

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

December 3, 2019

CONVENE: 9:03 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (arrived at 9:30 a.m.)

STAFF: Shelly Espeleta, Legislative Analyst
Lesley Milner, Legislative Analyst
James Forrest, Legislative Attorney
Pauline Martins, Committee Secretary
Stacey Vinoray, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

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

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel
Donald Guzman, Prosecuting Attorney
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Shayne Agawa, Deputy Director of Environmental Management
Scott Rollins, Wastewater Reclamation Division Chief, Director of Environmental Management
Theodore Leong, Safety Specialist, Wastewater Reclamation Division, Director of Environmental Management

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PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . *(gavel)* . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday, December 3rd 2019 will now come to order. It is three minutes after the hour of 9 o'clock, good morning, Members. All right let's take attendance this morning. Let's start on my far right-hand side, good morning, Member Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka to you too as well, Member Kama. Member Sugimura is, we've been informed by her office that she's running a bit late so she should be joining us soon for our proceedings. And, good morning, our West Maui Member, Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka to you too. And our Member from Lanai, Mr. Hokama, good morning, good morning. And Committee Vice-Chair Rawlins-Fernandez, good morning.

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

CHAIR MOLINA: Aloha kakahiaka. And our illustrious Member from Wailuku, Ms. Lee.

COUNCILMEMBER LEE: Oh, Mr. Chair, I'd like to say bon dia, and that's from Portugal. So bon dia from all of us in Portugal and all the malasadas elves.

CHAIR MOLINA: Alright ma'am, same to you. Thank you. And good morning, Council Chair King.

COUNCILMEMBER KING: Good morning, aloha.

CHAIR MOLINA: Good morning, aloha. And from East Maui, Mr. Sinenci, good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka. And we have from Administration, we have Mr. Galazin from Corporation Counsel as well as Deputy Corporation Counsel, Mr. Kushi, and Committee Staff, Ms. Shelly Espeleta. And joining us, our new Analyst, Ms. Leslie Milner, and of course doing yeoman's work as always as our Committee Secretary, Ms. Pauline Martins, good morning. Members, we have about one, two, three...four items on our agenda today, but before we do that, Ms. Espeleta, do we have anyone signed up for public testimony in the Chambers?

MS. ESPELETA: None.

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CHAIR MOLINA: Okay, none. All right, let's go out to our District Offices, let's go first to Ms. Lindo out in Molokai, do we have any testifiers on Molokai?

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

CHAIR MOLINA: All right, thank you very much, mahalo. And let's go out to Ms. Fernandez on Lanai, do we have any testimony from Lanai?

MS. FERNANDEZ: Good morning, Chair, there are no testifiers at the Lanai office.

CHAIR MOLINA: Mahalo. And finally, let's go out to Hana and Ms. Mavis, how are you and do we have any testifiers out there?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair, doing good, how are you?

CHAIR MOLINA: I'm doing good.

MS. OLIVEIRA-MEDEIROS: We have no testifiers in Hana.

CHAIR MOLINA: Okay, mahalo. All right Members, if there are no objections, we will close public testimony for our agenda today.

COUNCILMEMBER SINENCI: No objections.

CHAIR MOLINA: All right, thank you very much, so ordered.

**GET-35 INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE
ATTORNEY GENERAL, STATE OF HAWAII, RELATING TO GRANTING OF
FUNDS FOR THE VICTIMS OF CRIME ACT VICTIM ASSISTANCE
FORMULA GRANT PROGRAM, SPECIAL NEEDS ADVOCACY PROJECT
(CC 19-444)**

CHAIR MOLINA: Let's go right in to it, to our first Committee item, which is GET-35 and it relates to an Intergovernmental Agreement with the Department of the Attorney General, State of Hawaii, Relating to Granting of Funds for the Victims of Crime Act Victim Assistance Grant Program. And I'd like to recognize Mr. Galazin from Corporation Counsel to give us an overview. Or is it our Prosecuting Attorney, Mr. Guzman, I'm sorry, go ahead, Mr. Prosecutor, you have the floor.

MR. GUZMAN: Thank you, Chair. Good morning, Members, Councilmembers. This actually is an annual intergovernment agreement between the Attorney General's Office as well as the County. This particular grant is called the VOCA grant, which is the Victims Crime Act Assistance grant. This has been budgeted by the Federal government in the amount of 649,880. The intergovernment agreement stipulates that the County would

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pay a match of 20 percent, which is a 162,470. These monies are used as a pass through wherein we are the grantor of the Women Helping Women as well as Child and Family Services which they provide emergency services and counseling to our community. We also use portions of the grant money for, to pay full salaries of our five Victim Witness Counselors that we have in our Department as well as one Office Assistant. Basically the 162,470 is a stipulation or an agreement that the County would match 20 percent. And that's about it.

CHAIR MOLINA: Okay, thank you very much, Mr. Guzman.

MR. GUZMAN: Thank you, Chair.

CHAIR MOLINA: Members, any questions for Mr. Guzman? Members, Member Hokama?

COUNCILMEMBER HOKAMA: Chair, since this is basically housekeeping that we've done annually, if there's no objections would you take up this and the next item at the same time?

CHAIR MOLINA: Members, any objections, we can take up both items?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR MOLINA: Okay, all right, moving on to our next item. Oh also, no other questions for Mr. Guzman on the first item? Oh, okay, sorry, Chair King?

COUNCILMEMBER KING: Oh, thank you, Chair. I just wanted to double check, was this a budgeted item?

MR. GUZMAN: Oh yes, I failed to mention that. This is already in our 2020 Budget.

COUNCILMEMBER KING: Okay, thank you.

MR. GUZMAN: And we just need to get the official agreement signed.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Thank you.

**GET-36 INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE
ATTORNEY GENERAL, STATE OF HAWAII, RELATING TO GRANTING OF
FUNDS FOR THE STOP VIOLENCE AGAINST WOMEN FORMULA GRANT
PROGRAM, DOMESTIC VIOLENCE INVESTIGATION (CC 19-445)**

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CHAIR MOLINA: Seeing no other questions for the first item, let's move on to the next item which is GET-36, which is again an Intergovernmental Agreement with the Department of the Attorney General, State of Hawaii, which relates to granting of funds for the Stop Violence Against Women Formula Grant Domestic Violence Investigation. Mr. Guzman, can you provide us a summary?

MR. GUZMAN: Thank you, Chair. Thank you, Members. This again is a grant from the Federal government passed through to the Attorney General's Office. This grant is specific to women that have been victims of domestic violence and we, each county is appropriated a certain amount. We've utilized our percentage of the Federal monies which approximate is 54,692. This agreement would stipulate that the County would shoulder the fringe which is 18,321. Again, this is an annual grant, and we're asking for this intergovernmental agreement to be signed. This would be, this salary has been applied to one of our investigators that is specifically assigned to domestic violence, so that investigator only does domestic violence investigations.

CHAIR MOLINA: Okay, thank you very much, Mr. Guzman. Members, any questions for Mr. Guzman on this item? Seeing none, Members, what I'd like to do is first ask for a motion for both items in one motion if there are no objections to support passage of the revised proposed, or the proposed bill. Chair again would also like to add, maybe I'll just do it if there's a motion to pass --

COUNCILMEMBER KING: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: --I'd like to add additional language to the title of the bill. So, maybe what we'll do, Chair will entertain a motion --

COUNCILMEMBER KING: So moved.

CHAIR MOLINA: --to pass the current bill along with the filing of County Communications 19-444 and County Communications 19-445.

COUNCILMEMBER KAMA: So moved.

CHAIR MOLINA: Okay, moved by Member Kama, is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Seconded by Member Rawlins-Fernandez. Okay, Members, for the first item GET-35, I would like to add to the title. It currently reads, A Bill for an Ordinance Authorizing the Mayor to Enter into an Intergovernmental Agreement with the Department of the Attorney General, State of Hawaii. I'd like to add the following words, for the Victims of Crime Act Victim Assistance Grant Program. It adds more

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specificity to the bill. And then for GET-36, at the end of the current title, I would like to add the words, for the Stop Violence Against Women Formula Grant. So, those are the words I'd like to add to each title of both of the bills. And any objections?

COUNCILMEMBER KAMA: No objections.

CHAIR MOLINA: Friendly amendment or would you like to...

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Well, this is an ordinance so I would ask, we should check with our --

CHAIR MOLINA: Corp. Counsel.

COUNCILMEMBER HOKAMA: --corporate attorneys whether or not we're changing, because that's not what we posted, yeah.

CHAIR MOLINA: Oh okay, good point.

COUNCILMEMBER HOKAMA: I know you're making it more specific, Chair, but...

CHAIR MOLINA: Yeah, we don't want to get in no trouble with the Sunshine Law police here.

COUNCILMEMBER HOKAMA: I would say, if not, maybe your comments and your sentiments can be strongly reflected in the Committee Report.

CHAIR MOLINA: Okay, Mr. Galazin, any comments as to the proposed addition of these verbiage to both of these bills?

MR. GALAZIN: Thank you, Chair. Yeah, Member Hokama has a point about the way that the language already has been and how it's posted for this bill. You know, I don't see it as much of an issue with the fact that it's the ordinance authorizing the intergovernmental agreement, because the agreement itself is very, you know, explicit. So, I think if the Committee Report just has that language that recognizes that, I don't see a problem with leaving the title as is.

CHAIR MOLINA: Okay. Yeah, the Chair's intent was just to add more specificity between the two of those, but if you feel it's okay to just leave it as is. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, on the agenda it's, it was posted the way that you read it, the way that you would like to amend it.

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CHAIR MOLINA: Yeah, so basically adding the additional language to amend --

VICE-CHAIR RAWLINS-FERNANDEZ: On the bill itself?

CHAIR MOLINA: --the title on the agenda, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Right, and the way it was posted, has the language that you proposed to amend the bill, on the agenda.

CHAIR MOLINA: No, it's not on the agenda.

COUNCILMEMBER KAMA: For the victims of...

CHAIR MOLINA: Yeah, just title of the bill, yeah, that I wanted to add this language to. But, because I guess according to Mr. Galazin, now we, well, a concern that Mr. Hokama had, because it wasn't posted as the title of the bill, adding this language, that may be a potential issue with OIP.

VICE-CHAIR RAWLINS-FERNANDEZ: I disagree. It was posted the way that you read it. The item itself on the agenda was posted the way that you read it.

CHAIR MOLINA: Oh okay, yeah, I guess, so it's already there.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, I think it gave enough notice to the public that this is the specificity that you intended and it was agendized the way that you would like to amend the title of the bill. And, so I would think that, that would be enough public notice to amend the bill.

COUNCILMEMBER KAMA: I agree.

VICE-CHAIR RAWLINS-FERNANDEZ: The way that you are asking to.

COUNCILMEMBER KAMA: I agree.

CHAIR MOLINA: Okay. Well, good point, yeah, I was focused more on the title of the bill itself, but then looking at the title of the agenda item, so it wouldn't be a problem then to add that, the additional language. Members, so what I'll do, I'll propose that as an amendment for consideration. So...well...

COUNCILMEMBER KING: Are you asking for a motion for the amendment?

CHAIR MOLINA: Yeah, could I ask for a motion as an amendment to add the verbiage that I mentioned?

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

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COUNCILMEMBER KAMA: Second.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay, been moved by Chair King, seconded by Member Rawlins-Fernandez.
Any discussion? Okay, all those in favor of the amendment, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed, say "no."

COUNCILMEMBER HOKAMA: No.

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

NOES: Councilmember Hokama.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

ACTION: AMEND TITLE OF BILLS.

CHAIR MOLINA: Okay we have seven "ayes," one "no," Member Hokama with regards to the amendment. The amendment passes, now we are back to the motion as amended. Members, any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sugimura.

MOTION CARRIED.

**ACTION: FIRST READING OF REVISED BILLS AND FILING OF
 COMMUNICATIONS.**

CHAIR MOLINA: Okay, Chair will mark eight "ayes" with one excused, Member Sugimura, so GET items 35 and 36 passes and advances to the full Council. Thank you very much, Members.

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

CHAIR MOLINA: Thank you, Mr. Guzman.

UNIDENTIFIED SPEAKER: Chair, can you call for a short recess please?

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

RECESS: 9:15 a.m.

RECONVENE: 9:16 a.m.

CHAIR MOLINA: . . . *(gavel)* . . . GET Committee meeting for December 3, 2019, is now back in session, 9:15. Thank you very much, Members, for that recess to address a technical matter with Staff.

**GET-4(1) MAUI COUNTY LEGISLATIVE PACKAGE (2020 MAUI COUNTY
LEGISLATIVE PACKAGE) (CC 19-26)**

CHAIR MOLINA: Moving on to our next item is the Maui County Legislative Package which is the 2020 Maui County Legislative Package GET-4(1) and this has to do with approving for inclusion in the 2020 Maui County Legislative Package a State bill to increase

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funding for agriculture. I'd like to recognize Councilmember Sinenci to give us some opening comments on this.

COUNCILMEMBER SINENCI: Thank you, Chair. These were the bills that I had proposed for our HSAC, and so this one today is just for the Maui County Legislative Package.

CHAIR MOLINA: And if memory serves me correct, we had some discussion on this previously and now we've...

COUNCILMEMBER SINENCI: Correct.

CHAIR MOLINA: Right, okay. Members, any discussion on this item? I believe there was a recent HSAC meeting involving Chair King and Member Paltin. Chair King?

COUNCILMEMBER KING: Thank you, Chair. Actually Member Paltin as the alternate attended that meeting for me because I was on vacation and it was a little problematic. I don't know, would you like to discuss it? I don't want to get too far into it 'cause that's not on the agenda but there may be some additional items coming, I mean, I'm fine with going ahead with these four, but we may have some additional ones depending on whether or not Maui County Council approves the HSAC package. And then if Member Paltin would like to follow up on, since she attended the meeting on what happened with our bills that we submitted for HSAC.

CHAIR MOLINA: Okay, Member Paltin, as long as we, you know, we just kind of tie it in to what's on our agenda item which relates to the Maui County Legislative Package, any comments that you can, or updates you can provide the Committee on as it relates to this?

COUNCILMEMBER PALTIN: Okay. So, just to refresh Members' memories, there was some deadlines put in place to submit our Maui County Legislative Package as well as bills to the HSAC, the Hawaii State Association of Counties and for items to be included in the Hawaii State Association of Counties, all of the counties need to agree to them. And it seemed to me a little bit that the deadlines were moving but whatever the situation was, there were about eight or so Maui County items submitted to HSAC and the other counties had about maybe eight combined items submitted. And the Councilmember from Hawaii County mentioned that she had outreached to other folks within the State Legislature and that in order for HSAC package to be considered seriously, that it needed to be much less than 16 items. And it turned out that, you know, because most counties only submitted a couple items, that of our seven or so items to get in, we only got a couple in and our first choice was kind of shot down so we went with our second and third choices were related to cesspools as well as moving the drinking alcohol from .08 to .05 and driving legally. And it was a little bit difficult because we waived the rules and we had it on the telephone and some folks were coming in garbled. But basically there were maybe besides those two, six other ones. The ones that stand out, I don't remember them all, but there was one trying to bring

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back the tort liability for lifeguards which would be very helpful because, you know, it would allow us to expand services for lifeguards without two areas, like that are State's jurisdiction without the fear of being sued frivolously if whatever happens. And then there was an issue related to TAT and getting back a certain percentage for certain expenses incurred by counties that, you know, are within the State's realm of things, like tourist related State facility, helping that. As well as one related to affordable housing to waive land use commission review for 15 acres or less. And I mentioned that we already do that, but I guess County of Hawaii pointed to a specific example where it didn't get waived and so they wanted it spelled out. There were probably three more that I'm not sure about, but so I mean, I guess we can decide to not sign on because we only got two of our seven, or we can try and introduce all seven, or whatever ones we like from the HSAC and integrate it into the Maui County package. I think that might be cool if we could do that, but it's up to the will of the Members.

CHAIR MOLINA: Okay, thank you for that overview and suggestions. Members, any other comments? Again, what we're considering here today are three proposals for inclusion in the Maui package which is again – first proposal related to State funding for agriculture, second proposal for remote schools and appropriation of funds, and the last for two-lane roadways as proposed by, all three as proposed by Member Sinenci. Chair King?

COUNCILMEMBER KING: Yeah, Chair, I just wanted to just confirm that including these three doesn't mean that we can't include other ones, so I think the point of looking at HSAC bills is that we had some bills that were very important to Maui County for the State, you know, that we've submitted and on Friday we'll be looking at whether or not we want to approve the, what ended up being the HSAC package. So, if we do approve it then we may want to add the rest of the bills that didn't get into the HSAC package into the Maui County package. If we don't approve it then we can force HSAC back into another vote, so that's kind of, but, you know, I don't have a problem with these, with looking at these bills right now and doing this inclusion because we need to get moving on our Maui package and we need to get that done before the end of year, I think.

CHAIR MOLINA: Yeah, thank you. So, appreciate the, reminding us of the deadline coming up. Members, any other discussion on the three proposals here today? Is there a request for a separation, well we'll just vote separately on all three to include in the package if there's no objections to proceeding in that fashion?

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

CHAIR MOLINA: Okay. Okay, would you like to, we'll just do this in one sweeping motion for all three proposals? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

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CHAIR MOLINA: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Before we do that, I just wanted clarification on what the plan is for the seven proposed bills that didn't make it into the HSAC package. So, just for clarification, the seven bills will be on or are on this Friday's Council Agenda?

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: Well, the eight bills that the HSAC Executive Board approved will be on the agenda for approval. Attached to that will be a list of all of Maui County's bills that didn't make it on to the list. I think all the other bills that made it on to the list were...comprised all the bills that the other counties wanted that had...we submitted the most. And so, until we decide at Friday's meeting whether or not we want to approve the HSAC package, we won't know what's left over. So, if we, you know, again if we approve the HSAC package as it is then we'll have another I think six or seven bills that we could add to the Maui County package. Unfortunately it's not as effective, if just Maui County supports them. It's much more effective if the entire four, you know, contingent of four counties supports them. But that's what happened at the Executive Board meeting and so if we decide not to approve it, then it goes back to HSAC with whatever recommendations this County makes. So, you know, I think after Friday we'll know how we want to move forward with the rest of the Maui County package.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for that clarification. Okay, mahalo.

CHAIR MOLINA: Okay, thank you very much, Chair King, for the clarification. Member Paltin?

COUNCILMEMBER PALTIN: I just was wondering, is there harm in double endorsing 'em, like HSAC and Maui County?

COUNCILMEMBER KING: No, no there's no...

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: Thank you. There's no harm in doing that, but we can't approve the other ones on the package today because they weren't on the agenda, so.

COUNCILMEMBER PALTIN: No can make amendment?

COUNCILMEMBER KING: No.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: 'Cause it's not agendized, yeah.

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UNIDENTIFIED SPEAKER: Right.

CHAIR MOLINA: So, yeah. Again, our friends from the OIP might have a concern. So, Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Before the vote, I just wanted to mention that on one of the bills relating to traffic safety, we had just non-substantive changes at the recommendation of Corporation Counsel. On Page 1 when it says, from mile marker 00 to mile marker 34, we wanted to include the changes between mile marker 00 and mile marker 34, on all of the areas where the mile markers are.

CHAIR MOLINA: Okay, thank you for that clarification, Mr. Sinenci. Members...Mr. Hokama?

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . Did you take a motion, Chair?

CHAIR MOLINA: No, no motion yet; however, if there's, has no objections, if you want to make a motion on the floor or?

COUNCILMEMBER HOKAMA: I'll make the motion, Chair, to adopt the four proposed resolutions.

COUNCILMEMBER KING: Second.

COUNCILMEMBER HOKAMA: And one State bill, and one bill for consideration in the Maui County Legislative Package.

CHAIR MOLINA: Okay, motion made by Member Hokama.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Seconded by Chair King. Members, any discussion?

COUNCILMEMBER HOKAMA: Chair?

CHAIR MOLINA: Okay, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yeah, Chair, and that would also include you to have the ability for non-substantive adjustments and any appropriate filing, Chair.

CHAIR MOLINA: Thank you. Okay.

COUNCILMEMBER HOKAMA: I just want...I want to speak more on the first one regarding agriculture. I think this is something that we need to continue to support, Chair. From the tax point, it's a subsidized category, I think we can turn this around, make

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agriculture more viable and take its appropriate place in our County's efforts on sustainability, especially with food. I particularly support what Mr. Sinenci's doing with the economic development portion because on Lanai we have funded and I'm pursuing the acquisition and if need be condemnation of ag land on Lanai to offer Lanaians some ability of choice, a freedom of choice. Currently on Lanai it's very limited, it's one or nothing, basically and our island has come to a point where it needs to have the ability of some choices. We're losing our young people because they feel they need additional choices. If we have other areas that we're interested in, whether it be in future avionics with potential projects on Lanai. We're very open to those that will have economic and job benefits for our island, Chair. We know are limitations, we believe this is one area we can contribute to the County. We've got great land, we have appropriate waters. Don't let anyone fool you that we don't have sufficient waters to do appropriate agriculture, we do. We had a big plantation once. So, I speak in support of this. I would also ask our colleagues that when we come to budget, we also consider supporting it with our own funding to move agriculture forward in this County on all islands. Thank you, Chair.

CHAIR MOLINA: Okay, thank you Mr. Hokama. And some great points and certainly we do need to look at all opportunities to keep our young people here, so certainly well spoken, Mr. Hokama. Mr. Sinenci, as the introducer of these items to this package, any comments?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, and I appreciate the comments from fellow Members. I did want to speak towards the promoting traffic safety on two-lane roadways. This bill is part of a concerted effort to educate our visitors and promote safe driving etiquette on the Hana Highway and on our rural areas. It allows slower moving vehicles to pull over onto safe conditions when five or more cars have grid locked behind you. This allows for the steady flow of traffic on the road and thereby creating more pleasant driving experience, not a stressful one that could instigate road rage. So, this is an issue with the increase of our local visitors and the congestion that has been created by multiple tour vans, buses, and rental cars that make for dangerous driving conditions, so just wanted to add that. Thank you, Chair.

CHAIR MOLINA: Okay, thank you for those points, Mr. Sinenci. Members, any other comments before I recognize Members? I'd like to welcome Member Sugimura to our proceedings this morning. Good morning. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I just want to speak in support of the Maui County Legislative Package, especially the one on agriculture. And so although we're asking for the State Leg to put more money into it, do we know how much money we want? And do we know what we want to spend it on? And do we know, or will we be notified that when the bill starts getting traction in the State Leg, that we can respond to it as it goes through, 'cause it goes pretty fast? So, is somebody going to be tracking that, I mean, I know HSAC will be looking at it, but what would our role be in terms of insuring that it keeps moving forward and that we can present comments or

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testimonies or whatever?

CHAIR MOLINA: Okay, Member Kama, with regards to your questions, let me recognize Chair King.

COUNCILMEMBER KING: Okay, thank you, Chair. Thank you for that excellent question. We have trackers in OCS. We probably of all the counties, we have done the best job of tracking legislation, in our offices. And basically as Chair, I've been submitting testimony the past legislative session for all of the bills that we supported through HSAC and through the Maui County, and if Members are willing, I can share all that information with the Members as it comes in and then if you want to send in additional letters, you're welcome to do that. So, I've been speaking on behalf of the Council since we approved, for all the bills that we've approved as a Council. But it certainly wouldn't hurt to have additional letters in. I can, when we get to that point, it would be good to have Councilmembers who would like to do those kinds of letters to let me know, and then I can...I don't want to try...I mean this happens on a daily basis and it's a lot of legislations --

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER KING: --so, I don't want to inundate you if you don't want it, but I'm happy to share that information with whoever wants to send in additional...and if there's a specific bills that you want to testify on, you can let me know that too. And then we'll just --

COUNCILMEMBER KAMA: Okay.

COUNCILMEMBER KING: --send you the information on those specific bills, but, you know, I'm...the more, the more the merrier, so, happy to share that information.

COUNCILMEMBER KAMA: Thank you.

COUNCILMEMBER KING: Thank you, Chair.

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

COUNCILMEMBER SUGIMURA: Thank you for having that process in place and if we could request, my office I guess, I'm not sure what the other Members want, but once the bills get introduced if you could give us the bill number so that we can track it, and those that we want. The State has a excellent system to go into their online system so that when it gets scheduled in, you know, we can therefore send testimony, but if you could send us the bill numbers, because there's like 3,000 bills that got introduced that last term, I mean, the first part of the session. And the second session, I'm not too sure how many more will get introduced, but I think they've limited it. So, if you could, that would be helpful.

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CHAIR MOLINA: Thank you, Ms. Sugimura.

COUNCILMEMBER KING: Can I just give a response?

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: So, the request is to send you the information for the bills that we've endorsed as a Council through, either through HSAC or through Maui County and then of course, you know, anybody who wants to testify on individual...as an individual Councilmember on whatever other bills, those ones you can track yourselves. I actually personally do testify on other bills as well, but I track them outside of, you know, I send it outside of the full Council. I don't do full Council support on anything that we haven't fully supported and voted on.

CHAIR MOLINA: Thank you, Chair King, for that, making that available to us or reminding us of our opportunity to add further testimony and I agree, the more we can, if we want to support something, if individual Councilmembers want to add to what's already been stated by the HSAC and Maui County or HSAC and so forth, the more the merrier. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the agriculture bill that we're considering today, I believe that would be like the State budget bill 'cause we're asking them to increase appropriations for agriculture, and that's a really big bill.

CHAIR MOLINA: Yeah.

UNIDENTIFIED SPEAKER: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, that's all. Mahalo, Chair.

CHAIR MOLINA: Mr. Sinenci, care to expound on that?

COUNCILMEMBER SINENCI: Thank you, Member Rawlins-Fernandez. Yes and in Section Two we left that, the sum of, blank because it's correct, we don't have influence of the State budget, so we've left that portion of the bill blank for them to include.

CHAIR MOLINA: Okay.

COUNCILMEMBER SINENCI: Does that answer your question?

CHAIR MOLINA: Member Rawlins-Fernandez?

COUNCILMEMBER SINENCI: Sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No it's just what we're asking them to

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do is to increase the budget for Department of Ag. Is that not correct, Member Sinenci? Okay, that's correct, we're asking them to increase the budget for Department of Agriculture.

COUNCILMEMBER SINENCI: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Not anything specific in the department, just to increase the department's allocation?

COUNCILMEMBER SINENCI: That was the intent.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, it's the entire State --

UNIDENTIFIED SPEAKER: Ag.

VICE-CHAIR RAWLINS-FERNANDEZ: --budget bill that they have, and so we'll just have to look in the bill itself, like how our budget bill looks, their State budget bill is super complex.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Okay, Chair King?

COUNCILMEMBER KING: Thank you, and to add to on to that answer, one of Councilmember Kama's earlier questions, it might be beneficial for EACP to put this on your agenda as far as, you know, what we would, what would we spend the money on.

UNIDENTIFIED SPEAKER: That's right.

COUNCILMEMBER KING: I've heard talk about needing to have a Department of Agriculture at the County level --

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER KING: --which I think County of Hawaii has.

UNIDENTIFIED SPEAKER: Exactly.

COUNCILMEMBER KING: And if we had something specific that we could go to the Legislature and put in our testimony --

UNIDENTIFIED SPEAKER: Right.

COUNCILMEMBER KING: --this is what we would do with this money.

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COUNCILMEMBER KAMA: Yes, yes.

COUNCILMEMBER KING: Instead of just saying, yes you should increase agriculture --

CHAIR MOLINA: Yeah

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER KING: --because it's important, that would help, and maybe that discussion could be held in the EACP Committee.

CHAIR MOLINA: Good point, Chair, and yeah that's of course --

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: --whenever we ask for an increase of funds, they want to know specifics.

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Specificity, word of the day, yeah.

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Okay, Members, any other questions as it relates to the motion on the floor.

COUNCILMEMBER KAMA: Call for the question.

CHAIR MOLINA: Seeing none, then the Chair will call for the vote, again this is to include all of the items mentioned earlier into the 2020 Maui County Legislative Package. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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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: ADOPTION OF RESOLUTIONS.

CHAIR MOLINA: Thank you, Chair will mark it unanimous, nine "ayes," zero opposition. Thank you very much, Members. And just as a footnote to this, at a future GET meeting, we can consider agendaizing any other proposals for HSAC for possible inclusion at a later date, so I guess there is still some time if we want to add some other considerations and Chair is open to addressing any future items at an upcoming GET meeting, so just FYI for you.

**GET-11(26) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION:
INTERGOVERNMENTAL AGREEMENTS WITH STATE DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY
AND HEALTH DIVISION, FOR KAHULUI, KIHEI, AND LAHAINA
WASTEWATER RECLAMATION FACILITIES (CC 19-29)**

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CHAIR MOLINA: All right, Members, we are on our last agenda item for today, boy we are moving right along at the speed of light this morning, great job you guys. This matter deals with authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the State of Hawaii and Department of Labor and Industrial Relations Hawaii Occupational Safety and Health Division for the settlement of alleged violations at the Kahului, Kihei, and Lahaina Wastewater Reclamation Facilities and to give us an overview on this, I'd like to ask Deputy Corporation Counsel, Mr. Kushi. No, nothing? Okay, Members, the Chair is going to call for a quick recess. Recess subject to the call of the Chair. . . . *(gavel)* . . .

RECESS: 9:38 a.m.

RECONVENE: 9:48 a.m.

CHAIR MOLINA: . . . *(gavel)* . . . GET meeting for Tuesday, December 3, 2019, is now back in session. It is now 9:48, thank you for that extended recess for the Chair to consult with Staff. Members, again we left on GET item 11(26) and this relates to a proposed bill which is to authorize the Mayor to enter into an intergovernmental agreements with the Hawaii Occupational Safety and Health Division, Department of Labor and Industrial Relations, State of Hawaii, for the settlement of alleged violations at the Kahului, Kihei, and Lahaina Wastewater Reclamation Facilities regarding the handling and recordkeeping of chlorine gas during inspections held in August 2018 as described in citation and notification of penalty, which is attached as Exhibits 1 through 3. And to give us an overview on this, we have from Corporation Counsel, Ms. Richelle Thomson. Good morning, Ms. Thomson.

MS. THOMSON: Good Morning, Chair, and thank you. Thank you, Chair and Committee Members. So, as the Chair noted the citations were issued in February of 2019 and they were related to inspections done in August of 2018. And those citations, all three of them are provided as attachments to the resolution. And we're seeking approval of settlement agreements, which I can hand out in executive session and we can go into a bit more detail on the specifics there. Also being handed out right now are abatement certifications which detail the Department's response and resolution to each of the items that are addressed in the citations. In terms of procedure, once the Department received the citations, we filed, immediately filed a, an appeal which allows us to discuss and negotiate with the agency and with the AG's Office. We were able to successful negotiate the fines down, downward of the attachments, like I said we can go into that further in executive session and I'm going to turn it over to Deputy Director Shayne Agawa for further open session items. Thanks.

CHAIR MOLINA: Okay, thank you, Ms. Thomson. Mr. Agawa, any additional comments?

MR. AGAWA: Good morning, Chair. Good morning, Members. So, first of all I'd like to thank you for allowing the Department to discuss the item and hopefully, you know, we're here to any questions that you may have. I'd like to start off by just giving you a

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brief summary, a timeline of events that leads us to where we are now. So, in August 20th of 2018, the Hawaii Occupational Safety and Health Division or otherwise known as HIOSH performed random inspections at all three of our treatment plants. Then in September 17th of the same year HIOSH inspector formerly requested us to produce documents relative to the inspections. In November 21st, the Department mailed the request, the requested documents to HIOSH. November 30th of 2018, our Department receives a subpoena for documents, for the documents, the same one that was requested back in September 17th. And in February 19, the Department received citations and notifications of penalty issued by HIOSH. That was dated February 14. And in March 18, the Department request HIOSH to give us an extension for our abatement certifications to address to citations. On June 7th of 2019, the Department sends HIOSH the abatement certification for the Lahaina Treatment Facility. July 15th of 2019, HIOSH acknowledges receipt of the abatement certification for the Lahaina facility. And in July, date unknown, we're still trying to find the date, we sent them the abatement certification for the Kihei Treatment Plant. The reason that the Wailuku/Kahului one didn't have an abatement cert was because we already during this proceeding, procedure, we already got off of the chlorine gas and we went to a tablet chlorine form. Just some key points that I wanted to give from the Department side is to my knowledge the infractions were mostly document related, meaning we were requested documentation for issues related to the inspections and we feel that at no time was the workers or the public safety in jeopardy due to the chlorine gas. I would also like to let you know that the Department was already in a couple years in the process of eliminating chlorine gas, even before this investigation happened, and that we did request an adjustment of the fines with HIOSH, and we successfully negotiated a substantial decrease in the fines. So, that's my brief summary and opening remarks for the Department. With me today, I have Scott Rollins, who's our Acting Division Chief for Wastewater Reclamation Division and he'll give a brief overview of how chlorine gas is used and why in our system. And to my right is Theo Leong, who's our Safety Specialist who was working directly with the HIOSH investigator so he can answer any questions regarding the citations or the abatement certification. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Mr. Director. Members, I'd like to recognize Mr. Rollins to give us an overview on this to be followed by Mr. Leong if he has anything else, he would like to add. Mr. Rollins?

MR. ROLLINS: Thank you, Chair, and good morning, Committee. We're not sure you understand how chlorine is used at our facilities, so I'll give you a quick overview. Chlorine is one of the few chemicals we use in any great quantity at our treatment facilities. It's been used to meet permit requirements for our UIC permit in the past as we used to have a residual requirement for any water that went down injection wells. In 2005, that was removed from all of our permits by Department of Health. Chlorine is also used as a disinfectant to produce R-2 water at the Kahului plant when we had users using water at that location. And it's also used at Lahaina in order to meet disinfection requirements on our 2011 consent agreement when our UV system

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happens to be down. Right now we're primarily using chlorine for, to control algae growth at our clarifier weirs and at our filter basins, we're using it for algae and sponge control at our UV channels and for the injections wells, and as I said also to comply with the 2011 EPA consent agreement. Chlorine was used in a gaseous form. In the past, prior to this last year, chlorine was delivered to our plants in one-ton canisters, large gas canisters. They were stored in air-tight rooms that had scrubbers and other equipment attached to it, so we didn't have it released to the environment. The gas was mixed with water to form a chlorine solution and then it's piped to the various areas in the plant where we require the, where we require chlorine. Chlorine gas is hazardous, it's a toxic substance and must be handled with great care. Safety protocols have to be taught and adhered to and emergency plans developed and followed. Maintenance of equipment is a primary concern when handling gaseous chlorine. The Fire and Police departments are aware of its use and locations at our facilities. Because we're approaching the useful life of our chlorine systems at the various plants back in 2013, we started the process of replacing that gas system with safer systems. By 2017, we started construction of those systems. We went to a tablet system which is kind of like a wafer maybe a little smaller than a hockey puck that is then put into a machine and that is dissolved in recycled water and then piped to the system, so not, no time do we have chlorine gas available. The project, like I said commenced in 2017 and finished up during this year. These inspections happened probably in the middle of all these changeovers at all the plants. Like we said, Kahului had just completed it at the time of the inspections, Kihei was nearly complete and Lahaina was in the beginning stages. This Accu-Tab system we now have is somewhere to what I believe what the Park system changed their system to and similarly the Water Department's gone through a similar changeover as to what we're doing. Two facts to consider, the violations discussed today are strictly about the gaseous systems. They're not about the current systems we have in place. The gas systems are now removed or tagged and locked out and will not be used in the future. We no longer have any gas canisters at our facilities, they've all been removed. And as Shayne said, we've never had an episode of an equipment failure or gas leak at any of the facilities, so no one was physically in harm's way. However, that doesn't really mean that there wasn't a potential that there could have been a problem. Many of the citations were due to some missing, misplaced, and not immediately available or outdated plans. And we've taken measures to address some of those issues, so that's all I have.

CHAIR MOLINA: Okay, thank you very much, Mr. Rollins, and I appreciate the education in, and it gives me a even deeper appreciation for you and all of our Wastewater employees and their responsibilities you have and so forth. So, anyway, Mr. Leong, would you, you have anything else to add?

MS. THOMSON: Chair, if I might?

CHAIR MOLINA: Ms. Thomson?

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MS. THOMSON: Just in terms of getting into any of the specifics about the citations, just wanted to kind of have the Committee Members be aware of that, and that should be done in executive session, so probably most of the information Theo will have, should be done in executive session.

CHAIR MOLINA: Okay, that makes sense. Alrighty, so I'll just take it as a no from Mr. Leong that pretty much, you...the Department has said what they've had to say on this issue. So, with that being said, Members, any questions in open session as it relates to what was stated to us by the Department and Corporation Counsel? Chair King?

COUNCILMEMBER KING: Thank you, and thank you, Department, for the explanation because that was my main question, what's the difference between the Accu-Tab and the gaseous chlorine, but it sounds like the Accu-Tab is the same thing in a different form, is that correct, Mr. Rollins?

CHAIR MOLINA: Mr. Rollins?

MR. ROLLINS: Well it's another form of chlorine but it actually is just dissolved in water, so we don't have a gas element, which is really the danger to anybody.

COUNCILMEMBER KING: Right, but is there a significant cost for environmental increase with the new system, or is it pretty much the same or less?

MR. ROLLINS: The cost is probably, for using the tabs is probably a little less than what we had before environmentally. We're still applying the same dosages at the sites that we need to use the chlorine, so there's no change there.

COUNCILMEMBER KING: Okay, thank you for that, and then I have one other question, Chair. Assuming that what's on Granicus is public and you mentioned that you've already been able to significantly reduce the original fines, so what's on here which is a total of around 40,000 represents the reduced fines?

CHAIR MOLINA: Ms. Thomson?

MS. THOMSON: No, that represents the total fines, and we've able to reduce them from that number.

COUNCILMEMBER KING: From that number.

MS. THOMSON: Yes.

COUNCILMEMBER KING: Okay. Okay, great, thank you.

CHAIR MOLINA: Thank you, Chair King. And that number is something that you would be better to discuss in executive session, okay. Members, any other questions in open

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session? Mr. Hokama?

COUNCILMEMBER HOKAMA: No, Chair, my comment is more about why the Director is not here this morning? We appreciate the Deputy, but the Director is the Director, especially with this type of item we discussing today, but our Director is on Oahu dealing with the cesspool conservation conversion program. So, I believe State Health Department flew him there for the County's input so that's why the Director is not here this morning. I just wanted to make it clear that the other than that, we expect the Director to be present. Thank you.

CHAIR MOLINA: Thank you for that, Mr. Hokama. Appreciate the, clarifying that for us as to why Mr. Nakagawa is not here and of course he's up on Oahu to address another very important issue, cesspools. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I was hoping to get a better understanding of what took two years, why this took two years of transition from using chlorine gas to using chlorine tablet.

CHAIR MOLINA: And again, if there's anything, I'm sure Corp. Counsel will advise us if, depending on the type of responses we may require executive session, so I'm sure Ms. Thomson will monitor any potential questions and responses for that.

MS. THOMSON: Just quickly, just to make clear to the Committee, the use of chlorine gas isn't the issue, and the conversion to tabs wasn't a part of, you know, of this citation or settlement agreement or anything like that, so it was a transition that I understand was occurring from about the 2013 to 2017, '18 timeframe. And Scott can probably go into what operationally was required, but I think it involved a lot of conversion of equipment and different types of equipment.

CHAIR MOLINA: Okay, with that said, Mr. Rollins?

MR. ROLLINS: That is true, we had one CIP project which was Countywide over our three treatment plants, so we had one contractor doing the work so it was staged from plant to plant and that's why it took about a year and a half to actually complete all the conversions.

VICE-CHAIR RAWLINS-FERNANDEZ: It took a year and a half to complete all the conversions. I'm sorry, I just...

MR. ROLLINS: Yes, yeah, so they worked at one plant and then moved on to the next plant, et cetera, so that's how the transition occurred.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. And in looking at the citations, it says type of violation, serious, is there a higher level of seriousness in type of violation or is serious the highest?

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CHAIR MOLINA: Mr. Rollins or Corporation Counsel?

MS. THOMSON: There are higher levels of violation than serious and there are mandatory penalties, even in first instance violations, so some of the penalties that you'll see. Something kind of to draw your attention to also is when you're looking at the violations or the citations, you'll see, you know, one a, b, c and you'll, if you'd note that the fine is just on the first, so we weren't penalized for each category and we also were not penalized the maximum amount which for each type of violation it can be upwards of \$12,000, you know, and they're in the category of between 5 and 8,000, so I just wanted to point that out.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for that clarification. Just for those watching and tracking this, 'cause it says serious, but it was characterized as not serious. So, okay, thank you. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Member Rawlins-Fernandez. Okay, Members, seeing no other requests for questions in open session, the Chair will now entertain a motion to convene an executive meeting, pursuant to Section 92-5(a)(4) of Hawaii Revised Statutes to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

COUNCILMEMBER SINENCI: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, it's moved by Member Sinenci, seconded by Committee Vice-Chair Rawlins-Fernandez. Members, any discussion on the motion to go into executive session? And as a reminder we do need six votes, a minimum to go into executive session. With that being said, Chair will call for the vote. All those in favor of executive session, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

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

CHAIR MOLINA: Thank you. Chair will mark it nine “ayes” with zero opposition. All right, Members, we will prepare the Chambers for executive session, so Chair will call for a recess and when we reconvene it will be in executive session. Meeting in recess. . . . *(gavel)* . . .

RECESS: **10:06 a.m.**

RECONVENE: **10:56 a.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, December 3, 2019 is now reconvened, now back in open session, five minutes to the hour of 11:00 a.m. Chair is ready to offer recommendation on GET item 11(26). Chair’s recommendation is to recommend, entertain a motion to recommend passage of the proposed bill as it relates to discussion in executive session. Chair will entertain a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. The matter’s now open for discussion as it relates to the motion on the floor. Member Rawlins-Fernandez, anything to say as the movant on this? And also, Member Paltin, anyone, floor is open.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, mahalo, Chair. So, we had a really good discussion in executive session about how to move forward from this episodic penalty.

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Sorry, okay. And so, we're hoping to see, you know, other, our other departments follow lead here if they haven't been. And so, I don't know if perhaps you as Chair can inquire with those --

CHAIR MOLINA: For updates?

VICE-CHAIR RAWLINS-FERNANDEZ: --to see if they're...yeah. Mahalo, Chair.

CHAIR MOLINA: Okay, very good suggestion and well stated, Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Member Paltin, anything to add as far as Department protocols as it relates to chemical storage and anything of that matter and maybe personnel issues? Member Hokama, anything else, further elaboration?

COUNCILMEMBER PALTIN: I would like to request that the Committee make a correspondence with the Managing Director since at one time in Ocean Safety we did have to get all the documents together. I'm kind of disappointed that the previous administration didn't see that this was done across the board in all departments and divisions. But that being said, you know, some folks say your best teacher is you last mistake, and this was a pretty big mistake, considering the seriousness of chlorine gas and human safety. So, I guess I would just request that the current Managing Director ensures that all departments and divisions within the County under the Mayor's jurisdiction ensures that all of our HIOSH and Hazmat records and documents are up to --

CHAIR MOLINA: Up to speed, yeah.

COUNCILMEMBER PALTIN: --the current regulations and that all appointed, and TA/TR positions are filled with qualified people that learn the regulations and perform risk analysis, risk assessment analysis in their roles that they take on.

CHAIR MOLINA: Okay, thank you. Again, well stated as well, Member Paltin. And certainly, the Chair will take up that request and if no objections under the Chair's signature, we can make that request of the Managing Director to provide an update to this Committee. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I want to actually just make a comment of learning more about this process with chlorine gasses and tablets. And I just want the public to know that the Department has already converted to tablets, so although this was a, is being presented as a concern, that we've moved past probably the critical decisions that needed to be made for the safety of our employees by making this conversion. Having been in business earlier and I understand when you hear OSHA, you think oh this is serious, penalties, dollars, and whatever and I think the magnitude of what it

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Council of the County of Maui

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could have been versus what it is, although we hate to pay any penalties, it's a lot less severe because of the actions taken by the Department. So, I just want to say that 'cause I think people listening if they are, that they may think that we're doing something inappropriate for our employees, but I think that the Department did express that employee safety is one of their top missions and I think all of us, you know, who sit on this, you know, in the Council feel the same way, so I'm glad that Mr. Rollins and the Department is taking the appropriate measures so that this doesn't happen again. So, thank you.

CHAIR MOLINA: All right, thank you, Member Sugimura, those comments are much appreciated as well. Any other comments as it relates to the motion on the floor? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, second and final. I just, I know Member Paltin said it, and I want to support her request to the Managing Director and to also specifically ask that all, you know, the required paperwork is stored in one location. And I don't know if, you know, where it's almost 2020 to see if, you know, if it would be possible to store things electronically and to work with the, you know, overseeing State and Federal agencies to see, you know, if that, how that could be possible and, you know, just kind of embrace --

UNIDENTIFIED SPEAKER: Save paper.

VICE-CHAIR RAWLINS-FERNANDEZ: --the technological advances that we're moving toward, I don't know if it's possible, to the extent possible.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Very good suggestion. Member Paltin?

COUNCILMEMBER PALTIN: Oh I just would say, that it would need to be both because, you know, you're preparing for any kind of mistake or error that could occur and in a wastewater treatment facility or something, if you store it electronically and the power goes out and those types of situation or someone spills water on the computer, like, so you would, I would imagine have to have both as a preparation for all the possibilities of reasons why you need it all in one place anyway. So, yeah, it's good to have it in more than one way. But I would imagine you always need to have the paper binder as the final backup.

CHAIR MOLINA: Good point. All right with no other discussion, Chair will call for the vote. All those in favor signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: All those opposed.

**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.

CHAIR MOLINA: Thank you, Chair will mark it nine-zero. Thank you very much, Members, for you hard work, and to the Department and Corporation Counsel. Members, you worked very efficiently today, I am certainly proud to Chair this Committee with your hard work. It's an honor. All right, it's two minutes after the hour of 11 o'clock. Thank you also to Staff for your hard work too. Two minutes after the hour of 11 o'clock, I just said that so we shall adjourn today's GET Committee meeting for December 3, 2019. Aloha and have a good day, Members. Meeting adjourned. . . . (gavel) . . .

ADJOURN: 11:03 a.m.

APPROVED BY:



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

get:min:191203:kk

Transcribed by: Kimi Kusumoto

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CERTIFICATE

I, Kimi Kusumoto, 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 24th day of December, 2019, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Kimi Kusumoto", is written over a horizontal line.

Kimi Kusumoto