

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

December 17, 2019

CONVENE: 9:02 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee (excused from 10:09 a.m. to 11:25 a.m.)
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair

STAFF: Shelly Espeleta, Legislative Analyst
Lesley Milner, Legislative Analyst
David Raatz, Supervising Legislative Attorney
Richard Mitchell, Legislative Attorney
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci

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

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

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

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Sananda Baz, Managing Director, Department of Management

OTHERS: Mike Moran, President, Kihei Community Association
Mark Hyde

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

Jasee Law
Edward Romson
Seward Akahi
Tara Owens, Coastal Hazards Specialist, University of Hawaii Sea
Grant Program
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*
Colleen Uechi, The Maui News

CHAIR MOLINA: ...*(gavel)*... The Governance, Ethics, and Transparency Committee meeting for Tuesday, December 17, 2019 is now in session. It's two minutes after the hour of 9:00 a.m. on this crisp December morning. I'd like to find out who's here with us today. Let's go out to East Maui. Mr. Sinenci, good morning.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka to you too. Chairman King.

COUNCILMEMBER KING: Aloha kakahiaka.

CHAIR MOLINA: Aloha kakahiaka as well as to you. And to our esteemed Member from Wailuku.

COUNCILMEMBER LEE: Mr. Chair, yeah, I'm your esteemed Member. Okay. I thought that would generate a few laughs. Anyway, chao buoi sang. And I bring you this language all the way from Vietnam.

CHAIR MOLINA: Vietnam. All right, back at you too, and good morning, Ms. Lee. And excused at the moment is Committee Vice-Chair Rawlins-Fernandez. And let's go to Mr. Hokama. Good morning.

COUNCILMEMBER HOKAMA: Good morning.

CHAIR MOLINA: Good morning, sir. And off to West Maui, Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka. And let's go out to Upcountry, Maui, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR MOLINA: Good morning. And our Council Pro Tempore, Ms. Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Aloha kakahiaka to you too. And joining us this morning, we have from Corporation Counsel, Mr. Kushi and Ms. Thomson. And from the Mayor's Office, we have Ms. Baisa. And Committee Staff, we have Ms. Milner, as well as well Ms. Espeleta and Ms. Martin [sic]. Thank you all for being here. Members, we have several items on our agenda today. But before we address that, Ms. Milner, do we have anyone signed up for testimony?

MS. MILNER: We have one testifier in the Chambers.

CHAIR MOLINA: Okay. Let's go ahead and address the testifier here in Wailuku, and then we'll go out to our sister offices later to see if they have testimony. Please go ahead and announce the testifier.

MS. MILNER: Okay. Our first testifier is Mike Moran, with the Kihei Community Association, here to testify on GET-10(5).

CHAIR MOLINA: Good morning, Mr. Moran.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. MORAN: Good morning, Chair. Aloha, Chair Molina and Committee Members. Wishes are aloha, peace, and joy to everyone from the Kihei Community Association. I am Mike Moran, testifying for all...for the all-volunteer organization in support of item GET-10(5). A special mahalo to you, Chair, for bringing this up in your Committee, as well as to the Council Chair for bringing this issue back after an absence of well over four years. In many ways, this is like déjà vu from about four-and-a-half years ago, when the then PIA Committee was in a similar position that you are in this morning, but eight of you were not voting that day. Today you are. While it is not exactly the same matter, what is the same is that you can decide to move the matter to the full Council or not. Deciding not to send it to Council would mean once again, the voters would be denied the opportunity to vote on a proposed Charter change. Why would elected legislature representatives object to allowing the voters who supported them and placed them in this position decide to deny this opportunity? We find no reason and expect you will not either. Please support GET-10(5). And I will mention that for KCA, we try and keep abreast of what's going on in committees, and try and read as soon as the items are posted. And when this item came out, compared to the situation four-and-a-half years ago, there seem to be complete community unawareness this time. The other time, there were, you know, discussions. There was a volunteer panel assembled to discuss it. They had public hearings. People voted...or people went and testified, and there were several people who came to testify. So, we posted, as we always do, to try and get community awareness, and we had very minimal, and maybe part of it is the season. People are distracted. But I can tell you personally, I was astounded when I came to sign up for testimony, and there was no one here. So, that has certainly changed over four-and-a-half years. We don't think the issue is any less important. We just think there were a lot of distractions. And if

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

you are good enough to move it to Council, we expect there will be more public participation. Thank you very much for the opportunity to testify.

CHAIR MOLINA: Okay. Thank you, Mr. Moran. Members, any questions for Mr. Moran regarding his testimony? Mr. Moran, if I may add, just as for informational purposes, today, we're not going to take action. My...the Chair's intent was to get the new Members up to speed on the issue.

MR. MORAN: Oh.

CHAIR MOLINA: But I intend to bring this back either in January or February. And at that point, we'll consider a vote for the item.

MR. MORAN: Thank you for the clarification. I missed that.

CHAIR MOLINA: No problem. Thank you.

MR. MORAN: We can attribute it to old age.

CHAIR MOLINA: No worries.

MR. MORAN: Thank you, folks.

CHAIR MOLINA: All right. Thank you very much for your testimony, sir. Ms. Milner, any other testifiers? Proceed.

MS. MILNER: Yes, we have another testifier. Our next testifier is Mark Hyde, here to testify on GET-10(5).

CHAIR MOLINA: Good morning, Mr. Hyde.

MR. HYDE: Good morning. And thank you, Chair and Councilmembers, for taking the opportunity to put this on the cycle early. I think that will prove helpful. The proposal before you is really four years in the making. It was proceeded, as Mr. Moran indicated, by a 2015 County Council-created, citizen-populated Special Committee on Governance that issued a recommendation in May of 2016, calling for a hired County manager but reporting to the Council, which at that time was intensely debated by the Council and the public, was a subject of multiple *Maui News* editorials in favor of letting the people decide the question, but died in Committee, followed by two Council cycles, elections, in November 2016 and 2018, where the topic was the subject of additional public debate and made part of multiple candidate platforms and forums, resulting in the election or reelection of several Councilmembers serving today, one of whom was a Member of that 2015-'16 Special Committee on Governance. The proposal before you now is responsive to the many legitimate concerns that were expressed in response to the Special Committee report. Number one, it preserves the balance of power between the Executive and Legislative branches. Two, it retains a meaningful chief executive officer role in the Mayor. Three, it creates a responsible

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

managing director of operations reporting to the Mayor and not to the Council. Four, it eliminates mandatory resignation of all directors with each Mayoral election cycle. And number five, it bases continued director employment on job performance. Now, looking at the draft before you, there is one place I would call your attention to that I think needs considerable debate. In the past, the Salary Commission has defined salaries for all appointed department heads, and that continues in this draft including that for the Managing Director. This approach provides clarity but it will not provide the fluidity that's needed in the negotiation process to hire a Managing Director. So, if you want the Council, which is what I recommend, to have the flexibility to negotiate the next Managing Director salary and benefits as part of a collaborative recruitment and hiring process called for in the draft, then I would eliminate the Managing Director salary being determined by the Salary Commission and explicitly give that power to the Council, which again I recommend. I look forward to a rigorous vetting by the Council of this proposal toward making it a more solid governing document, and for the people to decide up or down in November of 2020, and thank you very much.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hyde. Members, any questions related to Mr. Hyde's testimony? Chairman King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mr. Hyde. What...so, do you have the section that...the page number, so that Councilmembers, when we get to that issue, we can...

MR. HYDE: Yes, I do. Salary Commission...the reference to the Salary Commission--thank you--setting the salaries for the Managing Director, Page...look at Pages 34 to 35 of your draft. And then I would recommend that you insert that power into the Council's responsibilities at Page 2, paragraph 8; and Page 7, paragraph 3.

COUNCILMEMBER KING: Okay. Oh, paragraph 8, and then Page 7, paragraph 3?

MR. HYDE: Yes.

COUNCILMEMBER KING: I'm just starring those. Okay. And then, Chair, if there's no objections, can we ask if Mr. Hyde could be a resource when we get to the discussion on this since he worked extensively on this with a group of citizens?

CHAIR MOLINA: Okay. Members, the Chair has no objections. Any objections to having Mr. Hyde stand by as a resource when we do get to the item, in case you have any questions? Any objections?

COUNCILMEMBER KING: No objections.

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

COUNCILMEMBER KING: No objections.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

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

CHAIR MOLINA: I believe Mr. Hyde was involved in, I guess preparing this proposal. He could answer any questions for some of the new Members if they have any. Chair King, and you want to add to that as well?

COUNCILMEMBER KING: Yeah, I think Mr. Hyde was...you know, met with, extensively with a group of people who some of them were involved in the previous efforts. Some of them were advocates for looking at changing County government. And so, there have been a lot of discussion on where we got to this resolution that we're looking at now. And so, if there are any questions about intent or anything, I think we can glean the intent of the Committee that worked on this from Mr. Hyde.

CHAIR MOLINA: Okay. Thank you, Chair King. Mr. Hokama?

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

CHAIR MOLINA: We'll do, sir. Okay. Seeing no objections, we'll keep Mr. Hyde as a potential resource when we get to that item.

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: So, I had Mr. Sinenci, and then followed by --

UNIDENTIFIED SPEAKER: Okay.

CHAIR MOLINA: --Ms. Kama.

COUNCILMEMBER SINENCI: Thank you, Chair. That was my question. But what...were we going to receive any presentations on the topic?

CHAIR MOLINA: Not --

COUNCILMEMBER SINENCI: Not...

CHAIR MOLINA: --today.

COUNCILMEMBER SINENCI: Okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. Thank you. Member Kama, followed by Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. Mr. Hyde, you were reading from a document. What is that document --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

MR. HYDE: Oh...

COUNCILMEMBER KAMA: --that you were referencing? A report?

MR. HYDE: I always write my testimony 'cause the time is so limited. I pick every word. So, I was just looking at my notes of my...what I wanted to relay to you, yeah. I'd be happy to share a copy of that.

COUNCILMEMBER KAMA: Thank you.

MR. HYDE: I have it, and I can turn that over to the Clerk --

COUNCILMEMBER KAMA: Thank you.

MR. HYDE: --I suppose, yeah.

CHAIR MOLINA: Okay. Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. So, since we're talking about salary, is there a proposal for what kind of salary or what this is going to cost the County with these changes?

MR. HYDE: Is that a question for me?

COUNCILMEMBER SUGIMURA: I think it might be a question for Chair. Is it a requirement of Salary...of Charter amendments to submit anything --

COUNCILMEMBER KING: Point of order --

COUNCILMEMBER SUGIMURA: --in terms of...

COUNCILMEMBER KING: --Chair, this is probably part of the --

COUNCILMEMBER SUGIMURA: Well, okay --

COUNCILMEMBER KING: --discussion, not --

COUNCILMEMBER SUGIMURA: --I can...

COUNCILMEMBER KING: --a question for the testifier.

CHAIR MOLINA: Yeah, at this point, why I brought this up was to get all of us up to speed. I know you were here the previous term, so you're somewhat familiar with this. I wasn't, and several others. So, the intent is just informational. Maybe what we'll do, we'll try and get your question answered 'cause I really can't answer that question for you right now --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: --'cause --

COUNCILMEMBER SUGIMURA: If...

CHAIR MOLINA: --we're just...it's just to get everybody up to speed, the history of how this came about, and then we can get into --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: --more detail with the specifics as far as the --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR MOLINA: --what --

COUNCILMEMBER SUGIMURA: And then a --

CHAIR MOLINA: --. . .(inaudible). . .

COUNCILMEMBER SUGIMURA: --question for the testifier --

CHAIR MOLINA: Please proceed.

COUNCILMEMBER SUGIMURA: --then is what kind of salary are you looking at for this position since you're speaking about that?

MR. HYDE: The way it's commonly set...first of all, it's a fluid situation, Councilmember. I recently sent to all of you, just by happenstance, an article that appeared in the paper, the *Las Cruces News*, I think it was, and they were searching for a new county manager. I thought it was interesting how they laid out their process. It was about a four-month process. They hired a consultant who came in and gave them recommendations about salary parameters. And those salary parameters were developed from a variety of sources, and people who are so-called headhunters have tremendous knowledge about these things, as does the International County...City/County Managers Association [sic]. So, there are variety of sources that you reach out to see what the market-rate is, what the negotiating parameters are. And that's typically how it's done as opposed to...there's one...there's not one number that will...

COUNCILMEMBER SUGIMURA: Thank you then.

MR. HYDE: Yeah.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: That's what I was looking for, what kind of range, dollar amount is this going to cost the taxpayers. So, thank you. I think you answered my question.

MR. HYDE: Very good.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Members, any other questions related to Mr. Hyde's testimony? Seeing none, thank you.

MR. HYDE: Thank you very much.

CHAIR MOLINA: Ms. Milner, any other testifiers in the Chambers?

MS. MILNER: We have another testifier. Our next testifier is Jasee Law, here to testify on GET-10(5).

CHAIR MOLINA: Okay. Good morning --

MR. LAW: Aloha --

CHAIR MOLINA: --Mr. Law.

MR. LAW: --kakahiaaka, Mr. Chairman Molina. I noticed *The Maui News* this morning, the...had a new guy up in the Mayor's Office, well he's...I went up there just now, he's not actually new, but I just want to say I like the changes that the Mayor is making. And I was around during these discussions about the...putting the Mayor, the manager-Mayor system, I think it was to put the Mayor along with the Council. I was in a town in Virginia, that kind of...it works if you get a good manager, but yeah, he can also, you know, that saying about absolute...having absolute power corrupts absolutely. That might have helped back then if we would have decided to change the Charter and go that way, but with the Supreme Court, the recent...the arguments over at the Supreme Court there, and between you...the Council and the Mayor's Office. And I'm pretty sure, I haven't looked it up, but it's a State law where Hawaiians get preference for hiring. So, in the manager's process, I hope you guys look at that. And so...and at least encourage him or her to speak olelo, and a spirit of lokahi is important too. Mahalo.

CHAIR MOLINA: Mahalo, Mr. Law. Any questions for Mr. Law regarding his testimony? Seeing none, thank you very much, Members. Ms. Milner?

MS. MILNER: There are no additional testifiers in the Chamber.

CHAIR MOLINA: Okay. Last call for testimony from the gallery? Seeing no one approaching, okay, we'll now first go out to our sister offices before we close testimony. Let's go out to Molokai. And, Ms. Lindo, out in Molokai, do we have any testimony?

MS. LINDO: Good morning, Chair. There are no testifiers on Molokai.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Mahalo. And let's go out to Ms. Fernandez out in Lanai. Do we have any testifiers?

MS. FERNANDEZ: Good morning, Chair. There are no testifiers at the Lanai Office.

CHAIR MOLINA: All right. And finally, let's go out to Hana. And, Ms. Oliveira-Medeiros, Mavis, good morning.

MS. OLIVEIRA-MEDEIROS: Good morning, Chair. There's nobody here to testify.

CHAIR MOLINA: Okay. Mahalo. All right, Members, seeing no testifiers from our sister offices as well as the Chambers, if there are no objections, Chair will close public testimony on our agenda items today.

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBERS: Okay. So ordered.

. . . END OF PUBLIC TESTIMONY . . .

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

CHAIR MOLINA: All right, moving on to our first item, it is GET item 2(24), which relates to the appointment of Edward Romson to the Council on Aging. Mr. Romson's nomination is due to a vacancy because of the resignation of Helene Sato. And this term will expire on March 31, 2021. And from the Mayor's Office, I'd like to ask Ms. Baisa to give us a brief overview. Good morning, Ms. Baisa.

MS. BAISA: Good morning, everyone. It's my honor to be here this morning, representing the Mayor and speaking with you about a couple of nominees to boards and commissions. Our first person today is Edward Henry Romson, and he is of course, hoping for a seat on the Council on Aging. I think that he is eminently qualified. The Mayor is...and I are really excited that we were able to attract someone like him. He comes from a family of service. I don't know with the, maybe the younger people, it may not ring a bell, but it surely did with me when I saw the name Romson, because I knew his dad who used to run Maui Memorial Hospital. I also know his mother who served as the director of nursing at Hale Makua, and was a volunteer for many, many years. And so, Mr. Romson is very much in tune with the needs of the elderly. He himself I think is qualified to know about elderly services. And I'm very excited that he has the time and is willing to give us more time, being that he is the chairman of the board of directors of Hale Makua Health Services. I think he brings a lot of knowledge, a lot of experience, and certainly, great volunteerism. And so, I would defer to Mr. Romson who probably has a lot more to tell you about himself.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. And, Members, we do have Mr. Romson present with us. Mr. Romson, good morning. And if you'd like to take a minute to just share with the Committee your intent for serving on this Commission. Please proceed.

MR. ROMSON: Mahalo, Mr. Chair. And, Councilmembers, aloha kakou. Actually, my head is probably the same color as the poinsettia 'cause she...I kind of blush when she talks about me. Just very quickly, she gave a lot of the background. I'm a Maui boy, a Baldwin graduate in 1970. I went back to the mainland for college, and then I...in the Army for six years, and then traveled the world running customer support centers. I came back five years ago to take care of my mom when she was failing. She went into...she was director of nursing for 20 years at Hale Makua, volunteered for 20 years at Hale Makua, then went into the care home and passed in the Wailuku facility. I see my role on the Hale Makua board as really continuing her legacy. I think I can bring that feeling for our kupuna and the services that are available for our kupuna to the Council on the Aging [sic], and represent the people that are residents for our facility but also for all of Maui and all of Maui County. So, I appreciate your consideration. Mahalo.

CHAIR MOLINA: Thank you very much, Mr. Romson. Members, the floor is open for questions for Mr. Romson. Okay. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Romson, for volunteering. I just had a question about the La`au by Romson.

MR. ROMSON: Yeah. Mr. Chair? Yeah, La`au by Romson is my woodturning business. I do that part-time. I turn koa bowls. So, that's...whenever my wife gets bored with me, she sends me to the shop.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Mr. Sinenci. Member Paltin, followed by Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Romson, for coming and for your willingness to serve the community. I was wondering, is it correct, you've been on the board of Hale Makua since 2017?

MR. ROMSON: Yes, ma'am.

COUNCILMEMBER PALTIN: I was wondering if you could share with us maybe some of the changes that you're looking or have made in Hale Makua, and how that would relate to serving on the Council of Aging?

MR. ROMSON: Sure. Sure. Well, there were a couple of things. First of all, I want to acknowledge and say that we're very grateful to the County of Maui for working with us to talk about the gateball field and the expansion of Hale Makua into the gateball

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

field. That has been one of the main...this is the Kahului gateball field right next to the Kahului facility in Hale Makua. This has been one of the main discussion points for the board about how we're going to do this, how we're going to fund it, what we put there, and how it serves the rest of the community. We are also financially challenged. And so, we always look for ways to, one, improve care for our residents, but also to provide our overall care. So, we've expanded home health, which means we actually send nurses and home healthcare providers out to the people in the County. And so, we are really bolstering that and trying to increase the support we put there. Thirdly, we're trying to do a co-continuum of care, so we're relieving Maui Memorial of some of their short-term care. When they discharge somebody who can't actually go home right away we bring them to Hale Makua for three or four days so they can recuperate, and then go home. So, there are a lot of other services that we're trying to expand for the citizens of Maui.

COUNCILMEMBER PALTIN: So, your plans for expansion of Hale Makua is to take over the gateball field?

MR. ROMSON: We...we're in discussion with the County to expand our facility into the gateball field, and look at building an additional unit and some rehab units and multi-use sorts of things. This is a 10 to 20-year project, and we're in preliminary discussions with whether or not the gateball field comes...is for our use.

COUNCILMEMBER PALTIN: Okay. I'll yield.

CHAIR MOLINA: Okay. All right. Thank you. Thank you, Member Paltin. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice to hear all that you have to share.

MR. ROMSON: Thank you.

COUNCILMEMBER SUGIMURA: I'm the Councilmember that gets to sit on the Office on Aging, that I'll be with you if you get confirmed today. So, it's an...we meet, and the meetings are like about 12:30. They keep it pretty on track, and I just want to make sure you have enough time to attend. It's usually about an hour-and-a-half, the longest.

MR. ROMSON: Yes, ma'am. I'll make time.

COUNCILMEMBER SUGIMURA: Yeah --

MR. ROMSON: And --

COUNCILMEMBER SUGIMURA: --and I think --

MR. ROMSON: --yeah...

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: --your contributions or your history with Hale Makua will definitely add a lot to what we do through this body. So, I support you and thank you very much. I look forward to your recommendation, Chair.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Members --

MR. ROMSON: Mahalo.

CHAIR MOLINA: --any other questions for Mr. Romson? Seeing none, thank you very much, Mr. Romson. We --

MR. ROMSON: Mahalo.

CHAIR MOLINA: --appreciate you being here. Members, with regards to the issue of deciding Mr. Romson's fate, the Chair will be deferring because of the deadline, as well as the other nominee for the Board of Ethics. So, what will happen is this Friday, we will take action on both of these nominees. So, with both of these nominees present here today, it's more...it's the opportunity for you to ask them your questions, and then after hearing their responses to your questions, then you can finalize your decision on Friday at the Council meeting. So, again, no objections to deferral on GET-2 --

COUNCILMEMBER SUGIMURA: No --

CHAIR MOLINA: --(24)?

COUNCILMEMBER SUGIMURA: --objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused KRF)

ACTION: DEFER.

CHAIR MOLINA: Okay. Thank you.

GET-2(25) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF ETHICS) (CC 19-24)

CHAIR MOLINA: Moving on to our next item, GET-2(25), which relates to the appointment of Seward Akahi to the Board of Ethics for the County of Maui. The resolution is to approve or disapprove the Mayor's nomination of Mr. Akahi, and this will be for a term expiring on March 31, 2022. And this is due to the vacancy created due to the resignation of Napua Greig. Good morning, Mr. Akahi.

MR. AKAHI: Good morning.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: And before I recognize you, I'd like to ask Ms. Baisa a brief summary of Mr. Akahi before I ask him to give his summary, and then I'll open the floor for questions. Ms. Baisa?

MS. BAISA: Thank you very much, Chair. On behalf of the Mayor, I'd like to present Mr. Seward Akahi. We're very happy to have him volunteering to be on the Ethics Board [sic]. He's a local boy, a graduate of Baldwin High School, for those that are Baldwin guys. Of course, I'm a Maui High girl, so that didn't have any sway with me; however, I did do a lot of checking and, you know, when we're putting people on the Ethics Board [sic], it's very important, and I have received nothing but positive support of Mr. Akahi. He is taking a serious look at this, and I want him to explain to you why he has signed up for the Board of Ethics, and I think you'll find it very, very interesting. I've been very clear with him that there is a time commitment here, that it's very important that he will be able to make the meetings, and he said he'd make every effort to do that. So, Mr. Chair, I'll leave it to Mr. Akahi.

CHAIR MOLINA: All right. Thank you very much, Ms. Baisa. Good morning, Mr. Akahi, and you have the floor for about a minute if you'd like to give us a brief --

MR. AKAHI: Good morning.

CHAIR MOLINA: --summary of your intentions of serving on this Board. Please proceed.

MR. AKAHI: Good morning, Chair, and good morning, Council. My name is Seward Akahi, a native of Maui, born and raised, also a Native Hawaiian. I'm very excited to be able to volunteer and give the community back some of my experience and give it to the community, which I think is a great community that we have here, and of course, an ever changing one. And with that, ethics does change with new introductions of individuals, businesses, projects, and I think it's very important to have very balanced approach to that. And I'm very excited to work with the panel, as well as the attorneys, and get really balanced feedback and balanced decisions made for the County.

CHAIR MOLINA: Thank you very much, Mr. Akahi. Members, the floor is open for any questions for Mr. Akahi. Member Lee?

COUNCILMEMBER LEE: Good morning, Mr. Akahi. Can you give me an example how ethics change?

MR. AKAHI: So, the corporation that I work with, the ethics...ethics change in the way it's perceived, and I think that's really important that we have a balanced approach to making sure that when things do get approached or presented, that we have individuals that have experience to bring everybody back front and center. It's not that the ethics changes. The perception of ethics, that do change. And that a lot of times, that's...oftentimes people find that to be reality for them until they...the...as long as they don't have somebody there to balance them out, and I think that's what ethics boards really come in as a very handy tool or resource.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER LEE: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Lee. Members, any other questions? Chair King, followed by Member Paltin.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here. I appreciate the presence. I'm looking at your application and you said...you say you've been a senior management role, you know, senior management role for a Fortune 500 company --

MR. AKAHI: Yes.

COUNCILMEMBER KING: --for 18 years. I'm not sure if that bodes well for ethics, but I'll assume it does. What company is that?

MR. AKAHI: I work for The Hertz Corporation.

COUNCILMEMBER KING: Oh, that's...okay. So, that's...the senior management role is a manager?

MR. AKAHI: I'm the general manager.

COUNCILMEMBER KING: Okay. Okay. Do you have any examples of when you've had to make those kinds of decisions in your own company that...

MR. AKAHI: Absolutely. Without violating any of the --

COUNCILMEMBER KING: Yeah --

MR. AKAHI: --confidentiality stuff.

COUNCILMEMBER KING: --no names.

MR. AKAHI: But we...there's a lot of different things that we have to make decisions on, and it is trade-vendor relationships, ensuring that all of our partners are following strict guidelines, and our management teams whether it's at our level, senior management as well as lower-level management, and our operations are following those guidelines and vendor relationships with the strictest of rules and policies that we have set in place.

COUNCILMEMBER KING: Okay. So, you have a set of rules for your company that --

MR. AKAHI: A long set of rules.

COUNCILMEMBER KING: --pertain to ethics?

MR. AKAHI: Yes.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER KING: And you would be bringing those into the...your experience on the --

MR. AKAHI: Absolutely.

COUNCILMEMBER KING: --on this Board? Okay. And have you checked with Corp. Counsel since they oversee this Board on what kind of training you would be receiving as a new member?

MR. AKAHI: Corp. Counsel within the County?

COUNCILMEMBER KING: Right.

MR. AKAHI: I have not.

COUNCILMEMBER KING: Okay. Because they do...you know that they do oversee this Board, correct?

MR. AKAHI: Absolutely.

COUNCILMEMBER KING: Okay. So, I'm just hoping that there's a some kind of training coming into it because it's...you know, that we have a...we have the different State organizations that do parts of this, and then we have the County organization, then we have other processes to deal with complaints and concerns. So, that's...I think that's a...getting a holistic view is really important of the...of what goes on in the County and what the role of the Board of Ethics is.

MR. AKAHI: I agree.

COUNCILMEMBER KING: So...okay. Thank you.

MR. AKAHI: Absolutely.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Akahi, for being here and your willingness to serve. I was wondering like how you define a conflict of interest here in Hawaii especially since, you know, a lot of us are related some way or another, like how do you define that in your mind and like, you know, what kinds of things in your opinion would cross the line, you know?

MR. AKAHI: So, in my experience, I've been working with, in a corporate structure for a long time, so I really like the fact that it gives you boundaries, right? And I think that for me, it's very clear, just by personal relationships, professional relationships, they're a very deep line in the sand. And I think for me it's easy, and I think it's because of my

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

experience and years of experience with corporate structures that I always side with that.

COUNCILMEMBER PALTIN: And what would be an example that you think would be crossing the line in Board of Ethics whether it's accepting gifts or lunches or what have you?

MR. AKAHI: I think there are set limits that's defined of what can and cannot be accepted as gifts and/or bribes, and I think that's very clear, and that it's very important that not only that they exist, but that very, very clear to the participants or the beneficiaries of those particular programs.

COUNCILMEMBER PALTIN: And in terms of the way that it's been decided for one person and decided for other people, is it the same for everyone in your mind if it's been established as to what is okay and what is not okay?

MR. AKAHI: I think consistency is important, but I think it also depends on what it is. But definitely, consensus really makes the...a big difference. Because a lot of times, you would think that the consistency of being the same for every single person would be the answer but not all the time does it become the answer because there's more important values to establish.

COUNCILMEMBER PALTIN: Thank you.

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

COUNCILMEMBER HOKAMA: Thank you, Chairman. I was very interested in your responses to our Members' questions so far. So, I feel you have some grounding in at least some of your basic values. Obviously, regarding ethics versus the law. And again, what is the role of our culture in your execution of your duties is something I'm interested in. Because there's times for us in policy, justice and the law will not always be on the same side. So, as an ethics, someone who's going to deal with this type of basic, what I would call core principles, do you see a difference?

MR. AKAHI: Well, I think for me when I hear just ethics alone, it's a standalone word that doesn't define it. When you hear it's an ethics board, and that includes a bunch of individuals that really helps make a better decision, because it's not just one person's feedback or one person's decision, they get to hear a consensus. So, I think when it comes to the matter of ethics, I think it's more that I look at it as an ethical board to make ethical decisions together.

COUNCILMEMBER HOKAMA: So, you see the strength of the group making a --

MR. AKAHI: Yes.

COUNCILMEMBER HOKAMA: --mutual conclusion and --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

MR. AKAHI: Correct.

COUNCILMEMBER HOKAMA: --decision. Very good. Thank you.

MR. AKAHI: Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you. Thank you, Mr. Akahi, for being here. I just had one question about your political affiliation. You had crossed out democratic and put independent. Was there any specific reason beside not being registered as a Democrat?

MR. AKAHI: Yeah, I did not decide to register as a Democrat. State of Hawaii is a little bit different from a lot of different states. So, I just did not register as a Democrat. I do have democratic beliefs. That's most of my platform.

COUNCILMEMBER SINENCI: And where...did you register in another state?

MR. AKAHI: No, I did not.

COUNCILMEMBER SINENCI: Oh, okay. Thank you.

MR. AKAHI: You're welcome.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Just a quick question for you. I believe Member Sugimura has a question before I recognize her. Time-wise, you have no problem with your position with Hertz? You can attend the...I believe they meet once a month.

MR. AKAHI: Yes.

CHAIR MOLINA: Okay. And, you know, this is a very high-profile Commission. Do you see any potential situations where you may be conflicted? Because I know you work for a large corporation, any situations like that? And I assume you would recuse yourself if there is a situation where you know someone who maybe has, you know, might be...you might have ties to or...

MR. AKAHI: Correct. I don't see any situation, but I do know that there's a recusal process, and I'd be happy and excited to exercise that.

CHAIR MOLINA: Okay. Thank you very much. Member --

MR. AKAHI: You're welcome.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: --Sugimura?

COUNCILMEMBER SUGIMURA: You asked him my question. Thank you very much.

CHAIR MOLINA: All right. Members, any other final questions for Mr. Akahi before I excuse him? Chair King?

COUNCILMEMBER KING: Thank you, Chair. Just...I just...Mr. Sinenci reminded me, I was going to make a comment about the word Independent political affiliation. Because in the description, it says if you have not...no affiliation, you're supposed to say none 'cause Independent, it is actually a party affiliation. So, I just want to ask Ms. Baisa about that. On --

CHAIR MOLINA: Ms. Baisa?

COUNCILMEMBER KING: --both of these...if they're both...because the two we're looking at today both say Independent, but if they're actually not declared, they're supposed to be just none in that line.

MS. BAISA: Thank you very much, Chair. We've discussed this before. And as you know, we used to get a lot of people say...putting in a party, and that was because they have those kinds of ideals, but very few of them are actually registered/card-carrying members. And they sometimes instead of saying no or none, feel that Independent is okay. Now, when I get these applications, I don't feel that it's my responsibility or my right to change them. So, I take what they give me.

COUNCILMEMBER KING: Okay. Because it looked like it was somebody who crossed it out, put the word Independent, and then --

MS. BAISA: Yeah.

COUNCILMEMBER KING: --in parentheses, it says, per Seward, he is not registered. So, it looked like your...that somebody from your office put that in, that word Independent.

MS. BAISA: I'm sure that during processing the question, he might have indicated that, you know, he didn't understand. And --

COUNCILMEMBER KING: Okay.

MS. BAISA: --sometimes again, even my own people, they just feel that to them Independent means I'm neither a Democrat or Republican or Green Party, or, you know, they think in terms of parties.

COUNCILMEMBER KING: Okay.

MS. BAISA: And, you know, the Independent party here tends to be more of a description.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER KING: Oh, okay. 'Cause that is --

MS. BAISA: Yeah.

COUNCILMEMBER KING: --a...the...a party, that's an --

MS. BAISA: I understand.

COUNCILMEMBER KING: --official party --

MS. BAISA: Yes.

COUNCILMEMBER KING: --in our State.

MS. BAISA: I know what you're --

COUNCILMEMBER KING: Okay.

MS. BAISA: --saying.

COUNCILMEMBER KING: Okay.

MS. BAISA: Thank you.

COUNCILMEMBER KING: Thank you.

MS. BAISA: But it is difficult to get people to say none.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: All right.

COUNCILMEMBER KING: It's in the fine print.

CHAIR MOLINA: Thank you for that clarification. Okay. Thank you very much, Mr. Akahi.
We appreciate --

MR. AKAHI: Thank you.

CHAIR MOLINA: --you taking your time to address the questions from the Committee. All right, Members, like the previous item, Chair is going to recommend deferral on this item as well. Any objections?

UNIDENTIFIED SPEAKER: No.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused KRF)

ACTION: DEFER.

CHAIR MOLINA: Okay. And of course, final decision-making, we'll take this Friday at the Council meeting. And I just have to say both nominees, you represented Baldwin High School very well this morning. Thank you.

GET-11(30) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: CLIMATE CHANGE LITIGATION) (CC 19-29)

CHAIR MOLINA: Okay. Members, moving on to our next item, which is GET item 11(30), which is Authorizing the Employment of Special Counsel Related to Climate Change Litigation. The purpose of the proposed resolution is to authorize the employment of Sher Edling LLP, a special counsel to represent the County in litigation involving fossil fuel companies and related entities. And we have Ms. Thomson from Corporation Counsel to give us an overview. And joining us as well is the Managing Director, Mr. Sandy Baz. Good morning.

MR. BAZ: Good morning, Chair.

CHAIR MOLINA: Good morning.

MS. THOMSON: Good morning, Chair, and thank you. Just briefly, the firm Sher Edling is the proposed special counsel, and the firm specializes in assisting public entities, states, cities, and other public agencies as plaintiffs in conflicts, tort, and environmental litigation. The firm has two primary areas of practice, climate change and drinking water contamination cases. The firm is representing the majority of municipalities that have brought suit on climate change impact grounds including the cities of Marin, San Francisco, and Oakland. The firm also represents the City of Baltimore and the State of Rhode Island, which is the first state to bring such suit. The City and County of Honolulu also recently selected Sher Edling to represent that county in a similar action. And as would be...as is the case with Honolulu, the fee agreement is on a contingency basis, which means that they would be paid if the County recovers any damages. And so, with that, I'll turn it over to the Managing Director. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Thomson. Mr. Baz?

MR. BAZ: Good morning, Chair, Members, aloha. Thank you for the opportunity to come before you this morning to discuss the Mayor's proposal on climate change litigation. This item is something that he feels is incredibly important for the long-term impact to our community and the costs of the climate change as we see in not just the immediate future but in the long-term future. I'm going to read an opening statement, and then we can get into discussion in a bit. But basically, what he's hoping is that

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

together with the County Council, we will attempt to hold the fossil fuel industry responsible for wide-ranging, ever more appropriate impacts of climate change, consider the erosion...increasing erosion of our coastline, a long stretch of Honoapiilani Highway, from Papalaua State Wayside Park and Ukumehame on the pali side of Lahaina Bypass is the stones throw away from the ocean. Loss of a portion of that highway would effectively cut off West Maui from the rest of our island. Roadways, parks, infrastructure, and buildings hug the coastline and are similar...similarly vulnerable to sea level rise. Science shows that global warming is manmade, caused primarily by air pollution from carbon dioxide and methane, the exhaust from burning oil and gas and coal. Peer-reviewed science shows sea level rise accelerating. The time for coastal communities to act is now. Our Department of Planning is working on rule changes for a managed retreat to protect our communities from the impacts of rising sea levels. County departments, especially Parks, Public Works, and Environmental Management must address rising sea levels in planning future infrastructure. The University of Hawaii's Sea Grant Program reports widespread impact by anticipated sea level rise of 3.2 feet. Damage in West Maui alone is estimated at \$1.9 billion, not factoring the devastating ripple effect to the economy, resorts, hotels, and other businesses in West and South Maui, our economic powerhouses for our County, along with providing thousands of jobs. The impacts go beyond rising sea levels. In the past 30 years, rainfall for the Hawaiian Islands has declined. With widely varying weather patterns, droughts swing to periods of intense heavy rains, flash flooding, harming property, roads, infrastructure, while causing sediment to flow into the ocean smothering the reef. Hot, dry weather creates tinderbox brush conditions. And so far, this year, brush fires have burned over 24,000 acres, or nearly 6 times the more than 4,000 acres scorched by fires in the Maui County in all of 2018. A decrease in northeasterly trade winds has been recorded in Hawaii over the last 40 years. This changing weather pattern risks our surface water collection systems. Water ditches in East Maui and reservoirs Upcountry depend prevailing...on prevailing northeasterly trades carrying rainfall to windward areas. Warmer ocean waters bring more frequent and intense hurricanes. Last year's brush with Hurricanes Lane and Olivia may be the...may be only a taste of what's to come. So, why are we targeting the fossil fuel industry? For almost 50 years, the fossil fuel companies knew that carbon dioxide pollution would warm the air and oceans and cause sea levels to rise. In 1968, the American Petroleum Institute confirmed the role of fossil fuels in heating the earth, forcibly leading to severe environmental damage. While they use this knowledge to protect their own assets, they kept these dirty secrets from the public while reaping billions in profits. Our residents and businesses should not be saddled with the staggering costs of addressing the impacts of climate change. Similar lawsuits have been filed in, by other coastal municipalities. And while some might call it a David and Goliath match-up, it's not only the right thing to do, it's the right time to do it. Recall the early lawsuits against big tobacco. As with oil, gas, and coal, tobacco products were legal, important to the economy, and even encouraged and subsidized by the government. And just like the fossil fuel companies, tobacco companies knew their products, used as intended would harm both the user and third-parties who didn't use them. State and local governments were injured by, among other things, higher health costs. Instead of warning people about the danger of their products, the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

tobacco industry conducted a decade's long campaign of deceit, distraction, and delay. Tobacco companies were ultimately held accountable. We owe it to the keiki, making their voices heard here and around the world to hold these fossil fuel companies accountable. And I humbly request that this Council heed this call to action and approve this authorization for special counsel. So, thank you, Mr. Chair. We do have Tara Owens from our UH Sea Grant Program here as well to maybe answer any questions you might have regarding the impacts of sea level rise especially on our environment.

CHAIR MOLINA: Okay. Thank you very much, Mr. Baz. Ms. Owens, you can please come by...take a seat, and if any Members have any questions for you. All right, Members, now I guess depending on your level of question, I'm not sure if Corporation Counsel may recommend executive session if that be the case, but we'll try to do everything in open session. Of course, the intent is to hire special counsel at this point. I'm not sure if it's appropriate to discuss strategy when we haven't even, you know, considered hiring the special counsel first. But we'll take it as it goes. So, I'll open it up. First, with Chair King?

COUNCILMEMBER KING: Thank you, Chair. And thanks for bringing this item forward. I do have questions that will probably be in executive session, because I think if we're going to be hiring special counsel, we know...we need to know who we're going to be litigating against, and I think that's probably a executive session issue. So, I'll...I can reserve for that.

CHAIR MOLINA: Okay. Thank you, Chair King. Moving on to Member Hokama, followed by Member Kama.

COUNCILMEMBER HOKAMA: So, Chair, again, I appreciate your cautious approach, and I agree with my colleague, Chair King. So, I don't know what we can speak...ask about because I'm with her. I think we need a little bit more of the details she asked. 'Cause we mentioned fossil fuel companies, generic. Only those that serve Hawaii or all the producers? Again, is there a target number we're looking at regarding the suit? So, is this going to be just a criminal thing? Is this a civil class action thing? And again, the ability of other members or other similar entities like our sister counties to join in on our filings. So, I don't know what can be shared at this time, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Ms. Thomson, are you able to share something in open session with regards to Mr. Hokama's concerns?

MS. THOMSON: I think some of that verges into strategy that we should discuss in executive session, but what we're looking at is a civil suit. So, not, you know, nothing criminal at this point being asked. And as in terms of the defendants though and the choices of defendants, and whether other counties would join in with us, I can get into that in the executive session a bit more.

COUNCILMEMBER HOKAMA: Okay. Then I'll wait at the appropriate time, Chair. Thank you.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Thank you, Mr. Hokama. Ms. Kama?

COUNCILMEMBER KAMA: Well, I hope that my question can be answered on the floor. I just want to know about the company Edling. What is their track record? What are their wins and losses?

CHAIR MOLINA: Ms. Thomson?

MS. THOMSON: So, they have a very lengthy and fairly impressive track record. In terms of climate change litigation, we're really actually at the forefront. So, there's only been a bit over a dozen other municipalities and the State of Rhode Island who've actually filed suit. So, Sher Edling has been successful in its legal strategy in terms of seeing those cases through their, you know...they're very hard-fought cases as you can imagine, you know, a lot of money and very, you know, high-power legal teams on the opposing sides. But in terms of their preliminary successes, they've, you know, shown a good track record. And in other cases, like drinking water contamination cases, they have a very long and pretty illustrious track record.

COUNCILMEMBER KAMA: If I may, Chair, one more. So, what is the length of time that it's taken them to solve any of them or resolve any of them to the point of compensation if at all?

MS. THOMSON: This is going to be a long road. So, I would anticipate that it's going to be, you know, anywhere from five to ten years at the minimum.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you. Good question, Ms. Kama. Member Paltin, followed by Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. You can stop me if it's not an open session question. And, you know, generally, I'm supportive of using less fossil fuels and holding folks accountable. My question is just, you know, from the Administration point of view and the big picture of the County of Maui, and our revenues of how everything runs here. How do we see this action affecting us when primarily we run on a tourist-based income that uses fossil fuels to bring the people here? To me, I agree with holding them accountable, but we...if we are going around holding other folks accountable, we also need to hold ourselves accountable for like when you talk about cigarette smoking, really there's nothing good about cigarette smoking, but it was made addictive through the nicotine. Is fossil fuels being made addictive through the money and the revenue that we generate that sustains the quality of life of the residents? I don't understand.

CHAIR MOLINA: So, Ms. Thomson or Mr. Baz, can you answer that question?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

MR. BAZ: Thank you. I can take a stab at answering that and she can kick me if I start talking about something. But yeah, you know, that's a really valid question and something that, you know, we grapple with is, you know, we all drive cars, right? Very few of them are electric. We have some, you know, that are hybrid and things like that. But the way that...so what we feel is that the fossil fuel industry has made it very easy for us to be dependent on them and very hard to not. And a recent example of that is in...you guys remember when the fuel prices were \$5 a gallon, 4 or \$5 a gallon for gas, right? At that time, there was a huge push for hybrids, electric vehicles, the solar and wind, you know, generation of energy, alternative, you know, fuels, and alternative energy. Well, it was something that was really heavily attractive to people because it was financially attractive them...to them. The fossil fuel industry got wind of that, has subsidized and intentionally reduced their prices, right, so now we pay, you know, 2, \$3 a gallon for fuel. It's less attractive for us to have cars that run on electric or hybrid. It's less attractive for us to have renewable energy sources. So, it's really a driving force of a pocketbook issue. With nicotine, it was, you know, more of a pleasure issue, but this is definitely a pocketbook issue. And our feeling is that they've intentionally done this. And over the years, you can see a pattern of this. And this is what, you know...I passed out or handed out to the Committee a little handout there of some of that information, but I'm not sure if it got passed out yet. But basically, it's resources that we have, information that we have to us that they knew these issues, they prepared for themselves, but all the meantime, having us be more and more dependent on them. So, the County has...Mayor Victorino has reconfirmed the County's commitment to a 100 percent renewable or electric vehicle usage over the next, I think it's about 10, 15 years, and we're actively doing things to promote that. In any new facility we put up, we make sure that we put in electric charging stations. You know, we're making that change in our fleet. You know, Mayor has made it so that we can initially transition to hybrid until we have the infrastructure available for electric or for, infrastructure available for, you know, biofuels and things like that, that are renewable sources. So, it's something that unfortunately, we depend on fossil fuels right now. And I don't know, airlines are talking about an electric plane. And in fact, I think it's being developed right now and, you know, I'm not sure if it will make the six-hour trip from the West Coast, but, you know, that this is something that we are, you know, we're looking at. But right...you know, electric vehicles have been around for more than a 100 years. They were, you know...in fact, there were the vehicle of choice in the early 1900s, but they were...

CHAIR MOLINA: Mr. Baz, sorry to --

MR. BAZ: It's all right.

CHAIR MOLINA: --interject, but --

COUNCILMEMBER PALTIN: Yeah.

CHAIR MOLINA: --yeah, I think you've given --

MR. BAZ: Okay.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: --quite a --

MR. BAZ: All right.

CHAIR MOLINA: --very good --

COUNCILMEMBER PALTIN: Yeah.

CHAIR MOLINA: --and lengthy response to Ms. Paltin.

MR. BAZ: Sorry.

CHAIR MOLINA: Ms. Paltin, another question and --

COUNCILMEMBER PALTIN: Yeah.

CHAIR MOLINA: --we have Ms. Sugimura waiting.

COUNCILMEMBER PALTIN: I have no doubt of all the things that you're saying and I applaud the Administration for the steps that they are taking. My concern is, you know, what is the vision for the future and how are we being set up to thrive in that future? I don't think that electric vehicles are going to solve the problems. You know, I think it's going to be like a entire industry mindset shift where although we like the quality of life that we're having now, we won't have any other choice. And I was wondering, is the Administration thinking like ten steps into the future? Like say we do win this, and then, you know, fossil fuels are over in ten minutes or ten years or whatever, what is the...how are we setting ourselves up for success should we win or should we lose? Like has that been thought out, you know, seeing that what are the ramifications of winning --

CHAIR MOLINA: Mister --

COUNCILMEMBER PALTIN: --as much as --

CHAIR MOLINA: --or Ms. --

COUNCILMEMBER PALTIN: --we can?

CHAIR MOLINA: --Thomson?

MR. BAZ: So, I can understand where your concern is with especially, you know, tourist industry, because you're right that we need planes to get people here, or even the big ships that come, run on fuel, right, yes.

COUNCILMEMBER PALTIN: I mean I'm not the supporter of the tourist industry, but that's what we have. And I wouldn't suggest taking it away without some sort of plan.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

MR. BAZ: Right.

COUNCILMEMBER PALTIN: And it feels like that might be the direction we're going to if we...I mean I'm for holding them accountable but what's the plan for us --

MR. BAZ: Well...

COUNCILMEMBER PALTIN: --once they're held accountable?

MR. BAZ: So, the County, we've been looking at more of what the impact to our environment would be and how we can address that situation. So, the Planning Department, with Tara's help, has really looked at that sea level rise issue, and should we set...so what they're proposing is setting shoreline setbacks that are farther than they are now. Instead of based on vegetation line, they're going to be based on this...the scientific analysis of that. As that moves to the future, you know, that will probably affect the hotels, the tourist industry that is dependent on being --

COUNCILMEMBER PALTIN: I understand --

MR. BAZ: --on --

COUNCILMEMBER PALTIN: --that.

MR. BAZ: --the ocean and --

COUNCILMEMBER PALTIN: What is --

MR. BAZ: --things like that.

COUNCILMEMBER PALTIN: --our plan when tourism is no longer a viable for our County?

MR. BAZ: Yeah, so, the Administration has been working on different industries. And, you know, we support...

CHAIR MOLINA: Mr. Baz, sorry for me to get into it, but, Member Paltin, with no objections, I'd like to stay focused on the hiring of the special counsel, whereas the plan itself if we prevail, if we can...maybe the Administration can submit something in writing to you on that if there is a plan. But again, because of the agenda, I'd like to keep our questions more focused on the hiring of special counsel. So, Mr. Baz, you have anything quick to add on that? I would ask that maybe you can provide a written response --

MR. BAZ: Sure.

CHAIR MOLINA: --with the plan itself should whatever the outcome of this litigation occurs, if you guys have thought of this at that time --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

MR. BAZ: Specifically --

CHAIR MOLINA: --at this time.

MR. BAZ: --related to tourism, we do have a tourism advisory group that does meet, and we'll address that impact as well just to tourism. But in general, the industry and economy of Maui, we've been looking at different alternatives and trying to assist them with, you know, you guys supported a technology, new technology specialist, and things like that.

CHAIR MOLINA: Okay.

MR. BAZ: Yeah, ____.

CHAIR MOLINA: Thank you, Mr. Baz.

MR. BAZ: Thank you.

COUNCILMEMBER PALTIN: To...just to close...

CHAIR MOLINA: Mr. Hokama, a quick follow-up?

COUNCILMEMBER HOKAMA: Just as a quick FYI, my Committee is posting shortly an item so that with Emergency Management, we'll be discussing some of the more wider and longer-term visioning of how to approach this. So, we'll be having that discussion under Healthy Families, Chair.

CHAIR MOLINA: Oh, okay. Thank you for that point of information. It's good to know, so it sort of ties into your --

COUNCILMEMBER PALTIN: Yeah.

CHAIR MOLINA: --concerns, Ms. Paltin.

COUNCILMEMBER PALTIN: I just wanted to say, you know, if we're being asked to hire a special counsel that it's my expectation of the folks that are asking to be thinking in the future, you know, all the possible outcomes. If we don't know where we're going, then why are we going to jump in, you know, to this fray of litigation when we're trying to finish up other litigation, and we're going to jump into another big litigation. I just...and I'm not opposed to it, I just think we need to know where we're going. And I don't feel like that's been conveyed in any sense or form to the State.

CHAIR MOLINA: Okay. Point well-taken, Member Paltin. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you very much. So, I look forward to learning more through our community plans and, you know, discussion from the Administration

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

regarding that, what Ms. Paltin is saying. I'm...by seeing Tara Owens here, it tells me the impact is huge, and I...actually, the question I was going to ask regarding her, I think Mr. Baz answered it by talking about what Planning is doing and the impacts there unless if you want to add something?

CHAIR MOLINA: Ms. Owen [sic]?

MS. OWENS: Thank you for having me. Good morning. Happy holidays, everyone. I share some of the same questions. So, I appreciate them. And what I was just sitting here thinking about was that maybe, perhaps going in this direction drives some of our decisions of the future. Of course, the issues I deal with in coastal management are the ones that are most prevalent right now in terms of immediate impacts of climate change and sea level rise. And we can monetize some of those impacts already, but we need to do more of that. There's a lot of work yet to be done in terms of identifying specifically what's at risk and what the costs of the responses are going to be. So, maybe going down this road will help sort of unify all of us toward, you know, making those decisions now, the plans that we're putting in place, community plans, hazard mitigation plans. Those are decisions we're making now that are going to be affecting us 5, 10, and 20 years into the future. So, they're really, really important decisions we're already facing. I have an example I was going to give. It was in the news recently. Miami and the Keys in Florida, they have been wrestling with what to do about their coastal roads, which are being flooded on a regular basis. And the initial thinking was we're going to raise all of our coastal roads. Come to find out, it's--let's see, I have the statistic here--it's going to cost something like--hang on one second, because this is fascinating--they've determined \$60 million a mile to just elevate their coastal roads against sea level rise. And so, they're now considering abandoning certain coastal roads that serve few homes. And so, these are the big decision that we're facing that will require a lot of planning, but also thinking about how to use the money best and when it comes, when the time comes.

CHAIR MOLINA: Thank you, Ms. Sugimura. Mr. Sinenci, followed by Chair King.

COUNCILMEMBER SINENCI: Thank you, Chair. And real quick, just along some of the lines of my fellow Members' questioning, you know, just looking forward, I guess my question to Mr. Baz is, would the Administration be open to creating another department for climate change? I'm not sure if some other counties have already done that. Already, I'm hearing that some of the current departments might be taking on some of these additional climate change, sea level rise issues within their departments where we're not quite sure who's taking on the responsibility for this. So, my question is, is the Administration considering something like this?

CHAIR MOLINA: Mr. Baz --

MR. BAZ: Thank you.

CHAIR MOLINA: --are you able to answer that at this time?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

MR. BAZ: Yes, we are, and it's something that has been discussed, and I think even at a committee, one of your committees, I think. Yeah, definitely it's something the Administration is supporting.

COUNCILMEMBER SINENCI: Thank you . . . *(inaudible)* . . .

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Chair King?

COUNCILMEMBER KING: Thank you, Chair. So, I just wanted to give an umbrella for all of this discussion about where we're going. We have a resolution on the agenda for Friday that is called Acknowledging a Climate Emergency and Committing to an Immediate Just Transition and Emergency Mobilization Effort to Restore a Safe Climate. So, I think that is basically a statement that we support these measures, and it will feed into what Councilmember Hokama is doing in his Committee, and Councilmember Sinenci wants to do in his Committee. But it's acknowledging that we have an emergency now and we can't wait. And, you know, hearing about what we could do, and we, you know, I'm in the position of saying, yeah, you know, I just heard biofuels, but there are biofuels that are available, and they're not using them. So, you know, what...at what point do we say, you know, we follow up with what Councilmember Paltin just talked about and actually, you know, put down on paper to plan and have the steps of the plan. So, that's what this resolution is urging us to do collectively, you know, Council and Administration working together to commit ourselves to this. So, I think when we get to that discussion, we can also, you know, hopefully, the Administration can have a deeper discussion on this resolution. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair King. Well, Members, the Chair senses a pressing need to consider executive session to delve into potential strategy and other sensitive matters. So, with that said, the Chair will then propose a motion to go into executive session pursuant to Section 92-5(a)(4) of Hawaii Revised Statutes to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee, as well as Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order. Chair will ask for a motion for executive --

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: --session.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by Member Sugimura, seconded by Member Kama. And, Members, as a friendly reminder, we do require six votes to go into executive session. Any discussion on the motion to go into executive session? Seeing none, all those in favor, signify by saying "aye."

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it eight "ayes," with one excusal, Member Rawlins-Fernandez, to go into executive session.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Vice-Chair Rawlins-Fernandez,**

MOTION CARRIED.

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

CHAIR MOLINA: So, Members, it is seven minutes after the hour of 10:00 a.m. Why don't we do this, let's take our morning recess and let's reconvene in executive session. Is 10:20 okay for everybody?

COUNCILMEMBER SUGIMURA: Yes.

UNIDENTIFIED SPEAKER: Yes.

CHAIR MOLINA: Okay. Members, we will be in recess from open session and we'll go into executive session. Be back in the...be back here by 10:20. . . .(gavel). . .

RECESS: **10:09 a.m.**

RECONVENE: **11:16 a.m.**

CHAIR MOLINA: . . .(gavel). . . The GET meeting for Tuesday, December 17, 2019, is now back in session. Members, we are on GET item 11(30). We have just concluded executive session. For this particular matter, the Chair is ready to offer a recommendation. Okay. The Chair would like to recommend a motion to approve Authorizing the Employment of Special Counsel Related to Climate Change Litigation. The intent of this resolution is to authorize the employment of Sher Edling LLP as special counsel to represent the County in litigation involving fossil fuel companies and related entities.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Okay. It's been moved --

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: --by Member Sugimura, seconded by Member Kama. Okay. Floor is open for discussion on the motion for any considerations.

COUNCILMEMBER HOKAMA: Mr. Chairman?

CHAIR MOLINA: Okay. Mr. Hokama?

COUNCILMEMBER HOKAMA: I would like to make a motion to amend the RESOLVED [sic] clause area of the proposed resolution, and add a new clause that would add that the Administration will provide regular status updates to leadership regarding the changes of status as it regards to this matter.

CHAIR MOLINA: Okay. Mr. Hokama, would you like something more specific like a quarterly update?

COUNCILMEMBER HOKAMA: No, I don't think that's...

COUNCILMEMBER KAMA: Annual.

COUNCILMEMBER HOKAMA: I want is as --

CHAIR MOLINA: Annual.

COUNCILMEMBER HOKAMA: --regularly as required. Anything that changes, I need...I feel leadership should be at least informed of the change of status.

CHAIR MOLINA: Okay. Okay. We have a motion --

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: --on the floor, and a second, Member Kama. Ms. Thomson, you'd like to add a comment?

MS. THOMSON: Can I suggest that rather than the Administration, that's it's the Department of the Corporation Counsel regularly update the County Council on the matter?

COUNCILMEMBER HOKAMA: Okay. That's fine. Because, Chair, I know my understanding would be in speaking in support of the motion. Oh wait, do we have a second, Chair?

CHAIR MOLINA: Yeah, we did have a second --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER HOKAMA: Thank you.

CHAIR MOLINA: --Member Kama.

COUNCILMEMBER HOKAMA: One, again, having the discussion with leadership or the Chair is I think responsible. If it needs to come back to Committee, I'm sure we'll have that open item already part of the master agenda of the appropriate committee that we can post quickly if need be for action, consideration and action. So, again, Chair, this is something new, something big, and I, you know, I'd like to make sure we cover our bases well to ensure the community's best interest.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hokama. Any other discussion on the proposed amendment? Mr. Sinenci, followed by Chair King.

COUNCILMEMBER SINENCI: Thank you, Chair. Just a clarification, would the amendment come under the BE IT RESOLVED or WHEREAS --

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER SINENCI: --clause?

COUNCILMEMBER KING: BE IT...

COUNCILMEMBER HOKAMA: BE IT RESOLVED.

COUNCILMEMBER SINENCI: BE IT RESOLVED.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR MOLINA: Yeah, I believe it's an additional BE IT RESOLVED. Okay. Chair King?

COUNCILMEMBER KING: Oh, thank you, Chair. Just...I just wanted to restate for the reasons discussed in executive session that I feel I need to recuse myself. And if there's an issue with getting the number of votes, I can, you know, go to the Board of Ethics and get an official ruling. But there's a...there's conflicts kind of on all sides for me.

CHAIR MOLINA: Okay. For the sake of Committee vote today, you're asking for a recusal from voting on this and...

COUNCILMEMBER KING: Yeah, I'm just stating my recusal.

CHAIR MOLINA: Okay. Members, any objections to Chairman King's consideration?

Council of the County of Maui

December 17, 2019

COUNCILMEMBER HOKAMA: No.

CHAIR MOLINA: Okay. So noted. Your request to recuse yourself will be recognized. All right, Members, any other questions as it relates to the proposed amendment from Mr. Hokama? Okay. Seeing none, we'll vote on the amendment. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it seven "ayes," two excusals, Members Lee and Rawlins-Fernandez, on the amendment from Chairman [sic] Hokama. The amendment passes.

VOTE: **AYES:** Chair Molina, Councilmembers Hokama, Kama, King, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Rawlins-Fernandez and Councilmember Lee.

MOTION CARRIED.

ACTION: REVISE RESOLUTION.

CHAIR MOLINA: So, now, we're back to the main motion as amended. Chair would like to recognize Member Kama with a question in open session related to the matter itself.

COUNCILMEMBER KAMA: Well, I think I had my questions answered in the session, but I did want to look into creating the funding mechanism to be able to receive funds at the time and calling it the sea level rise mitigation fund.

CHAIR MOLINA: Okay. Any other questions related to...any response from the Administration? No response? Okay.

MR. BAZ: Mr. Chair, thank you. I agree with Member Kama that the funds recovered should be spent for the purposes that we initially requested them. Sea level rise is one impact of climate change. So, maybe we want to discuss the actual title of something, but that's pretty far down the road.

CHAIR MOLINA: Okay. Thank you very much, Mr. Baz. At least, we have it annotated for the record. All right, seeing no other discussion on the motion as amended...

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: Oh...

CHAIR MOLINA: Oh, I'm sorry, Member Sugimura --

COUNCILMEMBER SUGIMURA: No.

CHAIR MOLINA: --you had a question? Okay. All right, then Chair will call for the vote on the motion as amended. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it seven "ayes," two excusals, Members Lee and Rawlins --

COUNCILMEMBER SUGIMURA: Wait, we have --

CHAIR MOLINA: --Fernandez.

COUNCILMEMBER SUGIMURA: --one --

CHAIR MOLINA: The...

COUNCILMEMBER SUGIMURA: --recused.

COUNCILMEMBER KING: I think it's --

CHAIR MOLINA: Oh yes --

COUNCILMEMBER KING: --six --

CHAIR MOLINA: --I --

COUNCILMEMBER KING: --"ayes" --

CHAIR MOLINA: --apologize --

COUNCILMEMBER KING: --one --

CHAIR MOLINA: --I apologize. Yes --

COUNCILMEMBER KING: --recusal.

CHAIR MOLINA: --we have...the Chair will call the vote six "ayes," with two excusals, Members Rawlins-Fernandez, and one recusal, Chairman King. Okay. So, we'll add that to the record. Okay. All right. Member --

Council of the County of Maui

COUNCILMEMBER PALTIN: Well...

CHAIR MOLINA: --Paltin.

COUNCILMEMBER PALTIN: And Member Lee is absent.

CHAIR MOLINA: Oh, okay. Well, we'll call it at absent for our two...

COUNCILMEMBER PALTIN: Or she didn't vote.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Excused.

CHAIR MOLINA: Yeah, excused or absent. I guess it depends on what the appropriate summation is, but we'll...either way. Okay. Six "ayes," and two excusals, and one recusal, Chair King.

VOTE: **AYES:** Chair Molina, Councilmembers Hokama, Kama, Paltin, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: Councilmember King.

ABSENT: None.

EXC.: Vice-Chair Rawlins-Fernandez and Councilmember Lee.

MOTION CARRIED.

ACTION: ADOPTION OF REVISED RESOLUTION.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: I have a question.

CHAIR MOLINA: All right, the matter passes and will go on to the full Council at a future date. So, thank you very much, Members, for your participation on this. Thank you, Mr. Baz.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

**GET-10(5) PROPOSED CHARTER AMENDMENTS (ESTABLISHING AN OFFICE OF
THE MANAGING DIRECTOR AND PROVIDING FOR THE APPOINTMENT
OF THE MANAGING DIRECTOR AS THE COUNTY'S CHIEF OPERATING
OFFICER) (CC 19-28)**

CHAIR MOLINA: And we're on now on our last item for today, which is GET item 10(5), which relates...a proposed Charter amendment to establish an Office of the Managing Director and provide for the appointment of the Managing Director as the County's chief operating officer. And yes, we have our Managing Director right here, Mr. Baz, to respond to any questions. And earlier, we had a...the body agreed to have Mr. Hyde to provide us information on what this, or the specifics as it relates to what this Charter amendment is about. And again, you Chair's intent for bringing this up today was, one, no legislative action be taken only because we do have Members that were not present when this matter was heard from previous Council. So, it's more informational today. So, if any of you have questions about it, I do have some questions I'll ask either Mr. Hyde or Administration as to what this is all about. So, I guess I'll just open it up. Who...I believe it was...the initial proposer of this amendment was Chair King. So, Chair King, I'll give you the floor initially to --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --elaborate on this.

COUNCILMEMBER KING: Thank you, Chair, and thank you for bringing this forward for discussion because we do have new Members who weren't involved in reviewing this proposed Charter amendment. And basically, the...did we get the...Mr. Hyde's testimony distributed?

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER KING: Okay. Because I know he had the bullet points that I believe Councilmember Kama was asking for.

UNIDENTIFIED SPEAKER: Mister...excuse me, Mr. Chair. A copy of Mr. Hyde's testimony is in Granicus under testimony.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: Okay. Was that the one that Councilmember Kama was asking about?

UNIDENTIFIED SPEAKER: I believe Mr. Hyde submitted his testimony before he actually testified. It is the same verbiage that --

COUNCILMEMBER KING: Okay.

UNIDENTIFIED SPEAKER: --he read.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER KING: Okay. So, if you can turn...yeah, let's see if I can find it. I think it might be the last one, oh, second to the last one. So, the bullet point list is on there. I don't know if you want me to read through that. But basically, this was brought up in the last term, Chair, and there wasn't enough time to vet through it. We were also having a really difficult time with Charter amendment meeting attendance. And so, I think by the time we got down...we got to this item, there was a bare quorum even looking at it. So, no vote was taken. But there were...there was a lot of discussion on it, not just in the Council Chambers but in the community. And so, I asked some of the community members to get together. And some of the group that got together had been on the Special Committee that reviewed this, and made recommendations to the Council in the previous term. And some of them were people in the community who, you know, supported taking another look at different forms of governance, which is in our County...our Maui Island Plan too. It's a...the Countywide Policy Plan talks about, you know, considering different forms of government as one of our objectives. And so, the motivation of the item is the four bullet points, which is take most of the politics out of County management. And the previous iterations of these, I think it started out, you know, before my time of even thinking about getting on the Council, started out being a proposal for a County manager that would replace the Mayor. And then as it evolved, it became a Mayoral plus the County manager model. We're trying to develop a Managing Director model, which would be hired separately, not necessarily beholden to the term of the Mayor or the term of...terms of the Council, so that they could just focus on getting the work done of the County, you know, the things we have to do, the roads, the affordable housing, the invasive species, the environmental issues, aside from worrying about whether they're...whether the Mayor gets re-elected. They would have a term kind of like the County Auditor has. The County Auditor has a six-year term. It's outside of whether the Mayor gets hired, you know, gets re-elected or not re-elected, and it's decided upon purely on performance and what...if that County Auditor is doing a good job. So, that was the intent of the original idea of a County manager is can we...could we be...could we hire somebody, like a lot of the other counties across the United States have, where they could just focus on the business of running the County and getting things done, and not worry, you know, not have to be part of the election committee of the politicians that they depend on their term for. And so, eliminating that mandatory turnover was part of the, you know...so, there...they wouldn't be...so that the Managing Director could have a different term not necessarily the four-year term of the Mayor, but also that the Managing Director would have a strong voice in hiring the directors for the departments. Because right now, a lot of those appointments end up being political as well, but they also aren't directly under the Managing Director. So, the Managing Director is...it makes it harder to manage. And I personally had many conversations with our previous Managing Director Keith Regan about this. He supported this model because he actually said on the floor that had this been in place, he would have had a much easier time doing his job. He would have had more control over the departments, whereas he felt that he had very little control because they can only be hired and fired by the Mayor. And same thing for the directors and their deputies. The directors in our departments right now don't hire their own deputies. The deputies get hired by the Mayor. So, you know, I personally know that we've had some in this term already

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

who didn't necessarily get along with their deputies. It weren't the...you know, they weren't the deputies...the deputies were not hired by those directors. And we've seen some turnover in that area. But, you know, it makes it really hard. In the business world, you would never...you wouldn't hire a manager, and then make them work with people they didn't want to work with or they didn't, you know, they didn't pick themselves. And so, this is trying to put more of that business model into the County and try to, you know, with the intent of getting more done and getting people who are highly qualified and can work together. So, those are the main purposes. And if we want to call...if, you know, if there's some questions about the individual pieces of it, I mean there's not...the reason why this document is 40 pages long is because there's just reinsertion of titles to change some of the...either adding the Managing Director or changing the Mayoral appointments to Managing Director. So, even though it looks like a long document, the...most of the content is on Page 2, the additional content of Page 7, which actually describes the Office of the Managing Director as it would be under this proposal. So, we heard Mr. Hyde talk about the one change that he would offer to make, which is in that Section 6-5, which is setting the salary. 'Cause right now, all the salaries are set by the Salary Commission. But giving the Council the authority to set that salary gives more negotiating power to the Council, and then also the oversight of evaluating that position. Article 7, Section 7-5 has some additions to it as well. But, you know, if you go through this, most of it is just adding a word here or there to make it...the Charter consistent with the proposal. So, I think with that, unless you have any other questions or...

CHAIR MOLINA: I got a few.

COUNCILMEMBER KING: Okay. From me, then --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --I'm happy to answer them, and otherwise, we can call Mr. Hyde who worked diligently on this proposal, you know, and taking what we started the previous term.

CHAIR MOLINA: Okay. Thank you, Chair King. I appreciate that overview. I'll take the first option, first turn in asking questions. And I'd like to...and also give the option to the Members who were not here to ask their questions first, and then we'll go to those of you who were here on the previous term to ask your questions. Whether this be for you, Chair King, or maybe Mr. Hyde, my first question is, you know, it appears the Mayor will play no role in the hiring of department directors with the exception of Corporation Counsel and the Prosecuting Attorney. Will the Mayor then be allowed to participate in any aspect of the department director selection process or is the Mayor totally out of it under this proposal?

COUNCILMEMBER KING: No, I think this proposal actually does have...need the Mayor for final approval, but I'll ask Mr. Hyde to come down and give the intent of the Committee.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Okay. And then as Mr. Hyde is approaching, one...another question is the Managing Director under this proposal will be appointing all directors except Corporation Counsel and Prosecuting Attorney. And why is that? Why are those two, I guess Corporation Counsel and Prosecuting Attorney being left out of the selection process?

MR. HYDE: If I can answer your...

CHAIR MOLINA: Mr. Hyde?

MR. HYDE: Is this on? Is this mic on?

COUNCILMEMBER KING: Oh, there you go.

MR. HYDE: Yeah, thank you.

CHAIR MOLINA: There you go.

MR. HYDE: Answering the last question, first, the thought behind that was not to consolidate too much power in the hands of the hired manager. It's important for legal counsel, both Prosecuting Attorney and Corporation Counsel to report to the Mayor and be...have...provide oversight over the manager, or then the other way around. So, they were set aside. They're not really as much operational departments. You know, they're more in terms of compliance, and that sort of things. So, that was the thought behind that.

CHAIR MOLINA: Okay. And then the other question I had was basically --

MR. HYDE: Yes.

CHAIR MOLINA: --well, I guess it basically answers the two questions, I guess. So, you don't want to give too much power to the Managing Director as it relates to the hiring of Corporation Counsel and Prosecuting Attorney, and leave that to the Mayor. Am --

MR. HYDE: That's right.

CHAIR MOLINA: --I correct? Okay.

MR. HYDE: And to provide a more fullness to the Mayor's role as well --

CHAIR MOLINA: Okay.

MR. HYDE: --so that there is that even balance of power internally in the Executive Branch between the chief executive officer and the chief operating officer. And that would not be inconsistent with a corporate form either.

CHAIR MOLINA: Okay. And then with that said, so now, will the Managing Director or the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

new manager have any role in the removal of Corporation Counsel or the Prosecuting Attorney since that's been, I guess under this proposal, the...under the exclusive, I guess authority of the Mayor. So, will the Managing Director have a say on that as well?

MR. HYDE: No.

CHAIR MOLINA: Okay. So --

MR. HYDE: Yeah.

CHAIR MOLINA: --they're left out...

COUNCILMEMBER KING: And, Chair, if I may --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --your first question --

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: --was about the Mayor's oversight of the appointments of the directors, correct? So, maybe Mr. Hyde can expound on the Committee's thoughts about that.

MR. HYDE: I'm going to just take a look at one of the pages here I think is a good sample, Page 17, having to do with the Director of Parks and Recreation. It says the Managing Director, with approval of the Council shall appoint, and may alone remove the Director of Parks and Recreation. I should point out that one of the approaches that was taken in the drafting of this was to change as little as possible so that there is few moving parts, so it's less of a challenge for everybody to wrap their minds around it. Specifically, all the protections that the Council built in through a Charter change in the last cycle that gave the Council the right to review and approve or disapprove appointments and removals by the manager remain in place. Now, in several places here, words were added at critical points I think that specifically state, in consultation with the Mayor. So, if I don't read it here or presumably with other operational department appointments, you could, for comfort, to ensure that there is that dialogue, that the manager in consultation with the Mayor would and could do certain things. At the same time, you don't want the Mayor telling the manager who to hire because then you, in some respects, defeat the purpose of having the manager assembling the team that he or she wants to create that orchestra of operational personnel who are all singing from the same hymn book, and without conflict of interest. So, those simple words I think is something you could insert in all these areas to ensure that that dialogue happens. Now, remember, and this was the thought that went specifically into how it's drafted, is that in the end, the manager is...has to be somebody who gets along with the Mayor 'cause the Mayor has the right to fire the manager. So, if the manager is, maybe to use an apt word or expression, off

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

the reservation with the Mayor, the Mayor can haul him in and say, hey, tell me about, you know, why are you hiring Pua for this role, or whoever it is --

CHAIR MOLINA: Okay. . . .(inaudible). . .

MR. HYDE: --and have that discussion.

CHAIR MOLINA: Okay. Mr. Hyde, if I could stop you there. The...and I want to ask you a question about that. So, now, under this proposal, like I'll use as an example, if we have an unruly board or commission member, and the Mayor wants that person removed, the Mayor would have to bring that person to the Council for final removal, consideration of removal. Is this the same principle like if the Mayor wants to fire the Managing Director --

MR. HYDE: Yes.

CHAIR MOLINA: --he or she would have to bring it to the Council for final removal?

MR. HYDE: Yes, and that's how it's worded.

CHAIR MOLINA: Okay.

MR. HYDE: Yeah.

CHAIR MOLINA: All right. Good. And let me get to my next question before I open it up for my fellow colleagues. Now, taking away some of these responsibilities from the Mayor's position, I'll tie it into the question that was asked of you in testimony from Member Sugimura related to salary, will the Mayor's salary be reviewed, and I guess cut to more accurately reflect the new reduced requirements of this position?

MR. HYDE: I think it would be reviewed, but I don't know that it would be cut. But, you know, it's...you raise an interesting question because if you transfer a host of operational duties away from the Mayor and to the manager, in some ways of scoring salary, you'd say, what are the responsibilities that the person has? And the effect of this is really to take the roles of chief executive officer and chief operating officer, which are now married in the elected Mayor, and separate them out to a great extent to cast the Mayor's role primarily as the chief leader of the County, and the manager as the chief manager.

CHAIR MOLINA: So, the Mayor is more of a ceremonial role --

MR. HYDE: No, I wouldn't --

CHAIR MOLINA: --. . .(inaudible). . .

MR. HYDE: --say that at all. I mean --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Okay.

MR. HYDE: --I think you have to reimagine the role in the light of how all nonprofits and large organizations operate. They typically have a CEO and a COO, but the CEO is not a mere figure head. A CEO is the leader who sets the agenda and manages the...I mean ultimately, the Mayor manages the whole organization. And in that construct, the attorneys and the Managing Director, and the community, you know, it's all there. But it should be reviewed. Now as to the manager, I think many mayors would say, well, you know, even though in the current Charter, the manager is a mere aide to the mayor. That's the language in the current Charter. And then mayors have the flexibility now to use them as they will, you know, or not use them at all, and so forth. The manager salary would have to be reviewed because now there is direct line. There's much more responsibility for the outcome of the various departments and things, and I would think that that would definitely trigger an analysis of the manager salary.

CHAIR MOLINA: Okay. Thank you. And my final question, and thank you, Members, for bearing with the Chair. You know, the proposal states the Mayor will assign annual goals and objectives to the Managing Director and review and assess the Managing Director's performance annually. Under this proposal, will the Council be privy to the goals, objections [sic], and review, 'cause I'm thinking of the Charter responsibilities as to what the Legislative Branch can have access to versus what the Executive Branch has. Any thoughts on that, Mr. Hyde? So, the Council would have access to the Mayor's review?

MR. HYDE: You know, you would certainly hope so.

CHAIR MOLINA: Yeah.

MR. HYDE: I mean that...

CHAIR MOLINA: I mean you could have a Mayor that say, hey, you know, I don't want to release this based on, you know, this is a...privy to only the Executive Branch. I'm just...

MR. HYDE: We have a President who's acting that way right now. So, yeah, it can happen.

CHAIR MOLINA: Okay.

MR. HYDE: And, you know, that concern could be readily addressed here by making reference to, in consultation with the Council or some kind of subject to Council review. That could definitely be built in.

CHAIR MOLINA: Okay. Okay. Thank you for that. All right. Chair will open the floor to first to the Members who were not here when this matter was first considered. We'll start with Mr. Sinenci, followed by Member Lee.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER SINENCI: Thank you, Chair. I just got a couple generic questions. Is this an elected position?

MR. HYDE: The Managing Director --

COUNCILMEMBER SINENCI: No?

MR. HYDE: --would not be an elected position. It's a hired position.

COUNCILMEMBER SINENCI: Oh, okay. And then are there other counties with this managing director model?

MR. HYDE: Yes, there are two...first of all, I'd say across America based upon statistics I read the last time I looked, about almost two-thirds of the cities and counties in America have some form of a hired-manager form of government. And it's more prevalent in larger cities and counties than it is in smaller jurisdictions. For instance, when Maui County started out, you had a...you had the Councilmembers serving as directors of various departments basically. And that might be found in very small communities. But as they mature and the complexity of the organization grows, which, you know, you look at Maui County with over 2,700 employees, and it's going to have a billion dollar budget, and we have a awful lot of challenges ahead of us, it does call for reexamination of your organizational structure. Now, it's probable that in the hired manager model, the majority of the cities and counties have gone to one where the council hires the manager directly, and the mayor is the council chair. That's probably the predominant model. Major cities in particular have this model where there is a full-fledged mayor and a manager because the immensity of the job is such that the mayor is the outside person, and the visionary and the goal setter, and the manager is the get it done. So, yes, there are both models out there. Now, why this model? Because in 2016, when the Special Committee made its report, there was tremendous amounts of interest and testimony by hundreds of people I would say, and many came out and were concerned that they wouldn't have...they wanted a Mayor. It's the tradition of Maui County. We've always had an elected Mayor. And other people said, if I got a problem with a pothole in my street, I want to call one person. I want to call the Mayor. Other people said, you know what, I'm concerned of turning over management of this County to nine CEOs, okay, that being the Council. You know, will they really be able to lead a manager as they should? And so, taking all that in and recognizing that criticism of the Special Committee configuration, it seemed like the best model for Maui County going forward was this particular model.

CHAIR MOLINA: Okay. Mr. Sinenci, do you have any other questions for Mr. Hyde?

COUNCILMEMBER SINENCI: Yes. So, Mr. Hyde, so the main advantage was to...just for general consistency so that there was no rollover at each of the Mayoral races, just to continue the...is that one of the major advantages?

MR. HYDE: It's one, and definitely an important one loss when you just...when you have a...our Charter says currently that everybody has to resign with each Mayoral election,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

and irregardless of whether they have done a good job or a bad job. And so, you lose all the knowledge. And when you come in and take a new job, there's a lot of on-the-job learning that goes on. So, maybe it takes you a year or two to kind of get up to speed and see how it all works, and then if your Mayor doesn't get elected...re-elected, you're out of a job. Secondly, if you're a person on the outside who's thinking about maybe other job opportunities, and you've got, say a, you know, a spouse, and kids, and a mortgage, and a car payments, and all that kind of stuff, and you have a good say CPA practice, so you could...why would you leave your CPA practice for instance to become the Finance Manager for Maui County if you would be out of a job potentially, you know, in four years or eight years. And so, the pool of candidates that you can potentially attract becomes, you know, more limited. And as we found in an article that was published in *The Maui News* to great consternation of many of us, is that when employees, directors and managers have job dependency based upon whether or not the Mayor gets re-elected, then logically, and you can't fault them for this, logically, they want to spend a lot of time getting the Mayor re-elected when their primary job should be not focusing on politics at all. I mean they're going to do it somewhat clearly, but not to that extent. You want them getting the people's work done. So, you know, there are a variety of reasons why that's...and I want to mention one more. The current way that directors are hired is as you pointed out, not by the manager, it's by the Mayor. Now to develop a dynamic forward thinking, collaborative, cross-functional, effective management team, it's...it is like building an orchestra or a great team. And sometimes, like in professional basketball or football, the great teams win over the...maybe the ones with all the, you know, individual players. So, I think it's key for a manager to come in and create that orchestra to say, you know, these are the values that I want in my team, and I want people on my team who understand the components of total quality management, and management by fact, and this is how we're going to do it, and I want you to work cross-functionally and collaboratively, and that's how I'm going to judge you, and I'm going to give you goals and objectives. And so, you know, you create this whole new dynamic that doesn't exist, you know, today, and that's a long answer to your short question.

CHAIR MOLINA: Okay. Well, thank you. You gave quite a very detailed answer, most of it, and --

COUNCILMEMBER SINENCI: One --

CHAIR MOLINA: --I appreciate it.

COUNCILMEMBER SINENCI: --more question, Chair --

CHAIR MOLINA: Okay.

COUNCILMEMBER SINENCI: --and then I'll --

CHAIR MOLINA: One more --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER SINENCI: --yield --

CHAIR MOLINA: --question.

COUNCILMEMBER SINENCI: --Members.

CHAIR MOLINA: Okay. Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: So, Mr. Hyde, in some of the other counties, are the salaries of the managing director, are they as just as much as the mayor's salary?

MR. HYDE: Oh, I think that could definitely happen depending upon, you know, the jurisdiction and the roles that they play, and negotiations. You know, Councilmember Sugimura asked me about, you know, what the salary would be. It really, you know, depends on a whole bunch of things. For one thing, let me give you this example, let's say you have two candidates, viable candidates, for the manager. One has five years of experience being a manager in a town of 25,000. And other one has 20 years of experience in a city of 500,000. Would you expect to pay them the same? And the answer is no because one is presumably, and so long as all the other factors line up, one is worth a lot more than the other. I mean you're buying 20 years of experience in running a bigger organization. So, the salary is really a fluid thing. And that's a good thing because you want that flexibility. If you...if a dynamite candidate comes in with tremendous knowledge and experience, that you know could come in and jumpstart this County, you might have to stretch to get that candidate here. And one size is not going to fit all. So, the answer is that you have to be flexible and approach it, you know, and you might decide, you know, we just can't afford the 20-year guy or gal. We can only afford the five-year guy or gal. And so, that's a decision that the Council makes, you know, in coordination with the Mayor.

CHAIR MOLINA: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR MOLINA: Well then, Mr. Hyde, you put it accurate, it's very fluid. 'Cause again, I would guess the County would have to advertise the position and put a salary range, and it's up to that 20-year guy if he or she wants to take it versus the 5-year person. So, anyway, good discussion. Member Lee, you have questions for Mr. Hyde or Chair King who initiated the proposal?

COUNCILMEMBER LEE: Hello, Mr. Hyde. I'm just wondering how long is the...I didn't see it, but how long is the term of the Managing Director?

MR. HYDE: It's as long as you decide it will be.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER LEE: Who is we?

MR. HYDE: Oh, the Council.

UNIDENTIFIED SPEAKER: Council.

COUNCILMEMBER LEE: Council.

MR. HYDE: According to the proposal, the Council will end up hiring the manager. I think if you take a look at Page 2 --

COUNCILMEMBER LEE: Yeah --

MR. HYDE: --of...

COUNCILMEMBER LEE: --I saw that section. And I don't have a question for it, but I do have a concern, and that in that to me, it blurs the lines of the separation of powers when the Council gets overly involved in what I consider to be an executive function. See, because the way we were founded was with a very distinct administration executive style of government, and a legislative body, right? And what we have done as the legislative body, we develop policies and we establish and pass ordinances, and that's our job. And then the Mayor's job, the Administration's job, is to implement those policies and ordinances. And as a former Director, that's exactly what I did. So, I'm...I have to think about this further because I don't really see a lot of advantages to having the Managing Director take on this particular role as laid out in this proposal. But of course, you know, I'd like to hear more on both sides of the issue. And I really thank you for all the work you've done on this. I appreciate that. Thank you.

CHAIR MOLINA: Okay.

MR. HYDE: You're welcome.

CHAIR MOLINA: Okay. Thank you, Member Lee. Okay. Let's move on down to Member Paltin, any questions for Mr. Hyde or Chair King?

COUNCILMEMBER PALTIN: Thank you, Chair. You know, so, I've been a proponent of this. It was one of my central platform items when I ran for Mayor in 2014. And I just, you know, the reason was I've been a County worker for pretty much my whole career since '98 in a different county. But, you know...and I...hindsight is 20/20, but specifically the Arakawa-Tavares-Arakawa Administration, I think highlights the need for this form of government because when politics gets involved with County workers just trying to do their job, then everybody loses out. And, you know, in politics, sometimes it's helpful to have a new set of eyes on it. But in doing the day-to-day business of the County, experience is very important. And I think what we saw in that Arakawa-Tavares-Arakawa was not good for the County. There was a lot of, in my opinion, vindictiveness, this was before Ocean Safety went to the Fire Department,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

and we were in Parks and Recreation, and it was just...it was a really bad time to be a County worker because of the back and forth. And, you know, so many things that are County roles and responsibilities should not be politicized. There's...regardless of who's running the County, you still need to deliver water to the water system, you still need to do the wastewater, you still need to do maintenance on things. And I think that what Mr. Hyde said is correct. I also had the opportunity to sit on that Special Committee on Governance, and what we did see was that, you know, either system could work, and either system could fail. But I think with the changes that have been made since the 2016 time, that it has addressed a lot of the concerns that have come up. And, you know, we've seen, in my opinion, we've seen it fail during that 12-year time period. And so, my question is, if you were to look at this setup that we're considering right now, what is the worst-case scenario that you could imagine?

CHAIR MOLINA: Mr. Hyde?

MR. HYDE: Well, good governance is not on the shoulders of one person, first of all. You have to have...I mean to have the best...I'd rather define the best set of circumstances. We can talk about the worst. The best is you got a dynamite Mayor who's a visionary, who's a great communicator, who understands how to run a complex organization and get it...get everybody singing from the same hymnal, and taking advantage of technology that exists, and being aware of all the things that can happen; coupled with a dynamite manager who has all the skill sets and the personality, and the integrity, and the ability, and the energy to carry out that vision, who then hires a dynamite team of people who share that same vision; and a Council that works collaboratively. And you put all those together, and man, it just...you can light the house on fire. So, you take...it's like a four-legged stool or chair. You start taking any one of those legs away, and you get worse performance. The point of organizational change...first of all, there are six key levers that drive organizations. One is, and the most important is leadership. And the second most important is planning. Third, not in any particular order, good organizational control. Fourth, getting the right people in the right places. Fifth has to do with the culture that you create. And the sixth, which we're talking about here today, is getting your organization right. So, I think this advances the County toward, you know, a better organizational structure by some of the things that Councilmember King spoke to in terms of taking the politics out, and my response to other Council questions here. So, let's say you get a bad manager, you make a...and, you know, hiring mistakes, first of all, the ability to hire the right people is a skill set in and of itself. And you really have to know how to do that well. So, hopefully, you make a good decision on the front end. If you don't, then it's...it may be the responsibility and the fault of the person who did the hiring. But that aside, if you have a bad manager, the manager can be fired. So, you hire a new manager, and that the Mayor can do that. And of course, the Mayor is a political person who's elected. He gets pressure from the people. You know, if things are falling apart, he might say, oh well, then I won't run again, or he might say, you know what, manager, you got to step it up or you got to get out of here. So, there's that accountability there. I mean there's always an escape hatch.

CHAIR MOLINA: Okay. Member Paltin, any other questions for Mr. Hyde?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

COUNCILMEMBER PALTIN: Just was wondering, you know, like how I think when the president of the UH system or whatever, is there like a clause for them to be paid out if they're fired? Or is it, they serve at the will of the Mayor or the Council, and they have a pre-signed resignation form on file?

CHAIR MOLINA: Mr. Hyde?

MR. HYDE: That depends on the negotiation with the candidate and how the contract is structured. I know when the Special Committee was meeting, several Special Committee members were concerned about "golden parachutes." You know, they would reference the UH football coach who got a million bucks or the president of the university who got a million dollars out the door, and you read about that all the time. That's more of a Wall Street thing than it is a local government thing. If you look at...and it may depend upon the candidate too. If you're trying to lure a candidate from another island or another state, you know, they might want some severance pay if they get canned. If you're hiring someone locally, that may not be as much a concern. But looking at data that is available through the International City/County Managers Association [sic], there is an array of severance provisions that they've gathered 'cause they do all the salary information, and they range from no termination pay to one year's termination pay, with most of it being no or low. Some of it being half a year, or something like that. So...but that's a matter of negotiation too. But it's not...no one gives a city manager, you know, this huge payoff for being terminated.

CHAIR MOLINA: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Thank you. It's a good question you brought up, Member Paltin, too, 'cause I guess like directors, it's basically any appointee or an at-will employee, so you could be terminated with no reason. Now, under this model with a Managing Director, you may have to...well, if you want them to come and if they see that there's a...no...like it's an at-will position, it may potentially deter them from taking the job. But again, it's at the will of the Mayor and I guess the Council when it comes to termination. So, interesting discussion. Member Kama?

COUNCILMEMBER KAMA: Question for Mr. Baz, I think. When was the last time the Charter was reviewed by the Commission?

CHAIR MOLINA: Yeah, Mr. Baz or Corporation Counsel?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

MR. BAZ: So, the Charter requires the Charter Commission be created and review the Charter every ten years. I believe the last Charter Commission's work was done in 2010.

CHAIR MOLINA: Two thousand eleven, I think it was.

MR. BAZ: Two thousand eleven, it was completed and the votes on the Commission-supported changes were at the 2012 election.

COUNCILMEMBER KAMA: So, that means that we're due for one in another year or two, or two years? Has it been consistent?

CHAIR MOLINA: I believe --

MR. BAZ: I believe --

CHAIR MOLINA: --so.

MR. BAZ: --so. In fact, we had some initial discussions about the process of getting that Commission created, but yeah. And then the Council of course, has the opportunity to make recommended changes at any time, at any regular election, right? So, as you know, some of these Charter amendments, including the ones related to the confirmation of directors, was at a interim election.

COUNCILMEMBER KAMA: So, when would be the next review? When would that happen?

CHAIR MOLINA: Member Kama, if...I think it might be 2021 when the next Commission would be convened, and then whatever they come up with, it would go on the ballot for the 2022 election, if I stand correct.

MR. BAZ: Yeah, I believe the Commission will be created in the next year, and then given time to do their work for the 2022 election.

COUNCILMEMBER KAMA: So, when you do the Charter reviews, does that go back out to the electorate for them to review it too and to approve?

CHAIR MOLINA: Mr. Baz or Corporation Counsel?

MR. BAZ: Yeah, so the way the Charter Commission works differently than the County...well, actually not too differently, but the Charter Commission will be created and Mr. Kushi can look up the actual...it's in the Charter itself. It's laid out on how to do it. But the members are appointed for various ways, and that Commission then has a series of public meetings that they will discuss. It's a...you know, Sunshine Law-required commission. So, they...public meetings, they get input from everybody they can get input from, analyze those, and then be able to make recommendations. They provide those recommendations to the Mayor and to the Council for review. I don't think the Council or Mayor has the ability to veto or anything those questions,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

December 17, 2019

but they try to limit the number of questions to a reasonable amount, then they do a public education piece on those questions that go out to the community. And then at the next election, those questions will be on the ballot. And as I'm discussing this here, I recollect now that our Councilmember Sugimura was on the Charter Commission, the last Charter Commission, yeah, as well as former Councilmember Stacy Crivello, yeah.

COUNCILMEMBER KAMA: Thank you. Chair --

CHAIR MOLINA: Yes.

COUNCILMEMBER KAMA: --so, as I'm reading the reso, and I haven't...I mean I've read it, but now I'm reading it for detail, and now I keep reading it and reading it. And for me, it's like we're doing the Charter all over again. So, if we're going to...if we're doing it here, we're going to have to do it again to our people. 'Cause I assume that we're just not going to say, okie dokie, we're going to do it without asking our people for their consent. And therefore, we're going to be going back again in the year '21, '22, to have them review it again if we do this process. So, I'm just thinking that I don't want to do this twice. I mean that's a lot for our people to have to consider that I'd be looking at doing this just one time and do it right. So, that's my whole sense. Thank you.

CHAIR MOLINA: Okay. Chair appreciates your thoughts on that. All right, all the newer Members have had their opportunity for questions of Mr. Hyde, or Administration, or Chair King with regards to this proposal. The floor is --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --open for questions. Chair King?

COUNCILMEMBER KING: Yeah, I just wanted to respond to Member Kama's concern. Because this is not something that we're going to be passing on the Council. This is for consideration to...if we can vote...if we pass it out of the full Council, it goes on to the ballot. So, it is our people deciding, and it will not come back to the Charter Commission after this election. So, we're...it's not like we're going to be looking at doing this twice. But it has been brought up in years past, and I've talked to...I talked to Frank De Rego actually a few years ago about this because he was on the Charter Commission. He said he had continually tried to bring this up at the Charter Commission and couldn't get it even discussed fully at the Charter Commission. So, we're trying to do something here that the Charter Commission has not been successful in doing. And basically, what we're doing is giving our people the opportunity to vote on it, which has been a public outcry for several years now. So, I don't see it as something that's going to be repeated by the Charter Commission. I see it as something proactive that we should have been...we should have given our folks the opportunity to vote on years ago, and we haven't. And...but, you know, it's shaped itself into...it's actually been much discussion and much input. So, I think the proposal before us now is comprehensive. It's based on a lot of research. And I also want to mention that of that...in that Special Committee, which I believe Member

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

Paltin was a member of, there were two members that were appointed that were specifically...told me they were specifically appointed to vote it down. And when they did the research on it, they became proponents of the County manager. And so, they were very disappointed that the Council...the previous Council didn't pass it. So, I think this is an opportunity for us to take a proactive stance to broaden the conversation and give our constituents the opportunity to vote on something that they've been wanting for a long time. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair King --

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: --for your thoughts. And just further clarify as far as the process for Charter amendments, if I'm correct, to get it out of Committee, I think it takes a simple majority, but then when it goes to Council, I believe you need a two-thirds majority for it to go on to the ballot, yeah. So...okay, Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I just wanted to reiterate that something like what we're talking about today reminds me of our tax reform. Our people need to know beyond a shadow of a doubt that when they go to the ballot, they know exactly what they're saying and what they're voting for. And I just want to be sure that our people are clear about what the Charter amendments are. I mean I put some in, and I'm sure many Councilmembers are going to be putting some in, and now we're going to be hit with something else. I want to be clear that there's enough time for our people to be able to receive that information, that if they have questions to ask that we're going to give them a straight answer, and that it's going to be clear to them, what it all means. I mean I'm reading the reso right now, and I have to reread it over and over. But I think our people need that same amount of time to be able to digest it. That's all I'm saying. It's about time. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama. Members, any other questions in regard...in this matter? I'm sorry, Member Sugimura --

COUNCILMEMBER SUGIMURA: I --

CHAIR MOLINA: --followed --

COUNCILMEMBER SUGIMURA: --wanted...

CHAIR MOLINA: --by Member Hokama.

COUNCILMEMBER SUGIMURA: So, it looks like Mr. Hokama...

CHAIR MOLINA: Okay. You'll yield to Mr. Hokama?

COUNCILMEMBER SUGIMURA: But it's --

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Mr. Hokama?

COUNCILMEMBER SUGIMURA: --past 12:00, so what is your...

CHAIR MOLINA: Go as long as you guys want me to, but preferably if we can --

COUNCILMEMBER HOKAMA: Wrap up.

CHAIR MOLINA: --end the discussion by 12:30 today.

COUNCILMEMBER HOKAMA: Okay. So, my turn.

CHAIR MOLINA: Yeah, she's yielded her turn to you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Oh, okay. I would just say I was thinking like Ms. Kama because we are going to have a full Charter Commission review where everything within the Charter is on the table, everything. Nothing is off the table on Charter Commission. And maybe that will be great too for another pair of eyes. For me, you know, I've been...I read through this new proposal, revised proposal, and for me comes a question of just basic principles, yeah, Chairman. Do I want a government of equal branches or do I want a different type of structure? So, I believe this is making a fundamental change of structure in local governance. We want the Council to be top dog and come top-down, yeah, instead of an equal to the Executive Branch. I get issues with that, yeah. I get issues where I already know in certain major cities, the MD basically picks who the mayor is or should be in the next election. Do I need that kind of shift of political power and influence? I'd rather deal with the elected than the appointed, personally. So, I would say like as I've listened to my colleague, Ms. Lee, I think we need to look at all points, listen to various and come to terms with what kind of structure do we want. Do we want a one-sided structure? Do we want equal branches of government structure? You know, for those that was lucky to read the minutes of the 1960s, when Douglas Sodeani chaired that original Charter Commission, the structure we have is what the people wanted, strong Mayoral structure, and that was what we implemented. It went from the Board of Supervisors, which was the old ways. And yet, the biggest county in this country, LA, is run by a Board of Supervisors, 10 million people, 5 supervisors, 5.

COUNCILMEMBER SUGIMURA: Wow.

COUNCILMEMBER HOKAMA: Each member with a \$2 million...2 million-resident district. Well, maybe more powerful than some congressional congressmen. Okay. So, again, I'm more interested in what fits and works for this County. I could give a rat's butt about anybody else and some, any place else. What works for our community, our uniqueness, and our island culture is what I'm concerned about, Chairman, for governance. We got things that nobody else faces with, like how many islands do we have jurisdiction. Who else has that kind of jurisdiction? So, I would say, Chair, we should be open. We should be looking at again, new ways of improvement. I have no issues with that. But the key is what type of structure do we really want, and then

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

work from there, because I have no problem with equal governance of branches. Thank you.

CHAIR MOLINA: Thank you for your thoughts, Mr. Hokama. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. So, I just wanted to kind of go back that last term, my Committee was the Committee that heard Charter amendments. And the Policy Committee [sic], I want to just correct that we did have a quorum the last meeting that this didn't get reported out. There was not a motion to report it out, so it died in my Committee. I just want that clarified 'cause it wasn't because there was, you know, no quorum, otherwise, we wouldn't have the Committee be able to conduct the meeting. The other thing is, and you clarified one of my questions, what the process would be. So, out of this, the resolution out of your Committee needs five votes, full Council needs super majority. So, that was one of my other questions. And I wondered if you would, because it is really what we care a lot about as we go through Budget process is that all the Charter amendments that come before you provide what the financial impact is so that we, as a body, can understand what we're voting to add to our tax dollars, to our citizens, and residents, in terms of cost, because I think that's really important. So, I wonder if you would add that on as a requirement for Charter amendments, and...so that we, as a body, can take that into consideration when we look at issues, not...I don't know what everybody else is proposing, but this in particular, you had a question regarding what is this going to cost us. I have a question too in terms of what is the, you know, the financial impact of doing, you know, a change of structure like this. And if we are looking at the Managing Director to then become a, like a corporation where it has flexibility, it depends on how much we can entice him or her with to come and work for the County of Maui, then there's like a ceiling that you're talking about, whereas right now, we know exactly what the financial impacts are with our current Managing Director, directors, deputy directors, and whatever in terms of financial. So, I wonder if you would add that on. I think that would be good information. It's...and I think this is a good discussion, and I look forward to discussing it further as we can, you know, go detail by detail. But Mr. Hyde brought up to our attention, and I wonder if a Staff, if you would ask Staff to look at this draft. Because if you look at Parks and Recreation, which is Chapter 5, under this new proposed, and Section on Page...this is on Page 17 of the proposed document, Section 8-5.2, Director of Parks and Recreation, and I wonder if just the Ramseyered version of this, if you could have Staff look at it. Because the Charter on Page 23 says, the Director of Parks and Recreation shall be appointed by the Mayor, with the approval of the Council and may be removed by the Mayor. But what it...the document that we're looking at says, without any Ramseyered change, it says, the Managing Director, with the approval of the Council shall appoint, and may alone remove the Director of Parks and Recreation. So, that's a very big change, but it's not Ramseyered. It's just presented...look...I mean for us, we were taught that if anything is not underscored or bracketed, that means it's verbatim from the document we're changing. And in this case, it's a whole change. And I tried...I looked at Public Works, and Public Works has that same...so, I wonder if Staff could look at it, and maybe present to us a document if you find this type of error at the next time we discuss this, Chair, yeah? Thanks.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CHAIR MOLINA: Okay. Yeah, we'll certainly consider that. I just want to...one question for clarification. So, you're saying that for all Charter amendment proposals submitted by the Members, that if it passes that we put on the ballot the potential costs of supporting the --

COUNCILMEMBER SUGIMURA: Oh, no.

CHAIR MOLINA: --Charter amendment?

COUNCILMEMBER SUGIMURA: So, I'm...well, that I never --

CHAIR MOLINA: To the . . .*(inaudible)*. . . --

COUNCILMEMBER SUGIMURA: --thought about --

CHAIR MOLINA: --you wanted...

COUNCILMEMBER SUGIMURA: --I never thought about that. I...

CHAIR MOLINA: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: What I wanted to know is that as we are reviewing the various Charter amendments, if we could have the financial impacts --

CHAIR MOLINA: Oh, yeah.

COUNCILMEMBER SUGIMURA: --that when we look at it, we have a clear view of what we're doing and what we're imposing upon our taxpayers, 'cause, you know, that's one of our main focus when we take on our responsibility as Councilmembers. So, just to give us a broader perspective. And if they don't have it, if they think there's no cost, no change, let that's...let us receive a document saying no financial changes to our budget. In this case, we're hearing, you know, it varies depending on negotiation, golden parachute, I think is what Ms. Paltin was asking about, and those kind of things. I mean what does that mean in terms of costs, yeah.

CHAIR MOLINA: Yeah. Okay. Maybe we'll...

COUNCILMEMBER SUGIMURA: So, those two items, those two things, if somebody could just look at this --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --and...

CHAIR MOLINA: Well, I'm sure as we deliberate all of the Charter amendments, that...that's a general question I think we'll ask. And recalling my old economics professor, there's

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

the thing called opportunity cost. There's a cost to everything whether it be financially or giving up something for...when you do something new, you're, you know, you consider something, you're giving up something else. So, certainly, we'll take a look at that. And now as far as the issue of putting a specific cost should it make it out of the Council and on to the ballot, is that what you want considered too --

COUNCILMEMBER SUGIMURA: No.

CHAIR MOLINA: --to put it --

COUNCILMEMBER SUGIMURA: So, I --

CHAIR MOLINA: --on the...

COUNCILMEMBER SUGIMURA: --really --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --was...well, you could --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --if you want, but I --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --really wasn't --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --looking at --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --that. I wanted us, as decision-makers, to have that information, so when we do decide, we know that we're going to be adding on or deleting, and may, you know, save us money. I mean those are...

CHAIR MOLINA: Okay. So, we can explain it better to our constituents. Is that --

COUNCILMEMBER SUGIMURA: Exactly.

CHAIR MOLINA: --what you're trying to get at?

COUNCILMEMBER SUGIMURA: But, you --

CHAIR MOLINA: Okay.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

COUNCILMEMBER SUGIMURA: --know, in this case, because we're hearing it depends on negotiation, and the parachute clause, and all. I mean that's a little bit scary for me because we know today what it costs for the different positions that are being mentioned in this document, which are the directors and the Managing Director, and the Mayor. So, in this example of the proposed Charter change, I wonder if you could then ask this proposal, as well as all proposals, if they're going to be financial changes for them to clearly state to us in black and white, so that when we're making the decision, we know what we're doing based upon what they're proposing. So --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --that's all, Chair.

CHAIR MOLINA: All right.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Thank you for your --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: --consideration.

COUNCILMEMBER KING: . . .*(inaudible)*. . .

CHAIR MOLINA: Pardon me, Chair King? Mr. Hyde, you have no response? Okay.

MR. HYDE: No.

CHAIR MOLINA: Briefly.

COUNCILMEMBER KING: Yeah.

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: Yeah, so, I just wanted to respond with, you know, we looked at...we asked that question last year, and I didn't...when I talked about the meetings we had last year, I said bare quorum. I didn't say we didn't have a quorum, but we had a bare quorum. And it was obvious that things weren't going to pass. So...but that question came up, and there were a lot of back of the napkin kind of, you know, estimates that were thrown out there, but I think the...I think that's a difficult thing to ascertain because really when you hire someone at this level, it's an investment. And so, there's a cost benefit as well. You're expecting if you go to a more efficient type of government, you're going to have cost savings elsewhere, and you're going to have more efficiencies elsewhere, and things are going to happen, you know, at a better rate than what...how they've been happening now. So, maybe figuring that in...I mean I

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

know one of the things that I heard when I saw the Special Committee come out and give the report was the amount of savings that a lot of the communities across the country have realized by going to this more efficient professional type of government. So, it's not just about the cost of that position. It's an overall...you know, we...a lot of times, we spend more money. We're doing it with renewable energy. We're spending more money because we're getting something back in return that is in a long run going to save us money. So, if those are the types of analysis that we...we're looking for, I think we can certainly...that kind of analysis was done pretty well by the Special Committee in the first round. So, maybe we could ask for that kind of a overall look at what it would cost us and what the projected benefits are.

CHAIR MOLINA: Well, thank you very much, Chair King. All right, Members, it seems like we've hit that point in time where the Chair would like to adjourn today's session. I just want to say I appreciate the discussion on this, and Mr. Hyde and Chair King helping get the rest of us up to speed on this proposal. Chair's intent of course is to bring this back sometime early next year as well as the other Charter amendments, and I'm...well, I'm hoping to take action especially on this one because it's been a very high-profile proposal, and as well as others. I anticipate we're going to be quite busy in this Committee. As it relates to Charter amendments if memory serves me right, we...whatever is going to be put on the ballot has to be decided by the Council in late July. And I think that according to Clerk's Office, is it August we need to submit all proposed Charter amendments to the Clerk's Office? I believe August is the prescribed deadline I believe for Charter amendments if memory serves me correct. Member Sugimura, you're nodding your head in agreement as a former Chair of this Committee.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Yeah. Okay.

COUNCILMEMBER KING: So...and, Chair, can I just say I just wanted to thank you --

CHAIR MOLINA: Chair King?

COUNCILMEMBER KING: --for getting this started early because the point of getting these Charter amendments, and I think this one is one of the more complicated ones, so I appreciate you bringing this up first. Because the point of getting them decided early is so we have that time to inform our constituents. Because, you know, my intention is, you know, at one...at some point, when we have critical mass with these Charter amendments, that we put out a little booklet or some kind of publication, that just describes each Charter amendment that is going on the ballot. Because a lot of times, people don't...they don't understand the wording, and they may --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --think they're voting yes and they're voting no. So, just to outline, if you vote yes, this happens; if you vote no, this happens. And I think we

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

have...we'll...we will have plenty of time to inform the public since we're getting started early. So, I just really wanted to appreciate your commitment to that.

CHAIR MOLINA: No problem. Yeah, and that's the point of why I want to get this out early so it gives most people who have...on both sides of the issue, so they can do their education aspect of the public as Member Kama had emphasized. So...which is certainly a good thing 'cause this is a very serious proposal and a very interesting one to say the least. So, with that being said, Members, with no objections, the Chair would defer this matter.


COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused KRF)

ACTION: DEFER.

CHAIR MOLINA: Okay. So ordered. It's 22 minutes after the hour of noon. Chair wants to thank all of you for your participation in our list of agenda items today for the GET Committee meeting. With that said, the December 17, 2019 GET meeting is now adjourned. ...*(gavel)*...

ADJOURN: 12:23 p.m.

APPROVED BY:



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

get:min:191217:acqp

Transcribed by: Ann Carmel Q. Pugh

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE
Council of the County of Maui

December 17, 2019

CERTIFICATE

I, Ann Carmel Q. Pugh, 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 6th day of January, 2020, in Kihei, Hawaii

A handwritten signature in cursive script, appearing to read 'A. Pugh', is written over a horizontal line.

Ann Carmel Q. Pugh