

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

September 17, 2019

CONVENE: 9:04 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama (arrived at 9:06 a.m.)
Councilmember Kelly T. King
Councilmember Alice L. Lee (arrived at 9:05 a.m.)
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 9:17 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)

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor
Lieutenant Lance Marks, Criminal Investigation Division, Department of Police
Detective Sergeant Edith Quintero, Criminal Investigation Division, Department of Police
Peter Hanano, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Kawika Freitas
Blossom Feteira
Shay Chan Hodges
Ian Chan Hodges
Plus (6) other people

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PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: ... *(gavel)* ... The Governance, Ethics, and Transparency Committee meeting for Tuesday, September 17, 2019, has now come to order. Good morning, Members. Let's go right down the line for our introductions. Your Chair, Committee Chair Mike Molina here. And let's go all the way out to Hana and say hello to Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha, Mr. Sinenci. And our Council Chair, Ms. King.

COUNCILMEMBER KING: Good morning, Chair.

CHAIR MOLINA: Good morning. And our wonderful Member from Wailuku is on her way so we don't have that morning greeting in whatever language she usually chooses to do so. But we'll recognize our Committee Vice-Chair, Ms. Rawlins-Fernandez, good morning.

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

CHAIR MOLINA: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: It was a late night for our WAI Committee Chair --

CHAIR MOLINA: That's right.

VICE-CHAIR RAWLINS-FERNANDEZ: --Upcountry.

CHAIR MOLINA: So, we can thank her for that late night but appreciate what she's done. And we have our wonderful senior Member from Lanai, Mr. Hokama.

COUNCILMEMBER HOKAMA: Good morning.

CHAIR MOLINA: Good morning. And then from West Maui, good morning, Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Mahalo. And Chair's been informed that Councilmember Sugimura and Kama are on their way this morning. So, Members, we have three items on our agenda. The Chair is hopeful and optimistic that we can take action on all three of our agenda items today. But before we do that, additional introductions we have from Corporation Counsel, Mr. Ed Kushi. And then we have also from the Mayor's Office, Ms. Gladys Baisa.

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MS. BAISA: Good morning, everyone.

CHAIR MOLINA: Good morning. And we have Committee Staff, Ms. Shelly Espeleta and Ms. Pauline Martins, good morning. And joining us now we have Member Lee, good morning.

COUNCILMEMBER LEE: Mr. Chair, a trip down memory lane. KMVI, pili ia `oe?

CHAIR MOLINA: Oh my goodness, mahalo. Okay, right, I guess it was something, has to --

COUNCILMEMBER LEE: Close to you.

CHAIR MOLINA: --have been close to you.

COUNCILMEMBER LEE: Close to you.

CHAIR MOLINA: That's right, yeah. We're going back in time a long time. And of course, for those of you who don't know, Member Lee was a wonderful disc jockey at night. So, I know a lot of folks slept close to their radios and listened to her at night. So, you know...I won't go any further than that, folks, but anyway. Alright, okay, let's take on public testimony this morning. First of all, rules for testimony. You have three minutes to complete your testimony. State your full name for the record and if you're representing any organization or are a lobbyist, please inform the Committee of that as well. Committee Staff, do we have anyone lined up here in the Chambers for testimony? Oh, okay, there is. I have here three signups for testimony here. If there are no objections, Chair would like to go out to our sister offices to see if we have testimony out there first.

COUNCILMEMBERS: No objections.

... BEGIN PUBLIC TESTIMONY ...

CHAIR MOLINA: Okay, my understanding is the Hana Office is closed today and at this point, Staff, we've had no communication from them as far as testifiers wanting to testify on our agenda items. Okay, let's go out to Ms. Lindo out in Molokai, do we have any testifiers?

MS. LINDO: Good morning, Chair, there are no testifiers at the Molokai office.

CHAIR MOLINA: Okay, mahalo. And let's go out to Lanai. Ms. Fernandez, do we have any testifiers out on Lanai?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez at the Lanai Office and

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there are no testifiers.

CHAIR MOLINA: Okay, mahalo. Alright, let's continue with testimony here in Wailuku. Calling up Blossom Feteira who'll be testifying on GET items 2(14), and also GET item 19, and GET item 20. And she'll be followed by Shay Chan Hodges.

MS. FETEIRA: Good morning, Mr. Chair --

CHAIR MOLINA: Good morning.

MS. FETEIRA: --members of the Committee, mahalo for this opportunity to testify on behalf of all of your agenda items. In the case of item GET-2(14), I testify as an individual resident of the island. You know, I have had the privilege of getting to know Mr. Freitas a few years ago when he began his journey at 505, or rather, the Old Lahaina Luau. And I found him to be extremely knowledgeable. Not just knowing what the customs and traditions are, but how you would apply them in any given situation. For someone of his age to have that level of what we call ike, that he's willing to apply in everything that he touches was to me very, very important. It's a rare find in our community today. The other thing that I really enjoyed about him is that he's very pro community. He firmly believe that his job is not complete without tapping the wisdom and the knowledge of those that he recognizes as having that level of master and expertise of those practices. So, I would strongly encourage this Committee to approve his nomination and move it to the County Council for further deliberation.

CHAIR MOLINA: Okay. Hang on, Ms. Feteira. Let me ask the Members if they have any questions with regards to your testimony for Mr. Freitas. Okay, seeing none, go ahead and move on to your next item.

MS. FETEIRA: Okay, and the second item, of course, is the Bank of America commitment to provide mortgages. And I'll go directly to the current status of the issue. I would ask that this Committee pass it out and get it to the County Council floor as quickly as possible. Our communities have waited 25 years for this resolution, and I think that the Maui County has the opportunity and ability to take the lead on this movement. I think that the unification Statewide of all the counties has brought forth a new light to this issue and we look forward to continuing to work with the County in addressing this longstanding issue and bringing it to resolution.

CHAIR MOLINA: Thank you, Ms. Feteira. We have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Feteira, for being here today. I was wondering if you were or watched the last meeting on this issue where Jobi Masagatani was telling us that DHHL gave a receipt to Bank of America for the commitment?

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MS. FETEIRA: Uh-huh.

COUNCILMEMBER PALTIN: And, so, what is your --

MS. FETEIRA: Okay, so --

COUNCILMEMBER PALTIN: --take on that?

MS. FETEIRA: --just briefly. In 2007, we found out that the Department of Hawaiian Home Lands signed off on the \$150 million commitment without consultation with Na Po'e Kokua and the Fair Lending Coalition. And so, when we questioned that we realized that the signoff wasn't authorized by the Hawaiian Homes Commission, that was number one. Number two is that when we saw how they utilized or settled the commitment, \$13 million in mortgages when \$150 million was committed, that was a no-brainer for us to bring it back and pursue it. So, in 2012 we went back to the Hawaiian Homes Commission and we brought forth this issue, and the Hawaiian Homes Commission approved the representation of Na Po'e Kokua and the Fair Lending Coalition to continue the pursuit and the resolution of this commitment, and we still have that in place. So, in the eyes of the Hawaiian Homes Commission, this is still a valid action and we meet with them on a regular basis and update them on how far along we are. We still spend a lot of time outreaching into our community to let them know what's coming down the pike and how they can help us move this issue forward. So, yeah, she was very clear as well that the Department remains committed to this action. So...

COUNCILMEMBER PALTIN: Thank you --

MS. FETEIRA: Am I talking too fast for everybody?

COUNCILMEMBER PALTIN: --thank you. No, no, no, I got that. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Members, any other questions for Ms. Feteira as it relates to the Bank of America issue? Okay, seeing none, Ms. Feteira, continue with your testimony --

MS. FETEIRA: Okay, and then --

CHAIR MOLINA: --on your last item.

MS. FETEIRA: --finally, item, your last item regarding authorizing the Mayor of the County to enter into intergovernmental agreement with the Attorney General's Office so that our law enforcement on entity on Maui, in Maui County can access this grant. You know, we've seen a lot of issues coming into our community with regards to violence against women and families. And anytime our County can utilize resources outside to bring services and capacity to our law enforcement to help address these issues is

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always a good thing. And so, I would ask this Committee to approve this measure so it goes to the County Council so that our Mayor can get to work.

CHAIR MOLINA: Okay, thank you, Ms. Feteira. Members, any need to clarify Ms. Feteira's testimony on this item? Seeing none, mahalo for your testimony, Blossom.

MS. FETEIRA: Thank you.

CHAIR MOLINA: Next to testify, we have Shay Chan Hodges, to be followed by Ian Chan Hodges. And Shay will be testifying on GET item 19.

MS. CHAN HODGES: Good morning, Councilmembers, Chair. So, yeah, you guys have a lot of information over the last few months. I don't know if there's too much to add to just build on what Blossom said in terms of the 2012 resolution with the Hawaiian Homes Commission that was Alapaki Nahale-a who was the Chair then. And I think if you remember at the last, in the early August meeting of this Committee, Jobi Masagatani did say that the Hawaiian Homes Commission stands by the 2012...that's the official position regardless of what the Deputy Attorney General has said, and I believe you guys have a lot of different written testimony. I'm not 100 percent sure but I know that Brandon Maka'awa'awa submitted his correspondence back and forth over the last month with the Deputy AG, and his response in my view was not particularly satisfactory, but you guys will need to judge on that. Also, as Blossom said, all four counties have now passed resolutions and I believe two Big Island councilmembers have submitted testimony, or they said that they were going to. Councilmember Sue Lee Loy submitted an op-ed that was printed in *West Hawaii Today* talking about the 2012 resolution, talking about the interest in Big Island in joining Maui County in supporting these efforts. My understanding is that you may have had a testimony from Kymberly Pine. I don't know if she submitted but she also said when Honolulu passed its resolution last couple weeks ago that she would like to see Honolulu pursue. I believe Ron Menor at that time also said he'd like to encourage the Attorney General to pursue. And I know that Councilmembers from Kauai also submitted testimony and they are...because they also have an additional 30 million that they're owed by Bank of America, they are also interested. So, it's great to see everybody and interestingly, when I was looking at testimony from the State Legislature from the Senate back in March, quite a few of you folks also submitted testimony back then, which was really great to see, Kelly King, Alice Lee, Riki Hokama, Tamara Paltin. So, it's...this is just amazing to have everybody behind this and it's just a matter of moving forward as Blossom said. Oh, I'm sorry. Oh, and I also just to mention Hulu Lyndsey has also been extremely supportive and I think she was going to submit testimony. So, anyway, you guys have a lot of information and I know that now is the right time to move forward because everybody is ready to see the rule of law applied on behalf of Native Hawaiians for a change. Mahalo.

CHAIR MOLINA: Okay, thank you, Ms. Chan Hodges. Member Paltin, question?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Chan Hodges. I was wondering on your support of GET-19(6)(a) where you mention that despite the Attorney General's position, but then you want us to encourage the Attorney General to employ outside counsel to pursue legal remedies for fraudulent banking activity.

MS. CHAN HODGES: I think...I don't think that's going to be the most effective strategy, I think hiring special counsel and for the county council's to just pursue on their own. Although I think that certainly a strongly worded letter to the Attorney General wouldn't hurt because clearly the Attorney General is not acting on behalf of the Hawaiian Homes Commission and he's appointed...this is the Deputy Attorney General. And to be honest we've had a lot of communication or attempts with the Governor's Office recently and there seems to be some disconnect among different people in the administration. So, you know, the Governor's letter still stands. I don't know exactly what's happening, obviously, among different people in the Administration, but it's hard to get a straight answer. And I think it would certainly be good for the Council to say something. I don't know that it'll be that effective at this point, but I think I support a special counsel. I mean, yeah, hiring special counsel.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. CHAN HODGES: Thank you.

CHAIR MOLINA: Okay, Members, any other questions for Ms. Chan Hodges? Okay, seeing none, just for the record I also want to set the record straight. Prior to taking office as a Councilmember, I was approached by Ms. Chan Hodges about sending a letter to Bank of America urging them to settle. So, I just wanted that noted, I did send a letter as well.

MS. CHAN HODGES: Yes you did Oh, yeah, sorry.

CHAIR MOLINA: Just a reminder.

MS. CHAN HODGES: Sorry!

CHAIR MOLINA: No problem.

MS. CHAN HODGES: And you submitted testimony --

CHAIR MOLINA: Yes.

MS. CHAN HODGES: --to the State Senate.

CHAIR MOLINA: Yes, thank you.

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MS. CHAN HODGES: Sorry.

CHAIR MOLINA: Okay, next...yes, Staff, you have a question?

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

CHAIR MOLINA: Okay, yes, I was about to do that. Chair recognizes Member Sugimura and Kama to our proceedings this morning.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Thank you. Okay. Next to testify on GET item number 19, Mr. Ian Chan Hodges.

MR. CHAN HODGES: Good morning, Councilmembers. I wanted to actually, if I could for a second, actually talk a little bit about Bank of America's sort of overall history and we're talking about actually supporting GET-1(19) [sic] and particularly County Communication 19-337 the terms of retaining special counsel. What I wanted to mention actually really quickly is just to put in perspective how many times Bank of America's been fined or sanctioned over the past...since 2000, and I'll just go down this list really quickly. For mortgage abuses, Bank of America's actually been fined \$39.8 billion; for toxic security abuses, Bank of America's been fined \$23.2 billion; for investor protection violations they've been fined \$12.5 billion; for banking violations they've been fined \$3.9 billion; consumer protection violations they've been fined \$862 million; security issuance and trading violations they've been fined \$757 million; wage and hour violations they've been fined \$381 million; benefit plan administration violations they've been fined \$283 million; it actually goes on and on, and all total since the year 2000, they've been fined about \$80 billion. So, you can see this is an organization that actually gets fined a lot and violates the law a lot. And this is, these are settlements and fines coming from everyone from the Department of Justice to states' attorney generals, State Attorney General. And so, it's not unusual for Bank of America to face pretty significant fines. I also want to draw your attention, I believe you actually received, and I received a copy of it this morning, but testimony from the Commission, City of Miami Commission Chair Ken Russell actually testified in support of this measure and gave you also some details about what they are doing in Miami. And the City of Miami actually sued Bank of America and it went all the way to the Supreme Court and they got sort of additional standing for municipalities across the country as far as pursuing Fair Housing Act violations, so I wanted to mention that. And also I wanted to mention something with the...the question came up about the Deputy Attorney General's office, or Deputy Attorney General, sort of the e-mail that he actually sent and I'm not sure if all of you saw it but there was a article in the *Honolulu Star-Advertiser* about this about two weeks ago, I guess. The...one of the things that we have a concern about in the last 30 seconds I'll say, is that the Deputy Attorney General never actually reviewed all the documents that are available on this issue. Thanks so much.

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CHAIR MOLINA: Okay, thank you, Mr. Chan Hodges. Members, any questions for Mr. Chan Hodges related to his testimony? We'll start with Member Sinenci followed by Chair King.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ian, for being here. I had a question. You know if there's any paper trail or any type of agreement between Bank of America and the Federal Reserve Bank?

MR. CHAN HODGES: Yes.

COUNCILMEMBER SINENCI: There is?

MR. CHAN HODGES: So, there is in the...when Bank of America...there's actually quite a bit of paper trail. A lot of that is actually...came back as part of the Governor's FOIA, so there's about 600 pages of different things, not all of them related to Federal Reserve. The initial paper trail from 1994 is a letter. This is when Bank of America first made the commitment, they wrote a letter to the Federal Reserve Board and said we're committed to a number of things. One of the things they committed to was the \$150 million to be _____ in four years. And so ...*(inaudible)*... the Federal Reserve and then the Federal Reserve incorporated that into their order approving the acquisition of Liberty Bank. And then it appears in a bunch of subsequent orders, Federal Reserve orders. So...

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Mr. Sinenci. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Ian. So, of the \$80 billion that they were fined, do you know how much was actually paid out?

MR. CHAN HODGES: That is a good question, so we'd have to look through all the different records. I know that the mortgage settlement, that includes the mortgage settlement that they did, the \$25 billion mortgage settlement and I think if I remember correctly, Hawaii received about 7 million out of that. But a lot of the payout was done in a way where Bank of America kind of fudged the payouts. So they counted things...sort of like the way they said they completed a \$150 million commitment, they counted stuff that wasn't really...they were already going to do or things like that. But they did pay out hundreds and millions of dollars. And I can actually send you, there's a tally for all these fines that they paid that I could actually provide your office if you'd like.

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

CHAIR MOLINA: Thank you, Chair King. Member Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Hodges, for being here. You...can...do you know...you know when you said that the, they committed it and then the Federal Reserve incorporated that into their settle thing, do you remember what year that was?

MR. CHAN HODGES: Yes, it was 1994.

COUNCILMEMBER PALTIN: And then before 1994, did Bank of America have a physical location in Hawaii?

MR. CHAN HODGES: Yes.

COUNCILMEMBER PALTIN: And then after 1994 they took their physical location --

MR. CHAN HODGES: Not --

COUNCILMEMBER PALTIN: --out of Hawaii?

MR. CHAN HODGES: --not in 1994. They actually had it here until --

UNIDENTIFIED SPEAKER: Ninety-eight.

MR. CHAN HODGES: --they actually through Honolulu Mortgage, they actually had a physical location here until the early 2000s. But they were supposed to complete the commitment by 1998, and they had the, they actually had their...I think their, I believe . . . *(inaudible)* . . . they were here until 1997, but at that point we actually met with them and they committed to completing it and they had Honolulu Mortgage to be able to do that.

COUNCILMEMBER PALTIN: And between 1997 and '99, they didn't commit, or they didn't actually deliver anything?

MR. CHAN HODGES: They...I'd have to look the specific numbers but between...they were supposed to do it over '94 to '98, that was the years, they did about 3 million out of 150 million. And the total they did over the time between then and now in terms of FHA 247 was about 13 million. So, less than 10 percent.

COUNCILMEMBER PALTIN: And then, the time came up and they just left the State?

MR. CHAN HODGES: Yes. And when they left the State they actually committed to continuing but they didn't really.

COUNCILMEMBER PALTIN: In writing they have that?

MR. CHAN HODGES: Yes.

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COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR MOLINA: Thank you, Member Paltin. And, Members, just for your information, like we did at our last meeting, because of Mr. Chan Hodges extensive history about the Bank of America matter, if there is no objections, I'd like to ask Mr. Chan Hodges to stay as a resource.

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay.

MR. CHAN HODGES: That's fine.

CHAIR MOLINA: So noted. Alright, seeing no other questions at this time, thank you, Mr. Chan Hodges --

MR. CHAN HODGES: Thank you.

CHAIR MOLINA: --and I'm sure we'll likely call on you once we get onto that agenda item. Mr. Chan Hodges was the last person to have signed up for public testimony, is there anyone in the gallery that would like to testify on any of our agenda items today? Okay, seeing none, if there are no objections, the Chair will close public testimony for Molokai, Lanai, and Hana, as well as here in Maui County or Wailuku, any objections?

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, so noted.

... END OF PUBLIC TESTIMONY ...

**GET-2(14) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI
PLANNING COMMISSION) (CC 19-24)**

CHAIR MOLINA: Alright, moving onto our first agenda item, Members, and by the way, Chair appreciates your energy. We've gone through some very heavy, heavy GET meetings of late and all of you look bright-eyed and bushy-tailed and of course, we had a very long, productive meeting up at King Kekaulike last night under the leadership of Chairman Lee, and so I'm just amazed at all of your stamina here today. So, keep up the great work. Okay, our first agenda item is GET item 2(14) which is relating to the designation of Kawika Freitas as the Native Hawaiian Traditional and Customary Practices Expert to the Maui Planning Commission, and this would be for a term expiring on March 31, 2023. And this is to fill a vacancy due to the resignation of Alalani Hill. And although he was not required to be here, Mr. Freitas is in the gallery

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and before we get brief opening remarks from Ms. Baisa, we'll ask Mr. Freitas to give some opening remarks and then, yeah, you're free to question Mr. Freitas. So, Member, I mean, Ms. Baisa will provide comments of Mr. Freitas' nomination.

MS. BAISA: Thank you very much, Chair. And good morning everyone. I'm very excited to be here today on behalf of the Mayor to present the nomination of Kawika Freitas to the Maui Planning Commission as the Hawaiian Expert. I've had an incredible experience getting to know him to prepare for today and I am so excited because I think he's just wonderful. It's my third try at trying to fill the slot that was left after Ms. Hill resigned and I think that we've really...time has worked and we have a excellent nominee. Kawika is from Upcountry, he lives in Makawao and I'm very excited. I know that you just received a list or a new listing of who sits on the Maui Planning Commission, and he will represent Upcountry, Maui, which I think is wonderful. Of course, that's Chair's area, that's Makawao, Haiku, and Paia, and he lives in Makawao. So, we have somebody now. We have somebody from Pukalani; however, that's another district, the Pukalani Kula district, that's Member Sugimura's district. And so, we have another area represented. Mr. Freitas was born in Kona and he moved to Maui many, many years ago, over 30, I believe. And he was educated at Kamehameha Schools and I think many of us who are older remember that a lot of the children from off island used to go to Oahu to attend high school at the Kamehameha Schools in Honolulu and they used to board there, and he did that. I had a child who went for a little while, he went for that summer program they used to have, and I can tell you it had a tremendous effect on him in regards to understanding Hawaiian values, and so I'm pretty sure that Mr. Freitas got a tremendous education there. He has a lot of training in the area that we're looking for, which is Hawaiian values and appreciating Hawaiian culture. He currently is at the Old Lahaina Luau where he serves currently as the Director of Public and Cultural Resources, has also served as the General Manager. And we all know how that is run so beautifully and it's one of the places, it's a must have when people come to Maui, and Hawaiian culture just is relevant and it's everywhere there. I checked with him on his time commitment because we're very concerned about the ability of commissioners to attend meetings, and as the Hawaiian expert, it's really important that we have him there at most of the meetings and he has looked into that and he is very committed to meeting this as much as he can. He brings a lot of balance, if you had the opportunity to read his application I think it's very clear and he ends it with, "my main concern is on the cultural issues of development." So, I think that I have said enough, and I'll leave it to him and to the rest of you to...but I beg you to please seriously consider him. I think he's an excellent candidate.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. And, Mr. Freitas, approach our podium. I guess after that introduction, not much for you to say about yourself --

MR. FREITAS: Not much.

CHAIR MOLINA: --but we'll give you an opportunity nonetheless.

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MR. FREITAS: And I think hopefully third time's the charm.

CHAIR MOLINA: Okay, so if you'd like to go ahead and say a few things about yourself and then after you're done then we'll have the Members ask you any questions if they have some for you.

MR. FREITAS: Okay.

CHAIR MOLINA: Go ahead.

MR. FREITAS: Aloha, Chair Molina and Members. Again, my name is Kawika Freitas and you have pretty much everything about me in front of you. But one thing I just realized that I did not add on there is that I do not come here knowing all about culture, but I do know a lot of valuable resources in our community that I'm not afraid or ashamed to go out and reach that can help me come up with the best decision. I think that it's not always what I think is right, but I like to be open to listen to what everyone has to say especially in the cultural realm, I learn things every day. A man once said, the day you stop learning is the day you get old, so I'm not going to get old. I pretty much hope that the Committee would consider me for this position. There's several reasons why I'm doing this. I tend to plan...I tend...I usually attend meetings for County Planning and when I go and I hear what people want, how their community should be developed, it's very interesting that although that's what people want, sometimes there's other organizations and committees that actually make the decision whether it goes that way. And so, I'm thinking that Planning Commission is one that can help and by taking in what the community wants, that's how I can help. Because when I go in I go, that's right, I like that. Then you hear later on that's not what happens. So, that's what I'd like to do. Although, as Ms. Baisa said, I do live Upcountry, I've attended some road and highway meetings, but I tend to spend a lot of my time on the Lahaina side because of where I work and that a lot of our employees live on that side, so I tend to pay a lot of attention to that side, Lahaina, west side. That side has gotten so busy and 11 years of driving out there in that traffic, I'd like to see a little bit more balance. Other than that, if there's anything that any of you would like to ask, I'll be happy to share. And by the way, I was going to start with a oli, but when you said something about somebody speaking a funny language I thought that might not be appropriate.

CHAIR MOLINA: No, it's okay.

MR. FREITAS: But I will skip the oli, but if you have any questions, I'm here for you.

CHAIR MOLINA: Okay, thank you very much, Mr. Freitas. Well, looks like you've learned a lot because you look so young. So, I'll ask the...take the Chair's pleasure of asking the first question. You mentioned balance out on the west side and, you know, the Council has been dealing with visitor industry concerns, and you do work in the

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visitor industry. Can you clarify your comment on balance that you're looking for as a potential Planning Commissioner?

MR. FREITAS: I think balance, when I say balance, I mean more responsible...responsibility in what we share with our customers. So, more visitors is not the answer. But when they come here, give them what we are supposed to share with them, and some of that is a balanced amount of people on the beaches, a balanced amount of people on the roads, a balanced amount of congestion. And with that, when people come here, they will really experience Maui. I feel that this past 11 years of driving out from Makawao to Lahaina, first off that traffic just is not representative of what we're about. So, we'd like to make sure that we provide something that the guests come here to experience. Bringing more isn't the answer but making those that do come feel extra special and really feel the aloha through culture and everything else that we do great hospitality and such.

CHAIR MOLINA: Mahalo for that response. Okay, Members, the Chair will open up the floor for any questions. I guess we'll start with the West Maui Representative, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Freitas, for your willingness to serve. Thank you, Ms. Baisa, for bringing us a good candidate. My question was have you been watching the Planning Commission's recently or in the past?

MR. FREITAS: I only read, I've been only to one meeting in the past. As far as knowledge of what happens in the Planning Commission, I'll be very honest, I'm not very akamai and educated in that.

UNIDENTIFIED SPEAKER: Yet.

MR. FREITAS: But one thing about me is that when I take on something, I do the best that I can. And if you look back at my track record, I'm not going to go and brag about myself but I've gone from not knowing anything to being the expert. And then one thing that helped me get a better understanding of this commission position was I actually went out and talked to a few ex-commissioners in a good way. They've served their term, not that they quit. But I did speak to some and was prepared with, you know, what to expect and it is going to take a lot of my time, I got to add another day that, two days out of a month to make up at my work, which I just want to let you know that our company and the owners are very supportive of me doing this and feel that I'll do a good job. One other thing too is that I did not really seek out this position. I want to let you know that some good friends of mine, several of them that know me very well suggested that I come and apply for this 'cause they saw in me what I...I don't know what they saw in me but they thought that you would be a good person for this. And I said, wow, that's a lot of kuleana and a lot of time. But, you know, as Hawaiians when you get that call, the kahea, you know, you just do it. And so, I'm here for that.

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COUNCILMEMBER PALTIN: Thank you very much because my second question was going to be are you ready? 'Cause you know it's like you're coming over here and asking us to do this huge lifting for us because, you know, we gotta staff that commission and people gotta show up and then they listen to folks sometimes all day tell their side of the story, and then you run out of time to make the decision, and that's your volunteer service that you're giving to the community. So, mahalo for _____ the kuleana.

CHAIR MOLINA: Okay, thank you, Member Paltin. Members, any other questions for Mr. Freitas? Councilmember Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I am very open to your comments this morning, so thank you very much and I appreciate you volunteering. It's a big sacrifice from your own family time and your personal time, so I thank you for doing this. Now, I thought my colleagues next to me brought up some good points but for me is as a potential commissioner that will help guide us, especially modifying the County's direction on economic development, how do you foresee Maui moving since you talk about balance, I would agree. We've been very successful so we have big numbers in visitors. How would you say you would, as a commissioner, strive for balance? Would you be a proponent or more of an advocate for other engines, whether it be healthcare technology, whether it be agricultural science, and computer opportunities? I'm just asking, how would you help strive for this better balance not only for the workforce but for quality of life issues?

MR. FREITAS: Well, I can't answer specifically each item that you shared. But one way that I've learned the best way to make a decision or vote is to create a vision in my mind of what success looks like. What will success look like for Maui County. And part of it will be the vision and the mission of the Commission, but also my own. And when I'm really stuck with a question, I will take that question and look at my vision and say, will my decision get me there or not. And it's a very specific vision. So, that is how I will make my decisions. So, in essence, I'm not going to walk into meeting already with my decision made. I will listen to what people have to say and see if that fits the vision that I feel is appropriate.

COUNCILMEMBER HOKAMA: Do you have a, again, I'll be upfront and disclose that I do have a relationship with this group. So, how is...what is your thoughts of how you view what I consider a resource, which is Na Kupuna O Maui?

MR. FREITAS: The kupuna of Maui?

COUNCILMEMBER HOKAMA: Na Kupuna O Maui.

MR. FREITAS: Okay.

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COUNCILMEMBER HOKAMA: They're an organized resource that has shared their mana`o with us because, again, they're our elders. They are experienced. They have gone through many cycles of life throughout their time and they have some wisdom. They may not have the energy of the mo`opunas, but they have knowledge, yeah?

MR. FREITAS: And they have the fire.

COUNCILMEMBER HOKAMA: I ke ola. Right? I ke ola. So, I ask, how would you...what is your intentions as far as a resource for you in culture?

MR. FREITAS: Well, interesting you ask because where I work at the Old Lahaina Luau, we work very closely with kupuna in many forms. We do senior bingo, we participate in their annual birthday celebration at Kaanapali Beach Hotel, and I've gotten to know a lot of them. In fact, in a few days we have senior fun day that our staff is also spending some time with, and I've gotten to know a lot of them and especially, I'm just going to say the first name but Auntie Patty. Auntie Patty, that's all I need to say, is a very special lady that voices her concern all the time and it's important to listen to what they say. And I've sat in a meeting recently where she was very upset with a developer and the guy, I think, wanted to crawl into a cave because he did not approach the kupuna before getting as far as they did. So, it is important what they say and I'm not going to wait for them to come and say it to me, I attend a lot of events with them and would sit down and talk with them, which I have done for years like with Auntie May Fujiwara from Lahaina I sat down with her and chatted with her. So, I take into consideration, absolutely, our kupuna.

COUNCILMEMBER HOKAMA: Again, I thank you for putting yourself up this morning. Mahalo.

MR. FREITAS: Thank you.

CHAIR MOLINA: Thank you, Councilmember Hokama. We have Councilmember Sinenci followed by Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Mr. Freitas for being here. And I just wanted to say I appreciate your comments earlier about seeking out and working with other people. I, you know, of late we've seen, I guess, a lot of decisions that involve the culture and the Lahui and sometimes people will speak against the...you know, what is common or what practitioners feel that is right or pono. And we call it pa`a na`au, where everything, we're connected through our na`au and our thinking and our beliefs and our feelings. So, when you talked about, you know, reaching out, for instance we have the Aha Moku Councils and these are lineal descendants of each area around Maui County. So, are you willing to work with already established groups --

MR. FREITAS: Yes.

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COUNCILMEMBER SINENCI: --like the Aha Moku?

MR. FREITAS: That's what I meant. Yeah.

COUNCILMEMBER SINENCI: Yeah.

MR. FREITAS: Reaching out. I don't know all of them, you know, I'm --

COUNCILMEMBER SINENCI: Yeah.

MR. FREITAS: --closer with like Keeaumoku --

COUNCILMEMBER SINENCI: Yeah.

MR. FREITAS: --and Lyons and...

COUNCILMEMBER SINENCI: Yeah, 'cause it sounds like they've been doing a lot of the work and they know the different areas of their own districts. So, mahalo for that. And then inside here it says you have some Native Hawaiian law experience?

MR. FREITAS: It does say that?

COUNCILMEMBER SINENCI: Or it says a college degree or in a relevant field such as Hawaiian Studies --

MR. FREITAS: You must be reading --

COUNCILMEMBER SINENCI: --or is this...

MR. FREITAS: --something wrong. I didn't...

UNIDENTIFIED SPEAKER: You're reading the requirements.

COUNCILMEMBER SINENCI: Oh, just the requirements.

MR. FREITAS: --I didn't graduate from college.

COUNCILMEMBER SINENCI: Okay, and then your degree is in?

MR. FREITAS: I don't have a degree.

COUNCILMEMBER SINENCI: Oh, okay, alright. Okay, thanks.

UNIDENTIFIED SPEAKER: He's reading from the requirements.

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CHAIR MOLINA: Okay, thank you, Mr. Sinenci. We have the Committee Vice-Chair Ms. Rawlins-Fernández followed by Councilmembers Sugimura and Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think what Member Sinenci was referring to was the ordinance change, and so that was going to be my first question to Ms. Baisa. So under the requirement, at least one member of each Planning Commission or Hana Advisory Committee shall have demonstrated expertise in Native Hawaiian traditional and customary practices as evidenced by one or more of the following credentials: one, a college degree in relevant fields such as Hawaiian Studies, Native Hawaiian law, Native Hawaiian traditional and customary practices including traditional environmental practices or related subject area; two, work history that demonstrates an appropriate level of knowledge in Native Hawaiian traditional and customary practices including traditional environmental practices; and three, substantial experience as a Native Hawaiian traditional and customary practitioner of. So, Ms. Baisa, under that, what is the Administration's rationale for choosing Mr. Freitas?

MS. BAISA: Thank you. Thank you very much for bringing that up. I prepared myself because I knew it might come up. And, you know, in selecting Mr. Freitas, I paid close attention to what this requires, and it says one or more of the following credentials. And yes, he doesn't have a college degree in any of those areas that are brought up; however, he exhibits...and if you look at his resume you'll see all of the training that he has had and working at the Old Lahaina Luau as their cultural relations person, we felt very comfortable that he had the background. Also, I checked on the Native Hawaiian law training, which he has not had, and I know that it is required and I double checked with Planning and they are expecting...and we checked with the agency the Center for Excellence in Hawaiian, Native Hawaiian Law, and they are planning to have a seminar on Maui, I'm sorry, in Hilo, the second week of December. And the applicant is very aware of it. Also, if that doesn't happen, they are planning to have one in May or June of next year. So, he'll meet the requirements of having the training within the first year.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that information, Ms. Baisa. So, for the Hilo training --

MS. BAISA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --how are commissioners invited or how would they attend? And is there a limit to the number of commissioners that would be able to attend?

MS. BAISA: Thank you very much for the question. The Planning Department will pay for their expenses and make all of their reservations and whatever they need. They will all be eligible to apply, those who have not. And we don't have all of them that

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attended yet, so there's still others who have to go. But we will make those arrangements and if they are accepted and if there's enough room in the class, we will definitely try to send as many as we can. It is very, very important that we pay attention to this. You know, I had the opportunity to attend myself and after going it gave me a much, much better understanding of what I'm seeing, what I'm hearing, and why there is concern about Native Hawaiians and how they're treated.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your concern, Ms. Baisa. I share the concern. So, just a final follow-up question regarding that training, 'cause I know at the training that was offered last year here at the Cameron Center, it was limited to two Planning Commissioners.

MS. BAISA: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, of the nine possibly two, one didn't stay for the entire thing. So, there's at least seven. So, am I hearing you correctly that if all seven apply are available and are accepted to attend the training, that all seven will be paid for the travel expenses to attend the Hilo training?

MS. BAISA: That is our commitment. It's very, very important. It is the law. It's in the law that these people should go to this and I think that we have to follow through with the money to make the law happen.

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely. Mahalo, Ms. Baisa, I really appreciate that response. Okay, mahalo for answering all my questions. Mr. Freitas --

MR. FREITAS: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --mahalo for being here today and for answering all of our questions. I think our kupuna past and present would like to feel the mana of your _____, so I would like to invite you to please, you know, olelo Hawaii is not a funny kind language, would you please oli and welcome our kupuna here with us today?

MR. FREITAS: Thank you. I want to, thank you. I'll do the Oli Aloha and I will explain why after. ...*(performed Oli Aloha)*... You know that oli sometimes people, they think that...when Hawaiians wrote, they wrote in a general basic but had kauna. Was very interesting that in that oli it kind of begins kind of risqué, it talks about two people and love, but the real kauna to that oli aloha is that it is love for two people not in the risqué or love that they normally write about, it is the love, appreciation, and respect for one other, each other, regardless what it is about. And that is why oli aloha is very appropriate when you greet someone. It's not that you're going to go and make love to them, but you're showing aloha, the aloha that Auntie Pilahi taught us about. And of course we all know that you always end with three aloha e's at the end to remind us of the different wa or time. Those from the past, present, and future. And that's why we

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say, we do it three times. And so with that, that's why I chose that oli today. I'm not the best chanter. I got a little nervous, I went and double checked the words but sometimes you do a oli so ma'a one certain way, you go back, hey, get couple, you know, articles that I'm missing in there. So, I was trying to do it correctly for all of you. Mahalo. Mahalo for asking and letting me present that, that's what I wanted to open with today.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo nui for your oli. Okay, so I have a few questions for you.

CHAIR MOLINA: Member Rawlins-Fernandez, can we move on, just ask...recognize couple of other Members that have questions and I'll come back to you for the rest of your line of questions with no objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: I promise, okay. Okay. Member Sugimura followed by Member Kama and then we'll return to Committee Vice-Chair Rawlins-Fernandez --

COUNCILMEMBER SUGIMURA: Thank you, Chair.

CHAIR MOLINA: --for your line of questioning.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Welcome.

MR. FREITAS: Thank you.

COUNCILMEMBER SUGIMURA: It's good to see you here. I've seen you at the Old Lahaina Luau and the community. I just want to mention this and for the community to know that you are a long termer. Based upon your resume that you submitted to us or your application, it looks like you worked for Aloha Airlines starting from a baggage handler ending up as a manager and that was 20 years?

MR. FREITAS: Yes.

COUNCILMEMBER SUGIMURA: Amazing. And then you continued on with Old Lahaina Luau and you've been there for 11 years?

MR. FREITAS: Yes.

COUNCILMEMBER SUGIMURA: And by looking at your resume at Kamehameha Schools, it looks like you took a class and ended up with, I don't know if it's a degree, but could you just share that with us? 'Cause I think maybe even if you haven't attended the legal Hawaiian, you know, that was discussed earlier, you have education in Hawaii.

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MR. FREITAS: Thank you. I'm embarrassed to share this but yes. At the time I was going to Kamehameha Schools, there was only one class for Hawaiian language per grade and it was the renaissance had just begun for Hawaiian language and I took it for four years because I knew how important our language was. But like with any language or anything that you do, you need to continue and practice that. But when I left the class and went home, very rarely was it spoken. So, sadly I can understand but I'm not fluent in Hawaiian, I just wanted to make that clear. The degree or the certificate that you might be talking about was throughout the years attending different courses and that might have been Ola Hawaii which has kind of merged together with Naha and that's the training that we had received at the Kaanapali Beach, it was a two-day course. And that is the one that I got a certificate for. And then also through that instructor out at Kapiolani Community College there was another Ho`Okipa Me Ke Aloha course that was I believe eight classes, all-day classes that we got a certificate for as well. So, yes, I forgot about those credentials, thank you for bringing them up.

COUNCILMEMBER SUGIMURA: Yeah. So, it looks like that you've been actually studying and immersing yourself really in the culture and the language since 1985, right --

MR. FREITAS: Yes.

COUNCILMEMBER SUGIMURA: --according to your resume. So, thank you very much, I look forward to seeing you on the Commission and bringing your wealth of knowledge and information to a very important body. Thank you.

MR. FREITAS: Thank you, Council.

CHAIR MOLINA: Thank you, Member Sugimura. We have Member Kama followed by Member Rawlins-Fernandez and then Chair King.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you to Vice-Chair Keani Rawlins for giving Kawika Freitas the opportunity to bring forth that which was in him and he hesitated. So, thank you Keani for doing that. And I wanted to tell you, Kawika, never hesitate, you know, if your kupuna are telling you to do something, a`ole hilahila, yeah? So, but I wanted to say that whether or not you had a degree, you know who really anoints the Hawaiian people to do and to speak is what's in you. It's that DNA in you and your community surrounding you acknowledges that. So, some people don't need to see that palapala from a university to say you're okay. All they need to know is he alo a he alo, face to face, that I see what is in you and my sense is that when we honi, yeah, the breath that I impart into you and you into me is what says you're okay. I'm okay with that. So, Chair, I would be more than happy and more than willing to continue and cast my approval for Mr. Freitas. Thank you, Chair.

CHAIR MOLINA: Okay, mahalo for your comments, Councilmember Kama. And continuing with Committee Vice-Chair Rawlins-Fernandez lines of questioning, and she'll be followed by Chair King.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll yield the floor to Chair King since she hasn't had an opportunity to ask questions.

CHAIR MOLINA: Oh, mahalo for the courtesy yeah. Chair King?

COUNCILMEMBER KING: Thank you so much. Okay, I actually have a quick question because pretty much everything I was going to ask has been asked and specifically, you know, about the Aha Moku. But there's a...I just wanted to get your take on, as you enter into the Planning Commission which is a really heavy committee and we've had some matriculation off of it so we're looking for that commitment, which I know is...I'm going to reserve that question for my colleague over here, our Vice-Chair. But my question is, you know, that because we don't have, you know, we have minimum representation from various communities, there is a desire from some of these communities that have a lot of development to have a community advisory group kind of like what Hana has, and so, I just wanted to see if you would support that as a Planning Commissioner, because that is advice that comes to the Planning Commission from these various communities about projects in their area.

MR. FREITAS: So, it would be district specific, or is it for the...

COUNCILMEMBER KING: Well, right now in ordinance we have a Hana Advisory Committee and that is supposed to advise the Planning Commission on their decision for developments in the Hana area and there is a desire, a longstanding desire to have those kind of equal types of community advisory groups in different areas throughout the County, I mean, throughout the island because --

MR. FREITAS: Okay.

COUNCILMEMBER KING: --you know, there's a separate commission for Molokai and Lanai. And I just wanted to get your take as a Planning Commissioner, would you support that and hear the voices of the communities from the advisory groups if we are able to get that institutionalized?

MR. FREITAS: Yes. Yes.

COUNCILMEMBER KING: Okay. That's all I needed. Thank you.

CHAIR MOLINA: Okay, thank you, Chair. Okay, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so I have like maybe about five questions. Okay, so, the first question I have...I'll make it quick. I'll make it quick. The Maui County Cultural Advisory or Advisor Committee, what is that? Under what agency or government agency is it?

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MR. FREITAS: What are you referring to, is that something that I was putting together or involved with?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh yeah, it says under community and professional organizations activity, the third one is Maui County Cultural Advisor Committee, pending application. HTA member...

MR. FREITAS: Oh, I'm sorry, that's the one that Maui County has and through MVB. They have a committee that has Makalapua, the gal from the 'Ie'ie pond, and a few people, and they wanted me to be on that committee and I had put my application in but didn't think time...I thought this one was more important because they had enough people in theirs, it was committee of seven. So, that one is pending but I withdrew from that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo.

MR. FREITAS: Sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: I was going to ask about whether if accepted...

MR. FREITAS: The reason, I'm sorry, the reason I hesitated was because I also tried to put together a committee of cultural advisors from all hotel and tourist businesses or hospitality industry businesses and I had one meeting and it just didn't seem like there was enough interest for that. So, I was real sad about that one. So, I thought you might have been talking about that one.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I see. I think that's a great idea.

MR. FREITAS: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: It's too bad it didn't work out.

MR. FREITAS: Yeah, and I...and of course with that one I did reach out to resources like Auntie Hoku because she had tried to do one too and say, oh Auntie, now I see what your challenges were really. I mean, time commitment, was only once every other month we would meet, but it's so sad that we didn't get it going.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, for your attendance it sounds like you're able to attend the two meetings. But as Chair King pointed out, it's a very heavy committee with a lot of meeting material, meaning a lot of reading. So, aside from actually attending the meeting itself, do you have the time to spend in reading the big stacks of meeting materials?

MR. FREITAS: Yes, I'm aware of those when I spoke to the previous commissioners from before they prepared me and told me what to expect.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. And then what expertise do you feel you bring to the board, or what do you feel you'll contribute to the Planning Commission?

MR. FREITAS: You know, although this is the cultural side, I think I bring more than just the culture, I bring fair and open mind and not so set in my ways when I walk in. Not in a way that I can't hold what I strongly feel I believe in but making sure that I listen to everyone and give it a good thought. Sometimes I have to think through things, I'm a thinker that's why, I don't just...I don't react right off the bat, it takes a while. Sometimes my wife go, do you hear me? Did you hear me? I said, I'm processing what you're saying. So, it takes a little while because like I said earlier, when I make a decision or do something I want to make sure I do it right, yeah, get it right the first time.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And what traditional and customary practices are you...do you see yourself, I don't want to say expert in, but do you associate with or do you have kuleana in?

MR. FREITAS: Well, with Hawaiian culture, there's many different angles and branches. One of my main is of course hula, so I'm not sure how hula's going to help this commission, but that is where my forte is, it's not language but I have been trying to get back to learning it. See, the thing is I can understand when people speak, I know vocabulary and such. But other things that I do, I am involved with MVB through some of their travel agents that come here. In the past, they would come here, and they would just go on these fam tours, all these fun activities. But this new person that's working there, she's starting to immerse them in culture and on the first day that they're here, we take them to whatever hotel they are and we go out to the ocean, I do E Ala E and Hiu Wai with them and I explain all of that. And then they come to the Old Lahaina Luau and we do a day of cultural sharing and that is pretty much my call. And I...since learning Hookipa Me Ke Aloha from Yagodich, I forget the professor, I forget what his first name is, we've taken that concept and we've taught all of our employees at the Old Lahaina Luau and we also teach the members of Maui Visitors Bureau for free the Hawaiian values, E Ho'okipa course, and that is something that I continue to do.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. I see hula as a repository of a lot of our mo'olelo and ike, so I wouldn't discount hula so quickly. I think it's, you know, an integral part of our culture. And my last two questions, can you provide an example of where ethics were tested, where your cultural values and morals were challenged for a less than desirable decision?

MR. FREITAS: My decision, well we can start with me not doing my oli when I came here. Well, about a month ago there was a kahea from Mauna Kea asking businesses that profit from culture to stop their work for one day, and it was a decision that I made to

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cancel our luau show for almost 450 guests that one night, and it was a fast decision. That was a decision that I made, but from around the world there were positive comments, but there was three negative ones and I individually spoke to them and tried to tell them our side and got two to...two I was able to persuade and one just was not going to buy it. But that was probably one of the biggest. But the outpouring of support that we got from around the world was, I guess, a good decision. But just a few that were against it kind of made me second guess. But...yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Kako`o. Last question, many projects come before the Maui Planning Commission for approval and some of those can be contentious. What might you offer to cultural practitioners and other kanaka who look to your involvement and expertise to deliberate on these matters?

MR. FREITAS: Although I haven't been to the mauna, I can feel from afar kapu aloha, and that is how everyone should behave and represent themselves at the meeting and speak to each other with that respect whether you agree or disagree. And that would be what I am learning every day to try to live that way. First of all you gotta live that way, you can't say it and expect everybody to do it, you gotta live it, you gotta be that example. And I have started, so that would be my way of keeping cool head, yeah, you trying to say. Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for going through my rigorous questioning. I speak in support of your nomination.

MR. FREITAS: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. And after going through that set of questions, I appreciate you supporting him as well. So, the Chair's going to close off questions for Mr. Freitas and thank you for going through this interrogation session but it, you know, it's our job to do the appropriate vetting. Chair's going to reserve the last privilege to ask you two very pressing questions upon hearing some of your responses. First of all, you mentioned one of your strengths is hula, would you be available to provide instruction to myself or any others for doing holoholo ka'a? I really like that hula. Especially if we're going from Makawao to West Maui it always comes to mind. Of course, you know, half-kidding. But also, Old Lahaina Luau, you folks offer kama`aina discounts? It's very pricey. Bumbai we can talk story about that later. But anyway, you don't need to answer that. So, with that being said, thank you, Mr. Freitas, for responding to the questions from the Committee.

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MR. FREITAS: Thank you. Thank you, Chair. You really brightened up the whole day with the way you greeted everybody --

CHAIR MOLINA: Oh.

MR. FREITAS: --and I think you're a great person and a lot of you great Members. So, I was very nervous but you folks, I feel like you welcomed me, and I appreciate your time. I really do. Mahalo.

CHAIR MOLINA: That's much appreciated. We don't get that said to us very often, so we appreciate that. So, alright, thank you. Alright, Members, the Chair's ready to make a recommendation. Okay, Chair's recommendation is to approve the designation of Kawika Freitas as the Native Hawaiian Traditional and Customary Practices Expert to the Maui Planning Commission for a term expiring on March 31, 2023.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee. Members, any discussion? Okay, seeing none, all those in favor...oh, sorry, Member Rawlins-Fernandez as the maker of the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Really quickly, you know, I just wanted to quickly speak, as I said, in support of our nominee, Mr. Freitas, today. I...like Member Kama, I don't believe that someone in this seat would necessarily need to possess a degree to sit in this seat and it really is the community that determines our leaders and not the accolades and degrees that you're able to accumulate. So, I just...I wanted to just quickly make that point that it's apparent that Mr. Freitas has been, you know, taking on a lot of kuleana and is a good person, a good fit. So mahalo, Ms. Baisa and the Administration, for bringing us a very knowledgeable and grounded applicant. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Members, any other comments as it relates to the motion on the floor? Chair King?

COUNCILMEMBER KING: Yeah, I just want to speak in support of the motion on the floor and say, you know, thank Mr. Freitas for going through the litany of questions. Because we, this has been probably the most questioning Council as far as applicants, but I think it's because this Council takes these positions seriously and especially this particular Commission. So, I want to thank Ms. Baisa. You know, Chair, I was...the requirement for the Native Hawaiian Cultural Expert was the first ordinance I passed as Chair of the Planning Committee in my first year of Council, and it's taken a while to get the Administration to take this seriously. So, I really appreciate Ms. Baisa's diligence in finding appropriate persons to fill these positions because it's been, you

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know, it takes a while for new things to get instituted and I feel confident that this is hitting stride now. So, thank you.

CHAIR MOLINA: Okay, thank you, Chair King. Members, any other comments before the Chair calls for the vote? Okay, seeing none, Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed, say "no". Seeing none, Chair will mark it nine-zero, unanimous.

**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. Freitas. Okay, your matter will go to the full Council for a final vote in a couple of weeks.

MS. BAISA: Chair?

CHAIR MOLINA: Members...yes, Ms. Baisa?

MS. BAISA: On behalf of the Mayor, I'd like to thank you very, very much for your consideration. We're very proud of our nominee. Thank you

CHAIR MOLINA: Okay, thank you. And thank you for submitting Mr. Freitas as a nominee as well. Members, the Chair, we're looking at the time maybe coming close to our break time, if there's no objections, I'd like to, the Members to consider taking the agenda a little bit out of order to go into GET-20, I don't believe it should take much time. And when we come back from our break we devote the rest of the Committee time to GET-19, any objections?

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COUNCILMEMBERS: No objections.

**GET-20 AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE
ATTORNEY GENERAL, STATE OF HAWAII (CC 19-108)**

CHAIR MOLINA: Okay, we'll call up GET item 20 which is Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the Department of the Attorney General, State of Hawaii. And we have two representatives from the Maui Police Department. And part of the reason why the Chair asked for your consideration is our men and women in blue of course are very, very busy individuals so we wanted to have their item addressed as soon as possible so they can go back out and do their important duties for the Maui Police Department. So, welcome to our proceedings this morning, and if you could identify yourselves prior to giving your comments on this particular item.

MR. MARKS: Good morning, Lieutenant Lance Marks.

MS. QUINTERO: Good morning, Detective Sergeant Edith Quintero.

CHAIR MOLINA: Okay, alright, thank you very much. And of course, this is a, I guess, for a grant award in the amount of \$54,962 for the Police Department to develop and strengthen effective law enforcement and prosecutorial strategies and victim services in cases involving crimes against women. So, basically, Members, it's for us to approve the accepting these grants so they can start to administer these funds for the related matters that I've just stated. Any opening comments on this prior to the Members asking questions?

MS. QUINTERO: Good morning, Chair and Councilmembers. We appreciate you taking the time on your agenda to visit our request to accept this grant through the Attorney General, and it's been a big benefit for law enforcement. It allows us to, you know, have patrol as well as detectives gain additional training, especially dealing with domestic violence here in our County. And with the past grants, we've seen a big increase in the services that we provide to the community. So, thank you very much.

CHAIR MOLINA: Okay, thank you very much. Members, the floor is open for questioning. Councilmember Lee?

COUNCILMEMBER LEE: Thank you, Mr. Chair. These funds will be directed to which specific projects?

MS. QUINTERO: For domestic violence, strangulation, and homicide.

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COUNCILMEMBER LEE: What did you say, strangulation?

MS. QUINTERO: Strangulation.

COUNCILMEMBER LEE: What is that?

MS. QUINTERO: That's a form of domestic violence, choking basically. I mean, the community they use the term choking. So, impeding the breathing of a victim. And here in Maui County, we've seen it increase in strangulation-type abuses involving men, women, and children.

COUNCILMEMBER LEE: So, this is training for your officers or for the victims?

MS. QUINTERO: For the officers.

COUNCILMEMBER LEE: Okay.

MS. QUINTERO: Because strangulation is not a visible injury, so it's not like the basic slapping, punching, where you would see bruising or swelling. Strangulation is all internal so the training that the officers would gain will be how will they interact with the victims when a victim is saying they were strangled --

COUNCILMEMBER LEE: I see.

MS. QUINTERO: --the proper terminology and therefore.

COUNCILMEMBER LEE: I see. Do you still have a domestic violence unit?

MS. QUINTERO: Yes, I am the Sergeant with another officer.

COUNCILMEMBER LEE: Okay, great.

MS. QUINTERO: So, right now it's two of us, but we make do.

COUNCILMEMBER LEE: Well, maybe you need some more --

MS. QUINTERO: Yes.

COUNCILMEMBER LEE: --people in that unit, huh?

MS. QUINTERO: Yes, ma'am.

COUNCILMEMBER LEE: Yeah, it's like 25 years old. Anyway, and this money, is this ongoing grants that you receive on a regular basis?

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MS. QUINTERO: Yes, it is. Between the domestic violence unit as well as the sex assault unit. So, every year we're rotating but still both units utilize the funding for training.

COUNCILMEMBER LEE: Okay, thank you.

CHAIR MOLINA: Okay, thank you, Member Lee. Member Hokama?

COUNCILMEMBER HOKAMA: Just a follow-up to Ms. Lee, who provides the Department the training please?

MS. QUINTERO: From past trainings and conferences that we've attended, we would bring over like a special guest for strangulation or homicide, as well as send units out to special conferences that are held yearly relating to domestic violence, so crimes against women.

COUNCILMEMBER HOKAMA: Okay, and this is specific only for police and enforcement. Does any service organization or health organization that deals with the --

MS. QUINTERO: The victim?

COUNCILMEMBER HOKAMA: --abuse or the potential crime participate with you in this type of training or is this only for your officers?

MS. QUINTERO: No, we do also partner up with our partner agencies, Women Helping Women, Parents and Children Together, as well as Child and Family Services. And with this funding, we also provide training to medical, EMS, anyone that comes into contact with the victim.

COUNCILMEMBER HOKAMA: Okay, and this is also a...my concern is that it needs to reach Molokai and Lanai.

MS. QUINTERO: We do have outside resources and training where we would send patrol units as well as, say, a guest speaker to Lanai, Molokai, and we do reach out to Hana as well. So, all County islands are part of this.

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

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

COUNCILMEMBER SINENCI: Mahalo, Sergeant, for being here. Thank you for doing this. It looks like a lot of the costs for some of the training is out of state, so is this for all the different investigators that are part of the unit?

MS. QUINTERO: Yes, as well as patrol because patrol are the first responders that deal with our victims. So, they're basically the feet on the ground that needs these trainings.

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So, those that attend the out of state will come back and we would provide trainings for those that could not attend.

COUNCILMEMBER SINENCI: Oh, okay. Thank you.

CHAIR MOLINA: Thank you, Member Sinenci. Members, any other questions for the Department? Member Paltin?

COUNCILMEMBER PALTIN: Sorry, probably...I just was double checking West Maui as well?

MS. QUINTERO: Yes.

COUNCILMEMBER PALTIN: Okay.

MS. QUINTERO: So, we also reach out...we just recently had a like a reach-out to the Hispanic community. But with that we knew we would find hesitation just 'cause of the changes and what's going on. But it didn't stop us from still reaching out. I mean, for us I can say for the domestic violence unit, we work really well with the partner agencies that are out there. I mean, we've had comments where Honolulu wants to adopt or have us go there to train their department, their agencies to build that teamwork that we have. So, yes, we...all counties and communities.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay, thank you.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Committee Vice-Chair Rawlins-Fernandez followed by Chair King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think this is great. It's sad that it's needed but I think it's good that the State is offering this kind of grant. So, it looks like there's five positions that would be training, so it's like train the trainer --

MS. QUINTERO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --domestic violence unit detective, investigator, and three assault, sex assault detectives.

MS. QUINTERO: Yeah, and that would be just for the overtime that's allotted when they're investigating after business hours. Because a lot of time cases that come in it's not per se during 7:45 to 4:30. Especially for sex assault, they do get a lot of cases that are after hours, so this will provide detectives and officers to reach out and not be said, you know, you can't go because of OT. This would cover that.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, it looks like there's, what, three...there's two in Washington, DC and one in Vegas, oh and then one in Texas. So, there's four different conferences that this grant would pay for?

MS. QUINTERO: The Washington, DC has since passed.

VICE-CHAIR RAWLINS-FERNANDEZ: Ah, I see.

MS. QUINTERO: Yeah, it's this week.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so then...

MS. QUINTERO: So, I would need to make a modification to look for another training or therefore replace it to bring someone here that could provide the same similar training.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and then it looks like you did budget for sending officers over to Molokai and Lanai?

MS. QUINTERO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and are those at separate times, or --

MS. QUINTERO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --all at once?

MS. QUINTERO: Yes, we would do two separate days. We would spend a whole day where we would have domestic violence, sex assault, representatives from financial crime for the elderly, as well as partner agencies that would come out and to give their services and training.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, and just a clarifying question. Are there...is there a domestic violence unit on Molokai and Lanai? Or...

MS. QUINTERO: We have a detective, a CID who takes care of everything. So, that will be Sergeant Bishaw.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and that's the one on Molokai --

MS. QUINTERO: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --and then there's one on Lanai.

MS. QUINTERO: And on Lanai we have Masse, Sergeant Masse.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. And then, Chair, a quick question for you. So, I'm assuming that this item came to GET because the Police Department falls under the GET Committee?

CHAIR MOLINA: That is my assumption, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Will this come to the Budget Committee after or does it go straight to Council and...

CHAIR MOLINA: You know, that's a good question for Staff. I believe it should go...this is a bill, and it would go, assuming we pass it out of here --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: --it would go for first reading --

COUNCILMEMBER KING: Straight to Council.

CHAIR MOLINA: --Council. Am I correct, Chair King? Yeah.

COUNCILMEMBER KING: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so it doesn't go to Budget at all?

CHAIR MOLINA: Not to my knowledge at this point.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: And that's a good question you bring up. Because typically whenever we accept any grants --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: --or donations, it normally goes through your Committee. But I guess this is one way of trying to lighten your load a little bit.

VICE-CHAIR RAWLINS-FERNANDEZ: I appreciate that.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair.

CHAIR MOLINA: Oh, you get one more question or are you...

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VICE-CHAIR RAWLINS-FERNANDEZ: That's it, mahalo, Chair.

CHAIR MOLINA: Okay. Chair King followed by Member Hokama.

COUNCILMEMBER KING: Because you have such a light load, Chair, your Committee. I think these two committees are the heaviest loads, so I appreciate you folks sharing the load between you. So, my question was because it says prosecutorial strategies in the agenda, are you working with the Prosecutor, the Prosecuting Attorney, and are you training anybody in that office as well?

MS. QUINTERO: Yes, we are. We just recently had a strangulation and homicide training where we had officers and prosecutors from outer island that participated with this. So, a lot of the information that we gather from, say, strangulation cases, that do not either go forward or is dismissed, we consult with prosecutors on how can we train our police to better investigate. Because a lot of times it's just the questioning that is asked, or the wording that might not be clear to a victim, because it's a traumatic experience. I mean that's --

COUNCILMEMBER KING: Sure.

MS. QUINTERO: --the closest to near-death is strangulation.

COUNCILMEMBER KING: Okay, well, we just heard from our Prosecuting Attorney in Committee yesterday that they lost their longstanding expert in sexual assault, and --

MS. QUINTERO: Yeah.

COUNCILMEMBER KING: --so, you know, I'm hoping that we can start collaborating across. I mean I think they lost him to Corp. Counsel, which was...they weren't very happy about but I'm hoping that the, you know, this kind of grant can benefit the Prosecuting Attorney's Office --

MS. QUINTERO: Yes.

COUNCILMEMBER KING: --as well as they continue to, you know, we're all seeking to retain attorneys in the various departments. And there seems to be a little bit of movement lately, so thank you, Chair.

CHAIR MOLINA: Okay, Chair King. Mr. Hokama followed by Member Sugimura?

COUNCILMEMBER HOKAMA: Chairman, thank you. I just want to follow up on one of your responses to one of my colleagues earlier, your ability to investigate is at times impacted by your need for overtime?

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MS. QUINTERO: No, what I'm saying is this would allow us to, I say, just respond to anything and not, I guess look at things and say how we would triage it, I guess. I mean, it's like especially for domestic violence, because we have or for just the law enforcement itself, you have that seven-day provision. And sometimes it allows us to work over, say, the normal eight hours or ten hours. It gives us, I guess, more of a...

COUNCILMEMBER HOKAMA: Yeah, yeah, no. My concern, yeah, is that you should not...it shouldn't be one resource issue --

MS. QUINTERO: Yeah.

COUNCILMEMBER HOKAMA: --not from this Council, anyway. If you folks need resources to do your job, especially in investigation, following through on crime, especially against persons like abuse and whatnot, I don't want the excuse that our budget hindered us from doing timely investigation and case completion, yeah. Because for me, that additional time or whatnot is more of an impact on the victims and their support group than the perpetrator. So, I would be one who would make sure that that is not one excuse not to investigations that we no more enough money for overtime or whatnot, yeah?

MS. QUINTERO: Okay, let me just clarify too, sorry. We also do public appearances, so this would cover public appearances. Say, like, on the 19th we have the County Abuse for October, that's something that this would cover under overtime when I speak of overtime. Not per se just an investigation dealing with a domestic violence incident if that makes...if that's a little more clear.

COUNCILMEMBER HOKAMA: Okay, no, I just wanted to make clear from, you know, people like me and my position is, if you need resource to get the job done, you need to make us aware so we can then make the better adjusted decision as best as possible because we want you guys to be successful, yeah. We want crime to be defeated.

MS. QUINTERO: Yes.

MR. MARKS: No, the resource is there.

COUNCILMEMBER HOKAMA: Yeah, so...

MR. MARKS: They get the overtime. It's...

COUNCILMEMBER HOKAMA: Yes. So again, I just was concerned that's why we asking to clarify.

MS. QUINTERO: Oh yeah, sorry. Yeah.

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COUNCILMEMBER HOKAMA: We don't want that to hinder you and your ability to complete the investigation. So, if it's a money thing, we can fix that.

MS. QUINTERO: Can we ask for more...

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER HOKAMA: If you need more personnel and justified to the caseload and everything, explain to us --

MS. QUINTERO: Thank you.

COUNCILMEMBER HOKAMA: --I think we're all relational people who want to win the battle of drugs and crime.

MS. QUINTERO: Yes.

COUNCILMEMBER HOKAMA: Okay.

MS. QUINTERO: Thank you.

COUNCILMEMBER HOKAMA: We want to win that war.

MS. QUINTERO: Thank you, sir.

COUNCILMEMBER HOKAMA: Yeah. Thank you, Chairman.

CHAIR MOLINA: Thank you, Member Hokama. So, I guess in laypeople's term, no shame ask if you need resources, come to this Council anytime.

MS. QUINTERO: Thank you, Chair. You sure about that?

CHAIR MOLINA: Well, I'll refrain from further comment regarding that. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you for being here and I'm glad to see this contract or, you know, grant funding come through. So, all throughout this document it references State, local, or tribal legislation, State, local, or when it says tribal, can you explain that? I think we understand State, local. Is there...

MS. QUINTERO: Yeah, I think for us is more State and local, not per se tribal because the grant would list all of that, like, the entire entity of who can apply for this kind of grant. And, you know, we've been lucky enough that every year we're fortunate to be awarded this grant, it's just a given for the past five-plus years. And for me I have seen a big difference with this grant, especially with our community with the

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different...like the mixing pot they say. And part of this grant helps us to get people from say the Micronesian community, the Tongan community, Hispanic community, that can help us better serve our community members.

COUNCILMEMBER SUGIMURA: Excellent. And I guess Member Hokama said what I was thinking, and I was just wondering how can we help you, because I think this is a growing problem. I'm glad that you're doing what you're doing, both of you and the Department. And, you know, we're here to help if we can. So, please reach out to us.

MS. QUINTERO: Yeah, and I, you know, we thank you folks for continuing to, you know, I guess support the agencies that we work with. Because with domestic violence it's not just disagreements, it goes down to drug abuse, you know, alcohol abuse. So, it's a totality of everything and being able to have the resources and agencies out there for us to use, it's a benefit for us. I mean, it's an all-in-all win. So, thank you folks for continuing to support and fund those programs.

COUNCILMEMBER SUGIMURA: Oh, I love to hear that, that circle of participation in life. Thank you.

MS. QUINTERO: Thank you.

CHAIR MOLINA: Okay, thank you, Councilmember Sugimura. Chair just has one quick question. You know in general, the public has a fascination with crime and sometimes a morbid fascination, but I guess maybe because it involves a lot of science and psychology, you know, all these crime shows on TV and whatnot. In one of your responses to Member Lee with regards to strangulation and the increase, is this a national trend as well? Do you folks have a reason why the increase?

MS. QUINTERO: Well, you know, like the old saying, when it's abuse things that happen in your house, it's your business. And I think with the way things are changing and we see the increase in domestic violence, it's something that we need to talk about. So, I think the communication is more out there about strangulation, you know. So, it's the shame like you're not afraid to talk about it. For us as law enforcement and agencies, we need to educate the community to let them know, it's okay to talk about it. It's okay to come forward, you know, because it's always been you don't say, it's not their business, look the other way. But that's something that I think we all can help change.

CHAIR MOLINA: Okay, thank you, Sergeant for those response. Okay, Members, if there are no other questions, Chair is ready to offer a recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR MOLINA: Okay, Chair's recommendation is to approve A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental

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Agreement with the Department of the Attorney General, State of Hawaii to Approve the acceptance of funds specifically \$54,962 for the Maui Police Department relating to this particular matter. And this would also include in the motion the filing of County Communication 19-343.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. We'll give that one to Member Kama, seconded by Member Lee. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Thank you, 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: FIRST READING OF BILL AND FILING OF
 COMMUNICATION.**

CHAIR MOLINA: Thank you very much, Members.

MS. QUINTERO: Thank you, Chair and Councilmembers.

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CHAIR MOLINA: Thank you. Alright, Members, it's 10:31, let's go ahead and take a break and when we return we'll devote the rest of the Committee time to GET item number 19. So, this meeting is in recess until, Members, you need 10 minutes, 15 minutes? Okay, let's go with 10:45, let's return to the Chambers at 10:45. GET meeting for September 17 in recess. . . . (gavel) . . .

RECESS: 10:32 a.m.

RECONVENE: 10:50 a.m.

CHAIR MOLINA: . . . (gavel) . . . The GET Committee meeting of September 17, 2019 has now come back to order.

**GET-19 BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES FOR
NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS (CC 19-107, 19-108,
19-337, 19-338)**

CHAIR MOLINA: Members, we're on our last item for the day which is GET-19, Bank of America's Commitment to Provide Mortgages for Native Hawaiians on Hawaiian Home Lands. And, Members, as you recall we previously met on this item back on August 6, 2019 and Chair will open up by saying that we did have a panel discussion involving a representative from Bank of America as well as the Department of Hawaiian Home Lands, and, of course, Mr. Chan Hodges as well. We did receive an e-mail from the Attorney General's Office from Mr. Kanakaole who had stated his position or their position on this matter. Chair would like to inform you that the Attorney General's Office declined my request to participate in today's meeting. Supervising Deputy Attorney General Craig Iha advised that they are not authorized or at liberty to provide this Council with privileged information on this case. They cannot disclose information and will not take the initiative to try to advise the Council on this matter. Mr. Iha also stated that without directive from an appropriate State agency such as DHHL, their office is not able to participate in today's meeting. So, Chair's opinion, he is very disappointed at the lack of participation, but it is what it is. So, Members, before us today, we are considering, there's several resolutions on the agenda item. One of which is to authorize employment of special counsel to investigate and litigate actionable claims against Bank of America and the banking and mortgage industry. And the other resolution is authorizing the employment of special counsel to pursue sanctions and other remedies for fraudulent foreclosures. And also, a third one encouraging the State Attorney General to employ outside counsel to pursue legal remedies for fraudulent banking activities. Chair's going to start off first with Corporation Counsel, and we are accompanied today as well as Mr. Kushi we have Mr. Hanano from Corporation Counsel's office. Thank you for being here and, I guess, Corporation Counsel Lutey is not available to attend this meeting today, she's off-island. Corporation Counsel did have comments to make on the resolution related to the employment of special counsel to pursue sanctions and

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other remedies for fraudulent foreclosures. Corporation Counsel, can you provide your comments on that particular resolution?

MR. HANANO: Okay, so, I'm assuming that Chair is referring to the memo dated July 29 --

CHAIR MOLINA: Okay.

MR. HANANO: --2019.

CHAIR MOLINA: Okay, July 29th which should be in your Granicus, Members, dated July 29th.

MR. HANANO: And basically what happened is there were several versions of the resolution, I think, it's item 6(b), and also item number 3, the resolutions that are attached to those. There were different versions that were submitted and I think Corporation Counsel had some concerns with some of them and on July 29, 2019, a memo was issued from Corporation Counsel to Chair and as a result of that, the resolution was modified and I think the present form that, or the final form, I think, was found or is found in item number 3, which was signed by Corporation Counsel.

CHAIR MOLINA: Okay, Members, you got that? So, there's a modification made to the resolution by Corporation Counsel to address, I guess, some of the concerns that Corporation Counsel had. Okay. Members, any questions for Corporation Counsel on this particular resolution that was modified? Okay, seeing none...sorry, Member Paltin?

COUNCILMEMBER PALTIN: The resolution that's modified is the one that's on Granicus, the 7-29-19?

CHAIR MOLINA: Yeah, in a letter that was a memo from Corporation Counsel to the Chair. It's a somewhat lengthy document and they stated their concerns about it and what they've done to my understanding from Mr. Hanano was you modified it to address some of your concerns. Am I correct, Mr. Hanano?

MR. HANANO: That's correct.

COUNCILMEMBER PALTIN: Do you mind pointing out the specific modifications?

CHAIR MOLINA: Okay, Mr. Hanano?

MR. HANANO: Okay, so if you want to go look at item number 3 and compare that to, let's see, that would be item number 6(b), I believe.

COUNCILMEMBER KING: Chair?

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CHAIR MOLINA: Mr. Hanano, do you need a recess to point out some of these things...

COUNCILMEMBER KING: I just wanted to give him the point of reference.

CHAIR MOLINA: Okay, hang on, Chair King, yeah. Oh, go ahead, Chair. What is your point of reference?

COUNCILMEMBER KING: Okay, so, in Granicus, the one that we're looking at today that's the modified version is County Communication 19-337, which on the agenda is the item number 3 on the agenda that Corp. Counsel is talking about. So, that's the final version, I believe, and it has Pro-Temp Kama's name on it as the transmitting officer or transmitting Councilmember.

CHAIR MOLINA: Okay, dated August 7th in your Granicus...

COUNCILMEMBER KING: Well, if you look in Granicus there's no date on it, just says County Communication 19-337 if you're looking down that list of County communications. It's the fourth listing. So, it's the legislation text --

CHAIR MOLINA: Okay, 19.

COUNCILMEMBER KING: --County Communication 107, 108, and then 337.

CHAIR MOLINA: Okay, Members, are we all there, 19-337, County Communication, which is the third item in your Granicus? That is what has been modified by Corporation Counsel.

COUNCILMEMBER KING: That is the modification.

CHAIR MOLINA: Okay, thank you, Chair King. Any questions on that? Member Paltin, does that answer your question?

COUNCILMEMBER PALTIN: So, the one, the memo from Corporation Counsel, that's not the modified one?

CHAIR MOLINA: The memo from Corporation Counsel, you mean...

COUNCILMEMBER PALTIN: It's the one that's 19-337, County Communication?

CHAIR MOLINA: Yeah, this, I guess initial resolution came from Chair, right, on this...

COUNCILMEMBER KING: There've been --

CHAIR MOLINA: Yeah.

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COUNCILMEMBER KING: --a couple different versions. But the version, I think, we all finally settled on that Corporation Counsel actually signed is 19-337.

CHAIR MOLINA: So, what you're looking at 19-337 is the resolution modified by Corporation Counsel...

COUNCILMEMBER HOKAMA: Chairman, if you would read the title of the revised resolution that would help us.

CHAIR MOLINA: Okay, which is Authorizing the Employment of Special Counsel to Pursue Sanctions and Other Remedies for Fraudulent Disclosures [sic].

COUNCILMEMBER PALTIN: Oh.

COUNCILMEMBER KING: Oh, no.

COUNCILMEMBER HOKAMA: Okay, then Chairman --

COUNCILMEMBER KING: No.

COUNCILMEMBER HOKAMA: --July --

COUNCILMEMBER KING: No, that's not the one.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: --July 29th is Encouraging the State Attorney General.

CHAIR MOLINA: Okay, I'm sorry. We're talking about the third one that we...yeah. It's...so, on your agenda, Encouraging the State Attorney General --

COUNCILMEMBER KING: No.

CHAIR MOLINA: --to Employ Outside Counsel to Pursue Legal Remedies for Fraudulent Banking Activities.

COUNCILMEMBER KING: No, that's not the...

CHAIR MOLINA: Oh, excuse me.

COUNCILMEMBER KING: No.

CHAIR MOLINA: Under the comments, okay, right below 6(a) there's (b), where it says comments related to a proposed resolution and it's entitled, Authorizing the

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Employment of Special Counsel to Pursue Sanctions and Other Remedies for Fraudulent Foreclosures.

COUNCILMEMBER KING: Chair --

CHAIR MOLINA: Not the one?

COUNCILMEMBER KING: --the one that we're looking at, the title of it is, Authorizing the Employment of Special Counsel to Investigate and Litigate Actionable Claims Against Bank of America and the Banking and Mortgage Industry.

CHAIR MOLINA: Okay, so I was right the first time with 6(a) then?

COUNCILMEMBER KING: No, it's item number three on the agenda, County Communication 19-337.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: That's the...that should be the one that we're...

CHAIR MOLINA: Okay. I guess I'm looking at, down at 6(a). Okay, so the first...so, we're talking about the first resolution on the agenda then, not the third resolution, right? Okay. So, we're number 3 on the agenda, if you look under the title, description number 3, Authorizing the Employment of Special Counsel to Investigate and Litigate Actionable Claims Against Bank of America and the Banking and Mortgage Industry. So, that's where we're at, Mr. Hokama. So, the first resolution that you see on the agenda.

COUNCILMEMBER HOKAMA: Okay, thank you --

CHAIR MOLINA: Number three.

COUNCILMEMBER HOKAMA: --for the clarification --

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: --Chair.

CHAIR MOLINA: Thank you. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, for Corp. Counsel, the resolution that you want us to work from, or the changes that you want us to work from, can you explain? Or are we supposed to look at this document or another one? I apologize.

CHAIR MOLINA: That's the modified, yeah?

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MR. HANANO: Right.

CHAIR MOLINA: Okay.

MR. HANANO: Yeah and I think the one that is, well, we would recommend that Council look at is the one that's in item number 3, County Communication 19-337.

CHAIR MOLINA: Mr. Hanano, so just, if I may, Ms. Sugimura, can you just summarize? Because I know it's a pretty lengthy response that was given to us from Corp. Counsel. Just summarize the key points on what you modified and why you had concerns. Just so the public can hear it as well --

MR. HANANO: Yeah.

CHAIR MOLINA: --instead of just looking at it.

MR. HANANO: I mean there's a lot of...I mean, if you look at the two there's some similarities and some differences. I think in the memo it's explained in detail, you know, our concerns that we had with the initial version. I think the initial one had a specific attorney's name; I don't think this one that was attached to the memo had it, but there were some changes as described in the memo based on the concerns.

CHAIR MOLINA: Okay. So, your concern, one of the concerns is because they had a specific attorney's name as...

MR. HANANO: I think that was, like, maybe, like the earlier version.

CHAIR MOLINA: Right, right. So, you've modified it to delete, have that --

MR. HANANO: Right.

CHAIR MOLINA: --attorney's name taken out --

MR. HANANO: We took that out.

CHAIR MOLINA: --of this resolution.

MR. HANANO: We took that part out, and if you look at the previous version and you look at the current one that was signed, you know, there are some similarities but a lot of it is, was modified based on the concerns that we had.

CHAIR MOLINA: Okay, thank you. Members, are you...everybody clear somewhat on what the changes were or looking at the appropriate resolution that we're considering right now?

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UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: Again, it's the first resolution that's been modified by Corporation Counsel. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That wasn't clear at all. The resolution that we're looking at, the one that Chair King directed us to look at doesn't have the name of the person. So, that modification was unnecessary for this resolution that we have before us. So, Corp. Counsel keeps saying that there's some differences, there's some similarities, but what I hear our Chair asking is what are those differences and what are the similarities. And perhaps as you suggested earlier we would need a quick recess to allow Corp. Counsel to find that information for us.

CHAIR MOLINA: Okay, Members...

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Yeah, Chair King?

COUNCILMEMBER KING: Can I just for the benefit of the Council just iterate the succession of these. Because if it's okay with the Council just to explain that the first resolution did in fact name a special counsel. We then, you know, my office working with our OCS counsel then modified that to take the name out, but it was still focused on authorizing litigation. We didn't get anything back from Corp. Counsel after that. Subsequently, we decided that maybe the better way to go rather than just going direct to litigation was to investigate first and, you know, put a cap on the amount of money that we would put into the investigation, that's what we're looking at now. This actually authorizes...I'm not happy with the fact that it says Authorizes Investigate, to Investigate and Litigate, because it's real...you can't litigate for \$25,000. So, that may have to be an amendment that is done, but this is the...the final one was...the final one that we're looking at today was meant to authorize the hiring of special counsel to look into what is our case, you know --

CHAIR MOLINA: Right.

COUNCILMEMBER KING: --what kind of a case does Maui County have to go forward in light of the fact that we've gotten this letter from the State that says there's no basis. So, that was the idea we landed on. But the language in here, I think, needs to be modified because we may not even use the same investigative attorney for the litigation. And this one would lock us in to having that same person do both, but it doesn't describe an amount of money for the second part, the litigation part. So, I think we can work off of this with some amendments. You know, I would suggest that if, you know, the conversation start out with the idea, if anyone has any desire to just go forward with litigation, we can talk about that. But this was meant to get us into a

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first step where we could have somebody be looking at what are...what the damage to Maui County is, whether we have a case for just compensation, or we have a case for sanctions to go beyond compensation and the like. So, that's kind of where we are today.

CHAIR MOLINA: Okay, thank you, Chair King. Members, are you clear on the explanation from Chair King as it relates to the resolution to consider hiring counsel for, I guess, exploratory purposes?

COUNCILMEMBER KING: Right, yes.

CHAIR MOLINA: Yeah, we'll just summarize correctly. And then, of course then there's also another resolution we're encouraging the State Attorney General to employ outside counsel to pursue legal remedies for this Committee to consider as an option as well. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, is it your intent to go through the resolution authorizing the employment of special counsel and then go look at the second resolution or were you going to look at them both collectively?

CHAIR MOLINA: Well, Chair's preference would be to look at each one individually --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: --and if this body would like to act on one or both, that is the option that this body has to consider.

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: Member Lee?

COUNCILMEMBER LEE: Mr. Chair, I think the be it resolved portion of the resolution does cover and sort of separates the two tasks for the special counsel and number one authorizes that special counsel to investigate and litigate, but I think that covers phase one and phase two in a sense. And then the number two it says the total compensation for investigation of the actionable claims described here and above shall not exceed 25,000, so I think it's referring to the investigative portion not to exceed 25,000 --

CHAIR MOLINA: Twenty-five thousand.

COUNCILMEMBER LEE: --and it doesn't make reference to the litigation part as far as the money is concerned because that would require Council action again, I believe. So, I think this resolution seems to be fine.

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CHAIR MOLINA: It encompasses both.

COUNCILMEMBER LEE: Yeah.

UNIDENTIFIED SPEAKER: Chair?

COUNCILMEMBER LEE: The only thing that it doesn't include is what Mr. Hokama mentioned, has mentioned a number of times in the whereas section number, the second whereas talks about to fulfill loan commitments to Native Hawaiians and others, and he has brought up several times that this has really affected people of Filipino ancestry. So, maybe we can include that recognition in that sentence.

CHAIR MOLINA: So, rather than others, we specifically designate an --

COUNCILMEMBER LEE: Well --

CHAIR MOLINA: --ethnic group.

COUNCILMEMBER LEE: --or you could say, Native Hawaiians, Filipinos, and others --

CHAIR MOLINA: And others --

COUNCILMEMBER LEE: --you know.

CHAIR MOLINA: --okay. Insert the word Filipinos is what...

COUNCILMEMBER LEE: Well, I'm not sure how you do that, you know, correctly, but appropriately.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Yeah. Just put...

CHAIR MOLINA: Okay, Chair King followed by Member Hokama.

COUNCILMEMBER KING: Okay, so I wish we had our own counsel here because in speaking to our, the head of our legal counsel for OCS, his feeling was the way this is worded it locks us into the same special counsel for both investigation and litigation. So, that's where we don't want. I think we want to have that discussion, do we want to give ourselves the option of putting it back out there, you know, if we decide we're going to go ahead. Are we going to be locked into the same person that we hired for the investigation? That's the part of the wording that I think it could be sticky. So, maybe we could get Corp. Counsel to give us their opinion on this. Would this, the way it's worded right now, would this give us the option of once we hire special counsel for the investigative part of going back to out to with the RFP for the litigation?

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CHAIR MOLINA: Litigation portion. Corp. Counsel, you response on that at this time? Do you need a brief recess? Okay, Mr. Kushi?

UNIDENTIFIED SPEAKER: Recess.

CHAIR MOLINA: Recess subsequent the call of the Chair. . . . *(gavel)* . . .

RECESS: 11:08 a.m.

RECONVENE: 11:10 a.m.

CHAIR MOLINA: . . . *(gavel)* . . . GET meeting for Tuesday, September 17th is now back in session. We have a response from Corporation Counsel related to Chairman King's question.

MR. KUSHI: Yes.

CHAIR MOLINA: Mr. Kushi?

MR. KUSHI: Mr. Chair, in response to Member King's question, again, in my initial comments is that, are these as follows. This is a highly unusual situation. This is a Council-initiated proposed litigation or investigation. Usually it's Administration coming to you for special counsel, but this is solely a Council-backed initiative. Having said that, I tend to agree with Member King about the language about litigate. I think the intent of this resolution that you have onboard which is County Communication 19-337, is to hire special counsel to investigate and see if you have a case, and it's only limited to 25,000. I mean, you know, you can knock yourself out for 25,000, you're not going to have a litigator for that amount. In addition, in terms of switching special counsel, the resolution itself calls for Council Services, not our office to do the procurement, so it's...I believe it's up to Council Services at the direction of the Council to find another attorney if it pleases. And if you pursue litigation, set the parameters of compensation. The key to this resolution though is in item number seven under be it resolved which states, the Council must adopt a resolution, a separate resolution expressly authorizing the filing of a complaint, motion, or other legal papers in any state or Federal court, or agency prior to special counsel submitting documents on the County's behalf with any such court or agency. So, I believe this is a two-step process. So, the reference to litigate may be a misnomer in this case. However, you know, there is limiting language.

CHAIR MOLINA: Okay, thank you, Mr. Kushi. Chair King?

COUNCILMEMBER KING: So, thank you for that opinion. So, we have to come back for another resolution anyway. If we just focus this resolution on the investigative portion then we find out what our options are going forward, and then we have go back out for

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a procurement of a special counsel to litigate, but we have to get permission from the Council to litigate anyway. So, I think that would make it cleaner, Chair, if we just limited this one to investigation and then we're not locked into the same counsel for both.

CHAIR MOLINA: So, this would require us amending the resolution --

UNIDENTIFIED SPEAKER: Yeah.

CHAIR MOLINA: --as...

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Okay, Member Kama?

COUNCILMEMBER KAMA: So, I'd like to make the resolution to...make the motion to amend the title of the resolution just to delete the word litigate.

CHAIR MOLINA: Okay --

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

CHAIR MOLINA: --alright, we can massage it at this point, although there's no formal motion on the floor. Okay, so, we'll call that a...

COUNCILMEMBER KAMA: Can I just make the motion, somebody second it, and then...

COUNCILMEMBER KING: Do we need a motion for the --

CHAIR MOLINA: Yeah, I --

COUNCILMEMBER KING: --actual...

COUNCILMEMBER KAMA: There's two...

CHAIR MOLINA: --think we need to...do we need the formal motion on the floor first? I guess was ... *(inaudible)* ... Yeah. Okay, we can massage the resolution as is without a formal recommendation to approve the whole resolution. Okay so, could you state your amendment again, Ms. Kama?

COUNCILMEMBER KAMA: Just to delete the word "litigate" in the title of the resolution.

COUNCILMEMBER KING: "And litigate." There are two words...

COUNCILMEMBER KAMA: And litigate.

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COUNCILMEMBER KING: Right, yeah.

CHAIR MOLINA: Okay, "and litigate." Okay, Members...

COUNCILMEMBER KAMA: So, it reads just to investigate actionable claims against Bank of America and the Banking and Mortgage Industry.

CHAIR MOLINA: Okay, is there a second to the amendment?

COUNCILMEMBER HOKAMA: Second.

COUNCILMEMBER KAMA: Mister...

CHAIR MOLINA: Okay, seconded by Mr. Hokama. Any further discussion on the amendment?

COUNCILMEMBER KAMA: No.

CHAIR MOLINA: Okay, Member Lee?

COUNCILMEMBER LEE: Wouldn't we have to delete "and litigate" throughout the resolution?

CHAIR MOLINA: The word "and."

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER LEE: Not only in the title.

COUNCILMEMBER KAMA: Yes --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: --throughout the entire document.

CHAIR MOLINA: Mr. Kushi referenced the seventh be it resolved. Anything needed there as well? Let me just double check.

COUNCILMEMBER KING: I think that one's fine.

CHAIR MOLINA: Okay, there's...I don't see the word "litigate" in that seventh be it resolved that Mr. Kushi had mentioned, so no need there.

COUNCILMEMBER LEE: Maybe Staff...

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

COUNCILMEMBER LEE: Yeah.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Staff can take off.

CHAIR MOLINA: Alright, any objections if the Staff makes any nonsubstantive changes?

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay, alright, so at this point we're going to delete from the title, "and litigate," okay.

COUNCILMEMBER LEE: That's throughout the body --

COUNCILMEMBER KAMA: And throughout the document.

COUNCILMEMBER LEE: --of the reso.

CHAIR MOLINA: And throughout, wherever appropriate.

COUNCILMEMBER KAMA: Right.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Okay, seeing no other discussion, all those in favor signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Okay, thank you, the resolution has been amended.

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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: **AMEND RESOLUTION to delete Litigate.**

CHAIR MOLINA: Okay, any other considerations as it relates to the resolution that we're currently discussing? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I speak in support of the amended motion regarding the proposed resolution. I would just like, again, to state for the record couple of points that I feel is worthy for us. I don't have a issue at all regarding a specific esquire, attorney, lawyer, whatever the term is to investigate the potential claims because this is a confusing case I would agree when you look at...depending on whose documentation. But I am taking into account the Federal Reserve's own comments and words, Chairman, that I will state why I believe this is a reasonable action of this Committee at this time. And I thank Ms. Lee because I have consistently brought it up. When you read the comments of the Reserve, especially with Hawaii. Yes, we addressed the concerns and inequities regarding our Native Hawaiian community, but it is specifically also mentions a group called Filipinos, yeah. It doesn't say other Asian Pacific Islanders, they specifically say the Filipino community. Just like for California, the Reserve specifically states Hispanics, okay. So, I want us to also know that there's another component of our community that hasn't been treated fairly by institutional financial entities like Bank of America, and that not only the Native Hawaiians have not been served well, but our Filipino residents have not been served well. And I take that as a point because when you look at their setbacks, it also mentions why Molokai and Lanai was specifically carved out of the zone in your footnotes which I find pretty offensive. But in the end when you look at their comments, Chair, regarding their final decision, it is for couple of things. It is to increase the level of its lending to low or moderate income and minority individuals and communities, which we can verify and attest. And then it says, for purposes of this action, commitments and conditions relied on in reaching their decision on this application shall be deemed to be conditions. This is their words. Deemed to be conditions imposed in writing by the board. This is the Board of the Federal Reserve.

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And such, may be enforced in proceedings under applicable law. And that is why I'm open to this resolution, Chair. The board, the Federal Reserve Board themselves have made it a condition of implementation based on this decision granting Bank of Hawaii...America, to merge their Liberty components and other entities for their financial profits. So, I bring this forward, Chair, as a part of the rationale why I believe we have a good case and that I think that the greater community of our County will be beneficiaries because not only our Native Hawaiians, but our Filipino community plays a sizable role in the health and welfare of our County. So, I'm in great support of this. I'm willing to investigate and if necessary, it would be for me very disappointing that the State government, which has the regulatory departments regarding banking in this State, regarding insurance in this State, regarding housing in this State, not to take their proper role of governance in supporting upholding the implementation of a agreed-to document. They should be alongside of us, if not leading us, Chairman, in this effort to get this corrected. And I'm disappointed that we have yet to hear from the Department of Hawaiian Home Lands and its trustees who are decision makers on behalf of the beneficiaries instead of a letter from a Deputy Director. So, I thank you for my opportunity to speak and why I'm in support of the motion.

CHAIR MOLINA: Thank you, Councilmember Hokama. Your comments are certainly well taken. And, you know, for me the overall mystery I'm looking at what happened to that \$150 million? Where did it go to because the State is...AG's Office said we fulfilled our commitment? Someone on DHHL said the commitment was also made. But then, someone else from DHL [sic] is saying otherwise. I mean, it's just a really...a real mystery at this point.

COUNCILMEMBER HOKAMA: Chairman, one quick...and I apologize.

CHAIR MOLINA: No, go ahead.

COUNCILMEMBER HOKAMA: One quick takeaway that I hope you will keep in mind, Chairman, and remind us is that there was an agreement of a balance of enforcement \$80 million left that was agreement with the bank and with various representatives of departments agreeing on a balance of about \$80 million balance, and all of a sudden that balance has disappeared and said it's fulfilled. That should be our primary target, Chairman. What happened to that 80 million that disappeared?

CHAIR MOLINA: Show us the money.

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR MOLINA: Where did it go? Okay, Members, any other comments on the resolution up for consideration?

COUNCILMEMBER KING: Chair?

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CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: Okay, so, do we have a motion on the floor then? Because the original item...

CHAIR MOLINA: We don't have a main motion, what we amended was just, I guess, a friendly amendment --

COUNCILMEMBER KING: Friendly amendment.

CHAIR MOLINA: --prior. So, there's no formal motion yet.

COUNCILMEMBER KING: Okay, so we need a...can I make the motion?

CHAIR MOLINA: Proceed.

COUNCILMEMBER KING: Okay. So, I move that we approve County...we support...how will you...approve County Communication 19-337 as amended on the floor today and, I don't know, I guess I send --

CHAIR MOLINA: Title as amended.

COUNCILMEMBER KING: --yeah, file communication.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay, motion made by Chair King, seconded by Member Kama. Now, the resolution is up for discussion.

COUNCILMEMBER KING: Okay, so Chair, the resolution as amended will allow us to go as quickly as possible into the investigation and still leave our options open for the litigation, should we choose to do that. I think I...in procuring this counsel, I think we'll be mindful of the conversation here on the floor today and since it says "and others" in here, we can direct with that communication to also look into the directive from the Federal Reserve about the Filipino community. We will also, as I see this, there's a directive to bring it back to the Council at such point that we have that report and before any additional monies are expended or any additional counsel is approved.

CHAIR MOLINA: Okay, thank you, Chair King. Members, any other comments as it relates to the motion on the floor? And again, I'll read the title as amended for, into the record, Authorizing the Employment of Special Counsel to Investigate Actionable

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Claims Against Bank of America and the Banking and Mortgage Industry. Okay, because we did take out the words "and litigate," yeah, with our earlier amendment. Vice-Chair Rawlins-Fernandez, followed by Councilmember Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I guess I'll make the motion since it's kind of been discussed.

COUNCILMEMBER KING: Oh, but I already made a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: I move to amend --

COUNCILMEMBER KING: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: --the main motion --

COUNCILMEMBER KING: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --to include Filipinos --

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: --in the first page --

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --the second whereas.

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: The amendment...mahalo, Member Hokama.

CHAIR MOLINA: Can you go ahead, read it --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: --read it out?

VICE-CHAIR RAWLINS-FERNANDEZ: Whereas the above described actions or failures to act include Bank of America's failure to fulfill loan commitments to Native Hawaiians, Filipinos, and others as described in Resolution 18-178.

CHAIR MOLINA: Okay, motion to amend made by Vice-Chair Rawlins-Fernandez --

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VICE-CHAIR RAWLINS-FERNANDEZ: Oh.

CHAIR MOLINA: --seconded by Member Hokama.

COUNCILMEMBER KING: I don't know if that resolution is relevant.

VICE-CHAIR RAWLINS-FERNANDEZ: You know what, that resolution probably didn't include Filipinos there.

COUNCILMEMBER KING: It didn't. So, I think you would need to change that language and possibly say "as described in the Federal Reserve documentation," instead of "the resolution."

CHAIR MOLINA: Okay, Member Rawlins-Fernandez, would you like to restate that?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Oh, okay. So, shall we withdraw your initial amendment and second and then start over again? Okay, Member Hokama has indicated he'll withdraw the second. So, we'll withdraw your original motion to amend. And so, Chair will recognize you again to make a newly amended amendment, I guess.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair. I move to amend the second whereas clause on Page 1, whereas the above described actions or failures to act include Bank of America's failure to fulfill loan commitments to Native Hawaiians, Filipinos, and others, as described in Part 208, membership of the State Banking Institutions in Federal Reserve System.

CHAIR MOLINA: Okay, motion to amend has been made by Member Rawlins-Fernandez, is there a second?

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Seconded by Member Hokama. Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Orders issued under Bank Holding Company Act.

CHAIR MOLINA: Okay, in addition to. Oh, that's a pretty wordy one, but everybody get the --

VICE-CHAIR RAWLINS-FERNANDEZ: Maybe nonsubstantive --

CHAIR MOLINA: --gist of the amendment? Yeah --

VICE-CHAIR RAWLINS-FERNANDEZ: --revision at the end.

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CHAIR MOLINA: --and we'll allow Staff to make any --

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR MOLINA: --nonsubstantive additions where deemed appropriate. Okay, everybody understand what the amendment is? Mr. Sinenci, you had any comments? Okay, seeing no other comments on the amendment made by Member Rawlins-Fernandez, Chair will call for the vote. All those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed? Okay, Chair will mark it unanimous.

**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: AMEND RESOLUTION to include Filipino.

CHAIR MOLINA: We are now back to the main motion as amended. Any other considerations? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just was looking at on Page 2 of the document and even though we've taken out "and litigate" throughout the reso, there's some references to litigation. The third be it resolved had special counsel related to litigation, and the fifth be it resolved considered as part of a law firm's overhead, and then the seventh be it resolved it mentions other legal papers. So, I don't know if these are nonsubstantive changes that refer to litigation.

CHAIR MOLINA: Corp. Counsel or Staff, any response to Mr. Sinenci's inquiry?

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MR. KUSHI: Based on the intent of this resolution, I say leave those things in because then that talks about the second phase if you do hire special counsel, be it the same or different, to go and litigate. And that would apply in those instances.

CHAIR MOLINA: Okay, Mr. Sinenci, are you done? Okay, thank you, Chair King?

COUNCILMEMBER KING: No, I was just going to say, yeah, thank you for that opinion because I think that gives direction to the second part and could also inform the investigative portion. Because if you're going to recommend actionable items, then it would be within these parameters of hiring a special counsel.

CHAIR MOLINA: Okay, thank you, Chair King. Members, before the Chair calls for the...oh, I'm sorry, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, you know, before you vote on this I think some of the heroes of just us talking about it today are Ian and Chan Hodges [sic] and I just wanted to thank them for being very persistent. I think Shay said that Ian was working on this even before they were dating. I think she told me that in a meeting that I had with her and Ian. So, I just want to thank them and I'm grateful that we're including the Filipino community in this too, because it could get hidden with basically the focus has been on the Native Hawaiian community. So, thank you very much for putting that in there and, Mr. Hokama, for your research. But I wanted to thank Ian and Shay. Thank you.

CHAIR MOLINA: Okay, thank you. And thank you for the reminder, I'm going to be calling Mr. Hodges up later on because we did ask him to be a resource, I have a couple of questions for him. Now as you know, Members, this...the title of this Committee is the Governance, Ethics, and Transparency Committee and we do emphasize full disclosure on everything. Member Kama, I know you went for an advisory opinion on the Ethics Board, can you share with us the end result of that? As it relates to voting on this matter.

COUNCILMEMBER KAMA: Right, so, there was no conflict and they will be sending me a letter as such within a couple of weeks.

CHAIR MOLINA: Okay --

COUNCILMEMBER KAMA: Oh, well, I think after next month's meeting.

CHAIR MOLINA: --okay, thank you.

COUNCILMEMBER KAMA: Yeah.

CHAIR MOLINA: Any questions or comments?

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COUNCILMEMBER KING: Call for the question.

CHAIR MOLINA: Okay, thank you. I'll call down Mr. Hodges to the podium for a couple of questions. And thank you, I want to echo Councilmember Sugimura and the rest for all of your hard work. You've been involved in this matter for a number of years. Can you disclose to the Committee your role in this effort and if you're a paid consultant?

MR. CHAN HODGES: I'm actually...I have a longstanding contract that states if there is actually a settlement I will actually get paid something, but I have not been paid anything since I believe, for 18 years maybe. So, it's been a while. But I will actually be compensated if there is a settlement.

CHAIR MOLINA: Okay, yeah, and that was my next question. And also because of the letter that was disclosed to us from Council Service from a Mr. Jacobs going to that correspondence that you're to receive half of whatever the settlement amount is. And so, is...am I accurate --

COUNCILMEMBER SUGIMURA: Wow.

MR. CHAN HODGES: I --

CHAIR MOLINA: --on that arrangement. If it is Mr. Jacobs.

MR. CHAN HODGES: --that depends on a lot of things including whether or not that can actually...there's...that's what, from my understanding, that's what he would like to do, but there's lots of different things that need to happen between now and...

CHAIR MOLINA: Okay, thank you. Members, any questions for Mr. Hodges on that disclosure? Okay, alright, seeing none, thank you. Okay, just quickly for Corporation Counsel, with regards to...would it be more appropriate as Corporation Counsel sees it for the Hawaii Fair Lending Coalition or Na Po'e Kokua to file suit and the party becoming a party to the suit? And maybe that's a question for maybe Mr. Hodges too, why Na Po'e Kokua never, you know, filed suit. Or maybe Member Kama can lend us some history of why that wasn't, you know, a lawsuit wasn't initiated earlier before this matter coming to the body.

COUNCILMEMBER KAMA: You mean, why we didn't issue that lawsuit years ago?

CHAIR MOLINA: Yeah, well, I mean, yeah. Exactly, what we're considering now and was it ever considered to go pursue and maybe get the county governments involved as a partner?

COUNCILMEMBER KAMA: Okay, let me see. About 25 years ago we were really young then. Blossom was just a teenager at the time and Ian was thinking about getting married to Shay, and I was raising all my 11 kids, and so life gets in the way of doing stuff. And

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we were trying to figure out what to do and how to do and who do we need to talk to, and that's why Ian ended up on the scene to help lead and guide us into that. And so, this is where he led us, and we followed and we're still here.

CHAIR MOLINA: Okay, thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. So, I think Mr. Hodges was saying he doesn't get 50 percent of 150 million.

CHAIR MOLINA: No, no, no. Oh, yeah, no. Well, the proposed number according to that letter from Mr. Jacobs was 252,000 and on the arrangement Mr. Hodges would get 50 percent of that, not the 150 million, no.

COUNCILMEMBER PALTIN: Oh, okay, okay.

CHAIR MOLINA: I'm sure he wishes that would be the case, I don't know.

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

CHAIR MOLINA: I'd probably do the same thing, but, yeah, I'm sorry I didn't add that point in there.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER PALTIN: And then, I just was wondering if he would consider reimbursing the County of what we expend to get the win from his fees?

CHAIR MOLINA: Mr. Hodges, would you care to comment on that suggestion from Ms. Paltin? Or question, I should say, yeah.

MR. CHAN HODGES: That's a good question. I wanted to clarify too that there's...the issue with the \$150 million is the issue that I actually have this longstanding contract with NPK about. So, that's the Hawaiian commitment. The other issue that's actually being discussed here which is also part of this resolution is when it talks about any other, you know, sort of pursuing investigating and other things that Bank of America has done as far as mortgage foreclosure fraud and things like that, that's a separate issue that still needs to be worked out and decided by the Council, Council Services, et cetera. So, as far as your...can you repeat the question which you asked?

CHAIR MOLINA: Member Paltin?

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COUNCILMEMBER PALTIN: Oh, I was wondering if you would reimburse what the County invests in this lawsuit from a portion...a portion of what the County invests in this loss legal action of your payout.

MR. CHAN HODGES: I would...sure, why not.

COUNCILMEMBER PALTIN: Thanks.

CHAIR MOLINA: Member Hokama, is there any comments?

COUNCILMEMBER HOKAMA: Chairman, I'm more concerned about what the County's role in this investigation potential litigation, yeah? Whatever private agreement Mr. Hodges has, that's up to him and the party he has an agreement with. It has nothing to do with the County of Maui, okay? So, I'm not using anything from our potential earnings or General Fund to be compensation. That's why we hiring special counsel, okay? I need to make sure that we are focused and know our limitations on what we're agreeing to, Chair. And it's not about Mr. Hodges compensation, that's not on the floor.

COUNCILMEMBER PALTIN: That wasn't --

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

COUNCILMEMBER PALTIN: --what I was saying. I was saying if he would reimburse the County for furthering his cause, not us compensate him, right? I mean, was that what you thought I said?

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: ... *(inaudible)* ...

COUNCILMEMBER PALTIN: Yeah.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: I'm not saying we should compensate him, I'm saying he can reimburse us a portion for helping his cause or helping the cause to get further to get the justice for the Native Hawaiians and Filipinos and he said yeah, so I'm good.

CHAIR MOLINA: Okay, alright. Thank you, Member Paltin. Member Lee?

COUNCILMEMBER LEE: Well, I'm glad you're good because I'm hoping to continue to closure of this meeting. I applaud the, you know, Shay and Ian for all the work they've done. There's really no sense in trying to speculate how much he's going to make and how much we can get and so forth. The main thing is that we get this moving, hire a

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special counsel, begin the investigation, and we have plenty of time to talk about expenses in the future. Thank you.

CHAIR MOLINA: Okay, thank you, Member Lee. Okay, alright. Let me see, hang on, Chair just has couple for Corp. Counsel. Yeah I'm going to extend the drama a little bit here, okay. Okay, Corp. Counsel, are there other attorneys within the State that could handle this type of case instead of trying to secure an out-of-state attorney at this point? Mr. Hanano or Mr. Kushi? Assuming this resolution passes where we're going to seek counsel, is there anybody here in State? Because like, our ceiling is 25,000, chances are if we go with a mainland attorney, it may exceed that amount. I'm just trying to be cost-efficient here, so if someone can do it here in state, any thoughts?

MR. HANANO: I don't know, I mean, off the top of my head. I know there was a lawsuit that was filed in Hawaii District Federal Court in 2004 and _____ represented the plaintiffs. That case was dismissed. You know, whether or not someone like him could be hired to, you know, litigate this outside of Hawaii, I'm not sure.

CHAIR MOLINA: Okay, thank you. Yes, Ms. Kama?

COUNCILMEMBER KAMA: Was the question to investigate or was your question to litigate?

CHAIR MOLINA: Well, investigate...it's both for now. Because we're considering a resolution to hire counsel --

COUNCILMEMBER KAMA: Right.

CHAIR MOLINA: --so that's why I'm just...my question's related, is there anybody here in State that could investigate or versus, you know, out of state. Again, it's the issue of cost and, you know, as it was mentioned earlier by Mr. Kushi that, you know, 25,000 may not be enough depending on, you know, how far or who we want to consider hiring. I mean, I would want to seek someone as for the right price someone who's really good that could handle something like this. And that was what my question was about to Mr. Hanano.

COUNCILMEMBER KAMA: So, we don't have anybody in the State? Is that what you're saying?

MR. HANANO: No, we don't...I don't know.

COUNCILMEMBER KAMA: You don't know?

MR. HANANO: I mean, I don't know off-hand.

COUNCILMEMBER KAMA: Not that we don't.

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MR. HANANO: There might be, I don't know. I mean, this is a very specialized area of law, again.

COUNCILMEMBER HOKAMA: Chairman?

MR. HANANO: You know, dealing with Federal Reserve, I mean. There's...I don't know if there's any attorneys in Hawaii that do that.

COUNCILMEMBER HOKAMA: Yeah.

MR. HANANO: I mean, I think because a lot of it is, you know, you would have to file on the mainland.

COUNCILMEMBER HOKAMA: Chairman?

MR. HANANO: And so...

CHAIR MOLINA: Okay, hang on.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Member Kama...okay, Mr. Hokama.

COUNCILMEMBER HOKAMA: I think we all agree, we understand State procurement law and that through an RFP, we'll find out whether or not there's interest and what type of proposed financial commitments we'll be looking at. And if appropriate, we'll come back to our Budget Chair for a consideration. Other than that, until we do the RFP, the Council will finally hopefully authorize soon. It's a guessing game, Chairman, until we put out the official request for services.

CHAIR MOLINA: Okay, so noted. Members, any other questions as it relates to the motion on the floor. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, I got an inquiry. So, why are we not using Corp. Counsel? Is this...are you saying that Corp. Counsel doesn't have anybody that could take this on?

CHAIR MOLINA: Corp. Counsel, you could respond to Councilmember Sugimura. So, the question I believe is why not use someone of Corporation Counsel's Office to give an assessment of pursuing this matter.

MR. KUSHI: Mr. Chair, first of all, we were never asked to investigate.

COUNCILMEMBER SUGIMURA: Oh.

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MR. KUSHI: Secondly, if we were asked, we would need special help because like Mr. Hanano says, this is a special area.

COUNCILMEMBER SUGIMURA: Oh, I see.

MR. KUSHI: And thirdly, the way I understand this process, it's a Council-initiated investigation and possible litigation. It's not an administrative executive action, okay? Mr. Chair, couple technical issues. Just to remind this body, you're appointing special counsel, you need two-thirds vote.

CHAIR MOLINA: Okay.

MR. KUSHI: Secondly, whether you get an attorney, I mean, to me you need to have an attorney. Because if you're going to go by 3.6 to authorize to retain, employ, and designate by a vote of two-thirds entire membership, special counsel as a legal representative. Only attorneys can be legal representatives. Otherwise, you know, why not just get an investigator who doesn't need to be an attorney. But as the wording says, this applies to attorneys.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR MOLINA: Okay, thank you, Member Sugimura. Members, any other consideration? And also, I believe, this motion will include the filing of County Communication 19-337 as part of the motion. Okay, seeing none, okay. Staff, you need a recess for a technical matter? Okay, recess at the call of the Chair to address a technical matter. ... (gavel) ...

RECESS: 11:40 a.m.

RECONVENE: 11:41 a.m.

CHAIR MOLINA: ... (gavel) ... The GET meeting for September 17, 2019 is now back in session. Thank you for allowing the Chair to address a technical matter as it relates to the filing of County Communication 19-337. I'd like to recognize Council Services Attorney Mr. Raatz.

MR. RAATZ: Thank you, Chair. We're just noting that in the resolution one of the be it resolved clauses has the special counsel reporting back to this very Committee, and would think you might want to just keep this open, this item open and keep everything in it for the purposes of kind of a linear reporting process.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: Chair King?

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COUNCILMEMBER KING: Chair, I'll withdraw the second part of the motion to file.

CHAIR MOLINA: To file, okay. So that's where the motion stands. This will not include the filing of County Communication 19-337. Okay. Seeing no other comments, Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed. 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 REVISED RESOLUTION attached to County
 Communication 19-337.**

CHAIR MOLINA: Members, there's one other resolution to consider, I don't know if it may, this may be the appropriate time to consider and that is the resolution entitled Encouraging the State Attorney General to Employ Outside Counsel to Pursue Legal Remedies for Fraudulent Banking Activity. What is the --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --feel of the body on this? Member Hokama followed by Member Lee.

COUNCILMEMBER HOKAMA: Chair, I would ask my colleagues to consider deferring that until we get a report back on our investigation.

CHAIR MOLINA: Okay. So noted. Thank you. Chair King?

COUNCILMEMBER KING: I agree. I think we've already heard from the State Attorney General what their intentions are, so.

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CHAIR MOLINA: Okay. So, we will defer taking action on that particular resolution, and the Chair agrees. Let's see first what we can find out from the special counsel as to their assessment on pursuing this matter and if that doesn't work out then maybe this is a resolution we can consider in the future. So, anyway, so we'll leave that as a deferral. Alright, Members, so I guess with that action being taken, I believe that...Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I just want to say thank you for bringing it up in your Committee sooner than later. I appreciate that.

CHAIR MOLINA: Thank you.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Chair appreciates those kind words. Alright --

MR. RAATZ: Mr. Chair?

CHAIR MOLINA: --any announcements, Members before we break? Seeing none...

MR. RAATZ: Staff, Staff has one comment, Chair. I'm sorry.

CHAIR MOLINA: Okay, Mr. Raatz?

MR. RAATZ: Just for the record because the issue of the procurement process came up. OCS does have an ongoing open recruitment for potential special counsel, so our first avenue of vetting would be to look at who's already submitted applications and to the extent that we find an applicant that the Chair's able to negotiate and acceptable contract with, we may not need to do a separate RFP. If our initial vetting reveals that we don't have an ability to do a contract consistent with this resolution, then we'd do an RFP and solicit additional applicants.

CHAIR MOLINA: So, in the event for the hiring, once a name has been selected then it will come back to this Council for approval and will it be in this Committee or the Budget Committee?

MR. RAATZ: Thank you, Chair. No, we won't be coming back for a specific name. This resolution if it's adopted by two-thirds vote, gives the Chair the ability to contract with a special counsel.

CHAIR MOLINA: Okay.

MR. RAATZ: So, you wouldn't need a separate resolution at that point.

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CHAIR MOLINA: So, would the Members have a say to request to take a look at who's being considered then from the Chair's Office then?

COUNCILMEMBER KING: No, not for this first part, but then it would come back to the Council if we decide...you know, the report will come back to the Council. If the Council decides to go forward with litigation, then it will go back out. We'd need another resolution for litigation.

CHAIR MOLINA: So, can Councilmembers participate then in this? No? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I think we by rules allow our Chair to have certain administrative authority that we have granted unless the body chooses to revise it and make the Chair come back to the rest of the group then I can see she come back. But my thing is, I'm not into the current ongoing recruitment thing. That was for general services, yeah. We asking for one special area of investigation. I prefer we go out and get one specific RFP out. I'll put it on the record, Bruce Jacobs is not worthy to be our special counsel. Not after reading the briefs from the Court of Florida, okay? I need somebody that's professional and will represent our interests and not the individual esquire's interests, okay? So, I need somebody preferably from Hawaii that understands Native Hawaiians and Filipinos in Hawaii, okay? I'm not a Floridian, I don't need that, yeah? I'm not even concerned about that issues at all. I'm concerned about what impact Maui County residents of Hawaiian and Filipino ancestry, okay? So, I want a local guy that understands Hawaii. And I prefer an investigator that qualifies for such work, Chairman. Thank you.

CHAIR MOLINA: Okay. Chair appreciates your comments, Mr. Hokama. Any other comments before we close? Okay. Thank you very much, Members. It's 11:45. Chair thanks all of you for your hard work. We took action on everything today. It's 11:45. The September 17, 2019 GET meeting is now adjourned. ... *(gavel)* ...

ADJOURN: 11:46 a.m.

APPROVED BY:



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

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

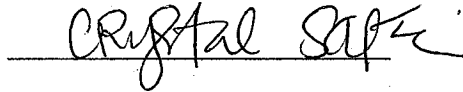
Council of the County of Maui

September 17, 2019

CERTIFICATE

I, Crystal Sakai, 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 7th day of October, 2019, in Kahului, Hawaii

A handwritten signature in cursive script, appearing to read "Crystal Sakai", is written over a horizontal line.

Crystal Sakai