied and he's been approved by the Mayor. The Mayor recommends him. I think he brings a tremendous background to the Salary Commission. He is a private, he's in private business, he's an HR consultant and so he can give us the time and I think that he would really help the committee a lot as it struggles through many things that I know you're aware of, particularly at this moment. So, he was unable to stay so you could talk about it, you know, talk to him some more, but I think that he would bring a wonderful expertise to this committee that we really, really need. And I know Mayor is in full support. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Baisa. And as noted, Mr. Oato did come here this morning but unfortunately, due to his appointment, he's not able to be here. You have the opportunity, Members, to contact Mr. Oato as well and, Ms. Baisa, if at all possible, if you could let Mr. Oato know that he can feel free to contact the Councilmembers, but we are, of course, have a decision-making matter with Mr. Oato tomorrow so we'll see what transpires. Member Paltin, you have a question for Administration?

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COUNCILMEMBER PALTIN: Yeah, I just was wondering, I wasn't able to locate his board and commission form on the Granicus and I just was wondering if it was put up there or...

MS. BAISA: Yeah.

COUNCILMEMBER PALTIN: On the...

MS. BAISA: It was sent along with his resume.

CHAIR MOLINA: Staff?

MS. BAISA: So, I don't know where it is.

CHAIR MOLINA: Staff, do we have Mr. Oato's, I guess, application form? We do? You did find it? Okay, thank you. Alright, seeing...oh, go ahead, Ms. Baisa.

MS. BAISA: Chair, I do have a copy if someone would like to make copies.

CHAIR MOLINA: Members --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --is there any need for questions? Ms. King?

COUNCILMEMBER KING: The application is on the document attached to the resolution.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Three twenty-nine is the date on it.

CHAIR MOLINA: Three twenty-nine.

COUNCILMEMBER KING: Oh, I'm sorry, no, I take it back, that's a different, that must be an old one, that's a different name on there.

CHAIR MOLINA: Yeah, I believe that's for Ms. Fujiwara, who we previously approved.

COUNCILMEMBER KING: Right. Okay, let me see...no, she's right, it's not on Granicus.

CHAIR MOLINA: Alright. Okay. So, Ms. Paltin, do you have a copy of it now?

COUNCILMEMBER PALTIN: Yeah.

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CHAIR MOLINA: Okay, very good. Alright, Members, seeing no other questions related to Mr. Oato, the Chair will ask for a consideration of deferring this matter for final decision making at the Council meeting tomorrow. Any objections?

COUNCILMEMBERS: No objections.

ACTION: DEFER.

CHAIR MOLINA: Okay, so noted. Alright, thank you very much, Ms. Baisa. And, Mr. Mayor, I believe you'll be staying for the nominations as well at a later point this morning.

MR. VICTORINO: I cannot stay all the way but I will stay as long as possible.

CHAIR MOLINA: Alright, well, we're honored with your presence this morning, Mr. Mayor.

MS. NAKATA: Excuse me, Mr. Chair?

MS. BAISA: Thank you, Chair.

CHAIR MOLINA: Yes, Ms. Nakata?

MS. NAKATA: There is a third board nomination on the agenda today. There's a third board nomination on the agenda today.

CHAIR MOLINA: Yes, I was just going to get to that.

MS. BAISA: Thank you very much --

CHAIR MOLINA: Yes, we just deferred the first --

MS. BAISA: --Chair and Committee.

CHAIR MOLINA: --two items. Okay, thank you.

GET-2(9) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COST OF GOVERNMENT COMMISSION) (CC 19-24)

CHAIR MOLINA: And the next item is GET-2(9), of course, this was a nomination from Council, not from the Administration, which is why I'm excusing Ms. Baisa. This relates to the approval or disapproval of the Council's nomination of Michael Williams to the Cost of Government Commission. And I want to recognize Member Paltin for bringing the nominee to the Chambers today, who is here as well. And I'd like to ask you, Ms. Paltin, to give us a brief overview on Mr. Williams and, if he is so willing, I

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would like to invite Mr. Williams to the podium after to give us, or would you prefer Mr. Williams to come up first, Ms. Paltin, before giving your overview?

COUNCILMEMBER PALTIN: I can give my overview so he's not, have to stand there the whole time.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: I first met Mr. Williams a little over a year ago and I was immediately impressed in the interest that he had in County government and the way things are run. He's not originally from Maui and I was very impressed with the breadth of knowledge that he had about how things are, happen here and his willingness to look into the way things are done and make suggestions on how things could be done better. And when specific instances of his suggestions wouldn't work, I didn't think would work out, he was very open minded in to, in listening to, you know, the nuances of Maui County and Hawaii and taking it into consideration and re-evaluating and fitting it into the big picture. I don't think he has any agenda other than to make this a much better place to live and a more functional government. So, I was very pleased when he took on the kuleana of stepping forward to serve on this commission.

CHAIR MOLINA: Alright, thank you very much, Ms. Paltin. Members, would you like Mr. Williams...excuse me, Member Lee?

COUNCILMEMBER LEE: Yes, I would like to ask him a question.

CHAIR MOLINA: Sure. Mr. Williams, if you would be so kind and join us? Mr. Williams, we have a question from Member Lee.

COUNCILMEMBER LEE: Good morning, Mr. Williams. Thank you for your willingness to serve. Now, as a commissioner or board member, you become an officer of the County and you will be asked to swear to defend and protect the County, right. So, how would you square that with being the head of an organization which tends to sue the County and challenge the County in court a lot, the Maui Tomorrow organization?

CHAIR MOLINA: Mr. Williams?

MR. WILLIAMS: Well, I think Maui Tomorrow has the best interest of the County at heart. When we do this, the most recent lawsuit which we won this week, I believe is going to save the County about \$20 million that would be wasted otherwise on a project the prior Administration had got into with Anaergia. And, so, I mean, I think we're all working in the same direction. I also serve on the board of the Kula Community Association and I'm a board member of the new organization that is an incarnation of FACE Maui for affordable housing.

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COUNCILMEMBER LEE: Okay, so you can confirm that you will be unbiased and impartial when it comes to making decisions on the County's interest?

MR. WILLIAMS: Yes, I think the purpose of the Cost of Government Commission is to look for ways that the County can improve its functions and its policies and that's what Maui Tomorrow is trying to do too, that's what the Kula Community Association does, that's what the FACE group is trying to do. We're trying to improve the County.

COUNCILMEMBER LEE: Right. And that's great but it's kind of your point of view and I don't think everybody, you know, agrees with that approach, you know, as far as suing the County and challenging the County. Actually, that's very costly when that happens. So, when you talk about the cost of government and you are, you may have access to a lot of information, you know, I just want to make sure that you can and will be impartial.

MR. WILLIAMS: Impartial as best I can be in terms of looking for ways to improve County government, that's what I want to do.

COUNCILMEMBER LEE: Alright, thank you.

CHAIR MOLINA: Thank you, Member Lee. Members, any other questions for Mr. Williams? If not, thank you very much, Mr. Williams, I'll excuse you from the podium.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, sorry?

CHAIR MOLINA: Oh, I'm sorry. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I was just going to ask all the commission applicants about attendance. Do you foresee your attendance being an issue?

MR. WILLIAMS: I couldn't hear you, I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Your attendance. Are you confident that you'll be able to make most of the meetings?

MR. WILLIAMS: Yes. As far as I can tell, they meet on Thursdays and, Thursday mornings, and that's a gap in my calendar that I can fill. I would, one other thing, I will bring some gender balance to this commission because, as far as I know, I will be the only man on it, if you approve me.

VICE-CHAIR RAWLINS-FERNANDEZ: And have you attended Salary [sic] Commission meetings.

MR. WILLIAMS: I haven't been to any of the Cost of Government.

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VICE-CHAIR RAWLINS-FERNANDEZ: Oh, sorry, Cost of Government meetings.

MR. WILLIAMS: Yeah. This wasn't really on my agenda until Ms. Paltin asked me to, you know, to do it. But I have, I would point out that Dick Mayer and I have submitted a long list of good government policy changes that, we've sent all of you I think in December, and I think most of you have seen, I've written a very detailed analysis of how I think property tax policy can be changed to help affordable housing by giving a break to the landlords who rent to locals and enforcing short-term rental policies and other ways that we can change the policies of the County to help the affordable housing goals that we all have.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Williams. Mahalo for being here. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Seeing no other questions for Mr. Williams at this time, I want to thank you for being here and taking the time to answer questions from the Committee.

MR. WILLIAMS: Thank very much.

CHAIR MOLINA: Thank you, Mr. Williams. Alright, Members, as I stated for the other nominees, again, because of some time constraints, the Committee will not be able to make a decision prior to the deadline so, if there are no objections, we will defer this matter for final decision-making to the Council for tomorrow's meeting. Any objections?

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so noted.

ACTION: DEFER.

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: No objections, but I just wanted you, if you could just outline for the Committee the process that we have to go through, because we're not just going to be voting, we have to vote to waive the Committee requirements and...

CHAIR MOLINA: Yeah, I believe there will be a discharge tomorrow. Technically, it's a discharge, we'll have to go through the discharge process and then final decision-making. Of course, the nominees have the options to be here as well tomorrow. So, again, this was, Mr. Williams, for example, his nomination was due to the Administration was not able to submit a replacement in time, and then we have our specific deadline, which we need to meet and if we don't meet the deadline then

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the authority to nominate for the Cost of Government Commission goes back to the Mayor. So, but I'm confident we will reach a decision tomorrow. And, Members, the Cost of Government Commission, typically, what they do is they, several members, will select a department to do a report, an evaluation, and they will end up, the whole commission itself will submit a yearly report to the Council. It's purely advisory from this commission and it's up to the Council to take up any of their recommendations. So, they don't have any specific authority in terms of final decision-making for the County, it's purely advisory and it's up to the Council to decide whether they want to take their recommendations or not. Alright, okay, Members, it is about, near 10:30. We, I don't see Mr. Nakagawa in the gallery at this point, so what we'll do, he is...Members, I'll leave it up to you, do you want to address Mr. Nakagawa's nomination or take a brief recess?

COUNCILMEMBERS: Recess.

CHAIR MOLINA: Ms. Lee? Recess? Alright, so noted. Members, let's take a ten-minute recess and return to the...

COUNCILMEMBER LEE: Mr. Chair?

CHAIR MOLINA: Yes, Ms. Lee?

COUNCILMEMBER LEE: Point of privilege.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER LEE: I meant to earlier, when we said good morning to you, to wish you a belated happy birthday. And, happy, I mean, forever 39.

CHAIR MOLINA: Oh, you are too kind, Member Lee. That just made my morning, so thank you very much for that. Alright, Members, we are in recess 'till 10:35. ...*(gavel)*...

RECESS: 10:26 a.m.

RECONVENE: 10:40 a.m.

CHAIR MOLINA: ...*(gavel)*... The GET Committee meeting for Thursday, May 2, 2019 is now back in session. It is 10:40 a.m.

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GET-1(7) APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS (DIRECTOR OF ENVIRONMENTAL MANAGEMENT) (CC 19-1)

CHAIR MOLINA: Members, we are on Item GET-1(7) with regards to the nomination of Mr. Eric Nakagawa to the Environmental Management position as Director. As I mentioned earlier, we are graced with the presence of Mayor Victorino, as well as Mr. Nakagawa. Members, the Chair will proceed in this fashion. We will ask Mr. Victorino, who, obviously, is a very busy individual, he will give us a brief overview on his three nominees. Mr. Mayor?

MR. VICTORINO: Thank you, Mr. Chair, and good morning, Members, Council Chair King and the rest of you. Thank you very much for allowing me this opportunity. Before you, we have three, what I call, very qualified, longstanding individuals in the various departments for which we have nominated them to. First of all, I'd like to talk about Mr. Eric Nakagawa here. Eric has been many years with the Wastewater Division of the County of Maui and he has an immense amount of knowledge and experience in this area. As far as the Solid Waste, he is a very quick learner and we have very competent supervisors and division heads that will assist him in making sure the job gets done. So, I'm very confident on Mr. Nakagawa and what he brings to the table, and I would urge strong consideration for his nomination as Environmental Management Director. Let's move on to Public Works, Rowena Dagdag-Andaya. She has been, as you've heard from the testifiers, since 2011, has been the Deputy of this Department and has worked very closely with many of the community and community groups throughout the County of Maui. She's a good listener, she's willing to look at all aspects and I recently had the opportunity at the Wailuku Heights Community Association meeting, which she was invited to come down, which made my job so much easier, I didn't have to explain a lot, I'd say, Ms. Dagdag-Andaya, please, and they were very, very happy to ask her questions and they still keep in communication with her and she's very respondent in that, responsive in that area, sorry. So, I really recommend and highly ask you to consider Ms. Dagdag-Andaya and, also, I want to point out that she is the first female ever nominated to this position. So, please keep that into consideration also. And, finally, Ms. Moana Lutey. Moana came to me, I've known her for many years when I served on the Council here, she's always been fair, she's very open-minded, she respects people's opinions and she does her homework. And as you heard earlier from many of the testifiers, high praise in her ethic, her work ethic and her ability to see through all the different variables and come up with what I believe is a fair resolution to most issues, yeah. I know that she, too, will bring that expertise, that professionalism, that we so desire, and she works for the people of Maui County, not for the Mayor, not for the Council, but for all of us and I'm very happy to recommend her. And, also, I'll close with this, she is also the first female nominated for Corporation Counsel, and so I would really encourage all of us to really look, all of you, I should say, to look at their qualifications and, you know, really give them strong consideration. And this is what I ask of all of you today. I know it's a daunting task, you guys have done this many times, so I guess you guys can, no

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longer a novice, you guys are experienced players now in this game. And, so, I respect what you do, and I respect how you've been able to conduct yourselves, and I'm very happy to say today, I can bring you three nominees that I would have brought to you in the beginning but there were reasons why I didn't but now I feel very comfortable with all three of them. Mahalo for your time.

CHAIR MOLINA: Thank you very much, Mr. Mayor. Members, if there are no objections, because of the Mayor's incredibly busy schedule, he has several appointments to meet, I'm going to excuse the Mayor and if you have any pressing questions for Administration, you could submit them in writing.

MR. VICTORINO: Thank you.

CHAIR MOLINA: Any objections to proceeding in that fashion? Alright, thank you very much, Mr. Mayor, for being here personally for your nominees. Alright, Mr. Nakagawa, you have the floor. I would like to ask you to address the body, anywhere, three to five minutes, for a brief overview and your reasons for wanting this position. Proceed, Mr. Nakagawa.

MR. NAKAGAWA: Alright, thanks, Chair. Aloha, good morning. So, today I just wanted to give you a little bit of background, who I am, my experience and why I think I'm qualified, a little about my, what I think my role is going to be as far as Director, and then I'll be open to any questions you guys might have. And, so, for me, I honestly feel that, you know, I'm qualified because, well, first, I'm born and raised in Hawaii over here, went off to school, I pursued a civil engineering degree, where I got it from the Seattle University. And right after that, I started my professional career here in a private consulting firm, where I pretty much developed the design skills of designing infrastructure for the County of Maui, roadways, drainage, sewer, water. And, so, from that I was able to go on and pass my professional engineers license as a civil engineer in the State of Hawaii. Soon after that, I spent seven years in the private side and I decided to move over to government. And, so, I came in as a wastewater engineer 19 years ago and stuck to this division as, 19 years. And as a wastewater engineer, it allowed me to move over and get knowledge and experience on the opposite side. I got design in the private consulting side, now I was able to do multi-million dollar contracts with contractors, consultants, I've learned how to build the infrastructure now so I kind of got a well understanding of how infrastructure works, how it's designed and now how it's built. And I quickly learned that as a design engineer, you think your plans are 100 percent perfect and, obviously, when you go build it, it's far from it. So, I've learned to make adjustments, make decisions and work with, and get a better understanding of Wastewater and how it works. I soon got promoted to the design construction head, where I started by supervisory experience. I dealt with operations and maintenance, I learned how to do that. I got to know who they are, how they work. I was able to deal with the community a lot more, a lot more community meetings and representing the Department and construction projects. And then, shortly after that, I became the Division Chief for the

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Wastewater Division. And, really, at the Division Chief level is really kind of what helped me prepare, I think, for this Director job. I was underneath two different Directors in the past nine years. As a Division Chief, you tend to let go of the little details day to day, it allows you to develop a more bigger picture view of things, and how all the things interact with each other from operations to construction to replacement, rehabilitation, all the way to the budget side, which is how that rates affects the community. I was able to learn and have knowledge in all of the personnel, union, grievances, all that kind of stuff, policies, procedures, as well as preparing the budget and coming here in front Council and justifying that budget. So, I feel that over all that time, when I look back, it's really, I have a well-rounded understanding of how this division, or this Department works, and going forward. And, so, one more minute, so, real quickly, like, I had the privilege of overseeing, well, preparing for budget in the last two weeks so, what I found and, real short, what I found out that Solid Waste and EP&S is pretty much a mirror image of Wastewater, only thing it's solid waste, trash versus wastewater. I look at the terms, I look at their CIP, you talk about SCADA, electrical upgrades, you talk about infrastructure pumps, I mean, they're all the same and there's a little more stress on the Solid Waste side in personnel and equipment versus infrastructure in Wastewater. I mean, basically, staffing and equipment is my infrastructure in Solid Waste, whereas, pipes and pumps and infrastructure is the core to my Wastewater. And EP&S is just another type of recycling, just like my recycled water program, I mean, they are there to help divert from the landfills and to get beneficial use from the trash also, yeah, so, I ran out of time, so, welcome to any of your questions.

CHAIR MOLINA: Alright, thank you very much, Mr. Nakagawa. Alright, Members, we will proceed with the line of questioning. The Chair will unveil a new process, well, technically, not quite new. I have been inspired during the Budget Session of using the time clock from Ms. Rawlins-Fernandez, thank you so much, and she happens to be the Vice-Chair of this Committee as well. And, so, I will ask Staff to monitor the time. So, you'll be given a seven-minute round to ask all the questions you want. I'll ask Mr. Nakagawa to be as concise with your response and not take up all of the seven minutes with a response and you'll be given a second round, three minutes, for any -up question or questions you may have. So, that is how we will proceed today. And, again, a friendly reminder to you, if you, please, well, the Chair will focus on the MQs of the nominee. If you decide to ask a question of the nominee's involvement in any particular County issue, especially if one that involves litigation, please be aware that it may require executive session if it is the will of two-thirds of this body to go into executive session. And, also, please be mindful to focus on the individual's role in that issue or thoughts, but not focus primarily on the pros and cons of the matter because we don't want to run afoul of the Sunshine Law police, okay. And I will have the assistance of Corporation Counsel, as well as staff, to advise me we, if your line of questioning is straying from what we should be asking of the nominee. So, with those parameters being made clear to you, we will proceed first with the subject committee Chair, first...looks like, Member Lee, you have a question or, with regards to the process? Okay, if not, Ms. Nakata, are you prepared to start the seven-minute clock?

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Alright, well, Mr. Sinenci, as the subject matter Chair, the clock will begin, we'll start the seven-minute clock, ask a question or questions of Mr. Nakagawa. And, Mr. Nakagawa, please be prepared to respond in a clear and concise manner. Are we all clear? Proceed, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Nakagawa, for being here. And thank you for your explanation about Solid Waste and Wastewater. I know that the Department of Environmental Management is such a large department and you mentioned that EP&S is more geared to recycling. Would you, do you see, it seems to me that EP&S is kind of like a poster child, so to speak, would you support, because it's such a large department, maybe having EP&S as a separate department?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Thank you, Member Sinenci. I think by Charter, I think that it is part of our Department and that it belongs in our Department. I think it's, on whether or not this Administration, this body, is willing to separate that, I basically would look at it and I can advise you of the pros and cons, and if so, choose so, then we can separate it, but really, the way I look at EP&S, once again, it's a huge emphasis on landfill diversion, as well as helping us as a community become more sustainable. So, whether or not it's underneath my Department or not, I'm willing to work with them or not. I mean, we have a great, very passionate Division Chief there, she understands what her role is, what the future is, and so I'm very excited to work with her. It's something different, other than the normal, boring sewage and trash. So, I mean, it's something more exciting, yeah, so.

COUNCILMEMBER SINENCI: Thank you. My second question would be with all the talk of sea level rise and moving infrastructure inland. What are some of your priorities as far as moving wastewater away from the shoreline and inland?

CHAIR MOLINA: Go ahead, Mr. Nakagawa.

MR. NAKAGAWA: Yes, Chair. Yes, thank you, Member Sinenci. So with climate rise, I think I touched a little bit in, during Budget and I think with climate rise, it's a matter of, the science is there, I mean, it's going to happen. The question comes down to is, how immediate, right, and that's kind of the, always the discussion, when do you do it? And, to me, there's definitely key points in your master planning when you do these developments of our CIP projects, that you can implement moving infrastructure inland to be a win-win. And what I mean by that is, if you look at our, what's before this body soon, we have the design funds of building infrastructure in South Kihei Road that we did a study and that needs to be upgraded. Well, we also did another study of what the demand was for that North Kihei region and what we decided was, instead of spending the millions of dollars upgrading infrastructure within South Kihei Road, you can do the same thing on the parallel road, which is the North South Collector and accomplish three, hit three birds with one stone, so to speak, right. I

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mean, you save money on upgrading infrastructure in a very busy road, you build that infrastructure needed, therefore, as time rises, I mean, or the time goes on and if this climate change comes faster than normal, you're already prepared to compensate for that adjustment, yeah.

COUNCILMEMBER SINENCI: Thank you, I appreciate that foresight. That's all questions for now, Chair. Thank you.

CHAIR MOLINA: Alright, thank you very much, Mr. Sinenci. Prior to recognizing Chair King, Chair would like to recognize Ms. Tegarden from the Administration joining our proceedings this morning. Okay, Ms. Nakata, please prepare to start the clock for Chairman King. You have the floor.

COUNCILMEMBER KING: I feel like I'm in a game show, I guess the lightning round comes later. So, thank you for being here, Mr. Nakagawa. My first question is about managerial experience and whether your, you know, I know that you kind of worked your way up, you're going to be managing a lot more people than ever before. And, so, do you look at yourself as a horizontal type of manager versus vertical, like, are you, you know, what is your intent as far as your managerial style? Is it, do you understand the difference between the two, you know, top down or more horizontal?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, thank you, Chair, and thank you, Chair King. I think I do. I can just tell you, my managerial style and, you know, I believe in the chain-of-command, which is the more vertical when it comes to disciplinary actions and when it comes to directives. I have a, my managerial style is, basically, by walking. If you talk to all of my Wastewater Division, I'm a guy who's very open, I talk to all my guys from the bottom up, I get their concerns, I understand what they're trying to do and my whole thing was always that, as a Division Chief, you lead by example and you build trust. And the way you build trust, is you build, is you establish transparency. And, for me, once you establish that trust through transparency, knowing that there's no hidden agenda, there's no, you know, funny business going on, and what's good for one is good for all, that actually opens communication. And, so, when they start to communicate, you can collaborate and really figure out what the needs are and how to address those needs. What I found out is the guys on the bottom, they deal with our stuff every day, and so they understand how the little adjustments that they need to make and they, a lot of times, they don't communicate with the design side, the people who's building it. And, so, what I was able to do is really, I think, bridge that gap of, you know, they actually, when I became Division Chief, they were shocked, like, wait, why is the Chief down at our baseyards, I mean, and that's kind of just my style and that's what I will carry on going forward. So, I think it's maybe a blend, depending on if it's a directive versus disciplinary action, more of a hierarchy thing and then it's a side-by-side where we work together.

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COUNCILMEMBER KING: Okay, good answer, thank you for that. So, following up on that, you know, I've had some discussions in the absence of the previous Director that we approved for DEM, with some of the folks on the, you know, at the ground levels and managerial levels of Wastewater and Solid Waste and there's a very big concern with this opening on Sundays and the expense that's associated with it. So, they're telling me that the expense, it could be up to \$500 per load that people are dumping, when they start to use Sundays. So, just, can you just address your intention as far as looking at some of those expenses, giving us a, giving the Council a review, I mean, obviously, you would give the Mayor a review first, too, but, I mean, working with the Council, the appropriate department, to try to rectify some of these expenses if it's showing that's it's unnecessary. Because what I'm hearing is, you know, on that front, that rather just new people dumping on Sunday, it's just the same people that usually goes on Saturday and they're going to split between Saturday and Sunday but now we have to add six new people to make that happen. So, those kinds of things are a little bit bothersome to me because when I talk to the people on the ground floor--and I'm almost expecting to get a complaint from UPW because they said it's a union issue as well. That and then the issue of hiring professional services versus an in-house mechanic and those kinds of things are things that, you know, I'd rather hear from the Director rather than from the people in the Department because you're hearing it and then you're relaying it to the Mayor, or maybe it comes from the Mayor, or maybe it comes directly to the committee that you work with, but can you just kind of address some of those issues and what your attitude is towards those kinds of, you know, concerns that are coming from the people working directly at the landfill and directly in Solid Waste?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, sir. Yeah, thank you, Chair Kelly. So, I mean, what I found, and it's going to link to Solid Waste and your question is, what I found when I came into Wastewater, there's a lot of changes, a lot of programs that were developed and that bridge and gap of that communication was formed because when they started developing this, these programs, it, I guess, maybe they felt like they didn't have a say and that kind of stuff. So, my job in Wastewater over the past nine years was really to mend that and get that respect and communication from the guys on the bottom. And so, I think, how that translates to what you're talking about is really that I intend to be the same, have the same approach, whether it's from my Division Chief _____ Wastewater or as the Director and having that open approach and that transparent and, visiting the baseyards and figuring out what those issues are and whether or not, you know, whether it's a union issue, whether it's just guys having their input on how this is going. And what I found out as a Division Chief is that's kind of the key, to me, in solving all of these issues. And, so, when you talk about tracking and all that kind of stuff, I do know that the Division Chief for Solid Waste, and you guys know very well, he's, he keeps his spreadsheets, and it could be 20 pages deep, I mean, he's very thorough. He actually, technically, he was my Operations Superintendent back then and he's very good at keeping track of all the expenses and very good at

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communicating with me, you know what, Eric, I don't, you know, this is very expensive, this is what it's taking, we're dealing with this union things and so, he will keep me apprised. And my role, as a Director now, is really to, for me, like I said, is to be, work with you guys and your Members and to share that with you guys so you guys can get a better understanding.

COUNCILMEMBER KING: Right. And, also, if I could, before my time runs out, if you could create more of a community conversation around these issues because I don't think anybody in the community, even if they were demanding to be able to have Sundays open, wants it to be that expensive for the County. And so, they were not really, the public was not really given the opportunity to hear what that was going to cost or what that was going to entail. So, these conversations need to be a little more, a little broader, that's what I'm looking for in a leader.

MR. NAKAGAWA: Yeah.

CHAIR MOLINA: Okay, and, you know what, Mr. Nakagawa, I'll ask you to respond to that question in the next round --

MR. NAKAGAWA: Okay.

CHAIR MOLINA: --from Ms. King, okay. Alright, moving on to the next person. Committee members, I should also advise you, feel free to step in if you feel the nominee has answered your question, feel free to cut in and let the Director know.

MR. NAKAGAWA: Sorry.

CHAIR MOLINA: So, that way it'll give you a little bit more opportunities to ask other questions --

COUNCILMEMBER KING: You should've told me that --

CHAIR MOLINA: --during your time limitation.

COUNCILMEMBER KING: --two minutes ago.

CHAIR MOLINA: Sorry about that, Chair.

COUNCILMEMBER KING: I'm just kidding.

CHAIR MOLINA: Okay, alright. Ms. Lee, you are on the clock. Proceed.

COUNCILMEMBER LEE: Thank you, Mr. Chair. Good morning, Eric.

MR. NAKAGAWA: Good morning.

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COUNCILMEMBER LEE: Thank you for stepping up. You are the replacement team. And so, I'm wondering, are your priorities any different from the previous person who was confirmed?

CHAIR MOLINA: Mr. Nakagawa?

COUNCILMEMBER LEE: Don't take too long.

MR. NAKAGAWA: I, as far as, I only knew what his priorities were in Wastewater, so I would say that, no, it's not, as far as Wastewater, because, really, his priorities came from me, I mean, setting it up and telling him, you know, I mean, just, honestly, I'm not stealing any credit from him or anything. I mean, we meet often and we go to lunch all the time and we collaborate with each other, how to do and set up the priorities. So, but I cannot answer for Solid Waste 'cause I really didn't talk to him about what his priorities are, but I do know that, I can tell you the priorities in, whether it's Solid Waste or, I can talk to Solid Waste, is really manpower is the number one goal. I shared it before, is manpower is the infrastructure for Wastewater, manpower and equipment. The reason why I say that is you need to create a efficient and reliable system, which means you need manpower and equipment to pick up the trash.

COUNCILMEMBER LEE: Okay, so are we talking about more maintenance of what you're already doing or are you talking about focusing on compliance matters or expansion issues or all of the above?

MR. NAKAGAWA: Yes, Chair. So, it kind of intertwines, all of the above, only because, as you can imagine, in Wastewater, pipelines is my infrastructure. If the infrastructure is broken, if it's not there, you have a compliance issue, right, you have spillage and that kind of stuff. And so that's what I mean with Solid Waste is, really, I know manpower was one of his key goals and trying to replace, I think we're 15 percent less people because of retirements and people moving on and so that's the first key in Solid Waste. So, and then other than that, the bigger picture goals was really waste to energy and then zero waste, right, I mean, that's kind of the long-term goals of that whole Solid Waste EP&S side, yeah.

COUNCILMEMBER LEE: And then, finally, where you satisfied with what you were able to get through the Budget?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: I don't want to seem selfish but, of course, I would always want more, but I'm definitely satisfied because what I asked for, I got, plus more. And it's just hard to, when I'm offered more, you know, it's just hard, I don't want to...

COUNCILMEMBER LEE: Oh, wait, wait, wait...I'm not offering. I'm just only asking.

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MR. NAKAGAWA: Yes, I, okay, yes, I am satisfied.

COUNCILMEMBER LEE: Alright, thank you. Thank you, Eric, and thank you, Mr. Chair.

CHAIR MOLINA: Thank you very much, Member Lee, for that very interesting line of questioning, appreciate that, quite timely. Okay, we have, Committee Vice-Chair Rawlins-Fernandez, you are now on the clock. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, and I appreciate this process, excellent idea. Aloha, Mr. Nakagawa.

MR. NAKAGAWA: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for joining us today. So, my first question, I wasn't super clear, so the minimum qualifications require three of the five years budgetary experience. So, you have that three years of budgetary experience?

MR. NAKAGAWA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. Thank you for your concise answer. Okay, in your questionnaire in response to question one, you talked about, basically, succession and passing on knowledge as being important. One of the things that I did as the Molokai Councilmember is put in an LTA for our wastewater facility in Kaunakakai because the head, the supervisor is retiring, as you know. So, would you share your view on that, like, standardizing that type of practice, particularly for rural areas where there's, you know, there's only three people on Molokai, and I'm sure Hana and Lanai, there's just a few people as well. And, so, we talked about maybe standardizing that type of practice of ensuring there's someone there to receive the information and the training before the person with all the experience and wisdom leaves.

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. So, succession is always on my mind, I mean, when I became Division Chief, I knew that a lot of the veterans were going to retire in four to five years from when I became Division Chief, I knew that was going to be the hurdle, and I tried to figure out how to do that, succession plan, and trying to get bodies and it was a stumbling block, I mean, because you couldn't, the system didn't allow you to actually hire people in as a temporary purpose and then train that person for when the time, when the next person left. So, I mean, I think if this body allows us to do that, and it doesn't matter if it's my Department or any other department, I mean, I think that is a good concept because it just, it's just a vehicle that allows you to do it. And if, especially for, like you're talking about rural areas, you know, when you have less people, then you have less coverage and then you have less manpower, right. And, so,

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if you can develop that succession then that'd be great. Now, as far as the policies and the overall impact, I just work with you guys, this body, and figuring out of that's okay or not, but from an implementation side and standpoint for me, that's a great thing for me.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for your response. Okay, next question, given the amount of R-1 water available for non-potable use, what are your plans to encourage and incentivize its use on golf courses and hotel and large business center landscaping, to start?

MR. NAKAGAWA: Yes, sir. So, as you see from my budget, right, I've implemented over, I don't know, \$14 million in trying to develop the R-1 system and expand the system, and I think I touched it and, you know, I don't have to go into to 'cause I need to be concise but, in my writing and this, one water concept, and that's a fairly new concept over the past three years, is really to look at what are needs are and match those needs with where the water's coming from. And you hit it on the nail, it's really, R-1 water is, should be utilized for irrigation, you know, and that kind of purposes with the mind in keeping, preserving our precious potable water, right, so we always got to keep that in mind.

VICE-CHAIR RAWLINS-FERNANDEZ: So, do you have plans?

MR. NAKAGAWA: Yes. So, over the past three years, I've basically talked to all the major landowners surrounding our treatment plants and getting an idea who needs water and what that's going to entail. I put it in the budget to develop in West Maui, to develop an elevated storage. Once that is established, now you can, immediately I know I can, Kaanapali Golf Course on the mauka side, they want water, that's already, golf course is about 800,000 gallons a day, so that's already 800,000 gallons that we get to reuse. I've talked to larger landowners down the stream from them. They all, with the whole CWRM of restoring water into the streams, a lot of people are starting to become more acceptable into taking water and that kind of stuff.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MR. NAKAGAWA: So, it's just a matter of...

VICE-CHAIR RAWLINS-FERNANDEZ: That was sufficient.

MR. NAKAGAWA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, it sounds like you have plans, you're going to continue to talk story with partners, potential partners.

MR. NAKAGAWA: Yes.

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VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Thank you. In your response about your goals for DEM, you state that finding a waste-to-energy solution for the County is a priority for you. Are you interested in finding new solutions for our waste to energy or are you more referring to the proposed work that Anaergia has failed to deliver on?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. What I was referring to is really the Integrated Solid Waste Management Plan and I had a chance to review it before Budget, so I can kind of get an idea of what the long-term goals were for Solid Waste, 'cause I've never been part of that. And the reason why I kind of, that kind of perked my mind is, as you read on into that, what I wrote, is energy is always been a hard thing for us at Wastewater, as far as, that's our number one operational expense. And, so, now that I can actually tap into another resource, I don't know if the technology is quite there yet to make it affordable and that kind of stuff, but if I can tap into that resource of creating energy and then transferring it somehow, utilizing that at our treatment plants, that'll be a huge, huge win for the County as a whole.

VICE-CHAIR RAWLINS-FERNANDEZ: So, new solutions and not just Anaergia?

MR. NAKAGAWA: Oh, yeah. I'm open to all solutions, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, great. Okay, and then, I think I have probably one last question before time runs out. When you don't know an answer, will you be forthright about letting this Council know that you don't know? Yes or no?

CHAIR MOLINA: You know what, Member Rawlins, I'd like to ask you if you can save that question for the follow-up round?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: Let's be fair, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: See what you started with this time clock. But, thank you. So, Mr. Nakagawa, please be prepared to respond to that question in the follow-up round. And I'll ask Member Rawlins to remind you, as well as Member King's question. Okay, Chair now recognizes the Councilmember from Lanai, Mr. Hokama. You're on the clock.

COUNCILMEMBER HOKAMA: Thank you. Not too many questions for you this morning, Mr. Nakagawa. I know your work product, I know what you've been able to perform in prior years with this County so I'm very satisfied of your experience. My concern as the new Director for this Department is how we ended the previous night on our

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Budget, yeah. I need for you to be able to look at the various components of Special Funds and whether or not your current fee schedule is smart enough for what we need to go into the future. General Fund was never meant to subsidize Special Funds, okay, that's not the purpose of General Funds. That's not the reason we create Special Funds, it's supposed to stand on its own. So, I don't know where we are with Highway Fund, because of its component to EP&S. I don't know where we are on Solid Waste in fees, tipping fees, and I don't know where we are with Wastewater fees, okay. I do know that I've made, in my forecasting plans, for you to borrow to do shoreline projects regarding shoreline enhancement, whatever that be, retreat or harden. But that's how I am moving forward, okay. I'm not too sure if structurally we are disciplined enough to make it happen, so I need for you to follow through and ensure that those things are solid and steadfast in our approach or you need to make recommendations during the current fiscal year to allow us to make those adjustments 'cause right now I have a problem with Lanai paying for one General Fund bond on a Upcountry water project, okay. It is not for my Lanai General Fund community to help pay off a Water Department's bond fund, borrowing, okay. That's not how we finance and that's not how we justify the General Fund either.

CHAIR MOLINA: Mr. Nakagawa, you'd like to respond?

MR. NAKAGAWA: Yes, Chair. Thank you, Member Hokama. Yes, I'm very open and willing to, once you guys balance Budgets, once you guys come up with your funding sources, to really point out what those pros and cons are and really identify how that works with this body. I do know that I was once told that, you know, I come here, I did the technical advisor, I tell you guys what is, but it's this body's responsibility to figure out how to fund it and so I can give my input and tell you exactly what that means. And therefore, by that, you guys can determine your, and make a very educational guess on what, I mean, determine.

COUNCILMEMBER HOKAMA: The key thing you need to remind us, yeah, that I would, I cannot reinforce hard enough, is what the Feds require us in funding.

MR. NAKAGAWA: Okay.

COUNCILMEMBER HOKAMA: Okay. We follow regulated policies by the Federal government. We do not have the ability to shift the regulations, okay, we follow the formula. You need to make sure we understand that and that in your project request, what is coming from those type of requirements, it is not a discretion of this Council or our Committee to make that decision.

MR. NAKAGAWA: I get you.

CHAIR MOLINA: Mr. Nakagawa?

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MR. NAKAGAWA: Yes. Yeah, okay, so now, I follow you now, yeah. And, so, basically, I think what you're referring to is our Code of Federal Regulations and stating that Wastewater Funds, everybody pays their share, bottom line. And what I can do is really tell you guys anything above and beyond that if General Fund is attached to that, you guys, I can tell you what you would lose if you take away that General Fund money and what you wouldn't. So, that would be an easy task to tell you guys exactly, if you did this, this is what kind of would be funded with it and, if not, this is what we kind of risk putting aside for the next year.

COUNCILMEMBER HOKAMA: Other than that, Director, I'm, again, I'm pleased with your Wastewater experience. Solid Waste, my only concern, this year's Budget that you need to check is whether or not we took care of your equipment replacement smartly. That's my only concern. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Hokama. Chair recognizes Councilmember Paltin from West Maui, you're on the clock.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Nakagawa, for being here and stepping up. I'm not trying to insult you, I just was wondering how come you never bring Mr. Ratte with you during the Budget Session when we was asking questions?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Unfortunately, my Deputy and the Division Chief had to do daddy duties.

COUNCILMEMBER PALTIN: Oh, okay, thanks.

MR. NAKAGAWA: I mean, to be short and concise.

COUNCILMEMBER PALTIN: And then, you know, like previous, Director Miyamoto, I was concerned with, you know, as time goes on and new technology emerges and new situations with climate change that we deal with, things in regulations change as well, whereas one time injection wells was the accepted method, now we're transitioning away from that. And, you know, I believe that the R valuation only refers to the disinfection of bacteria in effluent to be discharged, it doesn't reflect anything about the chemicals in the water or heavy metal loads and whatnot. There has been instance of people, you know, dumping their medications down the toilet and things like that and so, if we are to use our R-1 waters, do you have concerns about, you know, the organochlorine loads, anti-psychotics, antibiotics in the water and using those for growing foods that we eat, maybe leafy green vegetables or other kinds of agriculture that is for human consumption?

CHAIR MOLINA: Mr. Nakagawa?

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MR. NAKAGAWA: Yes, Chair. Yeah, thank you, Member Paltin. I think what you're referring to is really, the nickname is CECs, right, Compound of Emerging Concerns, that's pharmaceuticals, surfactants, those long chemistry words, I'm not chemistry major, so. But, for me, and the good part is really, the regulations that come out of the Department of Health, they have all the experts, they are the ones that are doctors, PhDs, they figure out what we can use it for and what we cannot. So, I do know that R-1 water, a lot of the leafy greens that come flown in here from the mainland utilize recycled water. So, you know, we, they deem it whether it's acceptable or not. And, basically, we put in a lot of energy and efforts in our infrastructure to make sure we meet those requirements. And, also, it's, you know, every, annually, semi-annually and yearly we are tested and have to submit that to the Department of Health. And, so, I'm not trying to say that I'm deflecting but, really, that's kind of their role, and my role is really to make sure we comply with those regulations.

COUNCILMEMBER PALTIN: So, in your role, as the concerns emerge and the science and the data evolves, how ready are you to shift gears when new concerns are proven to be harmful to humans?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Yes, Member Paltin, that's a great...

COUNCILMEMBER PALTIN: And the ocean?

MR. NAKAGAWA: Yeah, and that's a great question. And whenever we go, whenever, once a year, we always go to the big wastewater conferences and EPA is there, all the other municipalities are there, this is where, typically, where these type of things come up on the radar. When it's starting small, they kind of bring it up and they say, hey, this is what we're looking at. Technology, you know, I mean, is fascinating, right, I mean, the only reason why we can see it is because technology is evolving. And the same thing, technology is evolving to combat that too. So, there, you already have technology out there and it's my job, I guess, and my role is really to be aware what's coming up, talk to the regulators to make sure...

COUNCILMEMBER PALTIN: Can you tell us what's coming up right now?

MR. NAKAGAWA: Well, no, and CECs is one of the concerns that's on the horizon, they're looking at it, they're trying to quantify it to see if it really, how does that impact us as a community, and we already have technologies that can already filter that out. You have reverse osmosis, microfiltration, ultrafiltration and GAC filters, I mean, they all do that already, it's just a matter of when is that going to come into play, right. And, so, it's not a matter of not being able to do it, it's a matter of just being proactive, being ready, and saying, once they say, yes, then we go ahead and secure that stuff.

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COUNCILMEMBER PALTIN: Switching gears to the EP&S side. Driving around the County, whether to Hana or West Maui, the number of abandoned vehicles and even, I know--and thank you very much for your Department's work with 11.5 mile marker area--but it kind of seems like it's getting out of hand still yet and there's still, I mean, there's still drone aerial footage of that area and the part by the roadway is not as bad, although there's still more. And, so, I was wondering, your plans to combat abandoned vehicles.

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Alright, thank you. It's really either mandates and education. During, we brought this up during the Budget and, you know, Member Hokama did bring up one of the mandates that you guys might vote on and try to figure out if that's possible and really making sure that the person, whoever is abandoning it, is responsible and that's an easy way, that's teeth in them and they won't do it. The next one is really education, I mean, it's really kind of letting them know, like I mentioned to Member Sinenci, is that we already have a program. If you want to, don't dump it, we have a program that, once a year, you guys are allowed to take it to this place and take it, yeah.

COUNCILMEMBER PALTIN: What about, like, you know, the bottle deposit fee for cars? What do you, any thoughts on that? Like five cents redemption, \$50 redemption?

CHAIR MOLINA: Could you, unless you have a very short response, do you have a short one on that? Otherwise I'll ask...oh, you want to go ahead and respond briefly?

MR. NAKAGAWA: Real short.

CHAIR MOLINA: Okay, go ahead, Mr. Nakagawa.

MR. NAKAGAWA: As long as this body's willing to subsidize it, I'm for it, and that's, basically, what it comes down to, right, giving that redemption, right. I mean, it's a matter of just funding, right.

CHAIR MOLINA: Okay, thank you very much, Member Paltin. Alright, next let's go to our Upcountry Councilmember, Ms. Sugimura, you are on the clock.

COUNCILMEMBER SUGIMURA: Thank you very much for being here and for stepping up and taking on this position, I value that. I saw you during the last two years, my first term, as you came before the Council, especially during Budget or to defend the programs that you believed in and I always respected the facts that you gave us and you really knew your stuff is what, my general feeling.

MR. NAKAGAWA: Thanks.

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COUNCILMEMBER SUGIMURA: So, in light of that, I do know that you qualify based upon the qualifications set up by the Council to be the Director for Environmental Management, but I wanted to ask you to kind of tell us a little bit about you, right. You talked about your technical skills or we heard about, you talked about your leadership skills, and I wanted you to tell us about your background and what made you this kind of fierce person that I see you when you come before us or you stand before us for your projects, so, about your hard work and dedication --

CHAIR MOLINA: Mr. Nakagawa?

COUNCILMEMBER SUGIMURA: --for you to take on this job.

MR. NAKAGAWA: I think the testifier said it best, like I really don't have much words, I don't like to talk about myself, I mean, I guess, I don't know, I guess is stems from my upbringing. I mean, growing up, born and raised, I mean, we all, you know, we have that generational teaching of how to love and respect each other, how to serve each other. I think that's translated down, you know. I know my dad guys taught me how to surf, how to dive, I mean, how to fish. They teach you how to pick up your trash, right, pick up your opala, take care of the land, take care of the water, you know, don't over fish, you shoot only what you can eat, share with your neighbors, your aunties and uncles, whoever cannot do that. I mean, I don't know, and I think culturally, growing up in Hawaii, that's just something that's passed on from generation to generation, and when you respect and care for the land and the ocean, it takes care of you kind of, right, I mean, and just being pono, right, I mean, that's all it is. And I am an engineer by, I mean, the way God made me, I guess, and, you know, I am very, I like to state the facts and to back up what I claim. I am committed once I know, you know, where we're trying to go, I'm very committed to making sure that we vet out all the different pros and cons from it so that this body can make that decision, yeah. And I'm just really a resource for you guys, that's all it is, yeah.

COUNCILMEMBER SUGIMURA: Thank you. I liked what you wrote about, in the questionnaire that came back, your five-page, in your five pages, you talked about your parents and I think that's what you've just expressed and that respect for them, so, appreciate them. And the other thing that my office were looking at is energy audits. So, I wonder if your Department, if you say that, you know, that energy use is your highest expense, what you're doing with the Department or what we can look forward to you doing or continuing so that we can save taxpayer dollars through energy consumption?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Yes, Member Sugimura, that's an easy one. Every year, whenever we have large equipment replacements, we always look at how to put in more energy-efficient equipment. We've already tapped into the low-hanging fruit, like changing led lights, doing your little wind turbines for lighting, as well as the Mayor's

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project of doing PV at our facilities. And, really, it becomes down to now, after you take off all of those low-hanging fruit, it really comes down to our biological process because you need a lot of air, which means a lot of energy, to clean the water, to make it clean, right, to standards. And, so, we're always working with our staff to try to hone that in and they are conservative by nature because they want to make sure we clean the water really good, but we're trying to also help them be a little bit more energy mindful, what you can do with equipment as well as training, yeah, so we continually work with our staff that way. And, like I said, hopefully, in the future, maybe if technology gets a little better advanced, I mean, we can, I can hopefully get another resource through trash, waste to energy, yeah.

COUNCILMEMBER SUGIMURA: Thank you, thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Member Kama, you're on the clock.

COUNCILMEMBER KAMA: Thank you, Chair. So, thank you for being here, again. So, my question is, what are your thoughts on the cesspool to conversion issue that we have to deal with in our County, especially since people are needing to convert from cesspool to septic?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Thank you, Member Kama. Cesspools, that's going to be a pretty large task for us, I mean, I think the website for DOH said that there's 12,000 cesspools on Maui and the number one concern is the 7,800, I think, Upcountry, right. So, I am on, I was selected to be a technical advisor, I think I mentioned it before in Budget, on the Cesspool Working Group formed by different peers across the State. My goal, really, is to make sure that that program, once again, is run, regulated, and funded from the State. And, so, my goal is really to help them, I want to keep it there, I'll assess additional funding and manpower that we need to do operate and regulate that function, that program, to give them, the next goal is really to, if conversion is mandated, to space it out so that our people in the community has the chance to address those concerns without getting violations and penalties and fines, right, that helps us to only plan better. And then, ultimately, really, I'm on the Financing Committee, so, really, is to figure out how the State, because it's a State program, how are they going to fund it, how are they going to get grants, how are they going to compensate, are they going to do tax benefits, you know, similar to PV-type of systems, are they going to, what kind of creative funding mechanisms to help our people, really to just help our community lower their cost, and that's kinda what it basically comes down to, yeah.

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

CHAIR MOLINA: Thank you, Member Kama. Mr. Nakagawa, you know in your resume, you noted that, as an Engineer VI, you supervise four staff members, then once promoted

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to Division Chief, you were overseeing 120 employees. What do you see as your biggest challenge from going from a small staff to a much larger one?

MR. NAKAGAWA: Thank you, Chair. So, the biggest, from section head, which is, I'm just managing engineers, I mean, it was pretty easy. I could talk the same language, I understand the same goals and what we had before us. When I jumped to Division Chief, it became a little harder in a sense that now I'm overseeing all of the UPW workers, all of the blue-collar workers, all of the...I guess, to my advantage, growing up, those were the guys I all hang out with all my life and so I think they saw in me that I could relate, I talk like them, I spoke like them, I mean, I was open and with them and, so, I think the transition for me was a little easier only because that's kind of the same people I hung around with growing up all my life. So, the difficulty was really just, there are some of that differences, I guess, in unions and classes of people, that's kind of what makes it a little difficult.

CHAIR MOLINA: Okay, and thank you for that response because you certainly make the point about relating 'cause I know, and no offense taken, I know engineers, you kind of in your own world, you have your own rainbow, you may have a different viewpoint of the world and, I mean, that's an important trait as a leader, you need to break down those technical terms to those of us who may not be, have those skills in understanding where you are coming from as an engineer. You also--and thank you to Chair King for submitting that questionnaire--you meet one of the four minimum requirements. My guess is you meet more than one. Can you share with us, do you meet some of the others as well, the four listed functions? How many more do you actually meet?

MR. NAKAGAWA: Yes, Chair. So, I think I wrote...I didn't bring the requirements down, but I did write it in my response back that you required, I don't know what the minimum was, three to five years of supervisory, I listed...oh, right here. So, five years of administrative experience, which as a Division Chief, I was over the entire Division, so that's my administrative. Five years of it, let's see, five years' experience--so three years of responsible managerial and budgetary--in that eight years, I prepared every annual budget. I came here and justified it and I carried that through every year, the past nine years. Five years administrative experience, three years of which experience in one or more of the following functions, supervising waste management, pollution control. So, basically, mine is Wastewater, right, so, one, two, three. And then the last one is, bachelor's degree in an accredited college or university of engineering and I graduated with a BS in civil engineering and went on to get my civil engineer license, so --

CHAIR MOLINA: Okay.

MR. NAKAGAWA: --all four.

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CHAIR MOLINA: Alright, thank you. And I wanted you to say that on record 'cause I know you no like talk about yourself but I think it's important as the Director that, not only us, but the whole public knows your background, it's much appreciated. And, you know, what, I'm going to yield a little bit of my time back for the final round to, especially to Mr. Sinenci and our Council Chair, and I apologize for not adding that additional privilege of you, you know, stopping the Director if you got a sufficient response. And, so, as not to incur your wrath, Council Chair, we'll begin a third [sic] round here. I'll give Mr. Sinenci and yourself four minutes and the rest of the Members three minutes. So, we'll start with Mr. Sinenci for this final round. You have up to four minutes to ask any follow-up questions of Mr. Nakagawa. You're on the clock, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And if I don't use all my time, I'll yield to my Council Chair, thank you. Mr. Nakagawa, you know, in the paper you mentioned that you had contacted some of the Anaergia representatives and I urged them to fulfill some of their obligations with, under the contract. Just as a personal question, do you feel that maybe your Department could do some of the work that was included under this contract?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. With the Anaergia contract, I believe you're talking about the Central Maui Landfill project, my understanding of that contract was it's, was aimed to try to fulfill all the different goals of the Integrated Solid Waste Management Plan of 2009. So, that's just kind of my understanding, that it is a contract, and I treat it like any other contract that I have. I believe they have a deadline goal of next year, I think it was in mid-2020, and either, to me, either they deliver those deliverables or not, I mean, and as far as us doing that work, I don't think, because of the contract, I don't think it's our responsibility as a County to do any of that and to help them along, right, I mean, we communicate with them, we give them our input, we encourage them to succeed. You don't, you really want to be careful of not trying to seem like you're against it because then they can come back, then it's a liability to the County 'cause it's a contract, but I really believe that, you know, if they can perform, then it's great, it's a benefit for us. If not, then we cut loose and move on to the next one, I mean, and figure out what's next.

COUNCILMEMBER SINENCI: Thank you. Just a follow up, you know, our own EDB Chairwoman asked for an audit of the contract. Would you support, if it goes through, the outcome of such an audit?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Audits, I feel, are great. They'll show you what, it'll really show you what's going on with that contract and what's happening, it's very

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transparent for everybody, it'll see what the goods of it was and what the bad was, yeah. And so...sorry, yeah.

COUNCILMEMBER SINENCI: Thank you, I appreciate that answer. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Mr. Sinenci. Ms. King, you have the floor, your four minutes begin.

COUNCILMEMBER KING: Thank you, Chair. So, my first question is, and I can't even remember, it was so long ago, what the last question was I ended at, but I'm really focused on strategic planning for the departments to do, so, do you have experience in that? And, if not, are you willing to get educated on how to do strategic planning so that we can actually plan for the future before the next Budget Session?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. And, thank you, Chair. Oh, yeah, I'm all open, I'm an open book. I'm always willing for advice on how to become better. I am, by far, not perfect in this role, I mean, it's a new role for me. I do have enough experience to do it. And for your first question is, really, a long time ago when, before the first Division Chief, I was part of developing all of those strategic goals and trying to map that out with, that you see before in your Budget narratives.

COUNCILMEMBER KING: Okay, but now, we have to move forward with this EP&S and we have to decide if we're going to do a climate change sustainability and resiliency office and how those things would mesh together. You said that EP&S is doing landfill diversion but we've always had a landfill diversion division, so, you know, I think just moving forward, there needs to be some definite plannings instead of piecemeal'ing all these things together.

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Yeah, I stopped only 'cause I ran out of my five minutes of opening but, really, the landfill diversion is, like you said, that, it was already established. What the goals and talking to the Division Chief for EP&S is really moving on and trying to, that's why...

COUNCILMEMBER KING: Right, but, I'm going to stop you because my time is short but, I mean, what I want to, what I would like to see is a commitment to moving forward to have a larger discussion on how we do this with experts, business people, technology experts, and, you know, where we're going to go from here, instead of just having all these little segments in different areas, you know. So, I just want to, if you can just give me a yes or no, are you committed to doing that so that we can move together in a comprehensive plan?

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CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes.

COUNCILMEMBER KING: Okay. And then, the last one, and I have to ask this, and I don't mean to embarrass anybody, but because this has been a longstanding concern with people in Department of Environmental Management, is that, will you be working with the Managing Director, will you be managed by the Managing Director? The previous Managing Director told us specifically that that Department was never managed by the Managing Director, it was just only directly, direct connection with the Mayor and there was no interaction with the Managing Director, so, it was, that and Parks Department. So, what is your, I mean, what is your direction, I guess, I should say? Are you going to be working with the Managing Director? Are you going to be, is this a direct link to the Mayor?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes.

COUNCILMEMBER KING: Working with the Managing Director? Okay.

MR. NAKAGAWA: Yes.

COUNCILMEMBER KING: Because one of the concerns was this whole tie in to this ACN. So, I'm going to ask you the same question I asked Mr. Wong, are you an agent? Because I, you know, I've gotten this, and it's anonymous, so we'll take it with a grain of salt, but I've gotten this whole letter and packet of information and I'm going to read this to you. It says, ACN has over ten members in Wastewater and four in Director's Office. The County ACN group make money for each other outside the County but also work for one another at County jobs. And so there's a concern about ethics violation and favoritism and all this stuff. So, I just want to hear from you that that's not part of your agenda.

CHAIR MOLINA: Mr. Nakagawa, I'll allow you to respond to that.

MR. NAKAGAWA: No.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Alright, thank you very much, Chairman King. Member Lee, your three minutes begins, proceed.

COUNCILMEMBER LEE: Thank you. Eric, my Committee deals with water conservation and you mentioned earlier about, you know, recycling and then using R-1 water and so forth. You mentioned Kaanapali and you mentioned Kaanapali Golf Course. To my

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knowledge, the golf courses are supposed to be using brackish water or non-potable water anyway, so, I was wondering, what did you have in mind for the golf course or some of the areas in the resort?

CHAIR MOLINA: Mr. Nakagawa?

COUNCILMEMBER LEE: Especially transmission, especially, I'm kind of interested in transmission. Once you get the wastewater to R-1 --

MR. NAKAGAWA: R-1.

COUNCILMEMBER LEE: --are you working on some major plans to transport that water to various places?

MR. NAKAGAWA: Yes, I am, and it's already in our budget to do it. It's just been on hold, but, only because the previous Council felt, it was some kind of mix up in understanding with regards to our lawsuit as well as putting water right there along the _____, so, that kind of, they stalled the projects, and that's why it was on hold. But, yes, we have in our plans, to continue on to develop transmission lines to give people reclaimed water.

COUNCILMEMBER LEE: And also in Central Maui and Kihei, South Maui?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes.

COUNCILMEMBER LEE: Okay, thank you very much. Good luck with your new job. And I just want to say one last thing, you have this remarkable resemblance to Wayne Nishiki. In his young days, he was a very handsome man. Thank you.

CHAIR MOLINA: I presume that's a compliment, right, okay. Thank you. Okay, Member Rawlins-Fernandez, you have your three minutes, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so, my last question that didn't get a response to, part of it was kind of, anyway...so, in response to Member Lee's question to whether your priorities are different from the former Directors or, you know, if they are the same, and then you said you didn't know. Well, first you said they're not the same and then you said you didn't know what his priorities were for Solid Waste. So, how would you know if it's not the same if you don't know what his priorities were for Solid Waste?

CHAIR MOLINA: Mr. Nakagawa?

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MR. NAKAGAWA: Alright, Chair. I guess, what I was trying to say, maybe it came out wrong, but the priorities, as far as Wastewater was, it's going to be the same because we always collaborate, figure out what his priorities were. And what I meant was, on the Solid Waste side, EP&S, I don't know what he, how he planned his priorities with them and so I didn't know what that stuff is, so I couldn't answer if the priorities are the same with him.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for that clarification. Okay, as Director, what are your plans for managed retreat for all our wastewater treatment facilities, specifically for our Central site? A&B has already, already has an agreement with DEM to identify and dedicate a mutually acceptable site or sites for future Central water needs. When are you going to begin the phase out of the current location? And I know you kind of spoke to it during our Budget process and you mentioned Waikapu, but I think it was meant to be more Central to Kahului, if that was my understanding.

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Thank you. So, the whole goal for that is really, I think, you mentioned A&B, and they owe us land, right, based on this grant, and actually, ironically, I have a meeting with them at one o'clock, after, today, so I'll get an understanding of what, where those lands are. What we want is, really, lands towards Waiko Road side, all the way, basically, the furthest away from the oceans, right in the middle. And, basically, what you do there is, is basically decentralization, it's, as you slowly start to take away loads from this Central plant, it becomes easier for you to relocate that plant, that's kind of the concept. So, you phasing-ly move that plant instead of one huge, \$250 million project.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Okay, I'll yield my time. Mahalo. Oh, perfect timing.

CHAIR MOLINA: Perfect timing. Thank you, Member Rawlins-Fernandez. Mr. Hokama, your three minutes begins, proceed.

COUNCILMEMBER HOKAMA: I just see him stuck in a lot of standing committee meetings after Budget 'cause your subject matter goes through so many of our standing committees. So, I'm sure you'll be giving us more comments in the near future. No, I only have one comment for you, and that is, regardless who is getting a paycheck from this County, everybody should get a board of ethics ruling if there's potential conflict, anybody, doesn't matter, you get one paycheck, you get one conflict, go get a ruling and clean it up. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Hokama. Member Paltin, your three minutes are on.

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COUNCILMEMBER PALTIN: Thanks, Chair. I guess my office, based on a previous line of questioning, received a call from the member of the public trying to legally dispose of a commercial vehicle and they said that the amount to dispose is upwards of \$500 and that includes the towing removal and disposal of the tires and Hammerhead Metals intake. There was a time, several years ago, when turning in vehicles was incentivized and represented a return to the individual turning in the vehicle. Since then, it is our understanding that there are no longer monies to go back to the disposer or even zero-zero cost to the disposer and this could be driven by China not taking the recyclables anymore. Because of the cost to dispose, do you have any other ideas or pilot projects in mind to offset the abandoning and incentivizing following the proper disposal process?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Once you, based on that Integrated Solid Waste Management Plan, I mean, basically you're trying to divert first, then you're trying to recycle, because, you know, so we can reuse that, but because of the huge downturn in, I think it was just last year, what I learned, in recyclables and trying to send it to China and whatever they do with it, it's becoming very hard. So, I mean, the reality, I mean, I think, you know, I just had BioEnergy, another company came in and kind of showed us, you know, their kind of philosophy of this waste to energy and how they can utilize all these different types of waste streams and creating energy, and as well as creating some type of ash or something that seems to be a profitable thing that they can ship to the mainland. What it boils down to in all waste to energy is, really, the off take, right, is whether they can, businesswise, make the dollars work for the infrastructure. And that's why I keep saying, if the infrastructure gets better at a certain day, the cost comes down to do it, then it becomes easier to do. I don't think the technology is quite there because financially it's not making sense, you know what I mean.

COUNCILMEMBER PALTIN: So, I had a other personal question. It always was kind of crazy to me that when you use the bathroom, that the water is potable water in the toilet. Do we have the capacity to use recycled water for the toilet water? And would that mess up the process of R valuation to the water?

CHAIR MOLINA: Mr. Nakagawa?

MR. NAKAGAWA: Yes, Chair. Utilizing R-1 water in bathrooms --

COUNCILMEMBER PALTIN: Or saltwater.

MR. NAKAGAWA: --you can, what we do have, I can tell you what we do have in place and it's managed out of Public Works is, I guess they call it gray water, so you can probably utilize that. EP&S is trying to do sustainable buildings. That's where you

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treat the water right there and you reuse it for toilets and that kind of stuff. So, that's an avenue that's probably going to try to help address your concern. Yeah.

CHAIR MOLINA: Thank you. Good question, Member Paltin. Alright, Member Sugimura, your three minutes begins, proceed.

COUNCILMEMBER SUGIMURA: I totally look forward to working with you as a Director and I think that all of us, what we're seeing is your dedication, your experience, your education, everything has come forward to where you are today. So, can you tell us why you want to be the Director for this Department?

CHAIR MOLINA: Mr. Nakagawa?

COUNCILMEMBER SUGIMURA: You can have the whole three minutes.

CHAIR MOLINA: Proceed.

MR. NAKAGAWA: Alright, Chair. How do you say it? I practiced this in front of my wife, so, you know, I was kind of...she's like, oh, you're coming off like...anyway. I'll just say it. I just feel like, kind of in that first question, is really I was blessed to take over something that was successful already and I was fortunate enough to have that, learn it, experience it. And now, I mean, I honestly feel, you don't get these gifts and talents to hold on to it and serve yourself for it, I mean, it's meant to bless other people and help to serve other people. And I just feel that that kind of will help me to help the other divisions as well as serve more people. And what, and that's why I kind of said, it just brings continuity to my division and as wells as resiliency to rest of the Department, yeah, I guess, yeah.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Alright, Councilmember and pro tempore, Ms. Kama, you have the floor for your three minutes.

COUNCILMEMBER KAMA: I have no more questions, Chair. Thank you.

CHAIR MOLINA: Alright, thank you. Well, since you don't have any, well, I got a couple. And I'll use my last three minutes very simply. With regards to the cost of the, you know, we're forced to use the injection wells because of a lot of inability to distribute water, I believe. The cost, can you comment on the cost of just trying to distribute, what it would potentially cost this County? And without getting into--I know Mr. Kushi will monitor that, if there's, because there's litigation with that matter--if you can answer that as best as you can.

MR. NAKAGAWA: I'm not--okay, wait. Your, what is the cost for us to distribute recycled water?

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CHAIR MOLINA: Yeah, I mean, if we were to go away from injection wells. Is it really prohibitive in your mind? In other words, to put distribution systems in place of the injection wells.

MR. NAKAGAWA: I've had some studies done and we also looked at potential in the, like the West Maui Verification Study, of people utilizing and the cost is, I don't know what you guys consider extraordinary, but it's pretty up there, I mean, it's hundreds of millions of dollars.

CHAIR MOLINA: Would you say astronomical?

MR. NAKAGAWA: I would say it is because...but that's up to you as the body on how you want to fund that, I mean, it's hundreds of millions of dollars and if you were to just turn the valve and turn it off, as you can imagine, we need to distribute that water all over, which means you need to build all the pipelines, all the elevated storages, you got to have people to take that water. And, if not, then you gotta condemn the land in order to do it. So, it's a cost that is very, very significant.

CHAIR MOLINA: Alright, thank you. And I appreciate, you mentioned the fact that you're studying it, and, to deal with this ongoing situation we have in the County. That's, I think, a very important intangible to have as a leader, that you're looking at all of this from a real global and broad perspective, especially as to the impacts of the cost for something like this. Okay, Members, that will conclude our rounds of questions for Mr. Nakagawa. The Chair is ready to offer a recommendation. Okay, Chair's recommendation is to place the name of Eric Nakagawa on the resolution to approve as the Director of the Environmental Management and also to file the resolution disapproving the Mayor's appointment of Eric Nakagawa for the Director of Environmental Management, and to allow Staff to make any nonsubstantive changes. Chair asks for a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

CHAIR MOLINA: Okay, it's been moved by Member Rawlins-Fernandez --

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: --seconded by Member Lee. Members, the floor is open for discussion. Member Rawlins-Fernandez, as the maker of the motion? You have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, yeah, I'll be supporting Mr. Nakagawa's confirmation. With change, oftentimes comes fresh perspective and new vision and I look forward to working with you and your Department to foster and develop motivation in advancing and expanding our recycling and waste reduction programs, and I am most excited to see the work begin on the recently approved

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\$13.5 million investment for recycled water, wastewater distribution, expansion in West Maui for Fiscal Year '20. This is a step in the right direction to help curtail and eventually phase out the need for injection wells completely. Using West Maui as an example of future best practices, I will be very happy to assist the Department with intentions to pursue the same infrastructure upgrades in both South and Central Maui as well. I'm also happy to hear that you'll be meeting with A&B this afternoon, which shows me that you're serious in achieving the end result of phasing out the Kahului Wastewater Facility. So, thank you for your willingness to step up to fill this very important role for our community and for our environment and for responding to all of our questions today. Mahalo. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Ms. Lee?

COUNCILMEMBER LEE: Mr. Chair, I think Mr. Nakagawa is highly capable and qualified. I especially like his positive mental attitude and his constructive approach to problem solving. I will support his nomination.

CHAIR MOLINA: Thank you, Member Lee. Chairman King?

COUNCILMEMBER KING: Thank you, Chair. I will support the nomination as well and I want to thank Mr. Nakagawa for answering our questions and working towards strategic planning as well as transparency for this Department because I think there's a lot of information that the public doesn't understand. I was a little bit baffled by the question about trying to ascertain whether reclaimed water is going to be astronomical because we're already doing it. We're already doing it in South Maui and I think we're moving ahead in West Maui. So, I look forward to a collaborative relationship with the Department and with, you know, through the Mayor's Office. I think, you know, your first commitment is to get them, the Administration's support but I also think that there needs to be a broader discussion with the Council, with experts in the community, and with the public and thank you for being committed to that, I appreciate it. I look forward to working together.

CHAIR MOLINA: Thank you, Chairman King. Members, any other comments as it relates to the motion on the floor? Chair would like to offer, then, his last comments. Thank you, Mr. Nakagawa, for going through this process. Certainly, your experience is there, you have the intangibles to lead this Department, as well as the ability to work with your colleagues and be open to the public. And I really appreciated the fact that you can break down in layman's terms any of the technical issues that go with our various concerns in the community because I really sometimes get lost when you have directors that are, get so technical, you know. I prefer people that can break it down simply. And you carry some very important local values as you described yourself earlier and so, you have it, it's all there, you know, we just had the recent pro football draft, I'm almost describing you as a number one draft pick of the LA Rams, you got the intangibles, you're there. So, I think you're a great long-term selection and the Mayor made a right choice in my opinion. So, with that being said, Members, the

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Chair will call for the vote. All those in favor of approving the resolution to approve for the appointment of Environmental Management, Mr. Eric Nakagawa as Director, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you very much, Members. The Chair will mark it unanimous nine "ayes," zero "noes."

**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez,
 Councilmembers Hokama, Kama, King, Lee,
 Paltin, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE THE
 APPOINTMENT OF ERIC NAKAGAWA AS THE DIRECTOR
 OF ENVIRONMENTAL MANAGEMENT AND FILING OF
 RESOLUTION TO DISAPPROVE.**

CHAIR MOLINA: Congratulations, Mr. Nakagawa. Your matter will go before the full Council in the near future.

MR. NAKAGAWA: Thank you, Chair. Thank you, Members.

CHAIR MOLINA: Alright, Members, on that note, it is three minutes after the hour of 12 o'clock. The Chair would like to take a lunch recess. Members, shall we return to the Chambers at 1:30?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: So ordered. Alright, Members, the GET Committee meeting for May 2, 2019 is now in recess 'till 1:30 p.m. today. . . .(gavel). . .

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RECESS: 12:04 p.m.

RECONVENE: 1:32 p.m.

CHAIR MOLINA: . . .*(gavel)*. . . The GET meeting for May 2, 2019 is now back in session. It is 1:32 p.m. Thank you very much for that break, Members. I am certainly re-energized and I want to thank Member Kama for the wonderful cookies as well, so thank you so much. It will certainly serve us well as the day progresses. Members, we have two additional items on our agenda left. And I will ask for your consideration, I know on the agenda, we have it posted as Ms. Dagdag as second. The Chair had initially consulted with Committee Staff to place the name of Ms. Lutey second, so Chair accepts responsibility for that miscommunication. So, if there is no objections, I'd like to address Ms. Lutey's nomination, if there's no objection.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so ordered. We will make the adjustments on the calendar, or on the agenda.

**GET-1(2) APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF
DEPARTMENTS (CORPORATION COUNSEL) (CC 19-1)**

CHAIR MOLINA: And, again, we have Ms. Tegarden from the Administration here to add anything to further expound on Ms. Lutey. Anything, no?

MS. TEGARDEN: Thank you, Chair. When Mayor Victorino came down this morning, I think he spoke amply about the qualifications of Ms. Lutey and testimony has also come in to that effect. We're just very honored to have her in this position and Mayor, again, hopes you see what he has seen in her. And thank you for your time this afternoon.

CHAIR MOLINA: Alright, thank you very much, Ms. Tegarden. With that being said, Ms. Lutey, I'll ask you to give the Committee a brief three to five minute summary or presentation of why you would like to be consideration as Corporation Counsel. And after that, we'll turn over the floor for questions of you. So, proceed, Ms. Lutey.

MS. LUTEY: Thank you. I think most of you have gotten a lot of information about me during testimony previously for my prior boss. I'm just going to fill in a little bit for you. I grew up in Napili in Lahaina. I attended King Kamehameha III, then I went to Lahaina Intermediate, and then graduated from Lahainaluna. In the sixth grade, I had an opportunity to participate in mock court. And at that point, I decided, gosh, I really want to be an attorney 'cause I was concerned about being bored. I had this, like, fixation with boredom and how boring it would be to work and I didn't want to be in that position constantly, bored out of my mind. So, then I decided I would go to a

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big city and I'd have this exciting life and it'd be glamorous, you know, like what you see on TV. And I went to Loyola Marymount in Los Angeles and, as soon as I get there, I miss home, I miss the food, I miss the weather. I was like the kid that looks like Carmine, if you ever watch South Park, you know, with the big jacket on, arms can't go down. That's what I looked like pretty much year round 'cause I was always freezing. And, so, in my junior year of college, I went to off-campus housing, our apartment was broken into twice, all of my roommates cars were stolen, mine was not, which tells you what my car was like. But that wasn't the excitement I had in mind. So, after I finished college, I told my mom, you know, I'm coming home and I've never looked back. You've heard about my private, prior government employment, been a Deputy Prosecutor, I've been in this office for 18 years almost, and I have volunteered to do guardian ad litem work for children. I started probably in about 2000ish and I did it quite often. These are kids who are in CPS, so I basically become their attorney, I'm an attorney for a six year old, a seven year old, ten year old, it just depends, and my job there is to advocate for them. I still do that on occasion, but it's really now only when they have conflicts and no other attorneys can take it, so my last case was probably about two years ago. In terms of my qualifications for this job, you know, I've been a litigation attorney my entire life and love it. It is exciting. I'm not in a big city but I love it at home. I'm committed to this community and, you know, I've prosecuted all types of cases, I've trained all kinds of people, including other County employees, not just prosecutors, not just attorneys, I train at all levels. And I look forward to working with all of you.

CHAIR MOLINA: Thank you very much for that overview, Ms. Lutey, and that personal perspective. It's very nice to hear that from a very young age, you chose this profession and a very difficult one at that. Okay, Members, as you know, you know the drill by now, we're going to go with a time system. We'll go with a up to seven-minute round for the first and then the second, and last, round will be a three-minute follow up if you have any questions. So, I am the subject matter Chair, so I'll take the first privilege of asking you, Ms. Lutey, some questions. And, Ms. Nakata, you may start the clock. I noticed in your comments when the Mayor announced that you were his nominee, you stated that you'll look forward or you will work to improve the relationship between the Council and the Administration and I appreciated that. Can you further expound on that?

MS. LUTEY: I have mentioned that in most of my meetings with the Councilmembers that I've had individually. I'm very much a team player. I, even though I'm a litigation attorney, I mean, I'll fight with the outside, but there is no fighting within. Our office is very bonded, we're very close and that's how I like to work with my clients. I have developed lifelong friendships, not just with clients that I've represented in the last 20 some odd years, but also their entire families and I don't believe that, if there's too much dissension between us and there's not communication, we're not going to be able to move forward towards this goal of serving the community, and that's my goal, is to see if we can't all come together and move forward 'cause, ultimately, our goal is to serve this community.

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CHAIR MOLINA: Thank you. And regarding the Office of Council Services attorneys, as legal advisors to the Council, there have been couple instances where I've, you know, I've asked if the Corporation Counsel agrees with an opinion from our attorneys. In these instances, it appears that sometimes, on occasion, Corporation Counsel does not fully agree with assessments made Office of Council Services' attorney. Do you see the use of OCS attorneys as legal advisors to the Council as potentially counterproductive to your efforts in, you know, advising the Council on legal matters? Any thoughts on that?

MS. LUTEY: Thank you. That's actually a great question. I don't think so. You know, the beauty of law is that there are so many aspects to it and when you have minds, and you've got very intelligent, lovely attorneys in your office that I've developed relationships with as well, I think you only get better by having that type of exchange where maybe we don't agree but we can agree to disagree and present it to the body.

CHAIR MOLINA: Okay, I will now recognize Councilmember Kama for your seven-minute round. Proceed, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here this afternoon.

MS. LUTEY: Thank you.

COUNCILMEMBER KAMA: So, my question is, and the relationship that you have, or the Corp. Counsel should have with the Office of Council Services, as well as the Council, and in terms of what Member Molina was talking about, about those relationships and the disagreements. And sometimes, I mean, I know I have a disagreement right now about some things that I see and yet I talk with both of you and so we don't have a conclusion that we can come up with 'cause if we still disagree. So, what do you think should be a more amicable way of resolving some of these disagreements that we have?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you, Chair. That's a great question. You know, I, the goal of my office, and of me personally as well, is to give you the best legal advice we can. I'm certain it's the same for your attorneys as well. Sometimes when we look at law, though, it can, part of it's an interpretation but part of it's also sort of what actually is on point. You're not always going to find something that's directly on point but we try to and try to advise you to the best of our ability. So, I think a lot of that's going to be communication between our offices and discussion of this case law and our interpretations of it to see if we can at least find some middle ground for it.

COUNCILMEMBER KAMA: So, we have had disagreements in the past about certain things and so we've decided that maybe we going to go, and the Council has already

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budgeted, you know, some money on the side to probably get our own attorney and even then, we're going to hire our attorney, so we do want our attorney to side on our side. But even then, does that even make, if we end up with the same results that we started out with, how does that help us?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. You know, one of the things that I always advise my clients when we're looking at things such as settlement or trying to value a case is to try and figure out what your loss could be. We always have to assess loss versus what you may gain and so a lot of times what we'll do is sit down and discuss what that could be. You may end up at the exact same spot you're at but if you know that going in, then that's just something you have to decide whether it's worth that road or not. Sometimes it is and sometimes it isn't. I personally, if it looks like you're going hit a loss or you're back at square one, sometimes it's not worth it but at the end, the client decides.

COUNCILMEMBER KAMA: Okay, thank you so much. Thank you, Chair.

CHAIR MOLINA: Alright, thank you, Member Kama. Councilmember Sugimura, you're on the clock, proceed.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thanks for being here.

MS. LUTEY: Thank you.

COUNCILMEMBER SUGIMURA: Appreciate you stepping up and going into this new role in your office. We saw during the previous confirmation that you're a fighter, appreciate your testimony that you provided. And I think it kind of fits your role in what you do in this profession that you have chosen. I'm interested to hear more about how Corp. Counsel, or what you see in terms of public education. So, how would you bridge some of those gaps that you may see?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you, Chair. I've had a lot of discussion about this, Member Sugimura. I train, as I've said, a lot at many different levels and they're in-person trainings. Unfortunately, 'cause I had last learned that the Socratic method, that's sort of my, you know, ongoing theme, which probably crowds aren't going to appreciate, but I have no problem speaking to the public in that manner. You know, to the extent that the media is willing or able to assist us in getting out what the information is, we can do that, but, you know, it's a new generation and some of my co-workers are really high tech, I'm the polar opposite of that, cell phones are even tricky for me, but, you know, with that, I, social media seems like an avenue that may also assist. My only concern with doing social media, although it's still absolutely in the ball game, is answering the questions that people have because I think that's the hardest part. If

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you're not speaking with someone and getting the body language and having an opportunity to clarify what's being said, you may miss out on certain aspects of it. So, that's something that we're working through and thinking about but it's an active conversation still.

COUNCILMEMBER SUGIMURA: I got to be on the Charter Commission and worked with Lisa Kahuhu. I have great respect for her and I appreciate the fact that she came out to testify to support you 'cause it spoke volumes to me. So, tell me about the inner workings of Corp. Counsel. I think we speak to many of your attorneys but reading what Lisa wrote and just knowing the kind of person that she is, tell me about your support staff and your relationship with them.

MS. LUTEY: I have a great relationship --

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: --with them...I'm sorry. I'm so sorry. I actually have known Lisa since about 1992 because I clerked at the Prosecutor's Office and at the time she was a secretary there under a grant, so I've known her for longer than I've known any of the other staff. I have a great relationship with each of them. We have a couple of new hires so we're still developing a relationship, but, in terms of our workload, I don't think any of the attorneys in my office would tell you that we run it. The truth is, we can hit our deadlines in terms of writing things and so forth, but unless we have the staff in formatting it, correcting it, finding our spelling errors, and filing it, 'cause a lot of it's electronically filed, we would be lost.

COUNCILMEMBER SUGIMURA: Do you do training for that level of staff also? I think, I know you must do it for your attorneys but just curious.

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. Our staff does get trained, a lot of it is done internally. So, Lisa is the supervisor over all of our secretaries, does a lot of the training for Counseling and Drafting. In Litigation, we have a litigation supervisor, Tanya, and she does training on that side of it, but we have also sent them out for trainings. Currently, I'm interested in seeing if we can have someone come in and do training in-house instead of sending all of our staff off island because we can't send everybody at once, and then seeing if we could maybe split those costs with other legal secretaries, such the Prosecutors.

COUNCILMEMBER SUGIMURA: Good idea. Thank you.

CHAIR MOLINA: Thank you, Councilmember Sugimura. Ms. Paltin, from West Maui, you have the floor.

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you for meeting with me a couple days ago. I have all the answers from that meeting that I need to make my decision, thank you.

MS. LUTEY: Thank you.

CHAIR MOLINA: Okay, thank you, Member Paltin. Member Hokama is, I'm not sure what his status is, maybe Staff can find out for me as to Member Hokama's attendance for the rest of this afternoon. So, in the meantime, we'll skip over the Committee Vice-Chair, Ms. Rawlins-Fernandez, seven-minute clock begins for you now, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Lutey.

MS. LUTEY: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for joining us today. Do you believe you're the best person for this job?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: I feel compelled to say, yes. It would be weird for me to say, no. What I'll say about it is this, Ed and I are the dinosaurs of the office but I use hair dye, so you cannot tell as much. We came in the same year, we both started in 1999 and so in terms of experience and so forth, Ed has a wealth of experience for our Counseling and Drafting Section and I've handled Litigation during that time. Some of it arises out of what's come from Counseling and Drafting but we've worked through it, so I have an understanding of it, not as firm as I do with, I'm sorry, with Litigation, but Ed's been great and so has everyone else in this office in terms of supporting me.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, during the last confirmation, you testified in strong support of your predecessor.

MS. LUTEY: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I guess, using Member Paltin's line of questioning, do you think you would do a better job than your predecessor?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. It's, first I have to just preface this with, that I've, and you all know that I've known Pat since law school, so also since about '92. I absolutely respect him, think that he's near genius level in being able to keep track of cases and understand them. I think I bring something different to the table. I don't know if I could be better than him because we're so different but my hope is to do the best I can, do the best for this County and for our office.

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VICE-CHAIR RAWLINS-FERNANDEZ: Would you share with us what you believe is different and an asset to the County?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. I'm a lot more talkative and so I'm constantly talking to pretty much everybody in the office. In part, that's helped develop rapport. And Pat had great rapport as well but, back to the female theme, I think women just communicate differently. So, I don't only know about people's cases and what's going on, I know about what's going on with your kids, your house, your pets, I know all the names of your pets, and so forth. So, in terms of that, there's a different level of us knowing, me knowing how they are. I think that in terms of assessing what they're capable of doing, my co-workers, that's a little bit different in a sense as well because in Litigation, if I'm getting cases that are arising out of Counseling and Drafting, I've worked with that attorney in there and then I get it and I see, you learn a lot from people by working with them, and, so I've had that, you know. When you're above it, well, right now I'm still also doing litigation and administrative work, so it's a little frantic right now, but I think when you're sort of removed from the daily workings of work product, it can be a little different in that respect also. So, I think in terms of evaluating where people are at and what they might need, I have a different level of understanding on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Do you think you would evaluate performance differently?

MS. LUTEY: Thank you. We haven't had performance evaluations in a while and so that's something that needs to be done. And in terms of, because I supervise Litigation, I can tell you where everyone's at in terms of that and they're doing a fantastic job. In terms of Counseling and Drafting, I've only worked with a few attorneys, so I'm not sure in terms of their evaluations but that's something I need to work on.

VICE-CHAIR RAWLINS-FERNANDEZ: Great. So, you know there's always this issue of conflict between the Council and the Administration. And the Administration, and whether it is an actual conflict or a perceived conflict, the underlying truth is that the Administration has the power to terminate the, whoever holds the position and the Council does not. And, so, there will always be that conflict. Do you support the Council's, or any effort to address that conflict by amending the Charter to allow Council to have the authority to also terminate Corporation Counsel?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: That's a very interesting question and I know it's from an attorney. Well, I haven't really thought about that. I wouldn't be opposed to that. I don't know how it ended up in the position that it's currently in and I understand that in terms of, 'cause

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I've had this discussion with other Councilmembers as well, the concern that we serve the Mayor and not this body. I'm not sure, I'd have to think a little bit more about that. I'm not sure if I'd want ten people that could decide, you know what, because we're sort of set up in the sense where the executive branch decides whether or not we need to go or not and then we come to you in terms of getting that confirmed or not and out you go. So, I'm not sure if we would need that but I'd be open to discussing it, I have no problem discussing that issue.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. I appreciate your candidness.

MS. LUTEY: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: So, in your response to your questionnaire, question four, you mentioned having the Deputy Corporation Counsels attend the Native Hawaiian legal training as part of their area expertise. And this was a question that I asked your predecessor. So, as I understand it, there is no one in Corporation Counsel that has expertise in Native Hawaiian law. There are a lot of constitutionally protected rights for Native Hawaiian culture, practices, and I just don't see how Corporation Counsel would be able uphold or have a full understanding if there is no one there with that type of expertise. And, so, I support and I appreciate your wanting to, or your encouraging the Deputy Corporation Counsels to attend the training, but that doesn't make them an expert. So, would you...and I guess I'll save this question for after?

CHAIR MOLINA: Members, since we have a little bit of time, with no objections, I'll let Ms. Lutey respond to it.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: No objections. Go ahead, proceed, Ms. Lutey.

MS. LUTEY: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: What would be your position on seeking out someone with that expertise to join Corporation Counsel?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. I'm not opposed to it but what I will tell you is that we have a hard time--well, for one thing, I have to back this up--we don't have openings often. Our turnover is incredibly low. So, basically, right now you have to wait for someone to retire if you want a job because we just don't have turnover. When we get applicants, honestly, most of them are local, but I haven't had anyone that's ever applied with that type of background. So, it would be interesting to have someone like that, I certainly wouldn't be opposed to it. And in terms of, like, the training, none of us are experts

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on Native Hawaiian rights. We've all dabbled in it because of the work that we've done. So, even at C&D, they go to Native Hawaiian training in regards to, like, title searches and land issues, I think it's annually or bi-annually, and for Litigation, you know, we get sued on things like the iwi kupuna. So, we're all, we all touch on it, none of us are experts, but I am interested in the continued education on that, but also I would absolutely consider someone who had that type of a background.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Councilmember Lee?

COUNCILMEMBER LEE: Thank you, Chair. Hi, Lutey, I mean, Moana. I'm thinking of my question and I'm thinking, and the words aren't coming out right. I'm wondering, what is your leadership style to motivate people like the dinosaur sitting next to you, and the others in your office? You know, to me, a lot of times, as a leader, we don't really get to the touch the customer and, so, our people do, our staff do, our colleagues do. So, it's important to me, in order to be effective, is to give them all the tools and resources they need in order to be successful in providing public service. So, what is your leadership style vis-à-vis your staff?

CHAIR MOLINA: Member [sic] Lutey, that's a loaded question and one of the rare times it made Mr. Kushi smile, so please go ahead and respond to Councilmember Lee's question.

MS. LUTEY: In terms of Ed, he doesn't need motivation, he's always out there. In terms of my style, honestly, I'm a cheerleader. I have this great love for my staff and the attorneys in it. I feel like we have a lot of open communication, but for me, it's always just cheering them on in what they do. It's a tough job, you know, we deal with deaths, we deal with quadriplegia, we deal with all kinds of very, very dark, difficult issues and then some that aren't so dark but when we're dealing with the public and other people that are coming in, it's really not that often, I will say, 'cause we also handle work comp claims, you name it. My job is to cheer them on in being kind to the people that they deal with. And for the most part, I don't think we've ever had an issue with that. I'm looking at Ed for reinforcement.

COUNCILMEMBER LEE: Ms. Lutey, I have to remind you that we are your customer.

MS. LUTEY: Yes, I love you all.

COUNCILMEMBER LEE: Okay.

MS. LUTEY: We will have a great rapport, yeah, in terms of that. I'm not sure if I'm, didn't answer your question, then, I'm sorry.

COUNCILMEMBER LEE: No, to me, it's really important to know who is your customer.

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MS. LUTEY: Sure.

COUNCILMEMBER LEE: Yeah. Now, and then my final question is, which was kind of answered before but, what do you bring differently to the table, to the office?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. Well, if you've seen Pat, and I'm sure you have, he's, the one thing I always respected about him was how subdued he could be no matter what was going on. I'm slightly more excitable. I believe it's partially genetic. But, in terms of that, I think what I bring that's different is just, I'm just a lot more openly, I don't want to say, aggressive, but, friendly. Maybe it's like a little too much. People talked about my approachability. I think Pat was approachable also but in a different way. I seek people out. I want to talk a lot about what's going on and, you know, what we can do to help, and where are you at. And it doesn't matter that you don't work in my office, you guys are going to see me up here just checking in, seeing what's going on. I expect my attorneys in my office, if you want to speak with them or otherwise, to be up here as well, talking to everybody.

COUNCILMEMBER LEE: Oh, that's good to know. I didn't really mean for you to compare yourself with your predecessor, I'm sorry if I mislead you on that. You don't have to sell me on your staff 'cause I've worked with almost everybody and I really care about them too, respect them. Thank you.

MS. LUTEY: Thank you.

CHAIR MOLINA: Thank you, Member Lee. Chairman King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair. And thanks for meeting with me earlier --

MS. LUTEY: Yes.

COUNCILMEMBER KING: --Moana, I appreciated that --

MS. LUTEY: Thank you.

COUNCILMEMBER KING: --meeting and I did find you to be very open and easy to talk with. My first question is about you making the transition from litigator to, you know, our legal counsel because, you know, I appreciate all your answers but litigation was on every page --

MS. LUTEY: Oh, yeah.

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COUNCILMEMBER KING: --and I know you're a litigator so, you know, we're going to be looking for someone who's going to be more of a counselor to us than a fighter, you know, basically, neutral because, like it's been said before, you have to serve both the Administration and the Council. So, can you just answer, speak to that question?

MS. LUTEY: Sure.

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you, Chair. That's a great question. Even though I've done litigation for my entire career, which is now about 24 years in, I, as part of my litigation duties, I'm constantly speaking to the clients and advising them. As Member Kama had asked earlier, you know, about bringing other suit or so forth and maybe not ending up ahead and being in the same spot or so forth, that's part of the advising I constantly do with clients. In terms of dealing with this body and the Administration, it'll be a bit different in terms of some of the advice but this body does deal with needing to assess where you need to be and so forth and my goal is always, I'm very, almost blunt at times. I don't do a lot of the fairy, airy type of stuff. I have a hard time wasting people's time by doing a dance so I'll tell you what I think about it, advise you what the law says on it and, at the end of the day, support what you choose to do with whatever it is.

COUNCILMEMBER KING: Okay, thank you for that answer. Yeah, that was sort of my, what I was getting at because I feel like, you know, sometimes it's not about the fight, it's about coming up with a solution. And sometimes the Council may want to do that rather than win a case. And so, this leads me to my next question is, when do you think it's appropriate for your staff to be quoted in the paper with an opinion on a case, which happened recently on the Lahaina injection well case?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. You know, for the most part, we don't normally comment on pending litigation but it depends on the circumstances. I know which litigation case you're talking about and my recollection of the comment was related to possible effects of that litigation, but it's been a bit since I read it and there's been a lot going on in the last three weeks but, it really depends. A lot of times what I ask is for the media to provide us with written questions so we can have a chance to look at it, write out a response and then have it reviewed but, in general, it's not often that we make comments.

COUNCILMEMBER KING: Okay, thank you for that.

MS. LUTEY: Sure.

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COUNCILMEMBER KING: And the next question I have is on strategic planning for your Department and just wondered what kind of experience you have. And I wanted to, if you could comment, I made a comment about one of the goals of the Corp. Counsel earlier, the performance measures being related to reducing civil lawsuits, which, I think, is a great goal, I think we need to have that goal, but the way it was being measured was by how many workshops you held --

MS. LUTEY: Right.

COUNCILMEMBER KING: --versus the actual reduction. So, the response that I got from your predecessor was, well we're taking that goal off because we can't measure it, which I didn't really agree with. So, I just wanted to get your take on that.

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. That's a good question. You know, I think, in terms of measuring goals, it's difficult. We can't control how many people sue us or how many lawsuits we get, although, I will tell you that, in my experience, there have been times where I feel like if you don't fight the lawsuits that are frivolous, that you will end up with more and then that sort of goes against what we're trying to do, which is end it. And in terms of how we get to goals, you know, I really think that, I've been going a lot back to education lately. I feel like a lot of, some of the problems are that people don't understand what we do and don't understand why we take positions in certain types of cases and that's on us. So, I think with maybe some of that, maybe it will cut down some of it.

COUNCILMEMBER KING: And I agree with you, I agree that education is important but what I don't agree with is that you measure the education rather than the actual outcome because measuring the outcome will tell you if it's working or not. You won't know if it's working --

MS. LUTEY: Right.

COUNCILMEMBER KING: --if you just measuring the number of workshops so, you know, I mean, whether it works or not, that's the attempt of that strategic goal. And so, and my last question is, what is an appropriate timeframe for conveying settlement proposals to the Council?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. Well, normally what happens in that, I don't want to belabor this answer, is I will contact the committee that, the settlement committee, so right now it's called GET, inform them that I have a settlement. I normally do that very quickly, if not the same day, within a day or two, and ask them what the scheduling is looking like. Part of that is because, you know, if I try to transmit it and we're not going to be

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heard for a month and I've got other deadlines, that's not going to be a priority to me but, otherwise, if we can get on in the next two weeks, I do it right away.

COUNCILMEMBER KING: Okay.

MS. LUTEY: It just, it really depends on when we're looking at it.

COUNCILMEMBER KING: Okay, so your goal is, as soon as possible, you're not sitting on something for a week or something like that?

MS. LUTEY: Not unless it looks like, like when you were in Budget, I'll talk to Carla and just say, hey, what does it look like in terms of getting on? And if she says, you know, June, then I'll get to it when I do but, you know, we have so many deadlines.

COUNCILMEMBER KING: Okay. I would personally prefer if you talk to the Chair of our GET Committee instead of OCS staff --

MS. LUTEY: Okay.

COUNCILMEMBER KING: --if you're going to make those decisions --

MS. LUTEY: Sure.

COUNCILMEMBER KING: --but I'll let him speak for himself. Thank you very much, Ms. Lutey. Thank you for the answers to those questions.

MS. LUTEY: Thank you.

CHAIR MOLINA: Thank you, Chairman, appreciate the plug. Alright, and let's go to our friend from Hana, Mister, Hana Councilmember himself, Mr. Sinenci, you have the floor.

COUNCILMEMBER SINENCI: Thank you, Chair. And thank you to the Members for asking some of the questions, some of 'em I wanted to ask, too. Mahalo, Moana, for meeting with me and my staff yesterday. At our meeting, you mentioned about, maybe educating people more about some of the contentious cases that the County has been going through. So, as much as you could, and if you are selected as the new Director, how would you use that education to kind of share some of that with the public, or as much as you can, I guess?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. That's a great question. You know, one of the things that stuck out for me and we discussed a little bit yesterday when I came to talk with you is, during a training that we had put on, Mimi and I, Councilmember Kama had asked

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me how it is that the public knows about our litigation, especially the contentious cases. And at the time I thought, we issue a press release, and that was my response. And I realized later that that, in and of itself, doesn't educate people and you can kind of see it right now with some of our hotter cases because the media will whittle down what may have been a 15-minute response to one line or two and it's not their job to get our message out, you know, they're selling papers. So, my thought is, if we can post information online, because everything that we file, litigation wise, is public record, unless it's sealed by a court, which is highly unusual, and allow people to read what we're filing and so forth, it's a government document. Whether you'll understand all of our legal mumbo jumbo without some legal training may not happen but at least it makes it open to people, start that conversation, and then also, I really think that we need to have, maybe not a lot of workshops, but at least some community interaction where people can come and hear what we have to say about our cases. There's a line there, right, because we can't talk about strategy and so forth on active litigation, but we can certainly discuss what has happened and what's been publically filed.

COUNCILMEMBER SINENCI: Thank you. Thank you for that answer. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Alright, Members, let's begin our final round, three-minute round. We'll start with me, as the subject Chair. Ms. Lutey, you know, as part of your, just looking at your experience, you noted in the Committee questions that, I believe, Chairman King had sent to you, you have strong supervisory skills and can you identify, currently, maybe it's been said earlier, the number of staff you supervise and identify other jobs where you have had supervisory responsibilities?

MS. LUTEY: Sure. Thank you, Chair. Currently, I supervise six other attorneys, two paralegals and my, well, I have two secretaries now, one administrative, one litigation, but I have also--I didn't supervise as a prosecutor but I trained. So, I've, in that capacity at any given time I'd have anywhere from four to five other attorneys and four staff members.

CHAIR MOLINA: Okay. And, you know, I asked that because, not to make light of the profession but, you know, attorneys can be, at times, difficult to deal with and you're going to have 30 plus individuals. How many attorneys are in there currently, in the Department?

MS. LUTEY: We currently have 15.

CHAIR MOLINA: Fifteen, okay, so, you, and being that you've been in the Department for a while and you know everybody, so I don't perceive that as a problem for you with personality conflicts or anything of that nature. Alright, okay, thank you. Now, let's go to Councilmember Kama, you have the floor for the next three minutes.

COUNCILMEMBER KAMA: Chair, I have no more questions. Thank you.

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CHAIR MOLINA: Okay, thank you. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Chair, I have no more questions. I look forward to you asking us for the vote, so, waiting to confirm.

CHAIR MOLINA: So noted. Councilmember Paltin?

COUNCILMEMBER PALTIN: Chair, I'm ready for your question.

CHAIR MOLINA: You're a fast group today, I'll tell you. Committee Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, I'm not going to be as fast. Okay, so, we know that any, a good attorney can argue either side and an even better attorney can argue either side and win. There are many, several high-profile cases where we know that we can choose, you'll choose which side and advise which direction to take and now we're in the situation where it wasn't necessarily the direction that you may have chose and, so, now we're trying to fix where we're going and that's, you know, specific to the injection well case. When cases like this come up or situations like this come up, do you see yourself as staying the course regardless of your professional opinion on it or do you advise otherwise?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. Great question. You know, I, in this, I've only been in the administrative role for about three weeks, but the one thing that I've noticed about it is it's a very different view when you're outside of the fishbowl as opposed to in it, and that's really--my fiancé is like, you were in that fishbowl so you know how it is. In this role, as I see it, our job is to give you the best legal advice possible, educate you if you feel that you need education on these cases, because in the case that you referred to, this has been ongoing for years. And so, coming into it, I mean, you have a legal background so you can read our pleadings and understand where we're at, my only goal is to give you the best legal advice and educate you on what you may have missed in the last few years, and then allow you to make the decision as a body and support it. It's not about me.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And so, okay, I'll try to make this question quick. So, with the appointment of interim directors, we got conflicting advice from Corporation Counsel and I know it was argued that it wasn't conflicting, but how will you provide us advice when it is conflicting? And I kind of ask, see if I get a different response.

CHAIR MOLINA: Ms. Lutey?

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MS. LUTEY: Thank you. I looked at this after the fact. I wasn't asked to weigh in...I wasn't sure if I was getting beeped off. If I, I wasn't asked to weigh in while it was ongoing up here. I've seen why there's an interpretation from my office on some ambiguity in it and, you know, without second guessing people who have weighed in on it and read it more thoroughly than I have, I would say that I would like to move forward with this body in fixing it, because I do see where that ambiguity lies, but, as opposed to fighting over it, I'd really like to see if we can't just move forward and fix it.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Lutey. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Councilmember Lee, you have your three minutes now.

COUNCILMEMBER LEE: Well, thank you. Let's see, I'm ready to vote. Does that take up three minutes?

CHAIR MOLINA: Alright, fast and efficient as always, Member Lee, thank you. Council Chair King?

COUNCILMEMBER KING: Thank you, Chair. You could have said it really, really slow. So, I just have one last question. Do you think it's possible to get more definitive answers from our Corp. Counsel when we're sitting here asking for opinions because a lot of the times we hear, my understanding is, or I think that, or I don't know and I would like to, actually, because you're here to advise us, I would like to get some more definitive answers, you know, I'm not going to name names but, you know, we've heard it a lot this last week?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you. I'm going to qualify this by saying, you know, a lot of times we just don't know everything and to the extent that we should be prepared for meetings, then you should get a more definitive answer. I think as attorneys, our training is to qualify answers in, it's my understanding and so forth, because we're all reading law and there have been times where, you know, attorneys differ on the interpretation of it, maybe not down to the absolute gut of it but sort of in a general sense, I'm not sure if it really reads that way or not, and that's why you get these qualifying answers. But, to the extent that we're able to just tell you a yes or no, I do think that we should and, I don't know, would be fine if it's followed up with, but let me check on that and I can get back to you, I need to research it.

COUNCILMEMBER KING: Okay, that's fair enough. Thank you.

MS. LUTEY: Thank you.

CHAIR MOLINA: Alright, thank you, Chairman King. Councilmember Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair, one last question. Hypothetically speaking, if you were to work towards a settlement agreement in the injection well case, how would you go about doing this, considering the investment and the strong emotions on both sides of the case?

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Thank you--I almost called you, Shane--Member Sinenci. You know, when litigation goes on for a long time, what can happen, and it's happened with me, I've been in Council crying over a settlement of a case once, only once, and it was mortifying but when you work on something for years and years, you get so deeply invested at times that it's hard to contemplate settlement. In the case that I am talking about that I was involved in, Pat and I came up here and basically did a mini trial and allowed the body to decide. And Pat's recommendation was settlement and the body went with it and I've lived with it, and I didn't die. So, you know, I learned something from that. In terms of long-term litigation matters, especially when they're very complicated, sometimes you need an outside voice or a mediator of some sort. Judges, at times, can be helpful, depends on their style, but, you know, in our office even we've used retired judges, we've used non-judges, to come in and just give perspective to both sides on where they're at and see if we can't get to the middle of whatever might bring this to resolution.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Very good. Members, well, the time has come for the Chair to offer you a recommendation. Chair's recommendation is to approve the revised proposed resolution approving the Mayor's appointment of Moana M. Lutey for Corporation Counsel and the motion also includes the filing of the resolution disapproving the Mayor's appointment of Moana M. Lutey for Corporation Counsel, as well as allowing staff to make any nonsubstantive changes.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay, motion is made by Member Kama, seconded by Member Sugimura. Members, the floor is open for comments on the motion.

COUNCILMEMBER KAMA: Call for the question.

CHAIR MOLINA: Wow, call for the question, okay, that's quick. Alright, so be it. Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: All those opposed? Thank you very much, Members. The Chair will mark it eight "ayes," one excusal, Member Hokama, and no "noes."

**VOTE: AYES: Chair Molina, Vice-Chair Rawlins-Fernandez,
 Councilmembers Kama, King, Lee, Paltin,
 Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE THE
 APPOINTMENT OF MOANA LUTEY AS THE CORPORATION
 COUNSEL AND FILING OF RESOLUTION TO DISAPPROVE.**

CHAIR MOLINA: Congratulations, Ms. Lutey. And your matter will advance to the full Council in a couple of weeks. Thank you very much. Members, the Chair is going to call for a brief recess to allow Ms. Dagdag to take the floor. GET meeting in recess subject to the call of the Chair. . . .*(gavel)*. . .

RECESS: 2:19 p.m.

RECONVENE: 2:23 p.m.

CHAIR MOLINA: . . .*(gavel)*. . . The GET Committee meeting for Thursday, May 2, 2019 is back in session.

**GET-1(6) APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF
DEPARTMENTS (DIRECTOR OF PUBLIC WORKS) (CC 19-1)**

CHAIR MOLINA: Members, we are on our last agenda item for today, that is, of course, the nomination proceedings for Ms. Rowena Dagdag as the Director for the Department of Public Works. And, briefly, Ms. Tegarden, do you have anything else to add before I recognize Ms. Dagdag?

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MS. TEGARDEN: Thank you, Committee Chair and Members. I think, as I had stated before, Mayor Victorino said it this morning very well, as did all of the testifiers in their words. In Ms. Dagdag-Andaya, you have someone who is incredibly knowledgeable, experienced, dedicated, and communicative. And Mayor certainly hopes that you find her as he finds her and all the testifiers and her Department as well, so thank you very much.

CHAIR MOLINA: Thank you very much, Ms. Tegarden. Ms. Dagdag, as I mentioned to the other nominees, you'll be given three to five minutes just to give us a brief overview of your intentions for being the Director of Public Works and anything else you would like to add in that time span. Please proceed.

MS. DAGDAG-ANDAYA: Thank you very much, Chair. Good afternoon, Chair Molina and Committee Members. And, again, thank you for the opportunity to meet with you here today. My name, again, is Rowena Dagdag-Andaya and I've been appointed as the Director of Public Works by Mayor Victorino. I was born and raised here on Maui in Kahului and in Waiehu and I'm a graduate of Maui High School, Maui Waena Intermediate, Kahului School, and Christ the King School. My parents are hardworking people. I grew up in a multi-generational home. I have one brother who is a nurse at Kaiser. My mom operates a care home and my father is a retired firefighter with the State Department of Transportation, Airports Division, Crash Rescue Team. The late Mayor, Elmer Cravalho, was actually my father's best man when my parents were married in 1976. My grandfather was a Sakada, a pre-1946 laborer with the sugar and pineapple plantations and my grandmother also worked for the pineapple cannery. Talk at the dinner table when I was growing up did center around jobs, taxes, trash collection, and better roads, things that I continue to talk about today with my husband and even my children. From the time that I was born, I was exposed to politics, functions of government and community service and leadership. Initially, when I graduated from high school, I wanted to become an urban planner, so I set out to go to Gonzaga University and I started majoring in political science with a minor in criminal justice, thinking that someday I'll be an urban planner or maybe a prosecutor. As Moana had mentioned earlier, she had mock trial, I did the same thing when I was in high school and I was fascinated by that. But things started to change once I got involved in community service and leadership at Gonzaga. I tutored a lot of kids from at-risk families and I worked in the schools as part of my service leadership and then I decided from the moment on that maybe I should become a teacher and start to make a difference that way because a lot of the students that I mentored and I coached in basketball and other sports came from families where both parents were incarcerated. And also, some of these kids were products of the special, were receiving special education services. So, I went on to receive my bachelor's degree in education from Gonzaga in Spokane, Washington, and upon receiving my degree, I came back home to begin my career as an educator and started serving the community back here on Maui. I understand that a degree in education traditionally is not the route one would begin with in becoming the Director of Public Works but I must say that my educational experience at Gonzaga truly

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prepared me to become a wholehearted leader in serving the common good in any career path that I pursue. Gonzaga University fosters a commitment to social justice, competence and care for the environment with responsible stewardships of physical, financial, and human resources. This is their mission and it has become my life mission as well. In addition to being an educator, my previous work experience includes working as a planner for the planning firm of Munekiyo Hiraga in Wailuku. As I mentioned in my letter to the Committee, I gained experience in navigating through Federal, State and County regulatory permit processes, gained an in-depth understanding in County processes and operations and developed skills in community engagement and government affairs. I have served as the Deputy Director in the Department of Public Works for the past eight years and in those years, I have worked with staff and my Director to expand our efforts in pavement preservation, evaluate permit processing times and improve efficiencies, built capacity around complete streets implementation and encouraging high standards among our employees with respect to customer service, fiscal responsibility, and ethical conduct. I have served in an administrative capacity in the Department, have worked on our budget for the past eight years, and have administered ordinances and rules that fall under the jurisdiction of our Department. I feel that I can work collaboratively with our County, State and Federal partners, non-governmental organizations, and especially with our team at Public Works. My decision to apply to become the Director of Public Works wasn't made overnight, but over the past two months, I focused on maintaining continuity of operations and gain the confidence and support of my staff and peers here at the County of Maui. I'm comfortable in saying that I do not have all of the answers but I will seek to find these answers to your questions and explore different options to solve problems. Today, I come before you seeking the position of Director of Public Works and I'm happy to answer any questions you have and respectfully request your consideration. Mahalo.

CHAIR MOLINA: Thank you, Ms. Dagdag-Andaya. Well, we shall start this final of, nomination process today for Ms. Dagdag-Andaya with the subject committee matter Chair, the venerable Wailuku Councilmember, Ms. Lee. You have the floor for your seven minutes.

COUNCILMEMBER LEE: Wow. Can I apply for that job, too? I have known Ms. Dagdag-Andaya for some time, I've worked with her, we have already interacted as part of my Committee work and I have no questions for her and I am actually ready for the vote. Thank you.

CHAIR MOLINA: Thank you very much, Member Lee. So, I'll work our way down. I guess we'll go with Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Molina. Okay. Aloha, Ms. --

MS. DAGDAG-ANDAYA: Aloha.

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VICE-CHAIR RAWLINS-FERNANDEZ: --Dagdag-Andaya. Mahalo for being with us today. Okay, so, one of the minimum qualifications for this position as Director is that the applicant must have a bachelor's from an accredited college or university in engineering, business administration, public administration or other relevant discipline or a combination of education and work experience substantially equivalent to such a bachelor's degree. Under the education portion of your resume, it lists bachelors in education in special education concentration and early childhood education special education. What other educational background do you have in the required fields that can be combined with your work experience to allow you to meet the minimum qualifications or the minimum requirement?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Thank you, Chair. I, yes, I currently just have my bachelor's degree from Gonzaga, yes, and in addition to that, all of the work experience that I had in the private sector and here at the County of Maui.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. What engineering qualifications do you possess? Have you attempted to seek continuing education in this field, being that you have been the Deputy for about eight years?

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: I do not have a license in engineering or have a bachelor's degree in engineering.

VICE-CHAIR RAWLINS-FERNANDEZ: Since you don't have a license or that specific kind of training or education, do you plan to rely on those with the educational background and licenses to help guide whenever those kinds of situations come up?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Chair? Yes, and in the past, some of our former Public Works Directors didn't have an engineering background. We've had attorneys, we've had planners, who have been appointed to be Public Works Director. I do have a wonderful staff that I trust and rely on. They have years of experience in the job. We also administer, you know, a lot of the functions in, as being a Director, as a leader, is making sure that, you know, we gather all of the information pertinent to make a good decision. So, of course, I would rely on the experience and the information gained from my staff.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we got a lot of testifiers that came in support of your confirmation and a lot of them talked about how you made terms easier or you

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explained, you know, really complex situations, you know, from Public Works, easy for people to understand. Would you credit that to your degree in education?

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: I think it's because of all the years of experience in working with different government processes and reading and interacting with others in the County and especially in the Department. I, you know, we are faced with situations where we apply the law, and part of that--it's just experience over the years in those matters that I think helps me provide that, you know, give people that information that they need to hear. And I, I mean, I find myself in a position where I can work with our engineering staff and also be able to use that information and explain it to people in ways that, you know, they probably couldn't understand when an engineer is talking to them. So, I feel like I have that skill to be able to explain the process and explain different, you know, different factors in a project. So...yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Excellent. I think it's a really important skill to have as the leader of a department. So, one of the largest complaints we get from our constituents is the state of our roads. This Department has had adequate funding to address roads and at times more money than can be used since many bonds for roadwork have lapsed. What would you, as the Director, to address our crumbling infrastructure that you wouldn't have already done as a Deputy for so many years?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Chair? I think, you know, that one comment about the, some of the funds lapsing for road projects, I think over the years, you know, we've been able to maximize the funding that we receive each year and apply it towards different road projects. One of the, what our staff tends to do is they'll create projects that are shelf ready. So, in the event that there is a project that, you know, we feel may need to be moved or is, you know, in, might be lapsing, we'll be able to move some of the others projects that are ready up and be able to utilize that funding. One of my long-term goals, as I mentioned in my letter, is to take the recommendations from a recent audit that was done on our Pavement Preservation Program and start really using the data that we've collected over the years to create a long-term plan for how we address the road issues or the road, the pavement preservation issues here on Maui. I think some of the data, I believe, shows that in the last four years, you know, given the amount of funding that we've had, we've been, we haven't been able to, you know, address a large portion of the roads that need to be addressed. The audit did identify that funding is a big issue. And, so, that's one of the reasons why we have this Pavement Preservation Program. In the past, we've addressed roads through reconstruction projects and resurfacing projects but now some of that attention has gone towards preservation type of techniques, such as slurry seal, using crack seal, at one point we were using

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something called sealcoat. So, if we were able to apply some of those techniques on our County roads, we'd be able to extend the lifespan of those roads and be able to use funding in the future to do resurfacing or any further reconstruction. But, as much as possible, we try to utilize Federal funding on roads that are classified for Federal work. We will use CIP monies to address roads using resurfacing techniques, and we will also use either operational funds or CIP funds to do slurry or, you know, crack sealing type of work.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Do you envision using, like trash, such as glass or plastic bottles for paving or pavement preservation as we try to figure out what to do with all our trash?

MS. DAGDAG-ANDAYA: Yeah, and...Chair? Thank you. That's a great question because I know when I first started back in 2011 I, you know, we were looking into different types of material to use. I think, when I went to a conference, some of the communities there were using recycled rubber, tires, and it's something that, it's a technology that's pretty brand new. I think we're open to different materials that we can use on our roads, it's just a matter of making sure that they're compatible with our climate and making sure that there is that resource available. With respect to glass, I think we need some kind of processing plant in order to even get that material, so that would be an issue.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Ms. Dagdag-Andaya. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Member Paltin, you have the floor. Restart the clock.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Andaya, for meeting with me previously and for answering some of my questions in the lobby. I just have a couple more. So, I guess, you know, the big question is, moving forward with the deferral agreements, I understand that you need to know the price and like that and my question is, why it's taken so long to just come up with a formula because if you don't know the final price, just represent it as a variable and then make a formula? Like, I mean, it's been very many years since it was first brought up and I would've thought that, you know, people with engineering degrees and whatnot could make a formula. So, maybe why it's taken so long? What's the plan moving forward? How long do you anticipate...

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Thank you. The deferral agreement issue, we have, I mean, several types of deferral agreements. Some actually do have the cost included in the agreement so we're able to collect on them upon demand. With respect to some of the other ones that have been discussed previously in Committee, I know those were created a very long time ago and it relied upon the creation of either a community fund

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or some kind of community facilities district. And then one that you had mentioned earlier was upon the Public Works Department developing a formula. I know this is something that my previous Director had been working on but had just, never was able to get consensus on how to get that formula created. That's something that, that's another long, not long-term, but maybe a mid-term goal of mine, is to be able to address that issue. And I'm glad that there is an audit that will be moving forward, hopefully in the next couple months, that will help us gain the information that we need in order to create that formula that's needed for some of those deferral agreements. I did take a look into that a little bit more in the last couple weeks and have, you know, tried discussing several scenarios with staff but, again, I think maybe if that audit will help us get some better information that we can use in order to make informed decisions on how we proceed with the deferral agreements. But, yes, Councilmember, that is something on my list of things that I'd like to do as Director and be able to accomplish within the next four years if I'm the Director.

COUNCILMEMBER PALTIN: Thank you. And my second question, the Kahananui sediment retention basin, what do you think the timeline on that would be?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Yes. The timeline on that, I believe, we mentioned this at Budget, one of the first steps is to work with the West Maui Soil and Water Conservation District to remove about 4,000 cubic yards of sediment from that existing valve. And then from there, we can create a plan for moving forward and how we can remove the remaining 30,000 cubic yards of sediment. I, you know, I don't have an estimated timeframe right now in my head but that's something that our staff is working on, especially after, since we are, you know, through the Budget process, we're able to receive, or I'm assuming we'll be able to receive some funding in order to get started. As I mentioned to the Budget Director, one of our first steps would be to gather, you know, any, do some preliminary engineering work and then determine what our needs are in terms of permitting and planning. So, I'm hoping that we can get that done within the next fiscal year and then start chipping away at that remaining sediment.

COUNCILMEMBER PALTIN: And the sediment is not under the same type of restrictions as if it were a storm? Where would the sediment be?

MS. DAGDAG-ANDAYA: That's...Chair? Yes. That would be part of the planning effort because we'd have to identify land and then there would also be some permitting involved to, you know, to bring that material to another location. So, that's going to be covered within, I'm hoping, within the next fiscal year, to create a plan for that as well.

COUNCILMEMBER PALTIN: Would it be possible for West Maui residents who are interested in that as a resource to apply with you folks?

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MS. DAGDAG-ANDAYA: Yes, Chair? Yeah, that would be one of the considerations. We sort of did something similar to that with another project where we were able to provide residents with that sediment that they could use to rebuild their areas that were affected by the flood but that is, that would be one of the considerations and we would be happy to look into that and how to make sure it's, you know, done in a fair process.

COUNCILMEMBER PALTIN: Thank you. I have a prior commitment at 3:00 p.m. I think all of my questions have been answered and if I'm still here when the vote comes, I'll be supportive.

MS. DAGDAG-ANDAYA: Thank you very much, Councilmember.

CHAIR MOLINA: Thank you very much, Member Paltin. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, Ms. Andaya, Dagdag-Andaya, I want to thank you for, when it was announced that you were taking on this position, I had like a mini meeting with you in the parking lot and I appreciate the time you spend and you've also spent time in my office meeting with me of different questions I had. So, on the bigger questions for the Department, you've answered it and through the Budget process we will be doing a Central Maui transportation study and I look forward to working with you on that and to help me develop it, along with the MPO. And tied to that, I hope what it helps me, helps the Council do is finalize something that, maybe you can think about it, is traffic impact fees that may come up and, 'cause I think it'll be addressed, some of it will be addressed through the study. A lot of work has been done in the past but it's been put aside for the different districts but when it comes to Central Maui we'll have the study, but do you have any general thoughts on that?

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Yes, Chair. Actually, we, the County did pursue a traffic impact fee study many years ago and that was spearheaded by the Planning Department. I believe the study was completed and I think it was transmitted to the Council but I don't think there was enough time to vote on it or to even hear the item. But, if that's something that the Council would like to pursue, I think we should start discussing that with the Planning Department because that was one of their tasks previously.

COUNCILMEMBER SUGIMURA: Thank you. And I just look forward to the Chair asking for our vote and I would support you --

MS. DAGDAG-ANDAYA: Thank you very much.

COUNCILMEMBER SUGIMURA: --so, thank you.

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CHAIR MOLINA: Thank you very much, Member Sugimura. Councilmember Kama?

COUNCILMEMBER KAMA: Chair, I have no questions. Thank you.

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

COUNCILMEMBER SINENCI: Thank you, Chair. Some real quick questions. Thank you, Ms. Dagdag-Andaya, for being --

MS. DAGDAG-ANDAYA: Aloha.

COUNCILMEMBER SINENCI: --here. My first question, as you know, I chair the Environmental, Agriculture and Cultural Preservation Committee and our discussions have centered around strengthening the cultural and archaeological protections through new County regulation and I just wanted to find out if you support our efforts and moving in this direction.

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Yes, I do support those efforts in cultural preservation and have been in discussions with several members of the community on, you know possible ways where we can find balance and be able to move forward in looking at our existing community plans, our existing codes and making changes. And I do look forward to meeting with you and your committee to discuss those actions.

COUNCILMEMBER SINENCI: Thank you. My second question, in the past, the Department of Public Works would issue permits after 30 days and so even if SHPD did not respond, you know, the permits would go ahead. What are your thoughts about this policy and do you plan to keep the same policy as the Director?

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: That's, that policy, I believe, is the one that was done back in 2011 and I am revisiting that policy. After looking at 6(e) and consulting with SHPD, we've been meeting with them a lot lately, I think it would be in the best interest to revisit that plan and hopefully someday we can get a County archaeologist who can assist with some of those reviews. So, I will be looking into it and making some changes that would be in line with the State, Hawaii Revised Statutes.

COUNCILMEMBER SINENCI: Thank you, thank you for your comments. Thank you, Chair.

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CHAIR MOLINA: Thank you, Councilmember Sinenci. Chairman King, you have the floor.

COUNCILMEMBER KING: Okay, thank you, Chair. So, thanks for being here --

MS. DAGDAG-ANDAYA: Thank you very much --

COUNCILMEMBER KING: --Rowena.

MS. DAGDAG-ANDAYA: --Chair.

COUNCILMEMBER KING: My first question is, you know, one of the concerns about this position is the needing an engineer in one of the top positions and I understand our Deputy Director is an engineer, a licensed engineer. So, how confident are you that that position will remain, if not the same person but, you know, somebody who is a licensed engineer with that kind of background?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Chair? I, if, you know, with my current Deputy, he does have a engineering license and I think in the future any, if I were to remain or, you know, be confirmed as Director, that that position, you know, I would prefer to have a licensed civil engineer in that position. So, as far as confidence in making sure that the position is filled with a civil engineer, that's something that I would pursue with the Mayor and encourage that to stay in place.

COUNCILMEMBER KING: Okay. I think that's the best you can do given our structure and the way the hiring's done. Can you give us some idea of your direct experience with budgeting for the Department?

MS. DAGDAG-ANDAYA: Okay, Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Yes, Chair. For the eight, the past eight years, I've been directly involved in formulating the budget. One of the first things that we do is receive, you know, when we review the budget, we work with all of our departments and we start off with looking at the strategic plan, our performance measures and see if there's any needs that we need to address through the Budget process. From there we can identify, you know, additional trainings that are needed, identify any improvements through our CIP and then any equipment needs that we have as well. We prioritize those needs and, again, work with our divisions and getting all of their requests in. We have our fiscal analyst, who we hired a few years ago, to kind of help us and assist in making those priorities and seeing where we have available funding and where we're going to need additional monies. My concern right now is making sure that the

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Highway Fund is adequate in meeting some of those resource needs that we have. It is, you know, it's dependent on fuel taxes, it's dependent on registration fees and, you know, we anticipate in the future that with more fuel-efficient vehicles, that some of that funding will decline, and so we need to look at other sources of revenue for maintaining the Highway Fund. But, in circling back to your question, you know, for us, with our budgeting process, you know, it starts off with our strategic plan and where we're going and then using that plan to create our budget.

COUNCILMEMBER KING: Okay, thank you. And do you, are you starting to work on a plan going forward, I mean, are you doing any strategic planning in your Department as far as trying to develop a long-term strategy for the Highway Fund and other areas that you need funding?

MS. DAGDAG-ANDAYA: Chair?

CHAIR MOLINA: Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Yes, that's exactly what we need to be doing right now. I think it'll have to depend on, or it also works in line with the Mayor's priorities and his strategic goals, and from there, we develop our strategic plan. The strategic plan should involve all of our departments, stakeholders, identify our strengths and weaknesses, our challenges and our opportunities. The performance measures that you see in the current Fiscal Year 2020 Budget, I anticipate being revised in the next fiscal year. And so, I think it would also, making those revisions would rely on some of your input as well, so I hope to get started on that if confirmed as Director.

COUNCILMEMBER KING: Okay, great, and I'd be happy to meet with you on that. And then my last question has to do with, you know, we've had probably more than our share of development in South Maui recently and there have been some projects like Moomuku that have happened in the middle of the night and, you know, violations of permits and things like that and it always seems to be people in the public, you know, in the community who have to call these projects out and bring them to your attention. So, one of the things that I'm trying to pilot in South Maui is a community advisory group, sort of like what Hana has, and I just want to know if you're willing to commit the Public Works Department to working with this advisory group if it, you know, if we can get the folks on it to meet regularly and do the open meetings, and I'd like to institutionalize it, but I'd like to know that we have the support of the departments to look at this broad stakeholder group of people as advisory to, before things go to the Planning Commission.

MS. DAGDAG-ANDAYA: Absolutely, Chair. I think, you know, we would like to be involved as much as possible with any community organization. So, we're open to a meeting with different groups, I know we meet with the KCA --

COUNCILMEMBER KING: Right.

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MS. DAGDAG-ANDAYA: --when we're asked to attend and, you know, if possible and if our schedule allows, we'd like to be there.

COUNCILMEMBER KING: Okay.

MS. DAGDAG-ANDAYA: That way we can provide information and also get feedback so that we can plan for future projects.

COUNCILMEMBER KING: Okay, thank you very much, I appreciate it. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Chairman King. Ms. Dagdag-Andaya, just got a couple of quick questions for you. With regards to roads, that's one of my biggest things. I admit, I have been a pest to this Department over many, many years in my tenure as a Councilmember, especially on the roads that exist in our older neighborhoods, the smaller County roads. And I know the Department's focus has been more on the bigger, heavier-traveled roads and sometimes our local residents perceive as mostly for the visitors, the perception exist, seems like that when it comes to Public Works and repair of our roads, a higher priority is given to these roads because of our visitor industry. And the people that live on these smaller roads and the older neighborhoods, these people are the heart and soul of our community, they are the taxpaying citizens, the long-time kamaaina and I'm sure your Department policy, I guess, dictates to you what roads need to be prioritized and expedited first. Should you be confirmed as Director, are you willing to review this policy and maybe give a higher priority to addressing these smaller neighborhood roads, because it really means a lot to our citizens that, if the County can come up there in an expeditious fashion to address these road concerns? Can you elaborate on that?

MS. DAGDAG-ANDAYA: Thank you for that question, Chair. And I circle back to my parents road in Waiehu. It hasn't been paved in 30 years and it's in an area that's, I mean, ever since the subdivision was developed. And we do have a lot of people on that road. I think, moving forward, you know, we have to really look at our, you know, how we utilize our funds in pavement preservation and also make changes in how much we, you know, or, just the funding, because, right now, we ask every year, at least 5.5 million for road resurfacing and I believe in the last audit one of the suggestions was to increase the funding for our roads. You know, we try to maximize that funding through different techniques and I think I'd like to look into that a lot more, but I do understand the concern that some of our roads, it, yeah, it just gets deferred each year and that's something that, you know, we need to really get a better handle on, which is why that pavement preservation comprehensive long-term plan is one of my top priorities in my long-term planning goals.

CHAIR MOLINA: Okay, and I can appreciate that, the need for more funding, but I just want assurances that if we give you guys, if there's more money given to this Department, they'll prioritize and work with the Councilmembers because sometimes our priority

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for road repairs may differ from the Department and I would simply ask that this Department give some serious consideration to the area representative's needs because sometimes what you feel should be given, or, and I say, the Department feels, may differ from what the Councilmembers and we're the guys that have to answer to our constituents. I live in a rural community of Makawao, much like Molokai and Lanai, where people will literally come to your house and complain about a road. So, we want to make sure that, you know, they're not forgotten and their needs are heard and, which is why it's really important that we, Administration work together with the Council to address this basic but yet very important need. And, my last question is, in the, you noted that, I guess, on the letter, response to Member King, was that you noted experience in items A and B but not C, which has to do with planning, design, building highways, drainage, flood control. These are functions which is the heart and soul of this Department and you've, have always been, from my experience working with you, a very creative person and part of that educational makeup, which is excellent. How do you make up for the lack of experience in these areas and how will you address it with your creative, you know, approach?

MS. DAGDAG-ANDAYA: Okay. So, the question is, how do I make up for that, a lack of experience? Yeah. I think, you know, as a Public Works Director, again, you know, I do rely on my staff and they provide recommendations and I look at the big picture. And I look at how some of our actions impact our community members as well. So, I think that's my contribution, definitely. There are things that I can do and, you know, given my experience and my training that sometimes our staff doesn't have that experience in. So, when it comes to doing, or working with the community or speaking at a community function, you know, we work together. I will, you know, I open up the meeting and I make presentations, I'll take all of the information that my staff gives me with respect to a bridge or a road project or a culvert project and be able to explain it to the community members. Sometimes community members have concerns and that's, you know, I anticipate that at community meetings, and sometimes my engineers or our engineering staff will shy away from, you know, being able to answer those questions, but I'm, you know, I'm more than willing to step in, given the experiences that I've had with community engagement and government affairs. So, I think that's where the balance is struck. So, I need them as much as they need me and we all need to work together in order to move this County forward. I also need the support of the Council and the Administration, too. I cannot do this all by myself, I need input, I need feedback. When I coached, I always told the kids, you got to know what you're weaknesses are in order to grow and that is exactly why I am here. I know what my weaknesses are but I will seek how I can grow stronger in the support of others that I am surrounded by.

CHAIR MOLINA: Okay, and so I have a few seconds left. Just a quick yes or no answer. Getting back to that, fixing those old neighborhood roads, can I get you to commit to at least reviewing the policy --

MS. DAGDAG-ANDAYA: Yes.

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CHAIR MOLINA: --and respond to the Councilmembers' need to...

MS. DAGDAG-ANDAYA: Can.

CHAIR MOLINA: Alright, very good. Member's anyone requiring a need for the second round for three minute, questions? Any Members requesting? Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Just one question. Okay, mahalo, Chair. Okay, so, Ms. Dagdag-Andaya, former Director supported the Molokai community, or the Molokai Public Works team in helping to assist the Molokai community during natural disasters. Do you plan to continue to uphold that practice?

MS. DAGDAG-ANDAYA: Of supporting them in natural disasters?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MS. DAGDAG-ANDAYA: I think that's part of our role, is to support the community and, you know, I'm in the operations, emergency operation center when things come, when issues come in and I'm in contact with the staff and the team there. And I know you have a really good staff person on Molokai who is focused on emergency management and planning so I plan to work with her and her husband, you know, to figure out what their needs are and be able to work with our staff to meet those needs.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Any other Members would like the last opportunity for a second round, three minutes? Going once, twice, otherwise, the Chair will offer a recommendation.

COUNCILMEMBER SUGIMURA: Recommendation.

CHAIR MOLINA: Alright, very good, so ordered. The Chair recommends the approval of the resolution entitled Approving the Mayor's Appointment of Rowena M. Dagdag-Andaya for Director of Public Works. The motion will also include the filing of the resolution disapproving the Mayor's appointment of Rowena M. Dagdag-Andaya for Director of Public Works, as well as allowing Staff to make any nonsubstantive revisions. The motion is on the floor.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SUGIMURA: Second.

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CHAIR MOLINA: Moved by Member Lee, seconded by Member Sugimura. Members, the floor is open for comments. Okay, seeing...oh, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Ms. Dagdag-Andaya, like many people in the community, I am really looking forward to the great things you will accomplish as the new Director of Public Works. Your long-time experience as Deputy Director has obviously contributed to the vast knowledge of the inner workings of the Department and the ability to keep the many moving parts turning for this vital department. I love that I'll be voting to support the first wahine Public Director but I don't support you because you are a woman, rather than, I think you're going to do a great job and you just happen to also be a woman. What I am very drawn to is your honest approach and commitment to doing the very best job you can do for this community. You're clearly engaged to do the work you do and to the community you work for. I think you will live up to the challenge that this opportunity will bring to take the Department in a positive direction and to perhaps heal the past injuries sustained. Our community is hopeful that we can move towards more holistic and mindful decision making that is considerate and comes from a place of good intent and follow through. Our community wants to know that they can trust and have faith in our leaders to do the right thing and in this respect it's sometimes good to not feel like you have all the answers 'cause, as you said, you know your weaknesses and you know that you'll reach out to help support you in that way, reach out to the community, reach out to the Council, reach out to the people who want to see the interest of the public move forward. This kuleana is complex and substantial but I believe you can be trusted to usher the apathetic past into an encouraging future for this community. So, please continue to be haahaa but also be haaheo for we are confident in your ability to be the next Public Works Director.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Chairman King?

COUNCILMEMBER KING: Thank you, Chair. I support the nomination and I want to thank Ms. Dagdag-Andaya for stepping up. I know there were issues with stepping up earlier and you and I had that conversation so I'm not going to bring that to the floor but I do think, what I wanted to say, like my colleague on Molokai, that, you know, we have some very sensitive issues in South Maui and so I appreciate your willingness to work with the community, to recognize the expertise that exists in the community, and to see that as a strength to be working with the expertise, and not as a weakness, you know, or a referendum on yourself. But I am, like Ms. Rawlins-Fernandez, I'm excited to see the first female Public Works Director but I also see the ability in yourself to bring communities together and I think, right now, that's probably the most important thing in Public Works. So, welcome aboard. I think, even though we haven't the vote yet but I look forward to working with you on a community level on the projects that have been stalled in the past for South Maui. Thank you.

CHAIR MOLINA: Thank you, Chairman King. Any other comments? Chair would like to offer some last comments to thank Ms. Rowena Dagdag-Andaya for enduring this process. I

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under the directorship of Chairman King and then an Affordable Housing Committee meeting later on in the day, 1:30, I believe, under Councilmember Kama. Any final announcements, Members? Staff, anything the Chair needs to be made aware of before we adjourn? Seeing none, thank you --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --so much, Members. Yes, Chairman King?

COUNCILMEMBER KING: Before we adjourn, I just want to thank you for your leadership in this Committee throughout the whole nomination process. It was a new process for us. I think it went exceedingly well for the first time and the seven-minute rule seems to be working, so thank you for that today. But I just wanted to acknowledge that we took an extremely, what could have been a lot more difficult, and I think you handled it very well.


CHAIR MOLINA: Thank you for those --

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: --kind words. Thank, Member Rawlins-Fernandez, for the time clock adjustment, solution. So, I thank, I'm very humbled to work with all of you and thank you for all of your good work here today, and also for the birthday wishes, thank you very much. It was a very nice day. So with that being said, Members, the GET meeting for May 2, 2019 is now adjourned. . . . *(gavel)* . . .

ADJOURN: 3:10 p.m.

APPROVED BY:



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

get:min:190502:alp

Transcribed by: Annette L. Perkett

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COMMITTEE**

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CERTIFICATE

I, Annette L. Perkett, 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 28th day of May, 2019, in Haiku, Hawaii.



Annette L. Perkett