

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

July 2, 2019

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (arrived at 9:05 a.m.)
Councilmember Tasha Kama (left at 11:51 a.m.)
Councilmember Kelly T. King (left at 11:22 a.m.)
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (left at 10:54 a.m.)

STAFF: Shelly Espeleta, Legislative Analyst
Carla Nakata, Legislative Attorney
Pauline Martins, Committee Secretary

Don Atay, 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 Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel
Thomas Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant I, Office of the Mayor
Dean Rickard, Deputy Chief of Police, Department of Police
Mark Middleton, Safety Specialist, Risk Management Division, Department of the Corporation Counsel
SeaRay Beltran, Safety Specialist, Risk Management Division, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Director, Department of Public Works
Sananda Baz, Managing Director, Department of Management

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OTHERS: Jasee Lau
Pedro Venenciano
Brian Hauser
Plus (2) other people

PRESS: Akaku Maui Community Television, Inc.

CHAIR MOLINA: . . . *(gavel)* . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday July 2, 2019 is now in session. It is exactly nine o'clock. Good morning, Members. Let's go down the line and introduce ourselves. We'll start first with our Member from Hana. Good morning, Mr. Sinenci.

COUNCILMEMBER SINENCI: Aloha and good morning, Chair.

CHAIR MOLINA: Good morning. Madam Chair.

COUNCILMEMBER KING: Aloha, good morning.

CHAIR MOLINA: Good morning. Thank you. And we have our illustrious Wailuku Councilmember, Member Lee.

COUNCILMEMBER KING: Our linguist.

COUNCILMEMBER LEE: Okay, since you put it that way, good morning in Serbia is dobro jutro. You want to say that? Dobro...

CHAIR MOLINA: Dobro...

COUNCILMEMBER LEE: You have to roll the R's.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Dobro jutro.

CHAIR MOLINA: Okay, everybody, dobro jutro. All right. Something like that, right?

COUNCILMEMBER LEE: Okay, close enough. All right, thank you.

CHAIR MOLINA: Okay. Thank you, Member Lee. And our wonderful Committee Vice-Chair, Ms. Rawlins-Fernandez, good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

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CHAIR MOLINA: Aloha kakahiaka to you too as well. And we have from West Maui Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Good morning. And Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Good morning. And Councilmember Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

CHAIR MOLINA: Good morning. Aloha kakahiaka. Councilmember Hokama will be entering the room soon. And of course I'm your Chair this morning, Mike Molina. I'm glad to be here, I know you are as we approach the 4th of July weekend. And from the Mayor's Office we have Ms. Gladys Baisa. Thank you for joining us.

MS. BAISA: In the spirit of the languages, in Portuguese bom dia.

CHAIR MOLINA: Bom dia. Buenos dias. Thank you. Okay. And we have our hard working Committee Staff, Ms. Shelly Espeleta.

MS. ESPELETA: Good morning, Chair.

CHAIR MOLINA: Good morning. And Committee Secretary Pauline Martins.

MS. MARTINS: Good morning.

CHAIR MOLINA: Thank you. And I do believe we have somebody from Corporation Counsel around, around about near the Chamber so they should be entering the room soon as well. Members, we have a rather ambitious agenda today; however, the Chair is confident that we should finish well before 12:00 noon. But before we do that we have public testimony. Committee Staff, is there anyone signed up for public testimony at this point? Okay, no one has signed up and it appears that there's no one in the gallery that is making a move to come up here and testify so...oh, we do have one member. Okay, yes, please come on up, Jasee.

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

CHAIR MOLINA: No problem. You can sign up after you're done.

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. . . BEGIN PUBLIC TESTIMONY . . .

MR. LAU: Aloha, everybody.

CHAIR MOLINA: Aloha.

MR. LAU: Good to see you --

CHAIR MOLINA: Good morning.

MR. LAU: --again.

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

MR. LAU: Bom dia, yes. Benjamin Franklin, any society that would give up a little liberty to gain a little security will deserve neither and lose both. Thank you for your time.

CHAIR MOLINA: So, Jasee, just for the record can you state your full name for the record?

MR. LAU: Jasee Lau --

CHAIR MOLINA: Okay.

MR. LAU: --from Kula.

CHAIR MOLINA: All right. Thank you, Jasee. All right, seeing no one else approaching the lectern to testify, if there are no objections, Members, the Chair will close public testimony for today on all our items. Oh wait a minute, hang on. Before we close, we gotta go out to Molokai and Lanai and Hana. Okay, first let's go out to Molokai and, Ms. Lindo, do we have anyone in Molokai that would like to testify?

MS. LINDO: Good morning, Chair. This is the Molokai District Office and we have no one here to testify.

CHAIR MOLINA: Okay, mahalo. Let's go out to Hana and Ms. Oliveira-Medeiros.

MS. OLIVEIRA-MEDEIROS: Good morning, Chair. This is Mavis Oliveira-Medeiros from Hana and there is no one here to testify.

CHAIR MOLINA: Mahalo. And now let's go out to Lanai and, Ms. Fernandez, do we have anyone out in Lanai that would like to testify?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

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CHAIR MOLINA: Okay, mahalo.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: All right, now it is the appropriate time for the Chair to ask the Members if there are no objections, Chair would like to close public testimony for our agenda item today. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay, so ordered. Thank you, Members.

GET-2(17) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LIQUOR CONTROL COMMISSION) (CC 19-24)

CHAIR MOLINA: All right, let's get right to it, our Committee item GET-2(17) which has to do with...which relates to the appointment of Pedro Venenciano to the Liquor Control Commission for the County of Maui. This...the term that Mr. Venenciano will be filling should it be approved by the Council is for a term expiring on March 31, 2020, due to a vacancy from the resignation of Dawn Bicoy Stephenson. And we have Mr. Venenciano in the gallery. Mr. Venenciano, if you would like to come up to the front. And while he's doing that, I'd like to ask Ms. Baisa to give us a brief overview of Mr. Venenciano.

MS. BAISA: Thank you very much, Chair, and good morning, Members. I'm very happy here on behalf of the Mayor to present Mr. Venenciano, affectionately known as Benny, and he is a lifetime resident of Molokai and is a social worker. He works for the Department of Health. He has a...he has the education. He graduated from Molokai High, went to Pacific University and University of Hawaii Manoa and got a social worker degree. Organizationally he's involved on Molokai with Little League and he's also involved with Kamehameha Schools on Molokai. And he has a big interest in social, things that social workers get interested in. He cares very much about people. Apparently he's very dedicated to everything he does and is very involved in sports on Molokai. And I'm going to leave it to him to tell you how he's involved. It's very impressive. I think it's better that I be quiet and let you guys listen and ask him questions. So, Chair, thank you for the opportunity.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. Good morning, Mr. Venenciano.

MR. VENENCIANO: Aloha.

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CHAIR MOLINA: Aloha. And please if you will maybe for about a minute or two if you could just let the Committee know why you would like to be considered for the Liquor Control Commission.

MR. VENENCIANO: All right. In Ilocano it's kumusta, so aloha, Council. Basically my passion, eagerness now that brings me here is basically to stand firm on my decision and basically allow me to be a part of, I guess a very important aspect for Molokai, because I truly believe that Molokai do party a lot and have specialness and have so-called ohana gatherings. But being something like on a board and being a part of something that can upkeep the standards, whether it's the right way or ethically the way, I just want to be that voice that can present, you know, alcoholism [sic] issue and upkeep the laws that present any interested parties moving forward so that public safety and information is the right message. And I want to be that individual that can care. I say that from a personal point of view. I have a 16-year-old, my only child, and basically if I stand firm on whatever action or decision that I'm making then he has only to believe that if it starts from the home then my message is not purely what I say but what I do. And part of the reason why I'm here is to share my ohana...aloha and my caring attitude beyond Molokai.

CHAIR MOLINA: Okay, thank you very much, Mr. Venenciano. And, Members, before I open the floor for questions, just as an FYI we will not be making a decision on Mr. Venenciano today because of the deadline. So, decision making for Mr. Venenciano will be at this Friday's Council meeting, July 5th. So, with that said, Chair would like to ask the area representative to start off first with any questions. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha and como estas --

MR. VENENCIANO: Hi, aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: --Benny --

MR. VENENCIANO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --Mr. Venenciano. Mahalo for making your way to Maui --

MR. VENENCIANO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --to be here in person for us to kukakuka with. So, I generally ask all applicants of our boards and commissions two things, one, what do you expect your attendance to be like? And two, have you sat in as a community member on the commission or board that you're applying to? To kind of get an understanding for us, for the Council to get an understanding of your knowledge of the commission that you're applying for.

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MR. VENENCIANO: Okay. In regards to that, I just recently got back from Arizona. My son was a participant in the Team USA team championships, and with that said, I want to set the platform that my commitment, I guess in the past two-and-a-half years, I've really committed to the care of my parents. My dad who was a ex-County worker who was diagnosed with COPD and my mom who was a stroke victim, and at the same time my current position as an employer of the State taking care of people with disabilities. I've come to the point where I just want to refocus how I want to commit myself and being somebody that can help in a new way. My attendance I think for what it entails for being on this board is a very new challenge that I'm ready and fully committed for. I'm kind of contemplating if I still want to do my employment with the State for 22 years. And I think there's this new Benny that I think I want to introduce and be, so with that said I think I can be fully committed. I've never been in any community Council meeting or board but I truly accept this challenge with aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, you feel that you would be able to make the monthly meetings?

MR. VENENCIANO: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: And if there's a conflict between, you know, the supporting your son away at baseball and attending the meetings 'cause...

MR. VENENCIANO: Yeah, that's no problem. As you know, I have a twin brother. My mom is with my twin brother on Oahu and he's been there for...my mom's been there for almost two weeks. With that said, I've been doing a lot of care for the past four years and if freedom is what I feel right now, I think being responsible from a family point of view and networking the right way, being on this Commission would be no problem.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And then, you know, so you haven't watched any of the Liquor Commission meetings you said. What kind of experience...what do you know of the Commission that you can share with us?

MR. VENENCIANO: I would say I'm real raw and I'm willing to be this sponge to absorb.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, I guess I'm alluding to the recent audit that was completed last year. Do you have any knowledge of the audit that occurred and the recommendations that came from it and the challenges that they're experiencing?

MR. VENENCIANO: No. I haven't reviewed that information. Personally right now I'm just focusing on the celebration of life for my dad that's coming up in three weeks. But moving forward and what future arrangement I have for myself and for my island, I feel being here today is very important. So, when that time comes, I'll make full commitment and adjustments to better my decision and my view.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Venenciano. And mahalo for all you do for our community. At this time, Chair, I'll yield the floor to my colleagues.

CHAIR MOLINA: All right, thank you very much, Ms. Rawlins-Fernandez. And just to follow up on Ms. Rawlins-Fernandez question regarding the audit, depending, you know, should this body approve you, please make an effort to look at that audit which was conducted by the Council last term I believe. Councilmember Sugimura led the charge on that, and this Commission has been in the news a lot. And I'll just leave it at that but I think all of us, I'll just say I can speak, maybe speak for all of us that we want anybody who's on this Commission to ask the tough questions and don't be the proverbial rubberstamp. I mean if you see something that's not being done appropriately, say so and be vocal if you can. Of course that's just my take but anyway, but please do your best should you be approved. And the Commission meets once a month, the second Wednesday so please make an effort there. And attendance is very imperative too because I think the person that you're succeeding, she did have some attendance concerns because of her job and whatnot. So, if you can definitely make room in your schedule for this meeting, it's highly important. Okay, I will ask the rest of the Members for questions. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I appreciate you stepping up to do this because it's important work, and I appreciate your commitment for attendance because quorum is always critical. I like your background and I think I hear you saying that part of your interest is because of your family, your one son and wanting to be sure that the message of underage drinking prevention is perpetuated. So, I...the Liquor Department does provide I think \$20,000 or so for underage drinking prevention with Maui Youth and Family Services, I think it's a nonprofit that is selected. So, I hope you will continue to support that and...as you --

MR. VENENCIANO: Yes, I can.

COUNCILMEMBER SUGIMURA: --step forward. And do you have any ideas of underage drinking prevention or you have any thoughts about that?

MR. VENENCIANO: Well, I think with that said, I have I can say personal development programs that I want to introduce back home using the supports of wrestling and that self-disciplined...and how I myself and my twin brother was fortunate to be student athletes. I think what's very encouraging is I think I'm a team player and I can listen real well I think, and being that of quality I think I can engage in most projects or idea and I'll be willing to entertain that if designated such position.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Chair.

CHAIR MOLINA: Okay. Thank you very much, Councilmember Sugimura. Members, any other questions? Member Kama?

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COUNCILMEMBER KAMA: Good morning. What do you do for the Department of Health?

MR. VENENCiano: I'm the only social worker back home. I deal with about 32 cases of people with handicapping condition. Basically what that entails is people who have IQ score below 70, the range of disability goes from intellectual disability, autism, spina bifida, medically fragile. And basically I broker services with the State with matching reimbursement funding from the Federal government with almost I'd say over \$2 million for Molokai, and I've been doing that for 19 years. And prior to that I used to be the social worker for Department of Human Services as a child investigator.

COUNCILMEMBER KAMA: So, you're the I/DD guy on Molokai? So, do you work with Didi?

MR. VENENCiano: Yes.

COUNCILMEMBER KAMA: Okay. Thank you.

MR. VENENCiano: Yeah, Didi.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member Kama. Members, any other questions? Chair King, followed by Councilmember Sinenci.

COUNCILMEMBER KING: Thank you, Chair. And thank you for being here, Mr. Venenciano.

MR. VENENCiano: Aloha.

COUNCILMEMBER KING: I appreciate you coming all the way from Molokai. I have a couple questions for Ms. Baisa, but I wanted to just put a couple of other related projects or groups in front of you and see if you've heard of them. One is the Vision Zero which is the group in the County that is concerned with traffic fatalities, and a lot of that is related to drinking, you know, to drunk driving, and the other one of course is MADD. But do you see the Liquor Commission as having any interaction with these types of groups?

MR. VENENCiano: Sure, yeah. Again, being back home, I know on a personal note finding the right fit for a person with disability, there needs to be this, I don't know, this gut feeling that it will work. Going back to what agency you've talked about, I know I think I know the MADD person that's responsible back home. And I'll be willing to do what I had to do, because being a twin it always meant to share and work together. So, that would be an additional plus if I ever am granted this position to make sure that child safety and awareness is presented.

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COUNCILMEMBER KING: Okay. I just wanted to share that I think it goes beyond just attending the meetings --

MR. VENENCIANO: Right.

COUNCILMEMBER KING: --there's probably peripheral things you can do to really effect that. But I wanted to ask Ms. Baisa about the list of commissioners, because I know and it was brought up I think the last time about the reason why we asked party affiliation, it was to...because we have to balance them. But this one has all Democrats except for two non-declared. So, is that a problem to not have both parties representative of...

CHAIR MOLINA: Good question. Ms. Baisa?

MS. BAISA: Yes, thank you, Chair. And thank you, Chair King, for your question. It was raised at the last meeting, and so I did my research and I spoke with Mr. Venenciano and asked him if what he had put on his application indicated in any way that he was a card-carrying Democrat or a registered member of the Democratic Party, and he explained to me and I think he can explain this better than I can, what he was thinking when he wrote this down was if you notice he didn't say Democrat, he said democratic. He is a democratic person, he's not a Democrat. Like and I understand, you know, anybody can be a democratic person, but he is not a card-carrying member of the Democratic Party. So, I wanted him to be here today so that he could explain and you folks would have the opportunity to deal with that.

COUNCILMEMBER KING: Okay.

MR. VENENCIANO: Thank you, Ms. Baisa. Yeah, basically with that said when the initial filling out of such form, I...my mindset at that point was basically being...that I've listened to people and I've done a lot of things that does emphasize being democratic and of the Democratic Party. But from the point of being committed to it from a card standpoint, I haven't done any paperwork to fulfill my declaration. But I think what really stands in front of that is basically I care, I want to be a good listener, and if these are some of the associations that I feel is important, I'll be willing to stand up and deliver.

COUNCILMEMBER KING: Okay. And the, and just to, for the record, the instructions were to indicate if registered card-carrying, if you're a registered/card-carrying member so maybe we could change that to independent or non.

MS. BAISA: Chair?

CHAIR MOLINA: Ms. Baisa?

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MS. BAISA: Chair, it's my understanding that what Mr. Venenciano truly is, is an independent. So, if there's any way we can correct the records then I guess this is the moment.

COUNCILMEMBER KING: Okay. I just wanted to clear that up because that came up earlier. And then the other thing I wanted to ask you, Ms. Baisa, is does every commissioner get a copy of the audit, the recent Liquor Commission audit?

MS. BAISA: I...excuse me. Chair?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: My understanding is that they'll present it when they become part of the Commission, and they can always ask for it, you know, it's online.

COUNCILMEMBER KING: Right, it's a public document.

MS. BAISA: And so, it's available, but I don't think that Mr. Venenciano knew much about it and I'm sure he'll go home and check it out. He's a guy that likes to do research.

COUNCILMEMBER KING: Well, that's great. Okay, thank you for that. And I really appreciate it. I also, you know, have a deep appreciation for seeing new names, Chair, because, you know, we recycle a lot of the same people and it's really great to get new people involved in our boards and commissions. So, thank you for putting yourself out there.

MR. VENENCIANO: You're welcome, Ms. Kim [sic].

CHAIR MOLINA: Okay, thank you, Chairman King. So, for the record, you stated so on your application it should read more appropriately as independent. So, you tend to vote for Democrat candidates; however, you may lean towards voting for people from other parties as well? So, just --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --so we know, that you'll --

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: --the _____ should be independent?

COUNCILMEMBER KING: I think it's...yeah, I think it's not --

CHAIR MOLINA: Chairman King?

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COUNCILMEMBER KING: --appropriate to ask him who he votes for but just the fact that he's not a card-carrying means --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --that he's...yeah.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Yeah, yeah. . . .(inaudible). . .

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: Okay, hang on. Just a clarification? Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Can we get an opinion from Corp. Counsel on this?

CHAIR MOLINA: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: Okay, Mr. Kushi?

VICE-CHAIR RAWLINS-FERNANDEZ: And please tell us where in the Charter it says that and how we can define what Democrat is and what the intent was, because this is sounding like a stretch right now.

COUNCILMEMBER KING: Chair?

MR. KUSHI: Mr. Chair, it's in the Charter, basically it's a statement in the Charter and it's been there as long as I can remember.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, where in the Charter?

MR. KUSHI: Pardon me?

VICE-CHAIR RAWLINS-FERNANDEZ: Where in the Charter?

CHAIR MOLINA: I think 13-2.

MR. KUSHI: Section 13-2, Subsection 2, which states not more than a bare majority of members...of the members of any board or commission shall belong to the same political party. Now, the Charter was back...instituted back in 1967 or '68, and this

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was in there at that time. At that time everything was partisan. Subsequently, you know, this Council is non-partisan. But before time when you go to the election, you either...you take one of two ballots at the primary. Now, you take one ballot but then you...it does state you cannot only vote Democrat or Republican or Green Party, whatever. But again, the intent back in those days was that not more than a bare majority. Now, what is a member of a political party? In the application itself it does state and whatever reason on the application you must...if you're a registered/card-carrying member, and those days I remember I was a card-carrying member. You paid dues, a dollar a year or whatever. I'm not sure if they even have that now. But if you don't...you're not a registered/card-carrying member then it says if not, indicate none or independent. So, based on his statements today and, Mr. Chair, I want to make sure for the record, you can ask the applicant, would he object to amending his application to put none or independent, because if he still insists upon putting Democrat or Democratic, any action of the entire Commission may be suspect. Because if he is a Democrat or belongs to a...Democratic Party then they have six, and it might affect the entire action of the Commission. So, you know, it's a little odd situation. Historically, you know, it was proper at that time but it's still in there and you guys may change the Charter to get it out but it's still there. So, Mr. Chair, I would have you ask him if he would amend his application.

CHAIR MOLINA: Okay, thank you, Mr. Kushi. Ms. Rawlins-Fernandez, you have anything else for Mr. Kushi?

VICE-CHAIR RAWLINS-FERNANDEZ: Not at this time, Chair.

CHAIR MOLINA: Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: So, Mr. Venenciano, if there are no objections, now question because the application came from the Administration, is the Council allowed to amend or Council Services allowed to amend with the permission of the Council the application Mr. Venenciano's intentions of changing it from Democrat to either none or independence. Mr. Kushi, can...you have an opinion on that? Can we change it or can Administration change it? Ms. Baisa?

MS. BAISA: Thank you very much, Chair. When this was discovered, of course the easiest solution would have been well, let's resubmit the application and he'll say he's independent. But we didn't want to do that without having the discussion here today so that everybody could understand exactly what the situation is. And I think if you ask him, I'm sure he'll state on the record.

CHAIR MOLINA: Okay. So, could we leave...if there's no objections, Members, we could leave it to the charge of the Administration to amend it. Now, we do have a meeting on Friday, to decide Mr. Venenciano's fate as far as the nomination for his Commission.

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So, again, today is just discussion, then if that's the case, I would ask Administration to...with of course Mr. Venenciano's permission to amend the application to indicate either independent or not applicable. We have...I'll move on from Chair King. We have Mr. Sinenci waiting for a question, to be followed by Member Lee. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a simple question about Mr. Venenciano's...at what capacity did he work at the Legislature with Representative Arakaki?

MR. VENENCIANO: Thank you, Mr. Sinenci. I worked with, just as a clerk aide and how wonderful that was. From the Representative's point of view, I was at Arakaki and my twin brother was with the Senate side with somebody from the Big Island, but in that sense it made a whole complete learning lesson of how bills and checks and balances in the system is like so that was real fun.

COUNCILMEMBER SINENCI: Was he a Democrat?

MR. VENENCIANO: I'm not sure. I was there for the experience.

COUNCILMEMBER SINENCI: Thanks, Chair.

CHAIR MOLINA: Okay, thank you, Mr. Sinenci. Member Lee?

COUNCILMEMBER LEE: Mr. Chair, I don't know why he can't just cross out whatever he put and write down independent like right now. That's his application and it's not really the Mayor's application, it's his application. So, can we ask Corp. Counsel if he can just make that change right now?

CHAIR MOLINA: Mr. Kushi?

MR. KUSHI: I'm sorry, what is the question, Member Lee?

COUNCILMEMBER LEE: On his application, cross out Democratic and put in independent.

MR. KUSHI: And initial it?

COUNCILMEMBER LEE: And initial it.

MR. KUSHI: Yeah, that would work.

COUNCILMEMBER LEE: Okay.

CHAIR MOLINA: Okay.

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MR. KUSHI: Mr. Chair, if I may? If it remains Democrat on the application, I will not sign off on the resolution, because it's the law, it's the Charter. Okay, and I didn't know about it when I signed the resolution. We only knew about it when we came to this hearing the last time.

COUNCILMEMBER LEE: Okay.

MR. KUSHI: So, I cannot sign off on the resolution. The other question, Mr. Chair, is that someone should ask him because it's a State law, does he have any interest, financial interest, direct or indirect in any liquor establishment or liquor business. That's the State law.

COUNCILMEMBER LEE: All right, may I finish?

CHAIR MOLINA: Go ahead, Member Lee.

COUNCILMEMBER LEE: So, do you have any interest in any liquor establishments or liquor businesses?

MR. VENENCiano: No, I don't.

COUNCILMEMBER LEE: Okay, great. Secondly, would you be willing to amend your application, cross out the word "Democratic," insert the word "independent" and then initial it?

MR. VENENCiano: Ms. Lee, I would do that but I think I'm prepared in my folder, I have something that would allow Corporate [sic] Counsel to accept which states that I'm independent. So, either way I have...willing to work to make documents presenting who I am --

COUNCILMEMBER LEE: Okay.

MR. VENENCiano: --as an applicant to meet the needs of this Commission.

COUNCILMEMBER LEE: Well, I really believe that it would suffice just to cross out the word, you know, instead of bringing some...a new document, the document that was submitted to us, just cross that out and put the word "independent" and initial it. And then...

MR. VENENCiano: Hundred percent support.

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER KING: Chair, point of information. Chair, point of information.

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CHAIR MOLINA: Okay. Chair King?

COUNCILMEMBER KING: Yeah, because there is an Independent Party, so basically if you have no affiliation you would just put none there, because the question is party affiliation. If you put Independent that means you're a card carrying member of the Independent Party.

MR. VENENCIANO: Okay, I am not.

COUNCILMEMBER KING: So, I would just say...

CHAIR MOLINA: Good suggestion. Okay. All right, Members, the Chair is going to terminate questioning for Mr. Venenciano today. We do have a presentation and I understand several Members have to leave our meeting a little early for a community meeting at noon. So, I want to thank Mr. Venenciano and of course the changes have been noted. Now, I'm sure...and if you have your document, if you can maybe submit that to Committee or Mr. Kushi. You had something you wanted submit?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: So...yes, who's calling? Okay, yes, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, I cannot in good conscious support what's happening right now. Like he already indicated that he's a Democrat, and we're knowingly going to circumvent what the Charter says by putting in an amended version that Corp. Counsel can now sign off on. I think that lacks integrity. Mahalo.

CHAIR MOLINA: Okay, thank you for stating that for the record. Okay, Member Kama, last question please.

COUNCILMEMBER KAMA: Well, actually it's for you.

CHAIR MOLINA: Yeah, yeah, yeah.

COUNCILMEMBER KAMA: So, at what point do we get to take a look at the Charter to see if it's relevant for today in terms of Chapter 13?

CHAIR MOLINA: It's on Page 55 in your Charter what Mr. Kushi...

COUNCILMEMBER KAMA: Yeah, at what point do we get to look at it to say it might not be relevant and have a discussion in this Committee?

CHAIR MOLINA: At this point I'm going to end discussion on it, I'll ask you to do it on your own, and we will have a vote this Friday at the Council meeting. And then you can

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state your...whatever you came up with in your own research in the Charter as it relates to Mr. Venenciano, so.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR MOLINA: Yeah. Unfortunately, yeah, sorry, Members, because we're...I'm maybe losing quorum by 11:00 so we do have several items which is why I'm kind of moving this along. But anyway, decision making will be this Friday. Members, do your research, look at the Charter. If you have conflicting opinions with Corp. Counsel, that is your right and vote accordingly. All right, thank you very much, Members.

MR. VENENCIANO: Thank you.

CHAIR MOLINA: Members, with no objections, the Chair will defer this matter.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered.

GET-2(19) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COUNCIL ON AGING) (CC 19-24)

CHAIR MOLINA: All right, next on our agenda, we have Committee item GET-2(19) which relates to the nomination of Mr. Brian Hauser to the Council on Aging, for a term expiring on March 31, 2021, to fill a vacancy due to the passing of Louise Corpuz. I'd like to call upon Mr. Hauser to the podium, and in the meantime, I'll ask Ms. Baisa to give us a brief overview.

MS. BAISA: Thank you very much, Chair. It's an interesting situation with Mr. Hauser. When I first started looking for commissioners in January, I was very excited and wanted to have Mr. Hauser be on the Commission on Persons with Disabilities because that's his business. And I discovered that he was out of town and we were on a very tight timeline so I couldn't talk to him, and so I couldn't put him on the Commission at that time. But he said that if there was anything else where his talents could be used, he would be interesting...interested and the Commission [sic] on Aging was his second choice. So, when we had the vacancy, I called him again and said, Mr. Hauser, Mayor is very interested in having you serve on the Council on Aging. Couple of reasons, first of all he brings the background that would be really, really useful on the Commission on Persons with Disability...I mean I'm sorry, on the Council on Aging. Mr. Carroll as you know used to be on the Council on Aging, he was replaced by Ms. Sugimura, and so we don't have a person who's a specialist in disabilities on

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the Council at this time. And so, he would be absolutely perfect in our...in my opinion and the Mayor shares my feelings is that also he...another thing we have going on the Commission...Council on Aging is that we have a gender problem, and so I've been trying very hard to find male members. And as you know, thank you, we recently...you recently approved Mr. Sequeira, and I don't know if that's through, I think there's one more reading on that, and now we have Mr. Hauser. So, that will help a lot with the gender balance on this Aging. He also, Mr. Hauser brings a tremendous background and he's been very involved with the Maui Disability Alliance, with mental health advisory, substance abuse, and I think that he will make the Mayor and I feel that he has a tremendous amount to contribute. He has a associate, bachelors, and masters and it's very tied to the kind of work that he would be very useful with. So, we're very happy to submit his application, and thankful that he's willing to serve.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. Well, with that introduction I think there's not much for you to say, Mr. Hauser. But before we do that, Chair wanted to indicate for the record Mr. Hokama has been in the Chambers and also from Corporation Counsel Mr. Kushi for the record. So, Mr. Hauser, you have the floor right now, you can take about a minute or so to just give us your reasons why you would like to serve on this commission.

MR. HAUSER: Okay. Aloha, good morning, Councilmembers. I'm very interested in serving on the Council on Aging to, you know, to look at ways for the council to serve, you know, older adults and people with disabilities through the aging process. People, you know, pick up disabilities, that is where my background, you know, comes in. I'm an advocate for people with disabilities. So, that's kind of...I don't want to take up a lot of time. That's kind of what I wanted to say. Thank you. Mahalo.

CHAIR MOLINA: Okay, thank you very much, Mr. Hauser. Committee Members, questions? Councilmember Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, it says you have an associate's degree, a bachelor's degree, and a master's certificate. Can you tell me what is your associate's degree in? It's in liberal arts?

MR. HAUSER: In liberal arts, yeah.

COUNCILMEMBER KAMA: And your bachelors in liberal arts too?

MR. HAUSER: With a concentration on disabilities.

COUNCILMEMBER KAMA: Okay.

MR. HAUSER: So, I've always...and the master's certificate is on disability and diversity.

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COUNCILMEMBER KAMA: Okay. And you currently work for Aloha Independent Living?

MR. HAUSER: That's correct, yeah.

COUNCILMEMBER KAMA: Can you tell me a little bit about that?

MR. HAUSER: So, Aloha Independent Living Hawaii is a center...an independent living center. So, the independent living centers are comprised of more than 50 percent of people with disabilities on the staff and on the board. I myself have a learning disability, I'm dyslexic. I didn't read or write much before I was 30. And so the purpose of that is to relate to the people that we serve and empathize, you know, and help them walk down the path towards their goals.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member Kama. Committee Members, any questions? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Hauser. Mahalo for being here today to answer our questions. So, I didn't hear anything about attendance, I could be wrong, but was that...okay. So, I just, I wanted to ask about your expected attendance for this council and what kind of experience you've had, if you've ever attended any of the meetings and whatever you'd like to share about your knowledge of the council that you're applying for, the Council on Aging.

MR. HAUSER: Okay. Thank you. I expect to attend, you know, all the meetings or as much as possible. Sometimes I, you know, once a year, I go back to help out with my mom so...who's aging. But I expect to be, you know, as many or all of the council meetings. I have attended some Council on Aging meetings, and Ms. Baisa sent me the minutes so I did review the minutes as well, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your responses and mahalo for, in doing some research and some homework before coming before us. I think it's really responsible. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. And just as a point of information, this commission meets typically every other month so roughly six times a year. They do have a big role in helping organize the senior fair which is usually held in late October. So, questions, Members? Chair King?

COUNCILMEMBER KING: Just a quick question, thank you, Chair. Thank you for being here and for being willing to serve in this capacity, 'cause we do need somebody who has that experience. And because of the experience I'm just wondering if you...do you ever have an opportunity to watch Council meetings?

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MR. HAUSER: I do watch some of the Council meetings.

COUNCILMEMBER KING: Okay. I just wanted to ask you if you do...if you get appointed to this position if you could give us some feedback, because we've been trying to address disabilities with the closed captioning and so we're kind of in a beta mode right now in testing it. So, but this request came from the Maui Disability Alliance group --

MR. HAUSER: Oh.

COUNCILMEMBER KING: --so maybe that's something that you could help the Council with, give us some feedback --

MR. HAUSER: Sure.

COUNCILMEMBER KING: --if you get to watch that. Thank you.

MR. HAUSER: Thank you.

CHAIR MOLINA: Thank you, Chair King. And appreciate you taking time to watch us on TV. Okay, I'll hold off on further comment on that.

COUNCILMEMBER KING: Hopefully that's not indicative of a disability in itself.

CHAIR MOLINA: Okay. All right, everybody, other questions before I excuse Mr. Hauser? Okay, seeing none, thank you very much, Mr. Hauser, I appreciate you taking the time. Okay, Members, the Chair is ready to offer a recommendation.

COUNCILMEMBER SUGIMURA: Recommendation.

CHAIR MOLINA: Recommendation is to support the resolution to approve the nomination of Brian Hauser to the Council of Aging.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay, moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. Discussion? Seeing none, all those, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Thank you. Chair will mark it unanimous, nine "ayes," zero opposition.

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

EXC.: None.

ACTION: ADOPTION OF RESOLUTION.

RECONVENE: 9:46 p.m.

GET-22 SECURITY MEASURES AT THE KALANA O MAUI CAMPUS (MISC)

CHAIR MOLINA: A number of you have requested to put GET item 22 which was scheduled to be up next at the end of calendar. The Chair has no objections. Members, any objection to putting GET item 22 towards the end of calendar?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay, so ordered.

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**GET-11(16) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KELLY PAUOLE
V. COUNTY OF MAUI POLICE DEPARTMENT; CIVIL 18-1-0007(2))
(CC 19-12)**

CHAIR MOLINA: We'll now take up GET item 11(16) which relates to the Kelly Pauole versus County of Maui Police Department; Civil Case 18-1-0007(2), and this has to do with authorizing settlement of this matter. We have from Corporation Counsel, Mr. Tom Kolbe. And we also have, graced with the presence of Deputy Police Chief Mr. Dean Rickard. Thank you for being here, Chief. So, I'll ask Mr. Kolbe to give us a brief overview of this matter.

MR. KOLBE: Thank you, Chair. Thank you, Committee Members. This is a 2018 complaint lodged by a police officer named Kelly Pauole who is currently a Public Safety Aide at...although he's off duty right at the moment. He filed in Circuit Court, there's basically two theories of his case, disability discrimination under the HRS 378 Statute as well as retaliation relating to the filing of claims...

CHAIR MOLINA: Sorry, Mr. Kolbe, could you speak closer to the mic please? Thank you.

MR. KOLBE: I apologize. Yeah. I'm not sure how far back to go, but basically the two charges are discrimination based on disability and retaliation for the filing of EEOC claims. At present, we have a November 2019 trial date, before Judge Peter Cahill, and we're engaging in discovery as we right are at this time. And we have since received an offer of settlement confidentially under rule 408, and I'd like to present that particular settlement demand to you and the request to address that and other strengths of the cases in executive session. Thank you.

CHAIR MOLINA: Thank you, Mr. Kolbe. Members, any questions in open session? But before that, Chief Rickard, do you have anything else you'd like to add to this matter in open session?

MR. RICKARD: Thank you, Chair. Not at this time.

CHAIR MOLINA: Okay, thank you. Members...Member Paltin?

COUNCILMEMBER PALTIN: I just wondered who you received the settlement offer from?

MR. KOLBE: Yeah, the settlement demand was received from Joseph Rosenbaum of Rosenbaum and Fujiwara who is the law firm that's representing Mr. Pauole.

COUNCILMEMBER PALTIN: So, from his lawyers you...

MR. KOLBE: From his lawyers in the form of an e-mail, yes.

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COUNCILMEMBER PALTIN: And then how come you call it a demand, that's the terminology?

MR. KOLBE: That's the terminology here.

COUNCILMEMBER PALTIN: Oh. Thanks. Sorry.

MR. KOLBE: No worries.

CHAIR MOLINA: Okay, thank you very much, Member Paltin. If there are no other questions in open session for this matter, before the Chair makes a recommendation for executive session, we have two other settlement matters I'd like to have Corporation Counsel briefly discuss. Well, Chair's intention is to find out if these two other items would require executive session as well. And like we did at our last meeting, the Chair could make one blanket motion to go into executive session for all three items if necessary.

**GET-11(7) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ALL STATE
INSURANCE COMPANY, ON BEHALF OF ADOLFO CASANOVA MARTINEZ;
CLAIM 30181567461-0001) (CC 19-12)**

CHAIR MOLINA: So, we're going to move on for now to our next item for a discussion which is GET item 11(7), relates to the authorization of Allstate Insurance Company on behalf of Adolfo Casanova Martinez, Claim No. 30181567461-0001 [sic]. And I believe we have Mr. Rowe from Corporation Counsel that could give us a brief overview on this matter. And thank you for your patience, Committee. Sorry, Mr. Rowe, to catch you a little off guard here but trying to move this meeting along as expeditiously and efficiently as we can. So, please go ahead and give us a brief overview on this particular matter.

MR. ROWE: Thank you, Chair. This claim involved a car accident involving a police officer at the intersection of Kahului Beach Road and Kanaloa Avenue in Kahului. The Police Office in this case was traveling northeast and approaching the intersection. He was in emergency mode with his blue lights and sirens and flashers activated. As he started to come towards the intersection, the traffic started slowing down and so he tried to execute a left-hand turn onto Kahului Beach Road. At that point, there was an impact with a white SUV that was being driven by Isalia Ornelas but which was owned by Alfredo [sic] Casanova Martinez. Mr. Martinez's insurance company State Farm requested reimbursement by way of subrogation of monies that they paid for it. The car that was driven by the other car...or by the other driver was a 2016 Subaru SUV. It was deemed a total loss. So, the value of the vehicle was deemed to be \$22,762.76. Again, it was deemed a total loss. When we did our investigation of this matter, we believed that there was comparative negligence on the part of both our driver and on the part of the driver who was hit. The...as I said, the police officer did

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have his emergency information, his lights and his siren on. The other driver claims that they didn't see it; however, it was about 200 feet away. And so, because we believe that there's kind of shared fault between the two of these, we did agree to pay for only 50 percent of the damages, and that has been accepted by State Farm's insurance company. So, the total amount that we're asking for is \$11,381.38.

CHAIR MOLINA: Okay, thank you, Mr. Rowe. Mr. Rowe, do you see this matter having to go to executive session?

MR. ROWE: No, I do not.

CHAIR MOLINA: Okay, thank you. Members, the Chair would like to next get towards a brief discussion on the next item, GET --

COUNCILMEMBER KING: Can I just ask...

CHAIR MOLINA: --11(5).

COUNCILMEMBER KING: Chair? Can I just ask...

CHAIR MOLINA: You have a question in open session on this?

COUNCILMEMBER KING: Yeah. Just a --

CHAIR MOLINA: Go ahead, Chair King.

COUNCILMEMBER KING: --correction because he said Alfredo but on the page it says Adolfo.

MR. ROWE: I'm sorry, you're right, it's Adolfo.

COUNCILMEMBER KING: Okay.

MR. ROWE: I apologize for that.

COUNCILMEMBER KING: All right. I just wanted to make sure that was correct.

CHAIR MOLINA: Okay. Member Lee?

COUNCILMEMBER LEE: I just have a quick question. So, only damages, no injuries?

MR. ROWE: That is correct. There weren't any personal injury claims that were submitted in this matter.

COUNCILMEMBER LEE: Thank you.

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CHAIR MOLINA: Okay, thank you, Members. Mr. Hokama?

COUNCILMEMBER HOKAMA: So, what disciplinary action did the employee get?

MR. ROWE: I'm not entirely sure of what disciplinary action the police officer got. Again, during our investigation, we felt that there was comparative negligence; however, I do believe that there was a citation noted in the police report for the officer's inattention. So, I'm guessing that there was some discipline. I'm personally not aware of it, of what that was.

COUNCILMEMBER HOKAMA: So, you told us this happened with...in the left, with the left turn in the intersection?

MR. ROWE: He was coming down basically behind Keopuolani Park, and he was turning left onto Kahului Beach Road going kind of towards I guess where the Jack in the Box is, and that's where the...he thought that he had clearance to turn left and it turned out that he didn't.

COUNCILMEMBER HOKAMA: So, how fast was he going to get one total destruction?

MR. ROWE: I don't have any records of how fast he was going, that might be in the police report. But I don't know that off the top of my head.

COUNCILMEMBER HOKAMA: Well...

MR. ROWE: However, it is noted in the police report that he did come to a complete stop before turning left if that helps.

COUNCILMEMBER HOKAMA: So, how do you hit somebody when you at one stop then?

MR. ROWE: Well, he had come to a complete stop, he saw the...

COUNCILMEMBER HOKAMA: That's all right, that's all right. I'm happy with this case. Thank you.

CHAIR MOLINA: All right, thank you, Mr. Hokama. All right, Members, if no other questions in open session for this item, Mr. Rowe, are you handling the next item on our agenda as well, GET...

MR. ROWE: Yes, I am.

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**GET-11(5) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: FIRST
INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED,
DEAN BOWMAN; CLAIM 30191690556-0002) (CC 19-12)**

CHAIR MOLINA: Okay, this matter of course deals with the First Insurance Company of Hawaii on behalf of its insured, Dean Bowman for Claim 30191690556-0002. If you could just again give us a brief overview on this item...well, just to cut to the chase, do you see any need for executive session on this item?

MR. ROWE: I do not see a need for executive session on this one either.

CHAIR MOLINA: Okay. Go ahead and just give us a short, brief synopsis of this.

MR. ROWE: Okay. This accident occurred on April 7th of 2018. It was on South Kihei Road in Kihei. The covered person, Margaret Bowman was driving on South Kihei Road when she stopped for pedestrians. While she was stopped, she was rear ended by our employee, Mr. Patrick Martin. The Honda, it was a Honda Civic...or sorry, a Honda CRV that was deemed to have sustained damages to the rear bumper, rear hatch, and rear glass window and was deemed by the insurance company to be a total loss. Neither submitted any bodily injury claims. First Insurance was the insurance company on the car, and we received subrogation documents from that company for the total cost of the vehicle which is \$21,027.24. So, based on the facts in this one, we are recommending settlement of the full value. The driver of the car in front of us had stopped for pedestrians pursuant to the law, so.

CHAIR MOLINA: Okay, thank you, Mr. Rowe. Members, questions for Mr. Rowe? Mr. Sinenci, followed by Chair King.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a clarification question. So, those pedestrians were in a sidewalk area?

MR. ROWE: That is my understanding, yes.

COUNCILMEMBER SINENCI: And so, I mean was she at a complete stop when she was rear ended?

MR. ROWE: That is my understanding, yes.

COUNCILMEMBER SINENCI: Okay, thank you.

CHAIR MOLINA: Okay, thank you, Councilmember Sinenci. Chair King?

COUNCILMEMBER KING: Thank you, Chair. So, the...so basically the employee, the County employee was not paying attention, didn't see the car stopped in front that...is that the fault?

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MR. ROWE: Either...I'm not sure it was that he wasn't paying attention. I think the way that we looked at it is that he hadn't kept a sufficient distance between him and the car in front of him, to come to a stop in time for someone else to have stopped in front of him.

COUNCILMEMBER KING: Oh, okay. And that's on South Kihei Road?

MR. ROWE: Yes.

COUNCILMEMBER KING: Okay. And was there a estimation of how fast the car was going?

MR. ROWE: I do not have an estimate of that, no.

COUNCILMEMBER KING: Okay.

MR. ROWE: And I don't believe that that was in the police report either.

COUNCILMEMBER KING: Okay. Chair, so I wanted to ask Corp. Counsel on both of these last two cases, so if we settle for the claims listed in the, you know, posted in Granicus, does that eliminate any possibility of personal injury, or are we still at risk for someone coming back later for personal injury claims?

MR. ROWE: With both of these claims, these are subrogation from the insurance company so the insurance company is waiving any of their rights to come after us for any additional amounts. It really would depend on the nature of their car insurance. Most car insurance have...do cover personal injuries. So, I believe that in...I don't believe that in either of these, there were any personal injury claims that were submitted by the injured employee or by the injured person to their insurance carrier.

COUNCILMEMBER KING: Okay. So, and that won't happen after we settle?

MR. ROWE: That is correct.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay, thank you, Chair King. So, before I recognize Committee Vice-Chair Rawlins-Fernandez. So, Mr. Rowe, basically as they say it's a wash right? So, we agree to this then that's it, we're off the hook from the folks coming after us.

MR. ROWE: From the insurance company, yes.

CHAIR MOLINA: Insurance company. Okay, thank you. Committee Vice-Chair Rawlins-Fernandez?

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Rowe.

MR. ROWE: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: So, will you please explain to us how...so you're saying that the driver didn't keep sufficient distance from the car in front and hit the car at a complete stop. So, insufficient distance from the car ahead would, you know, be what, like ten feet or something. How would that car end up in a total loss with that amount of distance? I'm just trying to visualize that in my head.

CHAIR MOLINA: Mr. Rowe?

MR. ROWE: I believe that there was a copy of the police report that gives some details about what the nature of the accident was.

CHAIR MOLINA: Members, if you're wondering, it's in your Granicus, the last item, the police report. You have a 56-page document I believe.

VICE-CHAIR RAWLINS-FERNANDEZ: All right, so do you think like part of the explanation is that it was a F-350 which is much larger than the car that was hit?

MR. ROWE: I certainly believe that that probably played a role into it. I'm not aware of what distance he was when he began to engage his brakes, I'm not aware of what speed he was going. I was looking through the police report, I couldn't find anything to that. But I think that you're right on, that that would have an effect on it.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, it was the size of the vehicle and not the speed and the distance?

MR. ROWE: I'm not sure what the speed or the distance was.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. ROWE: I have what's in the police report unfortunately.

VICE-CHAIR RAWLINS-FERNANDEZ: All right. Mahalo.

CHAIR MOLINA: Okay, thank you, Ms. Rawlins-Fernandez. So, for the record, maybe I missed it, so the employee is from what department, Mr. Rowe? Water?

MR. ROWE: From the Water...Wastewater.

CHAIR MOLINA: Wastewater? Okay, thank you, just an FYI. Mr. Hokama?

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COUNCILMEMBER HOKAMA: Yeah, Chair, I take note as well as my colleague from Molokai in the police report it's kind of interesting because as I read it our vehicle was a Ford F-350 which we know is a very, very large truck for department needs. And if I read it right, our truck got less than \$3,000 worth of estimated damages and extent of damages is considered minor yet we totaled another vehicle. So, for me it's driver error, and so what is the disposition of the Department regarding this bad employee action?

CHAIR MOLINA: Mr. Rowe?

MR. ROWE: I would have to check with the Department on that.

COUNCILMEMBER HOKAMA: 'Cause, you know, I hope the departments don't feel we can throw \$20,000 every old place they feel to dent, bang, or total another independent vehicle. We should just deduct it from their department budgets.

CHAIR MOLINA: Mr. Rowe, before you respond I've just informed that *Akaku* has lost video for the meeting. They need five minutes to...for technical matters to I guess get the cameras rolling again. So, Chair's going to call a five-minute meeting recess. Recess. ... *(gavel)* ...

RECESS: 10:04 p.m.

RECONVENE: 10:09 p.m.

CHAIR MOLINA: ... *(gavel)* ... January 2nd is now...excuse me, July 2nd is now back in session. Thank you for that recess, Members, due to a technical matter from *Akaku* television. We're now back on TV just for your information. We last left on a question from Member Hokama to Corporation Counsel Rowe. So, Mr. Rowe, please respond to the question from Mr. Hokama.

MR. ROWE: If Mr. Hokama wouldn't mind repeating the question, I don't remember off the top of my head what was asked.

CHAIR MOLINA: Sure. Mr. Hokama, if you could restate your question for Mr. Rowe?

COUNCILMEMBER HOKAMA: Chairman, I think I made more of a statement than a question. One, I would ask your indulgence, Chairman, that maybe in the future you might consider on our behalf maybe having the department heads come forward to explain how they're dealing with this type of challenges and whether or not the department has a policy or not regarding bad driving. Let's call it what it is, bad driving. Okay. But it's costing us a lot of money and so maybe we'll just tell the departments instead of insurance we'll just deduct it from your operations and make you adjust to your situation you create. But other than that, Chair, again, you know, I look at this, I find it interesting the facts, because my thing now is if our truck didn't

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hit that car, would they have then killed the pedestrians that the car stopped for? Okay. So, I need for us to have better programs designed for our employees to be a lot safer not only for themselves, but obviously those that we get involved with, we seem to total everybody else's vehicle and we're the ones that always keep paying out money. Like I said, I'm tired of paying the load, Chair. Thank you.

CHAIR MOLINA: Okay, thank you, Mr. Hokama. Chair agrees with your comments. Yeah, as a matter of fact, Chair's thinking of...well, first of all Chair apologizes for not getting the department head here. As a general practice, I've asked Corporation Counsel for future proposed settlements to require all department heads to be present before this Committee. And maybe with the help of Committee Staff, I'd like to ask, just get a statistical background over the last two maybe three years of County vehicles being involved in accidents where we're at fault, just so we know what this Council has been authorizing as far as settlements over the years. And that way to really impress upon our departments to emphasize driver education and safety for our employees so we don't have to keep paying a lot of excessive monies out of our pocket and of course for obvious safety reasons. Councilmember Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to kind of challenge what was being said. You know I don't know who the County worker was or what but on Page 56 of the Granicus part of it, it says that Margaret Bowman related at about 8:15 she was traveling north on South Kihei Road and was attempting to conduct a right turn onto the shoulder area to park her vehicle. She related that she came to a complete stop before turning due to two pedestrians, a male and a female walking along the shoulder of the roadway heading south. She related that about two seconds after coming to a complete stop, her vehicle was struck from behind. So, they weren't in a crosswalk, it sounds like they were on the shoulder of the road. I don't know if the driver had any intention of the person stopping, it doesn't really say if she used her blinker or not. But the driver's statement says that he was traveling around 20 to 30 miles per hour behind the vehicle when the sun's glare lit up the backend of the vehicle. He couldn't see the activated brake lights of the vehicle and...that he was following due to the intense glare. In about one to two seconds he realized that it was at a complete stop, slammed on his brakes but unable to stop in time. So, I mean it's not clear that he had any reason to believe that they were going to stop, and I think it could have happened to anybody if that's the case. I mean if she had a turning signal on or it was a designated parking area that would be one thing, but I don't want to make any kind of assumptions.

CHAIR MOLINA: Thank you, Member Paltin. Members, any other questions for Mr. Rowe as it relates to this matter? Okay, seeing none, Members, if there are no objections, this item and the previous item Corporation Counsel stated to us no executive session is needed, and the item prior to these two items did, does require executive session. So, what the Chair would like to do with your indulgence and support is to take action on the two items that do not require executive session. Any objections to proceeding in that fashion?

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COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: All right, very good.

**GET-11(7) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: ALL STATE
INSURANCE COMPANY, ON BEHALF OF ADOLFO CASANOVA MARTINEZ;
CLAIM 30181567461-0001) (CC 19-12)**

CHAIR MOLINA: All right, Members, let's go back to GET item 22 which is the...excuse me, GET item 11(7) which is the matter of the Adolfo Casino [sic] Martinez claim and All State Insurance. The Chair would like to recommend the resolution to authorize settlement of this particular claim and will ask for a motion to support.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay, it's been moved by Committee Chair [sic] Rawlins-Fernandez, seconded by Member Kama. Members, any further discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Okay, we have eight "ayes" and one "no." The measure passes to the full Council.

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

NOES: Councilmember Hokama.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

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CHAIR MOLINA: Thank you, Members.

**GET-11(5) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: FIRST
INSURANCE COMPANY OF HAWAII, LTD., ON BEHALF OF ITS INSURED,
DEAN BOWMAN; CLAIM 30191690556-0002) (CC 19-12)**

CHAIR MOLINA: Okay, let's now move on down to GET item 11(5) which relates to the First Insurance Company of Hawaii on behalf of its insured, Dean Bowman. With regards to this particular item, Chair will recommend authorizing settlement of this particular item. I'll ask for a motion to support.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Kama. Any further discussion?

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Okay, Chair King?

COUNCILMEMBER KING: Yeah, I'm going to support this, but I do find it a little disturbing that we have a report that doesn't quite tell us the whole story. And I just wonder at some point if we can maybe ask Corp. Counsel to get some information from the Police Department on what is their training as far as recommended speed in various areas and recommended distance from the...because I don't think you can hit somebody and total their car unless you're going too fast and you're too close. There's a distance you're supposed to stay back to give you that time to react. And it could be, you know, it could be a combination. But because I agree with my colleague Councilmember Hokama that we have an inordinate number of car accidents that we end up paying for that it would be...and maybe...I'm not sure if it's this Committee but we would...it would be nice to have a report on what it is...what kind of training our employees get when they're on the road in a County vehicle.

CHAIR MOLINA: Okay. All right, thank you for that suggestion, Member King or Chairman King. Members, any other discussion as it relates to the motion on the floor?

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: Member Hokama?

COUNCILMEMBER HOKAMA: I'll support you as...your recommendation, Chair, with reservations. Thank you.

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CHAIR MOLINA: Okay, so noted, Mr. Hokama. Thank you. Any other discussion as it relates to the motion on the floor which is to authorize settlement of this matter?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, I know you said during earlier discussion that we would have a report by the departments on the number of vehicles that have been damaged due to County's employees' negligence. For this particular item, would we be able to have the Committee send a, like a memo to...what is this, Department of Wastewater or division of Wastewater?

CHAIR MOLINA: Of Wastewater is what I was told.

VICE-CHAIR RAWLINS-FERNANDEZ: Or Department, DEM.

CHAIR MOLINA: Environmental Management I believe.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. To find out what's the policy on what happens after this kind of incident occurs.

CHAIR MOLINA: Chair has no objections to do it under Chair's signature. So, Staff, did you get the request from Member Rawlins-Fernandez? Okay, so noted, we'll make that --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: --we'll honor that request.

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: Member Kama?

COUNCILMEMBER KAMA: Thank you. So, on top of what Member Rawlins-Fernandez said, if we're asking for this report and we find that many of them are our County employees so would we bring forth their department and their divisions also to see what kind of training they may be doing? I mean is it systematic across the County that we're getting defensive driving courses after or whatever, what does that look like. So, could we also have that?

CHAIR MOLINA: Okay. Staff, could you make note of that? That's a request I guess on your part to, as an additional question to what --

COUNCILMEMBER KAMA: Yes.

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

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: --asking. Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Okay. All right, Members, any other request or discussion as it relates to the motion? Okay, seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Okay, thank you. And Chair will note that Member Hokama's vote has come with reservations, yeah. So, it's nine-zero, this matter will move on to the full Council.

**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.

**GET-11(16) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: KELLY PAUOLE
V. COUNTY OF MAUI POLICE DEPARTMENT; CIVIL 18-1-0007(2))
(CC 19-12)**

CHAIR MOLINA: All right, Members, Chair now...we go back to item GET item 11(16) and as stated earlier the recommendation from Corp. Counsel was to go into executive session. So therefore, the Chair will entertain a motion to convene an executive session meeting pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges,

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immunities, and liabilities of the County, the Council, and the Committee. And this is again for item GET-11(16). Chair asks for a motion for executive session.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

MS. NAKATA: Mr. Chair?

CHAIR MOLINA: Okay, Staff?

MS. NAKATA: Could the motion also include Section 92-5(a)(8) please?

CHAIR MOLINA: All right, so noted. Ninety two dash what, five A...

MS. NAKATA: Eight.

CHAIR MOLINA: Eight. Okay, you've heard that suggestion from Staff. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay, so noted.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Motion made to go into executive session made by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci. Any discussion? Seeing none, all those in favor of executive session, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Okay, thank you. Chair will mark it nine "ayes" for executive session.

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

CHAIR MOLINA: So, Members, we will now go into a brief recess to shut down the Chambers and sequester you all in here to discuss the item GET-11(16). So, we'll prepare the Chambers for executive session. Meeting in recess. . . . *(gavel)* . . .

RECESS: **10:20 p.m.**

RECONVENE: **11:38 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, July 2, 2019 has now reconvened in open session. Members, we had a discussion on...in executive session on GET item 11(16) and based on the suggestions from the Committee along with Corporation Counsel, the Chair is going to ask for a motion to support the proposed resolution entitled Authorizing Settlement of Kelly Pauole Vs. County of Maui Police Department Civil No. 18-1-0007(2). Chair will ask for a motion.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SINENCI: Second.

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CHAIR MOLINA: Okay, it's been moved by Member Lee and seconded by Member Sinenci. Members, the floor is open to discussion. The Chair would like to also ask for a consideration to amend the be it resolved clauses in the resolution, numbers two and three. The consideration for the amendment is to read as follows: to, under number two, to delete the words "under such terms and conditions as may be imposed. and agreed to. by the Corporation Counsel." And basically end it after the word "case," put a period there. And then on the third clause the same thing, period after the word "case" and delete "under such terms and conditions as may be imposed. and agreed to. by the Corporation Counsel." It's been stated to us that it may cause us to come

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back if we delete both number two and three. and this will permit, to allow that if a settlement is reached. to allow the Department of Finance and the Mayor to authorize settlement of this case as well as this body.

COUNCILMEMBER LEE: So, I'll include that in my motion.

CHAIR MOLINA: Okay, so that is the amendment. The amendment made by Member Lee. Is there a second to the proposed amendment to the resolution?

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Seconded by Member Sinenci. So, that is the consideration right now, the resolution as amended. Discussion, Members? Okay, seeing none, the Chair will call for the vote. All those in favor of the resolution as amended to authorize settlement of the Kelly Pauole versus County of Maui Police Department case, signify --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: --by saying...

VICE-CHAIR RAWLINS-FERNANDEZ: Are we voting on the amendment first?

CHAIR MOLINA: I'm sorry. Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, it was amended and that was a friendly amendment.

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we're...it's just the main motion.

CHAIR MOLINA: That is correct.

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

CHAIR MOLINA: So, sorry if I didn't conduct a formal separate vote on the...I just took it as consensus on the amendment. Okay. So, yeah, again as amended with the amendments to the numbers two and three of the be it resolved clauses in the resolution, so the resolution as amended. So, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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VICE-CHAIR RAWLINS-FERNANDEZ: No.

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GET-22 SECURITY MEASURES AT THE KALANA O MAUI CAMPUS (MISC)

CHAIR MOLINA: Members, we are now back to GET item 22. I'd like to call upon the Risk Management Division. This has to do with the security measures at the Kalana O Maui Campus. The Committee is in receipt of a Miscellaneous Communication, dated May 21, 2019, from the County Clerk, relating to security measures at the Kalana O Maui Campus. And, Members, we are pressed for time today so again we will be having two meeting presentations if you will, one in open session and the other portion in executive session for security reasons ironically. So, we have Mr. SeaRay Beltran and also...and Mark...

UNIDENTIFIED SPEAKER: Middleton.

CHAIR MOLINA: Sorry, Mark, forgot your last name. And Mr. Mark Middleton from Risk Management.

COUNCILMEMBER PALTIN: Chair, is...

CHAIR MOLINA: Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: There's no voting on this?

CHAIR MOLINA: No.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: No. Chair has not...the intention is not to take any action on this. This is just one of maybe two or three additional meetings on this subject matter. So, I'd like to ask Mr. Beltran to give us an overview of this consideration.

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

CHAIR MOLINA: Oh I'm sorry, or Mark. Mr. Middleton, go ahead.

... BEGIN PRESENTATION ...

MR. MIDDLETON: Thank you, Chair and Committee Members. We're going to do a little overview on the security here at Kalana O Maui. As mentioned we're going to do a couple of just brief overview items at the beginning and then we'll talk a little more details in executive session. So, on Page 2, you'll see the current situation at Kalana O Maui is that we do have a minimal physical security presence. We do have a few things going on at this campus. The facility is secured during the off hours so those outside of 7:45 a.m. and 4:30 p.m., Monday to Friday. Access is controlled by employee badge or card access. The access is determined by the department

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leadership, their department that they work in, and administered through the MD's Office. We've got good camera coverage in limited areas, primarily focused on the entries and exit points of the campus as well as the cash handling areas. We do have independent departments that have added capabilities on their own floors. This includes additional entry and exit points as well as card access into their areas including Finance, Corp. Counsel, IT, the Prosecuting Attorney's Office, as well as the County Councilmember office areas that you have here on the 8th Floor. And then Public Works provides access badges to their vendors and contractors that give them access to the campus for when they need to do work operations. We've got additional departments and employees that are asking for help improving the security of their work environment. I know that some of the Members of this group recently went through an active shooter exercise. But we've got and it's coming up on a future slide here, we've got a wide range of security-related issues at Kalana O Maui and I'll get into that on Page 3. You see a list of some of the routine threats that we hear about and experience. These are all within this past fiscal year, 2019. And examples of the recent security-related threats include threats to physical harm of workers, threats and intimidation of employees and fellow workers by an employee spouse, theft of personal property and County property both from vehicles, County vehicles, private vehicles, gas, furnishings, even supplies in restrooms such as toilet paper and other items. We've got...

COUNCILMEMBER LEE: Mr. Chair? Mister...I have a question. I have to --

CHAIR MOLINA: Yes, Member...

COUNCILMEMBER LEE: --leave soon so I just wanted --

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: --to ask you, why are our doors locked the way they are? You know anybody can enter but we can't exit without our badge.

CHAIR MOLINA: Mr. Middleton, are you able to answer that in open session?

MR. MIDDLETON: Yes. The answer is that that poses a problem. It is something that we've identified as an item. Chair King is not here at the moment but we've got a few...we've got a plan to address that and it's in process.

COUNCILMEMBER LEE: So, the idea is the shooter can come in but he can't get out?

MR. MIDDLETON: The idea is that the people here would be able to get out if they had a badge or did not. So, the use of clickers...

COUNCILMEMBER LEE: Well, you can open those doors and get out. You can open those doors.

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MR. MIDDLETON: Depending which way the shooter came either from back or from front, we should have an exit way out of either side. Currently, these back doors are locked and restricted to only those with badges. Even Ed as the Administration person doesn't have access to get out through those doors. So, if Mike was to quick...jump out, let the door shut on the other side, everybody else would be left in here.

COUNCILMEMBER LEE: Oh, people will be stuck in here actually, those who don't have badges.

MR. MIDDLETON: Those who do not have a badge would not be able to leave through those doors, they would have to go through the other doors which would pose a problem if the shooter was on that side, correct.

CHAIR MOLINA: Okay, thank you, Member Lee. Mr. Hokama, you had a question?

COUNCILMEMBER HOKAMA: No, just some historics, Chair, 'cause I implemented this during my tenure as Chair. We had issues with unauthorized access to Members' offices, including issues between employees and Members. So, the Members asked how to control access to the offices, and that is why everything to offices was made through security requirements. But what Ms. Lee brings up is a very solid point regarding what happens when you're in here. But the primary issue we addressed was how to protect the Members and their staff during non-use of Chambers, because the old days was anybody could walk, including the back, right? And part of Council's concern was 9th Floor free access to Council levels and Council documents. Okay. 'Cause we cannot go up but they can come down. Yeah. So, that was part of the issue of separation of the government as well as separation of authority, who controls each branch. We believe through the Council Chair's Office and the Clerk's, they're given the responsibility of the Chambers and all Council Legislative Branch responsibilities. The Mayor takes care of everybody else. But 8th and 7th Floor is the sole discretion of the Chair and the Clerk, not the Mayor and not the department heads. And that's how we approached it, Chair. Members requested the need for us to install and that's how we implemented the whole thing with the cards and securing the 8th Floor access to unauthorized entry, Chair. That was the concern, unauthorized question. Especially we had Members complaining after hours and then it became an issue of staff. And so, for us was parking areas and darkness and challenges, yeah, out there. So, that's the historics, Chair. Thank you.

CHAIR MOLINA: Okay, thank you for the historics. I'd like to allow Mr. Middleton to finish up and then we'll take more questions along the way.

COUNCILMEMBER PALTIN: I just was wondering...Chair, sorry.

CHAIR MOLINA: No, go ahead.

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COUNCILMEMBER PALTIN: Is the presentation going to be uploaded to Granicus later?

CHAIR MOLINA: I believe it is on Granicus right now. Yeah, it is. If you'll look at...it's an 11-page document. Staff, can you assist Member Paltin? Mr. Middleton, go ahead.

MR. MIDDLETON: Okay, just to finish sharing some of the routine threats that we deal with and hear about, digging through trash cans, breaking items, climbing into fences to either sleep or steal property. We're having a lot of problem with posting of pornographic and lewd and rude materials on the property as well as, you know, writing and vandalism to that extent. We've had death threats, we've had threats to bring in people and cause riots. We've had people say that they're going to blow this place up, you know, those emotional-type threats where they're just kind of speaking emotionally but yeah, we still take things pretty seriously. Vague public testimony threats such as you wait, there'll be a reckoning on this date. You know if it's a little bit more specific, we try to watch for those things to make sure we don't...we're doing what we can. Vandalism is rampant and it's occurring weekly as I mentioned. And then we get a lot of belligerent demands to either see the Mayor or other people. I know 'em or I pay taxes, where are they, I want them right now. So, it's routine-type experiences here in the seat of the government. It's not totally unexpected but it's also very serious, and for those administrative professionals that are fielding those complaints, it becomes a...can be a scary thing for them.

. . . END PRESENTATION . . .

CHAIR MOLINA: Thank you very much, Mr. Middleton. So, this concludes your opening presentation in open session. So, Members, if there are no other questions, Chair would like to recommend going into executive session. Chair will entertain a motion to convene this executive meeting pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(6), Hawaii Revised Statutes, to consider sensitive matters related to public safety or security.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Moved by Member Lee, seconded by Member Sinenci. Members, any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Yes --

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VICE-CHAIR RAWLINS-FERNANDEZ: Discussion.

CHAIR MOLINA: --Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, I guess I'm not super clear why we're going into executive session.

CHAIR MOLINA: Yes. There is some sensitive matters that we, you know, for obvious reasons for security, we may want to keep it confined to the Council and, you know, security personnel, Police, et cetera. Mr. Middleton, you want to add anything else to...

MR. MIDDLETON: No, I think that's pretty good. We're going to talk a little bit about some of those items that we're talking about improving as well as some potential future items that we're improving so we're really speaking about security operations of this facility that we don't necessarily want to be just out in the public. So, that would be why.

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

CHAIR MOLINA: Okay, thank you for that question. Okay, Chair will call for a --

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: --vote.

COUNCILMEMBER HOKAMA: How long you expect this to run? 'Cause my time with you is getting short.

CHAIR MOLINA: Limited. Yeah, Chair, wanted to give maybe another ten minutes in executive session or so, 10, 15 minutes at the most.

COUNCILMEMBER HOKAMA: Okay.

CHAIR MOLINA: Okay, thank you. All right, all those in favor of the motion to go into executive session, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Thank you. Chair will mark it one...two...three...six "ayes," with three excusals, Members Kama, Sugimura, and King.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

July 2, 2019

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Kama, King and Sugimura.**

MOTION CARRIED.

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

CHAIR MOLINA: Okay, thank you very much. All right, Members, we will secure the Chambers now for executive session for GET item 22. So, please remain in your places. This meeting is in recess. . . . *(gavel)* . . .

RECESS: **11:52 a.m.**

RECONVENE: **12:21 a.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, July 2, 2019 is now back in open session. Thank you, Members, for that discussion in executive session as it relates to GET item 22. Chair's intent is to bring this item back at a later date for further discussion. So, Members, Chair's recommendation is to defer GET item 22, any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: TK, KK, YLS)

ACTION: **DEFER.**

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

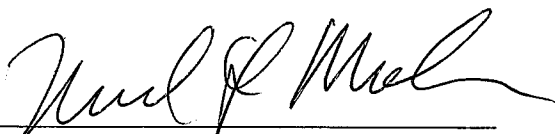
Council of the County of Maui

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CHAIR MOLINA: Okay, so ordered by the Committee, this item is deferred. Twelve twenty-one, Members, thank you very much for your hard work today, very productive meeting in GET item, for all GET items. So, with that being said, have a wonderful lunch and we do have a 1:30 EAC [sic] meeting under the Chairmanship of Mr. Sinenci today. So, with that being said--and thank you, Administration and MPD--this GET item...GET meeting for July 2, 2019 is now adjourned. . . . (*gavel*) . . .

ADJOURN: 12:22 p.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Michael J. Molina", written over a horizontal line.

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

get:min:190702:ds

Transcribed by: Daniel Schoenbeck

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

July 2, 2019

CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 10th day of July, 2019, in Kula, Hawaii

A handwritten signature in black ink, appearing to read "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck