

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

June 21, 2019

CONVENE: 9:02 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee (arrived at 9:10 a.m.)
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 9:09 a.m.)

STAFF: Shelly Espeleta, Legislative Analyst
David Raatz, Supervising 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 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
Brian Bilberry, Deputy Corporation Counsel, Department of the Corporation Counsel
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Director, Department of Public Works
Scott Teruya, Director, Department of Finance
Francis Asiu, Operations Program Superintendent, Wastewater Reclamation Division, Department of Environmental Management

OTHERS: Stephen West

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Leonardo Sequeira
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . *(gavel)* . . . Good morning, Members, and members of the public, the Chair would like to call to order for this special Friday edition of the Government [sic], Ethics, and Transparency Committee. I'd like to call this meeting to order, it is two minutes after the hour of nine o'clock. Welcome, everyone. Chair would like to recognize those Members in attendance. We'll start first with our Member from Hana, Mr. Sinenci, good morning.

COUNCILMEMBER SINENCI: Good morning, Chair.

CHAIR MOLINA: Good morning. And Council Chair King.

COUNCILMEMBER KING: Well, Ms. Lee isn't here, so I will say ohayo gozaimasu again.

CHAIR MOLINA: Alright, thank you. And we have our Committee Vice-Chair, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka on this special Friday edition, Chair.

CHAIR MOLINA: There we go, thank you very much, Ms. Rawlins-Fernandez. And Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MOLINA: Good morning. And, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka. And, good morning, Ms. Kama.

COUNCILMEMBER KAMA: Aloha Pō'alima, Chair.

CHAIR MOLINA: Good morning, and aloha. We have two members that are in transit that will be on their way, should be here in the next two minutes and those are of course Councilmembers Lee and Councilmember Sugimura. Members, we have a rather ambitious agenda today, but the Chair is confident we should be finished by 12:00 noon today. Before we continue with further business, the Chair would like to inform the Committee, on the 9th Floor this morning beginning at 9:30, there is an emergency preparedness exercise. It will be taking place up until 12:00 noon, I believe, and there may be some sounds that will...could come down here to the 8th Floor, at least the sounds itself, so just making you aware of that, and I'm sure if there's anything that is unusual that occurs on the 8th Floor, you will certainly be notified and we'll take the

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appropriate action. So, just an FYI, Members. At this point, proceeding with business here, we do have two members of the public who would like to testify. Chair would like to go over testimonial rules for our testifiers today. You will have three minutes to testify. Please state your full name and any organization that you may be representing, and if you are a lobbyist, please inform us of that as well. And, when you get up to the lectern you will see at the two-and-a-half-minute mark a yellow light flashing, that is to alert you that you have 30 seconds to conclude your testimony, and when the red light flashes that means all pau, so you should conclude your testimony from that point on. So with that being said, Chair would also like to recognize from the Mayor's Office, we have Ms. Gladys Baisa.

MS. BAISA: Buenos dias, señor.

CHAIR MOLINA: Buenos dias, Ms. Baisa. And, we have Corporation Counsel, Deputy Corporation Counsel, Mr. Ed Kushi.

MR. KUSHI: Good morning.

CHAIR MOLINA: Good morning. And of course, our hardworking Staff, we have Staff Analyst, Ms. Shelly Espeleta.

MS. ESPELETA: Good morning, Chair.

CHAIR MOLINA: Good morning. And of course, our Secretary, Ms. Pauline Martins.

MS. MARTINS: Good morning.

CHAIR MOLINA: Good morning. Okay, we'll call up our first testifier today. Our first testifier will be testifying on GET item 2(18), Mr. Stephen West.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. WEST: Good morning, Council. My name is Stephen West, just basically here to present myself to you for any questions you may have. Of course, I'm up for the Board of Variances and Appeals. I've served on a number of boards and commissions...MEO, the Salary Commission, Liquor Commission...a number, so I'm not gonna belabor anymore 'cause I know you have a long day, so, thank you for the opportunity to serve. Thank you.

CHAIR MOLINA: Okay, thank you, Mr. West. And, Members, if it's okay with you, I'd ask you to hold off on your questions and once we get to Mr. West's item, we'll call him up and then you can go ahead and ask him your questions.

COUNCILMEMBER KING: He'll be here.

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CHAIR MOLINA: And he will be here, yes. Alright, thank you. Alright, next to testify, we have Mr. Leonardo Sequeira, who'll be testifying on GET item 2(16).

MR. SEQUEIRA: Good morning, Councilmember.

CHAIR MOLINA: Good morning.

MR. SEQUEIRA: Aloha, everybody, aloha. My name is Leonardo Sequeira, and I'm here just to represent myself to item GET-2(16) for Council on Aging. I'm just letting you know that I'm a senior citizen, if you haven't noticed by now. And, I've worked for MEO Community Services for 15 years and so on, so I have plenty knowledge and networking with the senior citizens. I've been retired from United States Army, as well as MEO, for many years. And, I do volunteer, I play music with some old timers, like myself. We go to Hale Makua Wailuku, Kahului, Hale Mahaolu...different places, and we play for seniors, we have fun, we enjoy. And, I see a lot of needs within the seniors, 'cause I know eventually, we're all gonna end up there, and I'm gonna be there, and I want to make sure that myself, as well as my kids, they'll be able to do something great for the community. I'm ready to do the best I can, and I'm here to answer whatever questions you may have. I'll be more than happy to answer. Thank you so much for the opportunity to be able to serve.

CHAIR MOLINA: Okay, thank you very much, Mr. Sequeira. Like Mr. West, we're gonna ask you to remain for any questions. Once we get to your item, which happens to be first on the agenda today, so if you'd like to just standby for a second, while you're up there. I'd like to, well first of all...Staff, do we have any other signups for testimony? Okay, let's check with our District Offices out in Molokai. Ms. Lindo, do we have anyone in Molokai that would like to testify?

MS. LINDO: Good morning, Chair. This is Zhan at the Molokai Office, there are no testifiers.

CHAIR MOLINA: Okay, mahalo. Let's go out to Lanai, and Ms. Fernandez, do we have anyone 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.

CHAIR MOLINA: Okay, mahalo. And finally, let's go out to Hana, and Ms. Oliveira-Medeiros, do we have anyone out in Hana that would like to testify on our agenda today?

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

CHAIR MOLINA: Okay, mahalo. Okay, Members, if there's no objections, the Chair would like to close public testimony for our agenda items today.

. . . END OF PUBLIC TESTIMONY . . .

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay, so ordered. Testimony is now closed.

GET-2(16) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COUNCIL ON AGING) (CC 19-24)

CHAIR MOLINA: Let's get right to it, to our first item GET-2(16), which relates to the appointment of Leonardo Sequeira to the Council on Aging. And, from the Mayor's Office, Chair would like to recognize Ms. Baisa to give us an overview.

MS. BAISA: Thank you very much, Chair. It's a pleasure to be here with you this morning, and to present the nominees from the Mayor. Our first nominee that you're considering is Leonardo Sequeira, and I'm very delighted that Leo has offered to serve on this Council on Aging. He brings with him an incredible background, you know, working in MEO Community Services, that's the heart of MEO, and that's where they actually work with the clients and attend all of their meetings, and like he mentioned, he not only is involved...was involved as a employee, but he's also involved as a retiree, which I think is commendable already, kind of tells you that he has a desire to serve and he knows how to conduct himself in that kind of situation where you're on a board. I'm also very happy that he was able to say "okay," because we have a gender issue on the Council on Aging, and I'm trying to get some men to help, you know. As we get older, it seems it's harder and harder to...the ratio of men to women is not so good, so we're very delighted, Mayor and I, that Mr. Sequeira was willing to --

MR. SEQUEIRA: Thank you.

MS. BAISA: --volunteer, so I hope you'll support him. Thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. All right, Members, you've heard Mr. Sequeira's opening remarks. Any questions for Mr. Sequeira? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Sequeira, for being here, and thank you for your service to volunteer to be on this board. I guess my main question is availability to attend the meetings. Do you have any job conflict, or...

MR. SEQUEIRA: I don't work, 'cause I am retired. And, my commitments as it is right now, there are Mondays, Wednesdays, and Fridays, and Sundays afternoons from time to time. I understand the meetings are on Tuesdays, so I definitely will have plenty time for that.

COUNCILMEMBER PALTIN: Thank you so much for --

MR. SEQUEIRA: You're welcome.

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COUNCILMEMBER PALTIN: --clarifying that. That's awesome.

CHAIR MOLINA: Thank you very much, Member Paltin. Prior to asking for any more questions from the Committee, Chair would like to recognize our Councilmember from Wailuku in our proceedings this morning. Good morning, Ms. Lee. Good morning. Okay, Members, any other questions for Mr. Sequeira? And also, Chair would like to recognize Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Good morning, and thank you for joining our proceedings. Any other questions? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Sequeira --

MR. SEQUEIRA: Yes.

COUNCILMEMBER SINENCI: --for being here. Have you attended any of the meetings...Council on Aging?

MR. SEQUEIRA: No, I have not. But I'm aware of the particular agency and the particular gatherings while I was working at MEO, but I never had participation, but I just knew about...

COUNCILMEMBER SINENCI: So, prior knowledge.

MR. SEQUEIRA: Yes, yes indeed. But it's interesting now that I've become a senior, I definitely want to be a part of that.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Members, any other questions for Mr. Sequeira? Committee Vice-Chair Rawlins-Fernandez?

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

MR. SEQUEIRA: Thank you. Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your willingness to serve our community, particularly our kupuna, so important.

MR. SEQUEIRA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm happy to hear that you're confident you'll be able to have a good attendance on the commission...or the Council. And, that you have some prior knowledge of the workings.

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MR. SEQUEIRA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: You mentioned in your testimony that you see needs. Would you mind sharing with us what some of those needs are, and if you plan to assist our kupuna with advocacy for those needs?

MR. SEQUEIRA: Well, some of the things that I've been seen while my time while we go play music and volunteer at Hale Makua, some of the things that I've seen, and we share with the rest of the group is the lack of staff. Not enough people, not enough staff helping the needy. And, you know, and that's very...kind of touchy, you know, for us to see that our kupunas, they're not being taken cared of like they should, because they're short of staff. You know, you get like 20, 30 people in the room, it's only two or three members of the staff and it shouldn't be...to me, it shouldn't be like that, you know, we need more staff people to take care of the needs of the seniors.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for sharing that. I know we have a volunteer group. I don't know if it's something that maybe when you get to the Council, it's something that you would like to discuss in helping to get more help for our kupuna.

MR. SEQUEIRA: Yes, indeed, yes. Thank you, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MR. SEQUEIRA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Thank you very much, Member Rawlins-Fernandez. Member Kama, followed by Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. Good morning, Mr. Sequeira, and thank you --

MR. SEQUEIRA: . . .*(inaudible)*. . .

COUNCILMEMBER KAMA: --for being here. So my question is, to follow up on Councilmember Rawlins-Fernandez's. How would you foresee taking care of the issue that you just spoke to us about in terms of not enough staffing, but yet there's a need. And so, how would you see yourself as being on the Council on Aging, moving that issue forward?

MR. SEQUEIRA: One of the main things I would do is just research on what kind of aid is around...with you guys and the County over here, the Councilmembers, to see where we can get some budget allocated somehow, somewhere. I'm sure there's a...I believe where there's a will, there's a way. That's the bottom line. So, if you really have the passion and the desire to help out, you will find a way sooner or later. And, with the help and cooperation with you guys, we'll be able to accomplish something

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that...that's my goal. As a matter of fact, that's one of the main reason why I want to be a part of this, 'cause I know there's a need there, and for whatever the reason it hasn't been taken care of. So, maybe by coming in the board, maybe I'll be able to point out and do something about it...or at least I would try.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you very much, Ms. Kama. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Welcome.

MR. SEQUEIRA: Thank you.

COUNCILMEMBER SUGIMURA: Nice to see you here --

MR. SEQUEIRA: Good to see you again.

COUNCILMEMBER SUGIMURA: --and appreciate your long-term service. I'm looking at your resume --

MR. SEQUEIRA: Yes.

COUNCILMEMBER SUGIMURA: --or your application form, and I see you were part of the military --

MR. SEQUEIRA: That's correct.

COUNCILMEMBER SUGIMURA: --you have college education --

MR. SEQUEIRA: Yes, ma'am.

COUNCILMEMBER SUGIMURA: --and your years of service with MEO. I am the Council representative for this Commission [sic], and I will tell you that the last meeting that I attended, I wonder how you can contribute towards this, is that, the Commission [sic] is working on a long-term plan and I look forward to hearing your input as to how we...of course, staffing is always important but other programs that we can help all aspects of the Commission [sic]. So, appreciate your input and I wonder if you might have some...some thoughts on that in general.

MR. SEQUEIRA: One of the main thing probably I would do is, you know, when I attend the first meeting, to get some feedback from the rest of the members, and see where they're at, and perhaps be able to pitch in and get aboard, and do whatever is necessary to be done.

COUNCILMEMBER SUGIMURA: Love the commitment, and I will tell you that attendance is really important, and having enough members attend...it's really critical to keep on moving. And the Department keeps the meeting for this like an hour-and-a-half, I

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think at the longest, but they're pretty efficient with time, so attendance is super important, as well as being on time for the start of the meeting, so appreciate your commitment.

MR. SEQUEIRA: Thank you very much.

COUNCILMEMBER SUGIMURA: I support your appointment.

MR. SEQUEIRA: Thank you.

COUNCILMEMBER SUGIMURA: Thank you very much.

CHAIR MOLINA: Okay, thank you very much, Member Sugimura. And, with regards to the meetings, it's...I believe Council on Aging meets every other month. Am I correct Ms. Baisa? So, we thank you for, you know, we're gonna try and keep you busy as much as --

MR. SEQUEIRA: Sure.

CHAIR MOLINA: --we can.

MR. SEQUEIRA: No problem. Try my best.

CHAIR MOLINA: Alright. And thank you also for your service to our country as well, Mr. Sequeira.

MR. SEQUEIRA: Thank you. Appreciate it.

CHAIR MOLINA: Alright, Members, any other questions before the Chair offers a recommendation? Okay, seeing none, Chair would like to recommend the approval of Mr. Leonardo Sequeira on the proposed resolution for the appointment to the Council on Aging. Chair will entertain a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay, motion made by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Kama. Members, any discussion? Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just...I want to speak in strong support of member...Mr. Sequeira. I think...I love his passion, and his drive to want to really help our kupuna.

MR. SEQUEIRA: Thank you.

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VICE-CHAIR RAWLINS-FERNANDEZ: So, mahalo for that. And, I believe he would be the second kane of 15 seats...yeah? So, good to have a male voice...another male voice --

MR. SEQUEIRA: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: --on that Council. And, I just...one thing, one last thing, there's one last vacant seat and I notice that maybe Member Molina or Member Sinenci's district could be represented on the Council of Aging, that area is missing, but I speak in strong support, and I'll be voting to appoint Mr. Sequeira. Mahalo.

MR. SEQUEIRA: Thank you.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Any other discussion? Excuse me, member...I mean member...Ms. Baisa, you have a comment?

MS. BAISA: Yes, I...with your permission, I just want to comment to Ms. Rawlins-Fernandez, I am trying to recruit a man...another man. It's really important that we have some gender balance and, you know, I'm trying really hard to do it both ways, and normally, we're looking for women, because we've had a lot of men, but there are a few commissions that are female dominant, so here we go. So, thank you very much.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Any other discussion? Okay, seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank you, the Chair will mark it unanimous, nine, zero.

**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.

CHAIR MOLINA: Congratulations, Mr. Sequeira, your --

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MR. SEQUEIRA: Thank you. Thank you, everybody.

CHAIR MOLINA: --matter will go to the full Council.

MR. SEQUEIRA: Have a great day.

CHAIR MOLINA: Thank you. Thank you very much, Members. Members, let's move on to our next item which is the Liquor Control Commission nominee, this relates to the appointment of...

MR. KUSHI: Mr. Chair? Mr. Chair, excuse me.

CHAIR MOLINA: Yes, Mr. Kushi?

MR. KUSHI: If we moving on to the next item, call for a short recess please.

CHAIR MOLINA: Okay, recess, subject to the call of the Chair. . . .(gavel). . .

RECESS: 9:20 a.m.

RECONVENE: 9:25 a.m.

CHAIR MOLINA: . . .(gavel). . . The Governance, Ethics, and Transparency Committee meeting for Friday, June 21st is now back in session. Thank you for that recess, Members.

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

CHAIR MOLINA: We needed to address a technical matter as it relates to GET item 2(17) for the Liquor Control Commission nominee for the Molokai representative...or nominee, I should say, Mr. Pedro Venenciano. Upon the discussions with Corp. Counsel and the Administration, the Chair is gonna recommend that we defer on this matter for today's meeting. Any objection?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered.

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**GET-2(18) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD
OF VARIANCES AND APPEALS) (CC 19-24)**

CHAIR MOLINA: Okay, Members, let's move on to our next item which is GET item 2(18), which relates to the appointment of Stephen West to the Board of Variances and Appeals for the County of Maui, and this is for a term expiring on March 31, 2023 due to the resignation of Sandra Duvauchelle. And, Chair would like to recognize Ms. Baisa again from the Mayor's Office to give us a brief overview.

MS. BAISA: Thank you very much, Chair. It's my pleasure to represent Mayor in putting Steve West up as a nominee for the Board of Variances and Appeals. As everybody knows, this is a tough board to serve on, and decisions are very, very important, because people go to the BVA when they need assistance in appealing a decision that has been made in regard to their request. And, Mr. West comes with a lot of experience. He has served on various boards and commissions, this is not his first nomination. He also has a good background, and many of these cases involve construction, as you all know. It could be that I want to build something, and I'm a few feet short of what I need to have, or I'm a few feet over, or whatever it is. And, he has the experience, has been involved in this, so he's very knowledgeable about the rules, and I think that makes him easy to get into the Board and serve right away. He has expressed time to do this, he's well aware of the commitment, and he realizes that this BVA meets...or could meet twice a month. It meets at 1:30 in the Planning Conference Room on the second and fourth Thursdays of the month. And, he is here today to answer any of the questions that you might have, and I am appreciative of him being here. Thank you very much, I hope you'll seriously consider him.

CHAIR MOLINA: Okay, thank you very much, Ms. Baisa. As we mentioned earlier, Mr. West is in the gallery. Members, any need for questioning of Mr. West as it relates to his nomination? Yes? Okay, Mr. West, if you could come up to the podium. All right. And, Members, who would like to ask the first question? Chairman King?

MR. WEST: Good morning.

COUNCILMEMBER KING: Good morning, thanks for being here, Steve. So, I wanted to find out, 'cause I see that you applied for it looks like three different commissions, and this was your last choice, so just --

MR. WEST: Well yeah, the...

COUNCILMEMBER KING: --a little bit of --

MR. WEST: Of course, you know, I...

COUNCILMEMBER KING: --background...

MR. WEST: My last commission that I served on was the...not the Adjudication, but the Liquor Commission. A lot of passion there, you know, I was very active in that board,

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you know, if there's a vacancy occurs, you know, I mean, so be it, but like I said, I'm here to serve...continue to try to educate myself on what's going on in various parts of government, and want to be involved.

COUNCILMEMBER KING: Okay, can you just give us, like your thoughts on, you know, on the...this Board, Variances and Appeals, and just how you see your involvement and your background applying to this.

MR. WEST: So, variances and appeals, Gladys touched on it briefly, but yeah, there's a number of rules which I've had a chance to review, and I don't know them all by heart, obviously. As Junior will probably tell you, when I was on the Liquor Commission, I did lean on Corp. Counsel quite a bit, I challenged them on where we could go, where we could not go. Obviously, we have the Charter that will guide us, and everything from environmental concerns, to the rules and, you know, as far as planning and whatnot, but if there is a small variance where, you know, we could make an exception and the law will allow it, that's our opportunity to either approve or disapprove an application for the variances and appeals. Obviously, if we disapprove it, the applicant will be charged the amount that...the fee. But I think, you know, living on an island where there are constraints, you know, land and whatnot, somebody wants to do a bathroom renovation and, you know, they're off by a few inches, you know, that's an opportunity to allow that individual to make that modification on their home. But, you know, the bottom line is there's...it's up to the commission [sic] to either approve or disapprove it.

COUNCILMEMBER KING: Do you...does that commission [sic] to your knowledge, do they go to the...do they do any inquiries of the surrounding neighbors...or neighborhood?

MR. WEST: I think everything is presented to the commission at that point, all the facts and whatnot, and then of course, if there's neighbors that wish to testify either in favor or against the item, they have the opportunity to do that.

COUNCILMEMBER KING: But the applicant is required to notify?

MR. WEST: I believe so.

COUNCILMEMBER KING: Okay. And then, my last question is that it looks like you have two jobs. Are you gonna be able to do this --

MR. WEST: Yeah.

COUNCILMEMBER KING: --vigorous commitment?

MR. WEST: Not a problem. The first...the one job that I have actually has contract language that allows us to serve on boards and commissions and the second job should be not a problem at all.

COUNCILMEMBER KING: Okay. Alright, thank you. Thank you for --

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MR. WEST: Thank you.

COUNCILMEMBER KING: --being here.

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

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you here, Steve.

MR. WEST: Thank you, nice to be here, nice to see you.

COUNCILMEMBER SUGIMURA: In the spirit of all the times I've gotten to work with you on projects side by side, I'm glad that you're standing here to serve on this important Board.

MR. WEST: Thank you.

COUNCILMEMBER SUGIMURA: I...yeah, so you will have the time, I think that's what Member King was asking. I didn't realize you're also at Delta Airlines.

MR. WEST: Yeah.

COUNCILMEMBER SUGIMURA: So, always working hard. I guess that's all I want to say, I really have no questions. I appreciate your commitment, 'cause I know you'll do a good job --

MR. WEST: Thank you.

COUNCILMEMBER SUGIMURA: --and make our community a better place, so thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. And, by the way, for Members Sugimura and Members Lee's information, I announced at the start at the meeting, there will be an emergency preparedness exercise occurring on the 9th Floor starting about right now, so if you do hear any unusual sounds, not to panic, or if those unusual sounds get a little closer, well then we'll take whatever appropriate action we need. So, just an FYI for the both of you.

COUNCILMEMBER KING: Chair, just --

CHAIR MOLINA: Yes?

COUNCILMEMBER KING: --one more question.

CHAIR MOLINA: Chairman King?

COUNCILMEMBER KING: Yeah, I just noticed...

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CHAIR MOLINA: Followed by Mr. Sinenci.

COUNCILMEMBER KING: Thank you. I just noticed that on this sheet, it has you listed as Wailuku, so did you leave Kihei?

CHAIR MOLINA: Mr. West, are you able to respond to the question from...

MR. WEST: I'm sorry, I didn't catch that.

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: Go ahead, Chairman.

COUNCILMEMBER KING: Yeah, I was just saying that on your...on this list of members, it has you listed as being from Wailuku. So, did you move from Kihei?

MR. WEST: Yeah, that's...that's right, I'm up in Pukalani now.

COUNCILMEMBER KING: Oh, okay. So we have nobody from Kihei, and then this is another one of the...not, and this is not your fault or anything, but I just wanted to make a note that this is another one of those that is mostly men, so it's kind of flipped the other way where we need some gender balance, but, you know, I'm fine with it. Thank you for coming down from Pukalani.

MR. WEST: Yeah, my pleasure.

COUNCILMEMBER KING: So, you're listed in, on this sheet as Wailuku, but it should be Pukalani?

MR. WEST: Yeah.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Thank you, Chairman. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. West, for being here. You don't serve on the ILWU Maui Division anymore?

MR. WEST: No, I was not elected in my last election. So, we have to run every three years, and I lost my last election, so I'm no longer affiliated...well, I'm obviously the union that represents the workers of various hotels in the...on Maui, but yeah. I'm not an agent of the ILWU anymore.

COUNCILMEMBER SINENCI: Okay, just real quick, what was the responsibilities on the judicial panel for the ILWU?

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MR. WEST: Well, judicial panel, we basically resolved various concerns within the union, be it an election concern, a...something that had to do with someone doing something wrong....an officer. So, we had to, you know, basically do an investigation of, you know, facts and findings, and then basically come to a decision on anything from removing someone to dismissing the charge.

COUNCILMEMBER SINENCI: Okay, Chair, final.

CHAIR MOLINA: Proceed.

COUNCILMEMBER SINENCI: For...so, on the board you might have short-term rentals that might come and ask for appeals if they were cited by the Planning Department. How do you feel about, you know, these types of situations?

MR. WEST: Short-term rentals, would they be legal or illegal?

COUNCILMEMBER SINENCI: Both.

MR. WEST: If it was illegal, obviously I've made my testimony to this Council very clear that illegal short-term rentals, the...I hope the Administration would address those concerns, especially if they're in our neighborhoods that...where local people live, and obviously there's a great need for more affordable housing within the County. But, to, you know, be objective, I can do that, but, you know, I think for me to stand here in front of you and say something that contradicted myself, I think that wouldn't be right. You know, obviously, if it's an illegal operation, and has been an illegal operation, it should cease and then go through the process of being a legal operation.

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

CHAIR MOLINA: Thank you, Member Sinenci. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. West, for being here, and thank you for your willingness to serve. I was wondering if you could...like you said, this is a small island, and I was wondering if...I had some concerns that maybe you can address about, you know, all of us here on this Council, we all kind of represent different points of view, and yet we're able to work together. And, you know, there's not really a feeling of exclusivity or anything like that, you know, and everybody allows each other the chance to present their argument, and I think we get along pretty well. So, my concern is, in reflecting back upon your time at ILWU, there were a couple of times in my memory where there were seemingly public events that members of the public were excluded because it was on private property. And so, I'm wondering if you can address my concern about treating everyone fairly and, you know, including folks with different points of view, and just allowing their presence and hearing them out.

MR. WEST: Okay. So, I think I know what you're talking about.

COUNCILMEMBER PALTIN: I can be more clear if you like.

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MR. WEST: Yeah, yeah, go ahead.

COUNCILMEMBER PALTIN: There was a Shan Tsutsui incident where they were recognizing Lipoa Point, and there was an invitation made to the Save Honolua Coalition, and when the vice-president couldn't attend, and I was to step in, I was told not allowed until the Lieutenant Governor gave permission. There was the Democratic event where the Democratic Chair wasn't allowed. So, I mean if you're gonna have public events at your location, and then exclude people, I don't feel that's the type of leadership that is appropriate on this type of board.

MR. WEST: Okay, so are you referring to the use of the ILWU hall?

COUNCILMEMBER PALTIN: To use it, and then exclude --

MR. WEST: Yeah.

COUNCILMEMBER PALTIN: --people for the events which are not like an exclusive event.

MR. WEST: I can address your concern. First off, I didn't make those decisions. It was not myself that made those decisions, nor would I have, you know, been in a position to make those decisions. That was either the president, or vice-president, or the division director. I was a agent that was subordinate to them, but I did not participate in excluding anyone from that union hall in any way, shape, or form, I can tell you that right now.

COUNCILMEMBER PALTIN: Did you actively speak against it?

MR. WEST: Speak against them participating?

COUNCILMEMBER PALTIN: Speak against people being excluded from these events.

MR. WEST: Not to my recollection, no.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay, thank you, Member Paltin. Members, any other questions for Mr. West before the Chair offers a recommendation? Committee Vice-Chair Rawlins-Fernandez?

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

MR. WEST: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your willingness to serve.

MR. WEST: Thank you.

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VICE-CHAIR RAWLINS-FERNANDEZ: Or continue serving.

MR. WEST: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: You...are you still a part of ILWU?

MR. WEST: I am --

VICE-CHAIR RAWLINS-FERNANDEZ: You're not on the panel but you are a member?

MR. WEST: --a dues paying member of the ILWU and that's it.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I have a question, I guess, either for you, Chair, since you have experience in this, or Ms. Baisa. I see on the list, there's another ILWU member, so what are the rules regarding, you know, having multiple...

CHAIR MOLINA: You know, if I could clarify, maybe individuals that come from the same, I guess, organization so to speak, I guess it would maybe...Ms. Baisa can also chime in, and, as far as...I'm not aware of any direct prohibition on that; however, it's...basically it could be a policy of the Administration as it relates to nominating a person, or it's up to this Council, how this Council feels about having individuals from the same organizations on a particular board or commission. Ms. Baisa, any comments?

MS. BAISA: This is a personal comment, and I don't represent Mayor Victorino's position, but my personal position. When I was looking at Mr. West, I was well aware that he was not with the ILWU anymore as a representative, or those positions of power at ILWU, he's just a member. And so, I didn't take that into consideration, and I'm looking at the other members, and I understand that, yes, they may be...like, there's one I know for sure, and these people, because of their construction backgrounds, tend to be identified with unions or have past union membership, but it was not a problem for me because I didn't look at him as ILWU. Thank you.

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Ms. Baisa. Mahalo, Chair. If others have a question, I'm still trying to formulate --

CHAIR MOLINA: Well --

VICE-CHAIR RAWLINS-FERNANDEZ: --this question.

CHAIR MOLINA: --I know we have Member Kama with a question --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --if you would like --

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VICE-CHAIR RAWLINS-FERNANDEZ: Will you come back to me?

CHAIR MOLINA: --we can come back to you?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, thank you.

CHAIR MOLINA: Okay, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. And, maybe somebody else can answer this, but on the application sheet, it asks for their political affiliations, but not their union affiliations, and not their PTA affiliations, and stuff like that. So, why do we ask for the political affiliation at all?

CHAIR MOLINA: Ms. Baisa or maybe Mr. Kushi?

MS. BAISA: I'm sure Mr. Kushi can handle it, it's compliance with Charter. Go ahead.

MR. KUSHI: Yes, it's a...it's pursuant to Charter Provision Section 13-2...oh man...okay, 13-2 Subsection 2 which states not more than a bare majority of the members of any board or commission shall belong to the same political party. So, that's why we need to know what kind of color or animal you are.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Kushi.

CHAIR MOLINA: Okay.

MR. WEST: Just for the record, I'm a staunch Democrat.

CHAIR MOLINA: Alright, thank you, Mr. West.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Member Rawlins-Fernandez, you have a follow-up question for Mr. West? Or is the wheels still turning yet on that?

VICE-CHAIR RAWLINS-FERNANDEZ: Are there any other questions? Okay.

CHAIR MOLINA: Okay. I guess we'll go ahead and yield the floor to Chairman King. Alright, Chairman King?

COUNCILMEMBER KING: Thank you. So, sort of along the same lines, I think of concern, is that this commission [sic] is heavily weighted on...in the construction industry, and I'm not...I don't know all these individuals personally, so I don't know if there's anybody here who is an environmentalist, which I think is always important to give some balance. And so, maybe you can speak to that as far as your own, you know, leanings, and, you know, I guess my first question would be do you believe that

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climate change is happening, that we have to do something about it, because, you know.

MR. WEST: My goodness, well, I brought my daughter with me today, Alexis, and if I didn't address anything in having to do with the environment, I think she would probably wring my neck, because, you know, we have to take care of our environment. And, you know, I wish that we can do a better job. I don't know if that answers your --

COUNCILMEMBER KING: Well, I guess it's just, you know...

MR. WEST: --question, that I...

COUNCILMEMBER KING: It does, because I just, you know, it's just basically I don't...want to make sure that we're not...it's not a rubberstamp --

MR. WEST: Right.

COUNCILMEMBER KING: --you know, so.

MR. WEST: Right, no, I think if there was an applicant that was in front of the Board of Variances and Appeals that was gonna either harm our waterway or, you know, impede something that has to do with the environment, it's gonna harm our children in the future, you know, I'm not gonna be a rubberstamp. And, I think anybody that knows me, Junior included here, I don't rubberstamp anything, and I will always ask questions, and hard questions for both the Corp. Counsel, and the members, and any director that may be there in front of me, because at the end of the day, I have to sleep at night, and I have to face my family, and I have to do what's right for them, you know, for our kids, and for our neighbors, families, and friends.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Okay. Thank you, Chairman King. Members, any other questions? Seeing none, I'd just like to --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR MOLINA: --before I recognize Member Hokama...okay, Member Rawlins-Fernandez, followed by Member Hokama. And, Members, just for your information, I did...I was previously involved with the nomination process of the majority of these members on the BVA. Mr. Kincaid, I think Mr. Hokama can verify, I believe is a retired policeman, and then also Ms. Juanita Reyher-Colon, I think she's employed in a small business or an independent business owner if I'm correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Water, on Molokai...water system.

CHAIR MOLINA: Water systems, okay. And Mr. Shimabuku is with the Electrical Workers Union. Mr. Sung is an attorney. Jeffrey Borge is a...I believe he works for a small

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business. Of course, Mr. Kamai is with the Carpenters Union. Ms. Egge, Trisha Egge, she's a small business owner, and of course, Mr. Baltazar is an ILWU agent. So, just wanted to throw it in as an FYI. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, no, I've not made a specific question for Mr. West. I know Mr. West's integrity and his quality of work that he performs not only for the employer, but for his community and public service. I'll just state that as the Board of Variances and Appeals, it's a specific area, it's about the strict compliance and whether or not a variance should be granted for things in zoning and subdivision. It doesn't deal with policy, Chairman. This is about basically construction. Going over the height limit, those kind of things, it's very specific, and that's why we have more construction people, because the variance is asking about deviations from construction, Subdivision Code, zoning provisions. And, that's why you look at the type of professionals that we put on this board. So, I will say some other things that Mr. West would be...is being asked of, would never come before the BVA. That is not within their jurisdiction, Chairman. Thank you.

CHAIR MOLINA: Thank you, Mr. Hokama. Ms. Rawlins-Fernandez, followed by Ms. Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, Mr. West, so the Grand Wailea has some major construction planned. So, if they come before the board, are...do you plan to recuse yourself, or...will you share with the Council?

MR. WEST: Yeah, obviously, I would make that known to the board. If it's felt that I should recuse myself, I most definitely will. I have no problem with that, but I have no problem being an objective individual. You know, I'm a casual worker at the Grand Wailea, it's not my full-time job, it's not my part-time job. Again, I could share with you all kinds of opinions about, you know, various parts of that hotel, but I don't think it's appropriate for me to do that at this point and stay objective, so yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response. So, my concern is that on boards and commissions, it's paramount that members conduct themselves and represent the County well at all times. Will you please speak to your ability to conduct yourself professionally?

MR. WEST: I think I have no problem conducting myself professionally, addressing things objectively, taking the facts, and making an objective, informed decision.

VICE-CHAIR RAWLINS-FERNANDEZ: I guess, specifically, I was at one of the Democratic conventions, and...where you physically pushed a female at the mic, and I don't know if that would be a good representation of the County, that type of behavior.

MR. WEST: Were you talking about the State Democratic Party Convention?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

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MR. WEST: That's where...I think what you failed to see was, I was at the mic, and she grabbed the mic out of my hand, okay. So, I was at the mic at that point, she came in...and if you want me to name the individual, I'll be happy to at this point, but I, you know...

VICE-CHAIR RAWLINS-FERNANDEZ: I don't think that's necessary.

MR. WEST: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. West.

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

COUNCILMEMBER PALTIN: I think my first question might be for you or the Administration. Is SMA zoning exemptions part of the Board of Variances looks at?

CHAIR MOLINA: I believe that typically goes to the Planning Commission, SMAs. Am I correct, Mr. Kushi, or does it depend on what type of issue? But, I've always thought SMAs typically go through the Planning Commission.

MR. KUSHI: As far as it...SMA laws and conditions, the only variance from that can be, if anything, gotta be by the Planning Commission.

COUNCILMEMBER PALTIN: And Coastal Zone Management and all that is through the Planning Commission not Board of Variances and Appeals?

MR. KUSHI: The BVA mainly has its...by the way, their decisions are not just based on a whim, they have various criteria they need to meet before they grant a variance. And usually, they hear cases for exceptions to the Code, the building codes, the zoning codes, subdivision codes.

COUNCILMEMBER PALTIN: But not SMA zoning?

MR. KUSHI: No. SMA is the purview of the respective Planning Commissions. Now again, some decisions...some jurisdictions can intertwine if the Director of Planning issues a decision, the applicant is dissatisfied, they can always appeal that decision, sometimes to the BVA, sometimes to the Planning Commission.

COUNCILMEMBER PALTIN: So, it's possible that they might hear an SMA zone appeal?

MR. KUSHI: No. SMA...my understanding of the SMA is it's solely with the Planning Commissions, not the Board of Variances.

COUNCILMEMBER PALTIN: Okay.

MR. KUSHI: Okay. Now, you know, the other thing that may come up, and they'll be very busy, is...as you noticed we increased the fines for illegal transient rentals from an

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initial 5,000 to 20,000 or, and 10,000 per day, you know. There might be a lot of appeals from the notice of violations of those decisions and it'll go to the BVA.

COUNCILMEMBER PALTIN: Thank you. No further questions.

CHAIR MOLINA: Thank you very much, Ms. Paltin. And, just to dovetail on Mr. Kushi's response and in light of also what Mr. Hokama said, typically this board will...well, for example, if at home, a zoning inspector found that you're not in compliance with something to do with construction on your property, and you were levied a fine by a zoning inspector, then this board would typically hear an appeal, that if you want to get a variance. So, that's part of their role as well, to hear various appeals. So, anyway...that's a very important board. Any other questions for Mr. West before the Chair offers a recommendation? Okay, Chair's recommendation is to support the nomination of Mr. Stephen West for the Board of Variances and Appeals, the resolution to approve. Chair will entertain a motion.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: So moved. Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay, who wants it? Okay, Member Sugimura, and seconded by Member Kama. Discussion, Members? Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I really appreciate Mr. West's willingness to serve. Unfortunately, I won't be able to support his nomination to this board for several reasons. One, as Chair King pointed out, there's a gender imbalance and as I see it, an imbalance in perspectives. And I...in my questioning about whether, you know, Mr. West would be able to conduct himself professionally and remain composed under, you know, different pressures, you could immediately see the defensiveness, you know, he took as I asked the question, and immediately wanted to name the individual, which I don't think is very professional at all. So, for those reasons, I am unable to vote in support of this motion. Mahalo.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Members, any other discussion as it relates to the motion on the floor? Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. So, my concern is, you know, there is a minimum island representation, and I can see that Molokai and Lanai are well represented. You know, West Maui, kind of a lot times get left out of the discussion, and we have many construction workers in West Maui, and we have many issues of boards and variance, and I think, you know, historically the perspective of West Maui gets left out. As we've seen this last week people feel the need to come out and make their perspectives known. And so, my vote isn't so much that...my vote is that we need representation, West Maui needs representation, we have many construction workers and I agree that, you know, if we're looking for gender equity on the Council

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on Aging, we also need it on the Board of Variances and Appeals as well. So, you know, just a broader perspective and advocating for my district and the things that we're seeing day to day in our neighborhoods, and like that, I think that's a perspective that is missing from this Board. So, I will not be supporting the nominee, and it's not a personal thing, it's just, you know, I feel that while I don't represent West Maui, that's my residency, and somebody needs to speak up for West Maui.

CHAIR MOLINA: Thank you very much, Member Paltin. Members, any other discussion? Chairman King?

COUNCILMEMBER KING: I just wanted to thank everybody for the discussion, and I do have the same concerns about South Maui, we don't have anybody from South Maui. It looks like heavily...just basically Upcountry, Pukalani, Makawao, and Central on this Board, so I have some concerns about that.

CHAIR MOLINA: Okay, thank you, Chairman King. Members, any other questions before the Chair recognizes member [sic] Baisa? Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair, for letting me speak. I see some potential for conflicts of interest for me personally, just looking at the applicant's connections that he has, so I won't be supporting the...this appointment. Thank you.

CHAIR MOLINA: Thank you, Councilmember Sinenci. If there's no other comments as it relates to the...to Mr. West's nomination, Ms. Baisa, from the Mayor's Office?

MS. BAISA: Thank you very much, Chair. I just wanted to share my thoughts. Number one, I want to thank the Councilmembers for your really thorough review of the applications. I also want to tell you that I also am concerned about the representation, and I'm trying to pay very close attention, and I'm trying wherever I can to help with the gender balance, and sometimes I just don't have the applicants. To that end, I recently asked our communication team to put a ad in the paper and throughout all of our public access to ask for nominations, because I want to build a whole pile of people that are interested in doing these things, so, I ask for your help. My response was that I got five applications and it's been two weeks and not any of those applications would have fit into this...this slot, but of course we had already...we were in the process when we put out the call. So, I would ask for your help. Ask people who you know, who you think might be good members, to please submit applications. They can submit them at any time. They can submit them online, and I will put them in the active files, so that next time that a opening comes, I can do a better job of looking at more broad representation. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Councilmember Paltin, question for Ms. Baisa?

COUNCILMEMBER PALTIN: Just...thank you very much for that. I didn't reach out to anyone in my community, but hearing you say that, I do have some people in mind

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that I will definitely get in contact with them to just broaden the perspective on this board, and I know a few women in the construction industry.

MS. BAISA: Thank you, I really appreciate your help. You know, people don't know, they don't apply. And so, I'm trying to make it public.

CHAIR MOLINA: Yes. Okay, thank you, Ms. Baisa.

MS. BAISA: Yeah.

CHAIR MOLINA: Okay, Members, seeing no other questions as it relates to motion on the floor, Chair will call for the vote. All those in favor of supporting the nomination of Mr. Stephen West to the Board of Variances and Appeals, please signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed?

COUNCILMEMBERS: No.

CHAIR MOLINA: Okay, Staff, roll call vote please.

MS. ESPELETA: Thank you, Chair. Starting with Member Sinenci.

COUNCILMEMBER SINENCI: No.

MS. ESPELETA: Member King.

COUNCILMEMBER KING: No.

MS. ESPELETA: Member Lee.

COUNCILMEMBER LEE: Aye.

MS. ESPELETA: Member Hokama.

COUNCILMEMBER HOKAMA: Aye.

MS. ESPELETA: Member Paltin.

COUNCILMEMBER PALTIN: No.

MS. ESPELETA: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

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and any questions from you in open session if deemed appropriate. And, joining us for this matter as well is the Public Works Director, Ms. Rowena Dagdag, good morning. And, Mr. Bilberry, you have the floor.

MR. BILBERRY: Excuse me, good morning, Members. Happy Friday, it's nice to see you all again. As the Chair indicated, this is a matter that is currently in litigation, which we're going to be presenting you a settlement proposal for. It was a fairly straightforward Building Code violation for an unpermitted structure. The...it looks like the structure was dragged from another property, and dropped on the property in question located at 343 Hana Highway in Paia. The earliest we can tell that the structure was moved to the property was in 2007. It's about a 200-square-foot structure, so it's basically a small...almost like a shed, and I have a photograph of it which I'll share with you in executive session so you can see the size of the structure. Notice of violation issued in 2011, in August. The...Mr. Markham, the violator...I've looked for the term for that, you know, that particular...the noncompliant owner of the structure and the property, made an application for the permits, after-the-fact permits in or around 2011, but did not follow through with getting his SMA approvals, and basically just let the permit expire after a number of years. In 2017, the matter was turned over to our office; September, complaint was filed. There was...fines and penalties by that time you can imagine were very substantial, and we can discuss that in executive session. And, the litigation proceeded at a, well, slow pace. In April of this year, Mr. Markham got around to correcting the violations and got his after-the-fact permits, and by that time the fines and penalties were more substantial, but we have a proposed settlement given the compliance, and I would be...or will be prepared to discuss that with you in executive session.

CHAIR MOLINA: Okay. Thank you very much, Mr. Bilberry. Members, any questions in open session for Mr. Bilberry at this time? Mr. Hokama followed by Ms. Paltin.

COUNCILMEMBER HOKAMA: Chairman, thank you. If you can respond, that would be great. Going through this file, I was finding it interesting, how long did it take for this individual to actually accept notification from the County, because it seems the County has tried regularly, many times, and was even by certified mail, legal attempts to try and make some contact about a notice of violation before we went to the full-blown penalty proportion? So, you know, I'm just wondering...he was out of the country, he was off this world? I mean, when you see seven digits on a penalty I mean, boy, I don't know what catches somebody's attention, but three digits make me look at it.

CHAIR MOLINA: Mr. Bilberry?

MR. BILBERRY: Again, it looks like in around August or...no, I'm sorry, as early as 2007, Mr. Markham applied for permits, that with the initial application again apparently expired. And, the only thing I can really, I mean I don't want to speculate, but I would estimate that for whatever reason, the SMA requirements were not...Mr. Markham was not prepared to address those. When the violations issued in 2011, August of 2011, he apparently filed for the permits again. I'm assuming that the SMA requirements

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were again, things that he was not prepared to address and overcome. So, he knew of the...we know he did sign for the violations, he got them in 2011, he responded, and then just did not follow through. And, we can discuss in executive session why I believe that did not happen, and that will...can also inform your deliberations on the settlement.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you. I just wanted to see if my understanding of what you're saying is what you're saying. So like, he got a structure that he moved from someplace else and put it in the SMA zone without permits, and 120 square feet is legal but 200 square feet is not?

CHAIR MOLINA: Mr. Bilberry or Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Chair? Thank you for the question, Councilmember Paltin. Under 16.26B of our Building Code, structures 120 square feet and less have an exemption if there's no associated electrical or building...or electrical or plumbing required. So, but if it's over 120 square feet, it would require a permit.

COUNCILMEMBER PALTIN: And, I don't know if you can answer, does this have associated electrical or plumbing?

MR. BILBERRY: You know, I don't know. I suspect it does. Mr. Markham claims that he was told when he put the structure on the property, that he could do it without getting permits. At that time he said it was a...he represented that it was only a temporary structure for construction purposes. But, he was told, and we have the records showing that he was told, that he would either have to remove it at some point, or get after-the-fact permits. And, apparently, he appreciated those remarks because he did apply for after-the-fact permits at some point, but again, just did not follow through.

COUNCILMEMBER PALTIN: And, so my question, I don't know if you can answer it in open session, is what's up with the John Does, all those extras?

MR. BILBERRY: That's just a standard legal practice, to plead John Does. What John Does are, are potential defendants who you...whose identity you're not aware of at the time that the complaint is filed, which you might discover once the litigation gets moving and you do your research and...or you get responses from the parties as to who might be an interested party. For example, in this instance, the suit was filed against Mr. Markham, it may have turned out that at some point in time the property might have been transferred to a corporation, and if that was something that had been discovered after litigation, you can move the court to then identify the corporation as a "John Doe" defendant. So, that's just a form to preserve the right to name any party that might be unknown at the time the complaint is filed.

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COUNCILMEMBER PALTIN: And, do you know the square footage of the entire lot?

MR. BILBERRY: I apologize, I do not. I may be able to...well, actually I'm not sure how I would learn that information without getting online...yeah, okay.

COUNCILMEMBER PALTIN: And then, I guess, my other question is, the only way that this type of thing comes to this point is somebody made a complaint, it's not something that our inspectors go through neighborhood by neighborhood and point out all the violations.

MR. BILBERRY: Yeah, this one I believe was the result of a complaint. I don't know...I'll let Rowena speak for the Department of Public Works, but I know for example, the Planning Department, when they issue notices of violations, those are generally complaint driven. It's just too...it's not practical to be able to go out into the community and just inspect random properties to try to find violations of the zoning laws and building codes and other regulatory provisions. But...

COUNCILMEMBER PALTIN: And that process, it cannot be anonymous, the complainant has to put their name to the form?

MR. BILBERRY: I don't think so, I think it might be anonymous. Anything that would alert an investigator that something is up, they can go out and look. I've seen instances where the department heads become aware of a situation and they themselves will file the RFS for the complaint to initiate the process. So, I think it's just a practical matter. If...I can imagine by any means by which the department would become aware of a violation, if it's serious enough they will pursue it.

CHAIR MOLINA: Okay, thank you, Mr. Bilberry. Thank you, Member Paltin. Okay, Members, with that being said, Chair would like to move on. Members --

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: --if there are no objections...

COUNCILMEMBER KAMA: Just one...

CHAIR MOLINA: Oh, Member Kama, go ahead.

COUNCILMEMBER KAMA: One quick question. So, what is the 200-foot structure being used for?

MR. BILBERRY: I don't know, but I have an estimation for you, which I'll share with you in executive session.

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

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CHAIR MOLINA: Thank you, Member Kama. Good question certainly. Members, just for your information, looking at our agenda, we have two more settlement items that will likely require executive session. The Chair would like to proceed in this fashion. I would like to ask Corporation Counsel to give a brief description of each of the next two items, and then at that point we'll do recommendation for executive session in one sweeping motion rather than going into executive session separately, closing the Chambers, opening it up again for each item. So, for the sake of practicality, if there are no objections, the Chair would like to proceed in that fashion. No objections? Okay, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, just quick clarification, two more items, or three more items?

CHAIR MOLINA: Yeah, good point. The last item on the agenda is a settlement matter; however, my understanding is there is no recommendation from Corporation Counsel to go into executive session since the proposed settlement is already posted for the public's view. So, that's a good issue to bring up. So, with that being...with that item probably we can discuss and settle in open session for the last item; however, the next two will likely require executive session, so the Chair's rationale is let's do one motion for executive session, discuss all three in executive session, then reopen up for the vote, okay.

GET-11(2) LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION: OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)) (CC 15-6)

CHAIR MOLINA: Alright, Mr. Bilberry, the next...moving on to the next item, which is a very big matter related to a proposed settlement authorization with the Ocean Resort Villas Vacation Owners versus the County of Maui. This matter, as some of us can recollect, had to do with the, I guess the...while this is a proposed resolution to authorize partial settlement of the case in appeal, which arose from the establishment of the Timeshare classification and determination of the Timeshare real property tax rates for the County of Maui. And, some of us were on the Council way back when, when this matter was first brought to our attention are familiar with, and of course some of you who just recently joined on the Council, you have been somewhat familiarized with this, and I'll ask Mr. Bilberry to provide additional comment on this proposal. And, joining in with us will be the Finance Director, Mr. Teruya, as well. Gentlemen, proceed.

MR. BILBERRY: Thank you again, Chair. We did come, I think, maybe a couple of months ago, two or three months ago, to present this case, just kind of on an informational basis to the body, anticipating that we might be here at some point proposing either a settlement of the case, or in this instance, a partial settlement. It has to do with the County of Maui's authority to establish real property tax classifications and set rates. As you may recall, there are two timeshares in Kaanapali that sued the County claiming that the Timeshare real property tax classification violated the Constitution.

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Ultimately, the judge didn't rule on the constitutionality of the classification, but instead decided to rule that it was illegal, which we disputed, and we have appealed the matter to the Hawaii Supreme Court. Another component of the case has to deal with some retroactive assessments and taxes that were imposed on the timeshares when during the course of the litigation in preparing the defense, it was discovered that condominium property which they had established through condominium regime had not been properly assessed at the time...at times relevant to the complaint for which they were seeking tax refunds belatedly, I would say, because no timely tax appeals were filed by these parties that are now seeking up to 14 years of tax refunds. In any event, for certain of those years, it was discovered that they had not been assessed properly for their condominium property, and therefore, the County thought it would be fair to set off any potential tax refunds that the court might grant them by amounts of taxes that they escaped having to pay. That resulted in some complications in the litigation, and some interlocutory rulings by the judge, which in some arguments made by the timeshares, that resulted in assessments for those amounts actually being made. After that was done, they filed more claims claiming that they were being retaliated against because they filed a lawsuit, and that matter was decided by the judge, and is also up on appeal in front of the Hawaii Supreme Court. The briefing in front of the Hawaii Supreme Court on these two issues is almost complete. The parties agreed after meetings requested by the timeshare representatives with the Mayor, and with the Chair, that the case might be appropriate for the Hawaii Appellate Mediation Program. And so, we agreed to submit it into that program, the Supreme Court agreed to stay the case pending discussions and negotiations in that context. The parties retained retired Intermediate Court of Appeals Judge Daniel Foley to mediate the dispute. We met with Mr. Foley on Oahu at Dispute Prevention and Resolution, which is the outfit that he works with. On June 12th, I was in attendance, Mr. Teruya was in attendance, Deputy Corporation Counsel Jeff Ueoka was in attendance, and David Raatz was in attendance. These are people I felt would be necessary to have a cogent and productive discussion towards trying to settle this matter, either in full or in part. Mr. Baz was also scheduled to join us, it turned out the Mayor had to leave town, and so Mr. Baz needed to remain here on Maui, but he was available by phone, and has made some contributions to the discussion, which I think are invaluable, and which we will discuss in executive session. The result of the mediation was, after some initial frustration, a proposal for a partial settlement of the appeal, and that would be the component related to the retroactive omitted assessments and taxes that were levied against the timeshares. And so, in executive session, I'd like to discuss that proposal with you. It is somewhat involved, but I think understandable, and yeah, we can get into the details of the proposal in executive session. And, the proposal would basically resolve a component of the appeal, but we would retain our contest against the judge's rulings that somehow the Council exceeded its authority when it established the Timeshare tax classification in 2004. We disagree with that ruling, and we disagree with all of his rulings, but that one in particular, we believe needs to be heard by the Supreme Court, in part because they're asking for up to \$39 million in tax refunds, which again, were never the subject of timely appeals, which if they had been, would've given the Real Property Assessment Division the opportunity to at least put the contested tax amounts into a litigated fund and protect itself fiscally. In any event, again, we

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can get into the details of that in executive session. It is a very interesting case, I think. It's also one that's I think of paramount importance to the County in terms of its ability to, again, protect its fiscal security, make sure it's able to budget properly, and protect your constitutional authority over the real property tax.

CHAIR MOLINA: Okay.

MR. BILBERRY: So, I would ask to be able to discuss that matter in executive session as well.

CHAIR MOLINA: Okay, thank you, Mr. Bilberry, for that very extended historical analysis of this matter, and for reminding us that we did have a meeting on this as well. So, Members, unless you have any real pressing questions in open session, I would ask that you save your questions for executive session, 'cause we're gonna be in here a while, just based on this one case alone.

**GET-11(8) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LOUIS CAMBRA
V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE
7-16-00151) (CC 19-12)**

CHAIR MOLINA: So, if you'll allow the Chair to move on to the next item that will likely deem recommendation for executive session, this relates to the matter between Louis Cambra versus County of Maui, for injuries that was claimed and sustained by Mr. Cambra, on December 29, 2015, work-related injuries I should say. And, to give us an overview of this matter, we have Mr. Caleb Rowe from Corporation Counsel. Welcome, Mr. Rowe.

MR. ROWE: Thank you, Chair. Good morning, Council. So, this claim arose from an incident on December 29, 2015. Mr. Cambra, who's an equipment and construction welder with the Department of Water Supply was driving in a County vehicle with another employee named Travis Kanamu. He was driving from Lahaina toward the Kahului Baseyard on Honoapiilani Highway. While he was driving, they were struck by another car that was driving in the opposite direction. That car had crossed the center line. The driver of that vehicle ultimately admitted to the police officers that responded that he had fallen asleep at the wheel. In the process of that accident, there was a third car that actually got into a car accident. As a result of this accident, both Mr. Cambra and Mr. Kanamu filed workers' compensation claims for injuries they sustained. This specific one, because there was a third...the responsibility of the accident was in a third party, we also brought a subrogation claim, which basically allows the County to...if someone else is found responsible for an injury to a County employee, we can try and get reimbursed for workers' comp expenses that we've paid out from that third party. In this case, we did bring a lawsuit against the driver of the third car who was insured. And, I can get into a little bit more of that in executive session. We do have a potential, or I guess, we've basically reached a settlement, but the settlement is just waiting the resolution of Mr. Cambra's workers' comp claim. So, that's what we're here about today. I just wanted to give you some background, letting

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you know that we are gonna be reimbursed some of this money, because it was deemed to be someone else's fault, someone else was negligent here; however, because this directly deals with sensitive medical information, I'd like to discuss the rest of it in executive session.

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CHAIR MOLINA: So, Members, I believe we're also closing in on our typical morning recess time, so what I'd like to do, we will secure the Chambers, and you will then be sequestered in executive session. Let us come back to the Chambers at 10:40 a.m. This meeting is in recess, and once we convene, we'll be convening in executive session. Okay, meeting in recess. . . .(gavel). . .

RECESS: 10:25 a.m.

RECONVENE: 1:54 p.m.

CHAIR MOLINA: . . .(gavel). . . The GET meeting for Friday, June 21, 2019 is now back in open session.

GET-11(10) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: COUNTY OF MAUI V. RICK MARKHAM, ET AL.; CIVIL 17-1-0393(2)) (CC 19-12)

CHAIR MOLINA: Members, we're gonna take action on the list...first matter that went into executive session, which is item number GET-11(10). Chair will ask for a motion based on discussions in executive session. A motion to support a resolution to authorize settlement of the County of Maui versus Rick Markham, et al.; civil case number 17-1-0393(2); and to incorporate into this motion, any non-substantive revisions that may be needed. Chair will ask for a motion to support.

COUNCILMEMBER SUGIMURA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay, alright, it's been moved by Committee Chair Rawlins-Fernandez, and seconded by Member Lee. Any discussion? Okay, seeing none, all those since there's no discussion on the motion...alright, Chair will ask for a call for the vote, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay, Chair will mark it eight "ayes," one excusal, Member Hokama.

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**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 REVISED RESOLUTION.

CHAIR MOLINA: Thank you very much.

**GET-11(2) LITIGATION MATTERS (STATUS AND SETTLEMENT AUTHORIZATION:
OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V.
COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)) (CC 15-6)**

CHAIR MOLINA: Alright, Members, moving on to the next item that was discussed in executive session. Chair will ask for a motion to support...or excuse me, to recommend adoption of the proposed resolution entitled authorizing a partial settlement of the Ocean Resort Villas Vacation Owners Association, et al. versus County of Maui, et al., SCAP number 180000578; and to incorporate any non-substantive revisions that may be needed.

COUNCILMEMBER SUGIMURA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Committee Member Sugimura. Members, any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you, Chair will mark it eight "ayes," and one excusal, Member Hokama.

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**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.

**GET-11(8) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LOUIS CAMBRA
V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE
7-16-00151) (CC 19-12)**

CHAIR MOLINA: And finally, Members, Chair will ask, call for a motion to support a resolution to authorize settlement of the Louis Cambra versus County of Maui, Disability Compensation Division Case number 7-16-00151 and to incorporate any non-substantive revisions that may be needed.

COUNCILMEMBER KAMA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay, moved by, we'll give it to Member Kama, and seconded by Member Sugimura. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you, Chair will mark it eight "ayes," one excusal, Member Hokama.

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**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.

CHAIR MOLINA: That was very quick, Members, we are on our last item for today, which is Committee item...okay, shall we call for a brief recess? We do have a...we're waiting for a member of the Department of Environmental Management to attend, to give an overview on this particular matter, which is item GET-11(4), so Chair will call for a brief recess. Recess subject to the call of the Chair. . . .(gavel). . .

RECESS: 1:57 p.m.

RECONVENE: 2:01 p.m.

CHAIR MOLINA: . . .(gavel). . . The GET meeting for Friday, June 21, 2019 is now back in session, it's just after two o'clock.

**GET-11(4) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY ON BEHALF OF ITS
INSURED, REGINALD BALIDOY; CLAIM 30180603955-0001) (CC 19-12)**

CHAIR MOLINA: We're on our last Committee item for today, which is GET item 11(4), which relates to a State Farm Mutual Automobile Insurance Company on behalf of its insured Reginald Balidoy; claim number 30180603955-0001. And, to give us the overview on this matter, we have Corporation Counsel, Mr. Caleb Rowe.

MR. ROWE: Thank you, Chair. This claim was given to us by State Farm Insurance on behalf of their insured Reginald Balidoy. On March 27, 2018, Mr. Balidoy parked his car at a...or near a laboratory building near Wastewater Treatment Plant in Kihei. It was a 2017 white Toyota Tacoma. While he was parked there, there apparently was emission of sulfuric acid that fell on to his car, causing damage, and there are pictures of that damage. So, he filed a claim with his personal automobile insurance carrier State Farm, who did the repairs, and State Farm because they determined that it was

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our fault because it was near the laboratory near our exhaust pipe, brought a subrogation claim against us. This is actually...when we checked with the department, this has never actually happened before, but there was a lot of rain during that period, so they were...their thought was that it must be something about the amount of condensation in the air actually made what normally would be a gas emission kind of condense into liquid form and fall on his car. Again, this is a first one of these kinds of claims we've seen, but he was parked directly next to that exhaust pipe, and the department has confirmed that they do use sulfuric acid which would cause this kind of damage. And so, the amount that State Farm paid on the repairs to his car, which were to the front bumper, front grill, hood, right fender, left fender, windshield, right front door, left front door, right rear door, left rear door, truck bed, tailgate, and rear bumper, they spent \$9,779.40 on those repairs, so that would be the amount that we're requesting to settle this claim at.

CHAIR MOLINA: Okay, thank you very much, Mr. Rowe. And, we've been joined by Mr. Francis Asiu of the Wastewater Division to provide any other clarity on this matter. Mr. Asiu, do you care to provide further comment on the matter at hand for us today?

MR. ASIU: I just came on, I'm sorry.

CHAIR MOLINA: Okay.

MR. ASIU: I came in on the last part so I don't know what was discussed so far.

CHAIR MOLINA: Okay. Okay, no worries, we'll get you up to speed on it. Okay, we have a question for Mr. Rowe from Mr. Sinenci, followed by Member Paltin, and then Chair King. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you. I had a question, was Mr. Balidoy parked in an area suit for public parking, or...

MR. ASIU: Chair? It's a parking...

CHAIR MOLINA: Go ahead, Mr. Asiu, if you could speak into the mic.

MR. ASIU: It's a parking area for our employees, but since this incident happened, no one is allowed to park in front of that trailer anymore, so everybody is away from there now.

COUNCILMEMBER SINENCI: So, he's an employee and he normally parks at this spot?

MR. ASIU: Yes.

COUNCILMEMBER SINENCI: Okay, thank you.

MR. ASIU: That's the main parking lot for the administrative building area.

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COUNCILMEMBER SINENCI: Thank you.

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

COUNCILMEMBER PALTIN: My question got answered, thank you.

CHAIR MOLINA: Okay, alright, Chairman King?

COUNCILMEMBER KING: That was my question too. It doesn't say anything in here about him being an employee, but he's an employee of Department of Environmental Management?

MR. ASIU: Yes.

COUNCILMEMBER KING: Okay.

MR. ASIU: There was another one, a previous...another lady, Cassie Martin, that already went through this, her car also had damage.

COUNCILMEMBER KING: And we still let people park there?

MR. ASIU: Oh no, no, it was the same...it happened at the same time, they're just all filing...

COUNCILMEMBER KING: Oh, the one issue.

MR. ASIU: Yes.

COUNCILMEMBER KING: So there were two cars, and what happened to the other car?

MR. ASIU: The other car, she got reimbursed for the damages.

COUNCILMEMBER KING: And her insurance company didn't charge us?

MR. ASIU: I don't know how she processed it, but it went through Council already.

COUNCILMEMBER KING: Oh, it did?

MR. ASIU: Yes, it was approved.

COUNCILMEMBER KING: Oh, okay. So, these both happened at the same time, and I wonder why it took so long for the one to...

MR. ASIU: I think it went, because it went through his insurance company.

COUNCILMEMBER KING: Oh, she just --

MR. ASIU: So, he didn't file...

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COUNCILMEMBER KING: --gave it directly to us.

MR. ASIU: Yes.

COUNCILMEMBER KING: Okay, alright, so we're moving people out of that area now?

MR. ASIU: Correct.

COUNCILMEMBER KING: Is there a...has there been an investigation of that...of how that happened, and some kind of change in protocol or something, so that doesn't happen again?

MR. ASIU: Yes, we had our safety officer go through the area, and what we believe is it was raining a lot at that time, so they think it was capturing all that stuff that usually escapes, and it puddled on the roof. The roof is flat, so when the...the puddle, the wind would blow it down so it went in like a concentration of the stuff which usually doesn't happen. I've been there ten years, and this is the first time that's ever happened.

COUNCILMEMBER KING: Okay, so is there some way to make sure that that doesn't happen anymore? I mean, to change that whatever is going on there because if this is a symptom too, of climate change, and what's happening with something in the rain, then we gotta make sure that it doesn't...there's not an opportunity for this to happen again, because it could puddle on the ground and cause damage to the ground as well.

MR. ASIU: We...we're...we've been approved, well 2020, we're replacing that unit, the entire unit with the blowers and the exhaust system. So, hopefully that'll make the big change.

COUNCILMEMBER KING: Okay, thank you, Chair.

CHAIR MOLINA: Okay, thank you, Chairman King. Members, any other questions for Mr. Rowe or Mr. Asiu on this matter? Okay, alright, I guess we're prepared. Members, and again, if there's any discussion in the gallery, could we please keep it down? Okay, if seeing no other questions for this particular matter, Chair is gonna make a recommendation. Chair will ask for a motion to recommend adoption of the proposed resolution entitled Authorizing Settlement of Claim No. 30180603955-0001 of State Farm Mutual Automobile Insurance Company as Subrogee...or Subrogee of Reginald Balidoy; and this motion will include any incorporation of any non-substantive revisions that may be needed.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: So moved. Second.

COUNCILMEMBER SINENCI: Second.

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CHAIR MOLINA: Okay, moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you, Chair will mark it eight "ayes," and zero "noes", and one excusal, Member Hokama.

**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.

CHAIR MOLINA: Very good, Members. I believe this does conclude business for today, but before we do conclude, I'd like to call upon Member Kama and also Member Paltin to make announcements about our upcoming meetings next week. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, next week Tuesday, June 25th, 9:00 a.m., Affordable Housing Committee is going to continue deliberations.

CHAIR MOLINA: That's a recessed meeting.

COUNCILMEMBER KAMA: The presentation... right, recessed meeting with presentation by the project owners as well as deliberations. So, I'm hoping that we'll be able to decide on that day. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you. And, Member Paltin?

COUNCILMEMBER PALTIN: I'm not violating the Sunshine Law, right?

CHAIR MOLINA: Oh, no, I believe --

COUNCILMEMBER PALTIN: Just a update?

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CHAIR MOLINA: --your recessed meeting was posted. Yeah, you can make an announcement of the day and time of your recessed meeting.

COUNCILMEMBER PALTIN: Oh, okay, the recessed meeting will continue on Wednesday, the 26th, nine o'clock, and we can go all day. There was a additional issue that was brought up on the Hui Noeau, so maybe we can reopen that to address it, and then we plan to go through the bill that was rewritten with the approval of the Summers' consultants. And, you know, if also archeology and agriculture.

CHAIR MOLINA: Okay, and with regards to procedurally reopening up the Hui Noeau matter, I'm sure we'll be advised of what, I believe we'd ask for a motion to reconsider.

COUNCILMEMBER PALTIN: Reconsider, yeah.

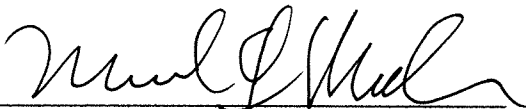
CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: There was just another issue that was brought to our attention that might need an additional condition.

CHAIR MOLINA: Okay, thank you, very good. Alright, if there are no other announcements, Chair would like to thank all of you for your participation today, and your hard work. Have a wonderful weekend, the GET meeting for Friday, June 21, 2019 is now adjourned. . . . *(gavel)* . . .

ADJOURN: 2:10 p.m.

APPROVED BY:



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

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Transcribed by: Melissa Agtunong

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

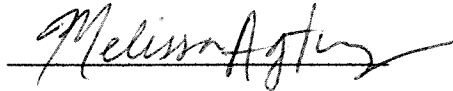
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CERTIFICATE

I, Melissa Agtunong, 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 15th day of July, 2019, in Kahului, Hawaii

A handwritten signature in black ink, appearing to read 'Melissa Agtunong', written over a horizontal line.

Melissa Agtunong