

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Council Chamber

January 7, 2020

CONVENE: 9:05 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (out 11:57 a.m.)

EXCUSED: Councilmember Kelly Takaya King

STAFF: Shelly Espeleta, Legislative Analyst
James Forrest, Legislative Attorney (GET-11(14))
Clarita Balala, Substitute Committee Secretary

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)

Seated in the gallery:

David Raatz, Supervising Legislative Attorney (GET-11(14))

Don Atay, Executive Assistant to Councilmember Sinenci

Gina Flammer, Executive Assistant to Councilmember Sinenci

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel
Caleb P. Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel (GET-11(14))
Gladys Baisa, Executive Assistant, Office of the Mayor (GET-2(26))
Kathleen Paschoal, Police Records Supervisor, Department of Police (GET-37)
Randy Esperanza, Captain, Department of Police (GET-11(14))

OTHERS: Chana Makale'a Dudoit-Ane, Environmental Coordinator, Office of Economic Development, Office of the Mayor (GET-2(26))

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Jasee Law (GET-37)

Kalani Holokai, Department of Health (GET-37)

Rachel Coles, Volunteer, Department of Health (GET-37)

Laura Kaakua (GET-2(26))

Claire Carroll (GET-2(26))

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR MOLINA: ... *(gavel)* ... The Governance, Ethics, and Transparency Committee meeting for Tuesday, January 7, 2020, is now in session. It's five minutes after the hour of nine o'clock. I see a lot of bright faces and enthusiastic Councilmembers this morning joining us. We appreciate your attendance. Let us start off first with Mr. Sinenci from Hana. Good morning.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha. And we have from Wailuku, our Council Chair Alice Lee.

COUNCILMEMBER LEE: Not Madam Chair, but Mr. Chair.

CHAIR MOLINA: Thank you, appreciate that.

COUNCILMEMBER LEE: I just wanted to say for all our friends in Japan and around the world, ohayo gozaimasu.

CHAIR MOLINA: All right, wonderful. Excused today is Councilmember King. She's a bit under the weather, so we wish her well and a speedy recovery. We have Committee Vice-Chair Ms. Keani Rawlins-Fernandez. Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka and aloha makahiki hou, Chair.

CHAIR MOLINA: And aloha auinala to you too. You have the musical background too, yeah. Okay. Let's take care of that technical matter. Okay. All right. Now, I'd like to recognize Councilmember Riki Hokama. Good morning.

COUNCILMEMBER HOKAMA: Good morning.

CHAIR MOLINA: And from West Maui, Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha auinala. And we have from Upcountry, Councilmember Yuki Lei Sugimura.

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COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Good morning. And from the Kahului District, we have Councilmember Kama.

COUNCILMEMBER KAMA: Good morning, Chair.

CHAIR MOLINA: Good morning. And we have from Corporation Counsel, Mr. Ed Kushi, and Committee Staff, Ms. Shelly Espeleta and Clarita Balala. Good morning, ladies. Thank you for being here. Members, we have a rather short agenda for GET Committee meeting and we've had some unexpected developments with our agenda items. Before we go into that, the Chair will entertain public testimony. We have one individual that has signed up to testify in the Chambers and this individual will be testifying on GET Item 2(26). I'd like to call upon Chana Makale'a Dudoit-Ane.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. DUDOIT-ANE: Aloha. O Chana Makale'a Dudoit-Ane . . . *(spoke in Hawaiian)* . . . Kahului Maui . . . *(spoke in Hawaiian)* . . . Environmental Coordinator, Office of Economic Development. Good morning. Nice to see you guys again. I'll make mine short and sweet. I'm here to testify in support of the three nominees for the Conservation Planning Committee, and I just wanted to say how amazing these three individuals are. They've dedicated their life pretty much to protecting our open spaces here in Maui and across the State. A few of them have participated in conservation initiatives on Kahoolawe. One, Laura was, is still participates with the Kahoolawe Island Reserve Committee Commission and the ohana side. And Anela Evans was employed by KIRC and then now is a cultural practitioner for the Four Seasons on Lanai and she was featured in the Hawaiian Airlines magazine for one of the cultural practitioners and really all that she does to protect Lanai and Maui County. And so I really wanted to show support for all of these three individuals, especially Claire who came in for Maui. She is part of the Hana Advisory Committee and Hana Community Association. So, all of them really have just dedicated their lives, volunteer, and through work and service to protecting Maui County, and I feel like it's really important that they've decided...they're super busy ladies and they've decided to volunteer for this committee to really make sure that we set up ourselves to be transparent and open in this process to protect our open spaces and really set up a system so that we can vet the organizations that want to, that are applying for land and for funding from Maui County but also making sure that the land really is in imminent threat of being developed, and this is prime conservation lands. So, there's a whole set of different conservation requirements that I think all of them really can speak to, the scientific and cultural and preservation parts of these, the Conservation Planning Committee. So, thank you.

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CHAIR MOLINA: Okay, mahalo for your testimony. Members, any questions for Ms. Dudoit-Ane on her testimony or comments? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Ane
... *(spoke in Hawaiian)* ...

MS. DUDOIT-ANE: I don't speak Hawaiian. I did introduce myself in Hawaiian to make sure I'm grounded.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. For the Office of the Mayor, the person who will be representing that seat, will it be you?

MS. DUDOIT-ANE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. DUDOIT-ANE: I think you guys confirmed me last month. Thank you very much.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So, the sheet that we have is not updated. Oh, okay. Mahalo.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Ke oluolu.

CHAIR MOLINA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Mahalo nui ... *(spoke in Hawaiian)* ... Good. Okay. All right. Any other questions for our testifier? Seeing none, mahalo for your testimony, Ms. Ane.

MS. DUDOIT-ANE: Thank you, aloha.

CHAIR MOLINA: Do we have any other testifiers in the Chambers at this point, Committee Staff? Nothing? Well, let's go out to Molokai. And, Ms. Lindo, do we have any testifiers from Molokai?

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

CHAIR MOLINA: Mahalo. And I've been informed that we have a technical issue with our folks out in Hana, but we've been informed via e-mail that there is no testimony out in Hana, okay. And we do have one more testifier in the gallery. Come on up, Mr. Jasee.

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MR. LAW: Aloha kakahiaka, Mr. Chairman. It's always good to see you. Your meetings are always very interesting. The suicide thing caught my eye with the Department of State [sic], the heath thing, two times in my life I ever even thought about suicide. One was when I was in love with some girl and it ain't worth it, guys. Just, she ain't worth it. And the second time, one was when I hear on Maui the Roman Catholic Holy Ghost Church up there that the head priest from Honolulu gave the whoever's in charge up there the authority to put me out on the street.

CHAIR MOLINA: All right. Thank you, Mr. Law. Any testifier...I mean, any questions for our testifier? Seeing none, thank you. Okay. Last call for testimony in the Chambers. Okay, seeing no one approaching. Any objections to closure of public testimony, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So ordered.

... END OF PUBLIC TESTIMONY ...

CHAIR MOLINA: All right, Members, as I mentioned earlier we had some unexpected developments with regards to our Committee items today. GET Item 37, which is on your second page of the agenda. We've had a request to move that up because we do have one of the individuals, they do have a flight to catch.

GET-18(7): PRESENTATION ON ELECTIONS BY MAIL-IN BALLOT PROCESS

CHAIR MOLINA: And GET Item 18(7), we did have a presentation scheduled. A request was made by the Clerk, then after posting the Clerk informed us that he had a meeting to go to on Oahu today. So, with that being said, would GET Item 18(7), any objections to deferring that?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KTK)

ACTION: DEFER, NO DISCUSSION.

CHAIR MOLINA: Okay, and then we'll move GET Item 2(26) to the end of calendar. And any objections to moving GET-37 first on our agenda?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So ordered. Thank you very much for that consideration, Members.

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**GET-37: INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII,
DEPARTMENT OF HEALTH (CC 19-446)**

CHAIR MOLINA: Okay, moving forward with GET Item 37, we have from the Department of Health, we have Kalani Holokai from the Maui Office, and Ms. Kathleen Paschoal from...the Records Manager from Department of Police. And this matter has to do with the...it's an intergovernmental agreement with the State of Hawaii Department of Health, A Bill for an Ordinance Authorizing the Mayor of the County of Maui through the Chief of Police to enter into an Intergovernmental Agreement with the State of Hawaii, Department of Health. And the intent or the purpose of the proposed bill is to authorize the Mayor, on behalf of the County of Maui, through the Chief of Police, to enter into this intergovernmental agreement to conduct a study that involves collecting and analyzing police reports of suicide to identify common risk factors, and identify gaps in service, and provide guidance for prevention. Okay. I'd like to get an overview for on this matter. First, I guess we could recognize Department of Health or someone from the Police Department to come on up and give us some overview of this or, Ms. Paschoal, you would like to give us the opening remarks. Proceed.

MS. PASCHOAL: Good morning, Chair. Good morning, Council.

CHAIR MOLINA: Good morning.

MS. PASCHOAL: This project is it's quite simple. What it is is we're working with the Department of Health to share our suicide reports that the Police take and we will as much as possible scrub them of any very sensitive information before passing the reports along and this is something that we've done before with the Department of Health for another matter for the National Violent Death Reporting System. We currently have an in-force MOA with them now, and this is a separate, a little separate issue. They...violent deaths project works with different types of death that involve violent means whereas this study is specifically towards suicide and the prevention efforts that come from that will be and something for the Department of Health to take care of and we're going to help them gather the information they need to make sure that privacy is protected of the victims and their families.

CHAIR MOLINA: Okay. Thank you for your comments. Ms. Holokai, do you have anything to add before I turn matters over to the Members for questions?

MS. HOLOKAI: No.

CHAIR MOLINA: Not at this time? Okay, thank you. Before I turn matters over, Chair has just one quick question. How much more work will this potentially place on the MPD staff and will the State funding offset the cost of the MPD staff to gather the information?

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MS. PASCHOAL: I don't believe there'll be any funds exchanged in this particular MOA and the work can be substantial, it depends on how many cases we have every year, but most of the work is actually done by the Department of Health. We will gather the reports and then they'll come into our office and they will, they'll take a look at the reports and then take the data, the deidentified data their own, so it's a matter of gathering reports and initially redacting information that's necessary on our end before we pass the data on to DOH. It is not significant.

CHAIR MOLINA: All right. Thank you very much. I've got couple more questions, but I'll yield the floor right now to the Members. We'll start with Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And I appreciate you bringing up that point because the Department's response then is contrary to the narrative in the ordinance. It says the administrative duties shall impose financial obligations on MPD. We want to know how much obligations there are. So, it's in your written statement in the legislation.

MS. PASCHOAL: Understood. That was an opinion that actually was given to our Department from Corporation Counsel and in equating the work that we're doing to a financial amount, but there is no dollar amount specified because I'm not sure how that would be calculated.

COUNCILMEMBER HOKAMA: That's what we want to know before we approve.

MS. PASCHOAL: And I can't give you a number. I can't. It would depend on how many cases there are.

COUNCILMEMBER HOKAMA: So, how much space is the Department willing to provide Health Department since they going set up workstations and everything else?

MS. PASCHOAL: We currently have workstations set up for the other MOA, so we'll be using the same space that DOH uses now, which basically is a worktable with Wi-Fi access and electricity access. They bring their own laptops.

COUNCILMEMBER HOKAMA: So, the, this confidential information is transported daily by an individual on a portable computer?

MS. PASCHOAL: No. The reports themselves are provided in PDF form and they are taking that information and extracting data from it to exclude any identifying information.

COUNCILMEMBER HOKAMA: Okay. How is your Department looking at Maui County's data? Is it like...I mean, how...what is the Department's view of the data? See, 'cause we've been talking for a long time already, the Council, and for me, data is, has value, and that Maui County's data has, is worth in dollars and cents, a lot of money. So, I want to make sure that we are protecting our data and any data we choose to use if applicable

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and appropriate, Chairman. I want then others to pay to use our data. It is what our sister jurisdictions are doing now. Data is a revenue generator, and so I don't see why we wouldn't be looking at these things, cooperating with the State, but again, Chair, we expending County dollars. So, I expect a fair financial proposal before us regarding this for us to approve, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Good points. Members, any other questions for Ms. Paschoal from the, and from MPD or questions for Ms. Holokai from Department of Health? Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Paschoal.

MS. PASCHOAL: Paschoal.

COUNCILMEMBER PALTIN: Paschoal. I appreciate...you're with the Department of Health?

MS. PASCHOAL: No, I'm with MPD.

COUNCILMEMBER PALTIN: Oh, okay, thank you. I appreciate your guys efforts to try and find correlations or reasons for suicides. I just was wondering, you know, like how we're all humans and we make mistakes, what is the recourse of families if the data isn't scrubbed clean by human error?

MS. PASCHOAL: We have not run into that before, so I couldn't not, I couldn't give you an example, but as practice it's what we do every day is we redact names and we safeguard information. That is, I would say, the most important thing I do as a professional at MPD is to protect people's privacy, but we are human, of course. Just in the way that the PDFs are rendered from our records management system, it will take out names automatically, and yes, that is an electronic system, but we have a second set of eyes that go over it and make sure that no information is let out. It is data that we're releasing, and for us, the definition of data does not include names, it's deidentified data, for us. So, there'll be no indication of names, of family members. The only names that we do leave in there are officers names and perhaps doctors, but none of the victims and families are identified in our reports. And there is a safeguard in that when we produce the PDFs to DOH, they're also under agreement in this ordinance to take only deidentified data. So, if we were to inadvertently leave a name in the report, they're obliged to not take that name in the data that they're taking, they are supposed to take only deidentified data, and there's a way that I can check that to make sure before they leave the room because they will be physically in my office, and each one of them is vetted with a background check, a criminal background check before they're allowed in the office to do this work.

COUNCILMEMBER PALTIN: Couple more questions. If you're not sure that it was a suicide, would it be included or is it guaranteed suicides only?

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MS. PASCHOAL: I will only include data that has been classified, reports that have been classified as suicide by our Police and the coroner's inquest.

COUNCILMEMBER PALTIN: So, if it's unsure, then it wouldn't be included?

MS. PASCHOAL: It would not.

COUNCILMEMBER PALTIN: And my understanding is the contract is for a number of years, and would a possible way to calculate the cost to Maui County be to just calculate the man-hours spent on it annually and then provided a reporting at the end of year?

MS. PASCHOAL: Yes, that is something we could do.

COUNCILMEMBER PALTIN: Based on the hourly wage or salary.

MS. PASCHOAL: And that would have to be calculated based on the number of reports and the length of those reports and the man-hours taken to scrub them, but yes, that's data we could come up with at the end of the first year.

COUNCILMEMBER PALTIN: And then would it be possible to bill at that time at the end of the year annually?

MS. PASCHOAL: It is acceptable under UIPA, yes, that we can bill.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Thank you, Member Paltin. And just following up on your initial question related to, I guess, privacy. For the Department, will the...can a family of a suicide victim prevent any of this information from being shared with the DOH if they choose to do so?

MS. PASCHOAL: I believe under law each requestor has a right to request information if it's deidentified. The Police reports are owned by the County. They're written by our police officers and they...we have fielded requests from families to restrict release of information to other individuals, but never an agency who, at least in this case, is hoping to prevent suicide in our community. We've not come across that, but if a request was submitted, we would definitely entertain that and work with the family.

CHAIR MOLINA: Okay, thank you for the response. Members, any other questions? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Paschoal. Mahalo for being here and your comments on this item. So, your response to Member Paltin's is at the end of the year you can produce a report that would basically outline the cost of this

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project. Do you have a projection right now of how much this project would cost per year?

MS. PASCHOAL: I do not at this time.

VICE-CHAIR RAWLINS-FERNANDEZ: Or per incident?

MS. PASCHOAL: Per incident on the average if we are only billing man-hours, 'cause there are other items that we can bill for, which is the actual reproduction of the PDFs, there are cost standards that we can apply to the request and it's very hard to make an estimate as per report because the reports differ in length by so much. And even the individual who's assigned to work on them their pay scale may be different, and other work may take precedence and, you know, it would just depend on work load whether that person is required to do it during overtime hours or whether it's during regular hours because we're working at nearly 50 percent right now in our Department in our section as far as manpower. We've had many retirements this past year, so, and more to come. So in there, there's so many variables to costing it, to get an accurate cost for Council. I would defer giving an estimate at this time.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I understand there's a lot of factors to consider and generally, you know, in those situations you just kind of come up with a range so, you know, the factors that you cited such as pay scale, you know, variations of the length of time per report. So, the minimum, you know, pay scale of the person that would be working on the report and the maximum pay scale of someone who would be assigned to work on the report and then the, you know, the minimum time it would take and the maximum time and then that way we would at least have a range --

MS. PASCHOAL: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --for to consider.

MS. PASCHOAL: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So even if you didn't have like an actual estimate at this time providing us at least a range --

MS. PASCHOAL: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --I think would be helpful.

MS. PASCHOAL: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And then, do you know what fund this project would come out of?

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MS. PASCHOAL: I do not.

VICE-CHAIR RAWLINS-FERNANDEZ: If it would just come out of...

MS. PASCHOAL: I could give you the range now, if...the most conservative, I'd say 25 to \$75 per report.

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

MS. PASCHOAL: Per report, yes.

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

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, thank you. Too bad we don't have the Health Department from Honolulu here. I would have loved to ask them questions regarding their request to our Department. You're from Oahu?

CHAIR MOLINA: Maui Office.

COUNCILMEMBER HOKAMA: So, this is an ongoing with another county already?

MS. HOLOKAI: No. Maui County is the first...

COUNCILMEMBER HOKAMA: Is going be the first...

MS. HOLOKAI: Maui District Health Office was the first one to approach this. This was something that the Department of Health felt was going to be valuable if we were going to find out or try to figure out what really are the risk factors to suicide other than the stories...

COUNCILMEMBER HOKAMA: Have we shown spike in this County lately that this, the red flags are really strong now?

MS. HOLOKAI: Yes. And we've been...we started this project about five years ago. And we had the opportunity to be at the National Violent Death Report meeting in Honolulu, which happens every year, and we approached them with this. But because they're working so hard on that report, we were trying to concentrate on what is happening in Maui County. You know, we hear the anecdotal reports but we don't really know unless we look at the data. And all we...one of the things that we want to know from the Health Department is have these people...did they seek help from a health provider, and if they did, what was that experience like, you know, did we do a good job, could we do a better job, and that's really important for us to find out and where are the other risk factors. Maybe something we're doing now in prevention in our prevention efforts could be

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increased. Maybe our focus should be in a different area, maybe we should stop doing something in our prevention efforts because maybe that's not working, but we don't really know unless we have an opportunity to look at data like this.

COUNCILMEMBER HOKAMA: And I appreciate --

MS. HOLOKAI: And by the way...

COUNCILMEMBER HOKAMA: --those words. It's just sad that, you know, we've been dealing with suicides for centuries, yeah.

MS. HOLOKAI: Yes, for a very, very long time. And even the Department of Health, we had a suicide in September 2009 of our own employee and that obviously brought it home to us. So, the other thing I wanted to say about cost is Department of Health is not paying anyone to do, to gather the data. Those who are going to be approved by Maui Police Department are not getting paid to do this. They're gonna sit there for as many hours as we will be allowed to be at the Department, to do this as long as it takes, there's no exchange of money. So, there's no conflict, there's no reason for anyone to want to know something other than the purpose of us being there. You know what I'm saying? Like we're not there to see what our friend...

COUNCILMEMBER HOKAMA: Yeah, and the reality of our world, yeah, everything comes down to --

MS. HOLOKAI: Sure.

COUNCILMEMBER HOKAMA: --dollars and cents.

MS. HOLOKAI: Yeah.

COUNCILMEMBER HOKAMA: Okay. Every position, every equipment.

MS. HOLOKAI: Yeah. And we can calculate those costs, but I wanted you all to know that we're not getting paid. Dr. Pang isn't paying...getting paid any extra hours or our social worker or epidemiologist, the people who are gonna do the report for us, no one is taking money for this study.

COUNCILMEMBER HOKAMA: Isn't that what they get paid for though?

MS. HOLOKAI: Well, that's gonna be in addition to their normal duties.

COUNCILMEMBER HOKAMA: So, one question and I was hoping my colleague would have...is there any role of the Prosecuting Attorney regarding this subject, suicides? Is it just a Police thing and a Health thing? Does this have anything with prosecutors?

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MS. PASCHOAL: Once a police report involving a death is forwarded to the Prosecutors Office then there is no further action. They advise us there's no further action, then those reports become part of the study, they'll become part of the study. If they find that suicide was not the actual cause and that there was more to be investigated, then they would not be. So, they would be involved in the beginning.

COUNCILMEMBER HOKAMA: Yeah, so just help us understand it then, yeah, in the role you deal with the suicide death, unless there's some foul play involved or not, is not considered a crime where a Prosecutors Office would investigate?

MS. PASCHOAL: Correct. It is not a criminal matter, but it is reviewed by them even though our detectives will determine based on the coroner's inquest.

COUNCILMEMBER HOKAMA: Okay. And the coroner will make that determination --

MS. PASCHOAL: Yes.

COUNCILMEMBER HOKAMA: --and that is the Chief of Police?

MS. PASCHOAL: In theory, it is the Chief of Police. It is not physically the Chief of Police, but yes.

COUNCILMEMBER HOKAMA: Well, we only have one coroner and a medical examiner. The Chief cannot be the medical examiner, we know that.

MS. PASCHOAL: Right, right. So, the inquest comes from the medical examiner.

COUNCILMEMBER HOKAMA: Okay.

MS. PASCHOAL: And it becomes part of the police report and based on that that is our determination of whether the report is a true suicide or whether there's a criminal element or otherwise.

COUNCILMEMBER HOKAMA: Okay. In the agreement where it says DOH may share the data with other agencies, who are these other agencies?

MS. PASCHOAL: I would assume who would ever want the data for, or the reports. I'm not sure what data they would be sharing. Once we release the data, it is there's to do with what they wish as far as reports.

COUNCILMEMBER HOKAMA: Wait, wait, wait. You mean, the Health Department can do whatever it wishes with our data?

MS. PASCHOAL: In the reports that they create.

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COUNCILMEMBER HOKAMA: I'm not gonna agree with that, Chairman.

MS. PASCHOAL: In the reports that they create. They're creating these reports to assist in prevention of suicide and that's the reports that we are assuming that they have. If...with the CDC, if they forward the information to the CDC, the MPD has no problem with that. It is the same basis as the NDVRS [sic] project that we're currently working with and we hope to continue it in the next five years.

COUNCILMEMBER HOKAMA: Okay. No, we just asking questions about what you have in the agreements, yeah, that you asking us to approve. So, we just curious on who are these other agencies. You used a different word but I guess redaction is gonna be a requirement --

MS. PASCHOAL: Yes.

COUNCILMEMBER HOKAMA: --appropriate legal redaction of --

MS. PASCHOAL: Yes.

COUNCILMEMBER HOKAMA: --sensitive personal information.

MS. PASCHOAL: Yes.

COUNCILMEMBER HOKAMA: Other law enforcement agencies have access to all this, too, FBI, State sheriffs?

MS. PASCHOAL: Law enforcement agencies have access to --

COUNCILMEMBER HOKAMA: The MPD files.

MS. PASCHOAL: --the full report, unredacted information.

COUNCILMEMBER HOKAMA: And they have...they go through a channel or they just access?

MS. PASCHOAL: Yes, yes. No, it's through a written request only. They don't have direct access. Only our prosecutors have direct access to our records management system once our reports have reached their final level of approval.

COUNCILMEMBER HOKAMA: Is there any Federal dollars Health Department getting for, to assist you with this since the CDC is involved?

MS. HOLOKAI: No.

COUNCILMEMBER HOKAMA: So, this is a pilot project, pretty much for Hawaii?

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MS. HOLOKAI: Yes, for Maui County.

CHAIR MOLINA: Mr. Hokama, can I come back to you?

COUNCILMEMBER HOKAMA: Yeah, thank you, Chair.

CHAIR MOLINA: I have Member Kama with a question. Come back to you. Councilmember Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Actually I don't think this is a question more than it is just some information that at our Budget, during our Budget, we put 25,000 on the side for a suicide prevention study to ask the question why and what's going on. And I think this is probably what it is that I'm looking at right now is the data collection that the Department of Health was in need of, because they can't...without data on suicide prevention in Maui County they don't have any reference as to what they're doing or how to go about continuing their work. So, I just want to ask if that's the same thing that I'm looking at here, Chair?

MS. HOLOKAI: May I speak to that?

COUNCILMEMBER KAMA: Yes.

MS. HOLOKAI: So, that money that we asked for was not for this study. That study came along after we started --

COUNCILMEMBER KAMA: Okay.

MS. HOLOKAI: --moving on this one. That particular study has to do with actually interviewing people who --

COUNCILMEMBER KAMA: Whose families...

MS. HOLOKAI: --whose families have suffered a suicide loss and even people who have attempted, totally different study.

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

CHAIR MOLINA: Thank you, Ms. Kama. One quick question regarding the data. So, the data that we collected includes attempted suicides as opposed to just reports of suicides, and if it isn't why isn't the Department of Health interested in attempted suicides data? Because I'm just thinking the whole idea of gathering this information is to prevent suicide, so if you can answer my first part of the question if...so are you folks gonna...is attempted suicides gonna be studied as well instead of just reports of suicides?

MS. HOLOKAI: Not in this particular study.

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CHAIR MOLINA: Okay, okay. And speaking of which, we do have Ms. Rachel Coles, who's a volunteer for the State Department of Health in the gallery who helped write the study. So, Members, if you see a need to ask questions related to the study itself, she is available here as a resource in the event of that. So, Members, any other questions on the floor? Okay. If not, going back to Mr. Hokama.

COUNCILMEMBER HOKAMA: Real quick, Chair. Are there any other reports that the study would at least consider besides Police? Is there medical or physician reports that is part of the study or a counselor, you know, maybe the person had some, was fortunate to get some counseling but...

MS. HOLOKAI: Well, ironically, Department of Health records do not give us enough detail, you know. So, no, we couldn't use their records, and their records are a little bit different even in calculating. If you look at the total data, their records are gonna show little bit difference in total numbers of almost any kind of injury. Rachel, did you want to say something about that?

CHAIR MOLINA: Members, we have Ms. Coles. Ms. Coles, come up, I have a seat here to, if you want to add further input on the study itself and the Members may also ask you a question or two. And if you could just identify yourself for the record officially.

MS. COLES: . . . *(inaudible)* . . .

CHAIR MOLINA: Okay. Put the microphone on. There we go. Green, green light.

MS. COLES: Oh, oh, okay, sorry. Hi, my name...I apologize for my lateness, I was not able to get out of work until now. My name is Rachel Coles. I am a volunteer with the Department of Health. A few years ago, we started working on compiling, on constructing this study. It's sort of a, it's a multifaceted study. So, one of the avenues that we're looking at is the police records to try to get as much information as we can on, you know, on suicide deaths. In another study, we're also going to be looking at...we will also be looking at attempted suicides but that's a different leg of the study that has nothing, you know, that we're gonna be accessing differently than this one. So, they're related and we're getting information from different sources, but they're not, they're sort of connected studies, they're not really the same study. We're just trying to get information from different sources, and this one what we're here about today is about the police records. So, I apologize. What was the...the specific information you wanted was?

COUNCILMEMBER HOKAMA: My question is about whether or not you accessing other reports as well to come up with your analysis and potential conclusions.

MS. COLES: We are going to try to access whatever information we can.

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COUNCILMEMBER HOKAMA: Whether it be emergency room admissions?

MS. COLES: If we're able to get...I mean, right now, the study is written for what we're able to get in terms of data. So, that would be great if we were, would be able to get emergency room admissions, but I don't know if we'll be able to get that. It's something that's definitely an avenue that we'd like to consider, but we would have to get, in order to do that, we'll have to apply. We are applying for the internal review board, you know, human subjects review board, so it has to pass that first before we can talk with human subjects, with people, so whereas records in the past are a different thing.

COUNCILMEMBER HOKAMA: And so, the early...I'm just making some assumptions. So, the earliest we will get some kind of suggestion or recommendation to improve either identification or providing service is at least 'til 2023-2024?

MS. COLES: On the outside, yes. We're, you know, we're setting ourselves some late...we're setting ourselves some late deadlines just because we don't know what barriers we're gonna run into. So, potentially, like, we're hoping to get some of that information a little sooner, but we don't really know because we haven't done this before, how long it's gonna take realistically, because we have to have volunteers that can come in and collect the information then we compile the information and, you know, and analyze it. So, it depends on how many volunteer hours can, this takes place over, so...

COUNCILMEMBER HOKAMA: Okay, thank you. And no and thank you for volunteering.

MS. COLES: Absolutely.

COUNCILMEMBER HOKAMA: We appreciate...I appreciate your good work. Thank you.

MS. COLES: Thank you.

COUNCILMEMBER HOKAMA: So, does MPD have a suicide hotline?

MS. PASCHOAL: MPD has 911. We don't have --

COUNCILMEMBER HOKAMA: Okay.

MS. PASCHOAL: --a separate line.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chairman.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Committee Vice-Chair Rawlins Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Skoggs?

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MS. COLES: Coles.

VICE-CHAIR RAWLINS-FERNANDEZ: Coles. Mahalo for being here and mahalo for your service to our community on this important issue. So, my understanding is that this project has been going on for five years. This is a new avenue to getting information to assist with this project. Is that correct? Is that understanding correct?

MS. COLES: Well, so the formulation started about five years ago, trying to construct, you know, getting together with different people in the community and figuring out what the issue was and trying to figure out how we can get data and then formulating the study and trying to get it, you know, ready to pass human subjects review board, you know, to get the necessary permissions has taken awhile. So, that's why we're here now, because at this point, we don't have any data and we have to start with something.

VICE-CHAIR RAWLINS-FERNANDEZ: I see.

MS. COLES: So that's, that's why, yeah, it's been sort of figuring out the system, getting all the people to table that need to be there, and then constructing the study and writing the white paper and things like that.

VICE-CHAIR RAWLINS-FERNANDEZ: So, the intention of the study is to address more than just suicides, --

MS. COLES: Well, at this time...

VICE-CHAIR RAWLINS-FERNANDEZ: --meaning mental health, what different factors involved that cause the suicide?

MS. COLES: Correct. You know, what are the instigating factors, you know, what are the, yeah, what are the contributing factors, the things that lead to people committing suicide, so that we can prevent them.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, is the hope from the study to then recommend legislation or however, you know, the governments will be able to assist in preventing suicides in our community?

MS. COLES: That would be one avenue that, I guess, it depends on what we find, because people fall through the cracks for all different kinds of reasons. Sometimes it's a lack of resources, sometimes it's, you know, it depends on what it is. Legislation would probably be helpful, but it would also help us point out, you know, it would help to point out the gaps in our system in terms of like, you know, do we not have enough, you know, what are the questions we're not asking. Do we not have enough, you know, mental healthcare providers or are the mental healthcare providers, you know, not able to access the community in the ways that the community needs. You know, like, what are the different...first we need to figure out what the barriers are to people being

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treated, to people...to even identifying who the people are that are at risk. So, we just, we have this lack of information right now to know why this is happening at such a high rate. So, once we know a little more, legislate, you know, legislative measures might be helpful, but there might also be other simpler things too that can be done in the community to help people access mental health or to make things, you know, help more accessible to people. Does that make sense?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Well, I can tell you even without the study that Molokai doesn't even have a mental health provider right now. So, I know our island would greatly benefit from that. Right now, we have volunteers in the community that from their own love of our community is assisting with those, you know, at the edge of the cliff. And, like I said, you know, they're volunteers like you are, and I'd like to do more to assist them because they're the ones that are loving on our community and preventing these types of preventable deaths. And so, I guess, what...right now, I haven't seen anything from Department of Health that is helping to address and prevent suicides. So, I don't think this would be a question for you, Ms. Cole, but for Department of Health and I'm hoping I'm wrong, but is there anything on Molokai or Lanai to address preventing suicides?

MS. COLES: That, I, unfortunately, I don't have enough information to be able to answer that question, I apologize.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I know. You're a volunteer. I was hoping Department of Health, yeah.

CHAIR MOLINA: ... *(inaudible)* ... Ms. Holokai?

VICE-CHAIR RAWLINS-FERNANDEZ: I mean, you don't have to leave. You can stay there, there's the mic in the back.

CHAIR MOLINA: Ms. Holokai?

MS. HOLOKAI: I'm not sure I have all the information to answer that, but I am from Molokai and over the years Department of Health has had several meetings on Molokai to try to figure out what's going on and how can we help. And I know that recently in late 2019 there was a collaboration of agencies that were there addressing that issue with the community. I don't...I think that Department of Health doesn't have one concrete thing or task, or I don't know the right word for it, to address this. I think we've tried to address it in different ways. At one time the Governor's liaison was our go to person and, of course, that's changed over the years. So, we, right now, are concentrating on collaborating with the different agencies. Primarily, one of the reasons is because we don't have anyone at Department of Health on Molokai that can do this kind of work. So, it has to be, you know, there isn't a body there at the office who can be the go-to person, so we're trying to do all of that work, you know, from here. So, no, we don't have a concrete program to address it and it's going to take more than just Department

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of Health to prevent the suicides on Molokai. That's the best thing I can say. I don't have enough information to tell you that there is one.

MS. COLES: I might add being a volunteer and having worked in mental health. I mean, I think everybody knows that the things that we're studying are kind of obvious, like, we don't really, in some ways, we don't need a study to tell us that there are things wrong and that there are gaps, but the thing about a study is that studies help you put it on paper and show everybody in concrete numbers, you know, what's going on. There are a lot of things that we could intuit and things that we expect to find, but until we get it documented in a paper, you know, like where funders can see it, like that's the real purpose of a lot of studies that show us what we feel, you know, a lot of us already know is to document those things so that we can then say, see here, this is an issue. I mean, we go, we want to go into it unbiased, but a lot of these, like, we go in with a hypothesis, we go in with something that we think we know and then prove that thing and then we can take that proof to, you know, nonprofits, to Federal government and say we need funding for this and that funding can provide maybe resources for, you know, in the future. Hopefully, you know, one of the goals of studies like this would be to get additional resources for mental health for places like Molokai and that's really sort of the underlying reason why we want to do things like this.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, I can tell you without a study that in 2017 all suicides that we experienced were all Hawaiian men in their 20s and 30s and that didn't justify the State bringing in any extra assistance. I would think even without a study that spike would have alerted Department of Health or whatever agencies to come and help our island. You know, thankfully we have a tight-knit community that supported each other at that time and we haven't seen or experienced that since, but again, these are volunteers that have lines open 24 hours and they go and they drive using their own gas to go and support these people who are, you know, a minute away from taking their own lives. So, I, again, we don't need a study, it's there in black and white. So, please, you know. Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you very much, Committee Vice-Chair Rawlins-Fernandez. Some very good points you've made. Okay. I have a line waiting to ask questions. We have Mr. Sinenci, followed by Ms. Paltin, and Ms. Kama. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And I just want to say mahalo for your line of work. We appreciate it. Our East Maui community also is no stranger to suicide loss as well. And I think this board supports, you know, the psychological needs of all of our communities, specifically, especially with additional stressors in our everyday lives. So, my question was just with the memorandum of understanding, is there any HIPAA violations with sharing the information interagency wise? I know at the school we were held to strict HIPAA standards. And so, that was my question, if sharing this, you know, very sensitive confidential information violated any of those --

CHAIR MOLINA: Okay.

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COUNCILMEMBER SINENCI: --regulations?

CHAIR MOLINA: Who would like to respond to the question from Mr. Sinenci? And HIPAA, by the way, is an acronym, again, for, if you could clarify that?

COUNCILMEMBER SINENCI: Health Insurance and Accountability Act [sic]. I mean, we used it at the schools, so I don't know if it's pertinent in this situation.

CHAIR MOLINA: Okay. Ladies?

MS. PASCHOAL: For the HIPAA issue, MPD, although, not bound as a health provider, we are not bound by HIPAA in that regard, but we do behave as if we are because of the importance of the information, the sensitivity, so, again, with the information being completely deidentified before we give it to the Department of Health there is no issue there on our side. And once deidentified, I believe it almost becomes moot at that point, the data is used not...they wouldn't even be able to get data...from the information we give them, they can't then go another agency and ask for more information about this case because they don't know who it's about. So, it ends right there with us is that we deidentify it before we move it along in the process.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, ladies, for your work. I was wondering, I think, either Ms. Coles or Department of Health, are you given free access to all of the Department of Health records?

MS. COLES: No. We, so the volunteers would only be given access to specific records that meet the criteria of the study and then they would also, those volunteers will have to do background checks and they'll have to sign confidentiality agreements and that information cannot be shared with anyone. They have to follow the same HIPAA rules.

COUNCILMEMBER PALTIN: I think I mean, you know, the State used to have a mental health department and now they don't, and since the State discontinued having a mental health department, the effect on our communities was negative. And so, I mean, it's almost like common sense why did we take away the department of mental health from the State services. I mean, I know it's not in your purview to put it back, but could that be a suggestion if you just look at the numbers prior to the dismantling of the department of mental health to the numbers today and the correlation is pretty obvious?

CHAIR MOLINA: Department?

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MS. HOLOKAI: I'm not sure what you're talking about but Department of Health...

COUNCILMEMBER PALTIN: Reinstating the department of mental health.

MS. HOLOKAI: The Department of Health does have a mental health program under the...I forget what division it is. There is adult mental health and there is child/adolescent mental health, which is also known as the guidance centers and here on Maui we have guidance centers, which Rachel works out of that office, and they deal with child/adolescent mental health. We have...they have been around for years. I've been at the Department 15 years and those departments are there, those programs are there.

COUNCILMEMBER PALTIN: Not to the standards that they were previously.

MS. HOLOKAI: I...we can't...I don't have any information about that, but I do want to tell you, I mean, just want to say that there is a mental health division in the Department of Health and there is a deputy director that reports to the director and he oversees the mental health resources. I feel like we're getting off the subject of this MOA. I mean, I'd be happy to answer anything else offline, but there is a mental health department, a very large one.

COUNCILMEMBER PALTIN: Okay. But it's less than what it was.

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

COUNCILMEMBER KAMA: Thank you, Chair. Just a couple of questions. When you do data collection for any type of suicide prevention study, do you consider ethnicity?

MS. COLES: Yes. That was...that's definitely one of the variables that we look at, ethnicity, cultural background, and practices, yeah.

COUNCILMEMBER KAMA: Okay. And then so, and then the second question was if a completed suicide, how did...what...if a suicide is completed, how is it listed on their death certificate? Anybody can answer, I'm not sure who could.

MS. COLES: So, sometimes it may be listed as a suicide. I think they're probably...it depends on what the coroner finds and how the police report it.

MS. PASCHOAL: It is specified as suicide if that's the finding of the medical examiner.

COUNCILMEMBER KAMA: Okay. So, if, so does it say on the certificate?

MS. PASCHOAL: Manner, the manner would be suicide.

COUNCILMEMBER KAMA: But it wouldn't explain or be specific about suicide by blank or...

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MS. PASCHOAL: Manner and cause.

COUNCILMEMBER KAMA: Okay.

MS. PASCHOAL: Yeah.

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

CHAIR MOLINA: Okay. Thank you, Member Kama. And, Member Sugimura?

COUNCILMEMBER SUGIMURA: Great discussion and thank you for doing this. Thank you for doing this and, Kalani, thank you. It sounds like something that we probably needed to look into maybe as Mr. Hokama said years and that it's not something new in our community. It's probably been around forever, right, but has been defined. And I want to commend the Department of Health for, and I guess it's you that put this study together with volunteers who care enough to try to find out more and the Police Department as busy as you are as I've been working closely with Police, you know, several months, but that you're gonna find the time to help us find solutions for our community. And I'm listening to everybody and valid concerns because we feel the deep need out there in the community of people that we know who we've lost, you know, to this and please proceed. It doesn't sound like there's money that can be exchanged to pay us for your time and the Police Department or Department of Health, but I hope that the studies that you do come up with will one day take us to a point where we can see this exchange of knowledge and heart and soul for a better and stronger community. I'm not gonna sit here and hope that you going pay me today for Police Department's work because I think that's the where we want to get to, but right now we're trying to put together the story and put together the needs and what our community is asking for. And sometimes a suicide is the loudest voice and it goes unheard because nobody wants to talk about it. So, thank you. Chair, thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Members, I think we've thoroughly vetted this topic. At this point, so I'm gonna terminate the Q and A portion of this particular item. Chair certainly sees merit with this study. I know there's request for, I guess, a financial breakdown on that that was expressed by Mr. Hokama and possibly Vice-Chair Rawlins-Fernandez. So, I would ask the Department assuming this gets out of Committee, if our next scheduled Council meeting assuming if this item gets out of Committee today would be the 24th, am I correct, Chairman Lee? So, prior, if we could get that information prior to January 24th with regards to the cost analysis with this project, it'd be much appreciated by the Committee. So, with that being said, Members, the Chair will entertain a motion for passage of the proposed bill on first reading and to file County Communication 19-446.

COUNCILMEMBER KAMA: So moved.

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COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay. Moved by Member Kama, seconded by Member Sugimura. Discussion on the motion? Seeing...Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. And I understand your recommendation, Chairman. I, you know, it's kind of a little hard for me this morning but I'm gonna speak not in favor at this point in time. Couple of things, Chairman. I appreciate the Health Department's request, but for me, four years is potentially a lot of dead people. So, I'm not willing to wait. I would rather prefer that this Committee consider sending in a request to Ms. Rawlins-Fernandez Committee for a financial consideration and have the County go and move forward with a specified third-party consultant to start the work and get this assessment done for us sooner than later, Chairman. Okay, 'cause I don't have a problem spending 25, \$50,000 for a third party and let our enforcement personnel do what they were hired for, enforcement, okay. They weren't hired to do analysis, they were hired to do enforcement, that's why they're the PO-3s and everything else. Okay, I need them to be where they count, on the field, in the streets, Chairman, not doing somebody else's work for another department. So, I am gonna speak against it. I would think we can expedite it. We should expedite it. I think we really need to find a way to address rural Maui County, not only Molokai, Chairman, East Maui has challenges, Lanai has challenges. I'm tired of only having service providers doing what many of us feel government should be stepping in and taking a more active role. But I think for our County, the best way to help our community and our employees is to get this assessment done sooner than later, Chairman. And I'm not willing to wait 'til 2024. Thank you.

CHAIR MOLINA: Okay. Thank you for your thoughts, Mr. Hokama. Members, any other comments prior to the Chair calling for the vote? Okay, seeing none, Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR MOLINA: All those opposed?

COUNCILMEMBERS: No.

CHAIR MOLINA: Okay, we have six "ayes" and two "noes," Member Hokama and Member Rawlins-Fernandez. The matter passes out of Committee and will go to the full Council, I believe, January 24th.

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MR. ROWE: Thank you, Chair. This is a car accident that involved a County of Maui Police Department fleet vehicle. It was driving northeast on Kanaloa Avenue and nearing the intersection of Kahului Beach Road. It did have its emergency blinkers on, it did have its siren on, and it did come to a stop; however, it was at a red light. He looked to the left and saw a car approaching and believed that he had enough clearance to make it, so he began to execute a left-hand turn at which point he hurt, he hit a car being driven but Adolfo Casanova Martinez. That name might sound familiar, we've already actually settled a claim with him. This is an additional party. What had happened was before the left-hand turn was executed, a car had already gone through the intersection, heard the sirens and saw the lights and pulled over to the side of the road. When the officer was executing the left-hand turn, he hit Mr. Martinez's car, which then caused Mr. Martinez to hit the back of the claimant's car in this one which was Mr. and Ms. Cockett. There was a police report that was generated on this issue and the police officer was noted for misjudgment and failure to yield. The other drivers were not marked for any improper action. We got a subrogation request from the Cockett's insurance agency asking for reimbursement of monies that they had already paid out. The car was deemed a complete loss; however, in discussing the subrogation with their insurance company, we were able to get them to agree that we would only accept 50 percent of the liability because they were ultimately rear ended by another car who did fail to yield when a vehicle's emergency signals were on. So, the value of the car was listed at \$20,578.18, in addition, the insured was forced to rent a car at \$684.37. We were, however, because the car was deemed a total loss, we did send it to auction for salvage recovery and got \$2,992.75. So, the total demand that we were issued was for the value of the car, plus the rental, minus the salvage recovery, which was \$18,269.80. As I stated earlier, we were able to talk with the requesting and with the insurance company of Mr. and Ms. Cockett and got them to agree that we were only 50 percent liable for the damages to this vehicle. And so, they have agreed to a settlement of \$9,134.90.

CHAIR MOLINA: Okay. Thank you, Mr. Rowe. Captain Esperanza, do you have anything to add to this matter?

MR. ESPERANZA: Not at this time, sir.

CHAIR MOLINA: Okay, thank you. And prior to opening the floor for questions, Mr. Rowe, do you believe this matter will require executive session?

MR. ROWE: This is a property damage claim, so I do not anticipate it involving executive session; however, if the members do want to discuss any sort of personnel actions regarding the officer, I will need to ask for executive session.

CHAIR MOLINA: Okay, thank you for that.

MR. ROWE: Or, I think, I should rephrase that, any specifics as to the disciplinary actions.

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CHAIR MOLINA: Okay. Thank you for that, Mr. Rowe. All right, the floor is now open for questions. Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I got couple issues. A few times in the past when we got these kind of reports, we said about the legibility and the quality on the Granicus is very difficult to read but I read it and it says there was a lady driving, not what Deputy Corporation Counsel said, the husband was called later to be the interpreter.

CHAIR MOLINA: Mr. Rowe, can you provide a clarification on that?

MR. ROWE: That is correct. It was Kimiko Kitagawa-Cockett. When I was referring to the car, I was referring to who it was registered under.

COUNCILMEMBER PALTIN: I read that, but the person that hit Kimiko was also a lady, Adolfo Casanova was not the driver.

MR. ROWE: That is correct. I...when I was referring to that, I meant their vehicle as well and I apologize for that.

COUNCILMEMBER PALTIN: Okay.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Any other questions for Mr. Rowe or Captain Esperanza? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I appreciate my colleague from West Maui. So, just who was the driver of the vehicles, the drivers? I don't care about the ownership right now. Who was the drivers in the accident?

CHAIR MOLINA: Mr. Rowe?

MR. ROWE: So, the police car was driven by Officer Hernandez.

COUNCILMEMBER HOKAMA: Okay.

MR. ROWE: The car that was initially hit, that was going through the intersection was driven by Isalia Ornelas, the car was owned by Adolfo Casanova Martinez, but Ms. Ornelas was driving it. As far as the car that we're talking about today, that was driven by Kimiko Kitagawa-Cockett, who was driving the car that was owned by Gordon and Ramona Cockett.

COUNCILMEMBER HOKAMA: Okay. Okay. Real couple...

CHAIR MOLINA: Yeah, Mr. Hokama?

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COUNCILMEMBER HOKAMA: So, our officer, he, he's what, brand new? He has five years of experience with the Department?

MR. ESPERANZA: You know, I don't have the exact years of the officer, but he's a fairly new officer with the Department.

COUNCILMEMBER HOKAMA: And this, I guess, would be his, the officers first moving incident?

MR. ESPERANZA: This was his first moving incident.

COUNCILMEMBER HOKAMA: Were there other mitigating issues, things that we are not aware of because I've seen our people and ambulances flashing their lights, the siren is on, and yet people with either they buds in their ears or their stereo's so loud they're not even moving on the side for, to adjust for the emergency traffic. So, what, is that one of the issues the drivers of the vehicles are so insulated they not aware of the flashing lights and the siren sounds that they did not make appropriate clearances for the personnel responding?

MR. ESPERANZA: You know, I'm not sure why the person didn't see officer coming into the intersection. He had his flashing lights and sirens on. The vehicles that observed him pulled over, so he assumed that the vehicle that was approaching the intersection driven by Ms. Ornelas had observed him and that's why he proceeded through the intersection, but the, Ms. Ornelas collided.

COUNCILMEMBER HOKAMA: Were the drivers questioned whether or not they were aware of the situation or they were totally oblivious, they thought it was just normal traffic, so they just kept doing whatever they were doing? I mean, we trying to understand, yeah, because, I mean, intersection accidents for me is you gotta be pretty incompetent to not know what's happening in one intersection, yeah. And I know we get bad drivers on this island, so, okay, level of competence is a question for me too who driving out there.

MR. ROWE: The...I can answer that. According to the police report, at least, and what it says regarding Isalia Ornelas, which was the car that was going through the intersection. She did report that she did not observe the sirens or the flashing lights.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

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

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification, Mr. Rowe, so the County you said, you mentioned that we're 50 percent accountable of the damages, so Ms. Ornelas would be accountable for the other half? Is that correct?

MR. ROWE: That was our position as far as settling the claim. Whether or not Mr. and

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Ms. Cockett's insurance company also goes after them for subrogation, I'm not sure if they've made a claim against them as well. But for the purposes of settlement, they've agreed to kind of our view on the liability issue in this case.

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

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. And prior to recognizing Member Paltin, Mr. Rowe, again, I'm sorry if my question is so naïve and simplistic. But subrogation, can you give us the layman's term definition of that?

MR. ROWE: Yeah, sorry. Subrogation refers to an action in which an insurance company pays their, pays out their insured under the insurance policy and while doing their investigation of the payment of the insurance policy it's determined that another party may be at fault then under the law the insurance company is allowed to go over, is to go after that third party who may be at fault for damages.

CHAIR MOLINA: Okay, thank you for that definition. Education is a never-ending process. Member Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was...the officer involved in the accident, he was responding to a different accident when he went through the intersection, and I was wondering if the original accident that he was responding to had report of injury or was there a reason why he had to respond in emergency mode?

MR. ESPERANZA: That's correct. He was responding to a motor vehicle accident with injuries and that's why he was assigned to respond in emergency mode.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: All right, thank you very much, Member Paltin. Any other questions as it relates to this matter before the Chair makes a recommendation? Okay, seeing none, and the Chair will recommend adoption of the revised proposed resolution and also the filing of the communication.

COUNCILMEMBER SINENCI: So moved.

CHAIR MOLINA: Okay, moved by Member Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Second

CHAIR MOLINA: Seconded by Member Rawlins-Fernandez. Any discussion?

COUNCILMEMBER HOKAMA: Chairman, just --

CHAIR MOLINA: Mr. Hokama?

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COUNCILMEMBER HOKAMA: --support with reservations.

CHAIR MOLINA: Okay, we'll note that for the record, Mr. Hokama. Ms. Espeleta?

MS. ESPELETA: . . . *(inaudible)* . . .

CHAIR MOLINA: No filing. Okay. Sorry about that. No, for the record, this does not include a filing. So, just a motion to approve the revised proposed resolution. Okay. So, no filing included. We'll keep it open. Okay, seeing no other discussion, Chair will call for...I'm sorry. Member Paltin?

COUNCILMEMBER PALTIN: I just was wondering, you know, every time we get these hard-to-read documents that you got to kind of, it's like real poor quality. At which point is that gonna be addressed that they send us documents that are clearer to read?

CHAIR MOLINA: Well, I guess, we can work with Staff and Council Chair's Office to ensure that if we get any illegible documents that it be retransmitted. So, I guess, Staff can make us aware if there's something that's not quite legible, or hard to read, we can make the request to the Department to transmit a more legible document. And thank you for spotting that, Member Paltin. Eagle eyes you got, so that's good. Okay. Any other discussion on the motion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

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

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

ACTION: ADOPTION of revised resolution.

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CHAIR MOLINA: Okay. Very good. Thank you very much, Mr. Rowe and Captain Esperanza. Members, you have been working your tails off this morning, so I think you deserve a break, so Chair's gonna call for a recess. Let's return to the Chambers at 10:35 a.m. Meeting in recess. . . . (gavel) . . .

RECESS: 10:19 a.m.

RECONVENE: 10:41 a.m.

CHAIR MOLINA: . . . (gavel) . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday, January 7, 2020, is now back in session. It's 10:41 a.m. Thank you very much for that extended break, Members.

GET-2(26): NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (CONSERVATION PLANNING COMMITTEE) (CC 19-24)

CHAIR MOLINA: We are on our last item for today, which is GET Item 2(26) related to boards and commissions, and this has to do with the appointment of members to the Conservation Planning Committee for the County of Maui. The purpose of this proposed resolution is to approve or disapprove the Mayor's nomination of Claire Carroll for term expiring on March 31, 2022, Anela Evans for a term expiring on March 31, 2023, and Laura Kaakua for a term expiring on March 31, 2024. And we have from the Mayor's Office Ms. Gladys Baisa, but prior to recognizing member [sic] Baisa, Chair would like to just give you a brief background on this particular board or commission and how we got to this point here today. This is related to Ordinance 4878, dated 2018, and went into effect January 2, 2019. This established the Conservation Planning Committee. This committee assists with and oversees the creation of the Countywide greenprint, a strategic conservation plan and tool based on local conservation priorities and to meet the County's conservation goals of protecting important cultural, historical, agricultural, natural, coastal, and scenic landscapes along with providing advice and recommendations to the Mayor, Council, and departments. This committee consists of nine voting members and must also consist of ex-officio non-voting members. And to date, the Council has adopted Resolution 19-160, which named Councilmember Shane Sinenci to fill the Councilmember slot and the Council was also notified of the Mayor's appointment of Makale`a Ane via County Communication 19-484 to fill the Office of the Mayor's slot. And today as I mentioned earlier, we'll discuss the nominations to fill two general public slots along with one slot with a representative from a Hawaii-based conservation group or land trust. And there is no deadline for the Council to approve or disapprove the nominees who we're considering today. And Staff has handed out to you also the copy of the ordinance for your perusal as we proceed with this item. So, with that being said after my opening dissertation, I'd like to recognize Ms. Baisa.

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MS. BAISA: Thank you very much, Chair, and good morning, Members. I'm very happy to be here today on behalf of Mayor Victorino who is very busy and has worked very hard on getting nominations for this committee, and we have three names to present today. Three wonderful women and I know you've heard a little bit about them already because we had Ms. Ane earlier speak to you. We have two of the nominees that are here today. We have Ms. Carroll and we have Laura Kaakua. And Ms. Evans, unfortunately, due to the very short time we had notice about the meeting was unable to get out of a training that she is doing today. She's from Lanai and, however, we have wonderful information about her and I think you have a very long resume that tells us what a wonderful candidate she is. So, the two candidates that are here today are prepared, if you would like they can address you just for a little bit to talk about why they are interested in being on the committee, their availability, and their feelings about the importance of the committee. So, you have their applications and you have resumes for two of the applicants, extensive resumes. And so, I'm going to be quiet here and we are, of course, asking Ms. Evans to be one of the Mayor's nominees, and likewise Ms. Carroll, and Ms. Kaakua, of course, is to represent a Hawaii-based conservation group or land trust and she represents, she's the CEO of the Hawaii Island's Land Trust, so these are the folks. Ms. Kaakua is being recommended in the resolution for a four-year term, Ms. Evans for a three-year term, and Ms. Carroll for a two-year term. We're trying to stagger the terms, of course, because there is nothing more devastating than when we have a whole bunch of people leave a commission or a board. So, I'll be quiet, Chair, and leave it to the Members.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Okay. My understanding is, Ms. Kaakua, you're an Oahu resident and you do have a flight to catch later on, so I'd like to call you up first to give opening remarks and respond to any questions from the Committee. Thank you for being here. And, Ms. Carroll, thank you for your patience as well.

MS. KAAKUA: Aloha, Chair and Councilmembers. Thank you for your time today in considering my appointment to the committee. I'll be very honored to serve Maui County in this role and I know that the County and the Council has been very supportive of land preservation efforts of our most significant cultural and natural places on this island and Molokai and hopefully Lanai in the future. And so, I think I would be able to share some of my experience coming from a land trust perspective and having worked closely with other counties as they set up their councils and commissions and refine their process to accept nominations for special places to be protected and makes sure that it's a open and fair and transparent process. And I'm happy to answer any questions you may have.

CHAIR MOLINA: Okay, mahalo, Ms. Kaakua. Members, I'm gonna open up first with our Councilmember who sits on this commission. I'd like to ask Mr. Sinenci if you have any questions for our nominee.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Ms. Kaakua, for being here --

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MS. KAAKUA: Sure.

COUNCILMEMBER SINENCI: --from Oahu. My first question was are there...I know this is a new board that the --

MS. KAAKUA: Right.

COUNCILMEMBER SINENCI: --Mayor had formed. And so, in your perspective and with your extensive experience, what would you like to see? I know there's...we've already established the board, the purpose, but what are some of things that you would want the board to accomplish?

MS. KAAKUA: Yeah, I think this is a exciting time to form a committee to look at land protection efforts throughout the County, and I would like to, I guess, connect the committee with the other commissions or committees that exist. Hawaii has a committee on every county level and so this would be really kind of completing that circle. So, the Hawaii Island has their Open Space Commission, their PONC Commission, Kauai has a Open Space or Land Protection Commission, and Oahu also has and we have the Statewide Legacy Land Conservation Program. And so, each of those commissions have sort of taken the best processes that have been used before from the State Legacy Land Commission and they work in conjunction. And so, I would like to see this committee take what's really working from other county commissions and committees as well as the Statewide Legacy Land Commission and replicate those processes that we know produce a lot of land conservation success on, at, here at the County level.

COUNCILMEMBER SINENCI: Mahalo, thank you for that. And one more question. You know, the Administration have been really supportive in putting up some matching funding for these conservation efforts, and I was wondering where does the majority of funding from the Legacy Lands account come from?

MS. KAAKUA: Sure. So the Legacy funding comes from the conveyance tax, and so that's their funding mechanism is a little percentage comes to the State Legacy Land fund every year. And so their, that fund is really set up to hopefully match with these sister funds that every county level. And I think this committee would just allow for maybe more information to be shared at the Council level and will hopefully be a helpful body for you folks to kind of have an initial vetting of projects before they get raised to this level of approval.

COUNCILMEMBER SINENCI: Mahalo, Ms. Kaakua. Mahalo, Chair. I yield to the other members.

CHAIR MOLINA: Mahalo. Thank you, Mr. Sinenci. Okay. We have Committee Vice-Chair Rawlins-Fernandez followed by Member Kama and Member Paltin.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I first have a couple questions for Ms. Baisa.

CHAIR MOLINA: Ms. Baisa?

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Baisa. Mahalo for being here. Okay. How often does this commission meet?

MS. BAISA: At this point, we are still in the process of getting the members and the minute we do, then we are going to call a meeting and at that meeting we're going to start working on their policies, their procedures, and what they plan to do. Initially, I would hope and my recommendation would be that they meet monthly just until they're organized and then they may want to meet less, but I'm going to leave that to the commission to decide.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So is that normal practice that the first selected commission develops the policy and procedures for that commission?

MS. BAISA: It's my understanding.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, alright. So, monthly.

MS. BAISA: Again, within the rules of, you know, how commissions operate. We have rules and Charter states some of the things they have to do, so their procedures would have to agree with that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Baisa. Okay. And it says 2.82.040, Conservation Planning Committee, the committee shall assist with and oversee the creation of the Countywide greenprint. So, this commission would oversee the creation of the Countywide greenprint. Who is creating the greenprint?

MS. BAISA: I believe that it's their job.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, this commission is going to create a greenprint.

MS. BAISA: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. BAISA: We've had great conversation with Ms. Ane already and I think with the kind of members that we're attracting, I'm really excited. They come with so much experience and wonderful resumes. I'm excited that we were able to get them 'cause they're busy.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, okay. And then, I guess, last question for Ms. Baisa. As far as conservation, so Ms. Kaakua talked about how different counties have open space, protected lands in conservation. What is your understanding of conservation in this context?

MS. BAISA: I'm very sorry, but I am not gonna claim to be any kind of an expert --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. BAISA: --about in this area. My job is to get the members --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. BAISA: --and get it up and rolling and I'm working hard at that and thank you. You know, we have people that will be able to have the background in the education and training to do a good job.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I guess, I'm...I know this is a new commission, and I wasn't on the Council when this Council when this commission was created, so I don't have the background information on what the, you know, why the word conservation was chosen for this...oh, it's a committee, planning committee.

CHAIR MOLINA: Certainly a good inquiry to make 'cause, you know, that's part of the reason why I wanted to do a background to find out more about the history of this as well. And if I could, prior to your line of question for Ms. Kaakua, if I could ask Ms. Baisa. So the department that will oversee this commission I assume would be the Planning Department?

MS. BAISA: Yes, that's a very good assumption.

CHAIR MOLINA: Okay, alright, thank you. Okay, Ms. Rawlins-Fernandez, proceed with your line of questions --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: --for Ms. Kaakua. Oh yeah, one quick thing maybe Corporation Counsel, sorry, yeah. Being a non-County of Maui resident serving as a County officer, this is okay because only because the Code states Hawaii-based. So this is fine even though she's not a Maui County resident she can serve or Ms. Baisa if you want to add into that? No residency issues with this? I know it seems kind of broad, yeah. Yeah, well maybe we can come back for your thoughts at a later point on that, Mr. Kushi. So, in the meantime, I will not interrupt you again, Ms. Rawlins-Fernandez, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. You're welcome to interrupt me. Aloha, Ms. Kaakua.

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MS. KAAKUA: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your willingness to serve our Maui community, Maui County community on this committee. Okay. So, Ms. Baisa said that her hope is that this committee will meet once a month. Do you see any potential problems with you being able to make those meetings once a month?

MS. KAAKUA: I don't think so. I'm on Maui I feel like half of my time seems, so I don't see that being an issue.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So you don't expect attendance to be an issue. Okay. And so, as Ms. Baisa said, the expectation of this committee is to create a Countywide greenprint. What is your understanding of a greenprint?

MS. KAAKUA: So, that's a...it really is a big undertaking, I will say. I was very involved with the creation of the Oahu greenprint, which I did when I was the Aloha Aina Program Manager at the trust for public land, which is a national nonprofit that does work in Hawaii and has worked with the county before. And I, so that's my frame of reference and I think we've talked with some of you about that greenprint experience and the structure of that greenprint was mapping of community values. So, kind of our definition of conservation for that greenprint was whatever each community said that it was to them. So, there was a really large scale community outreach process, which I think was as grassroots as possible as we could make it, so, you know, farmers markets, community festivals, you know, basically events that have are already ingrained in the community are where we did the outreach, and we had a survey to really ask people what types of land they care most about preserving, and, you know, the next short time frame and then those values, so that would be, you know, fresh water resources, cultural sites, native habitat, recreational access, especially access mauka, makai is a lot of what we heard about and coastal access. And so, then we took that data, or took that set of values and worked with multitude of GIS professionals to put data to those values and mapped it down to the parcel level, and that greenprint was very helpful, but I think, you know, there's some, there's always going, it's not going to be totally comprehensive, especially because of the cultural sensitivity of some of our places. So, sometimes, I'll give an example. We partnered with the State Historic Preservation Division of DLNR for and also with the Office of Hawaiian Affairs for cultural data, but we, their data set is limited to State recognized sites, and as we know there's many sites that are not recognized, many sites that have never been mapped, and many sites that people in those communities actually don't want to be mapped. So, I think it was helpful to just see on a map where there was tons of resource values that the community was really passionate about protecting, but at the same time, you know, there's, I want to make sure that there's still room for protect, land protection efforts, even if that, a specific parcel doesn't show up on the greenprint map at the end.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. How long did the greenprint on Oahu take to complete?

MS. KAAKUA: I think two years. And, you know, I mean, throughout that time of working on the greenprint there was still active land protection efforts happening. It was just releasing in as another tool, so and really a tool to invite community participation in the process, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: That's great. I'm really happy that you have, you know, direct experience in conducting meetings to create a greenprint, 'cause, and that's actually the first time I have heard of a greenprint. So, I think it's wonderful that you are willing to serve on this board since that's the number one kuleana as I understand this committee. The CRC, the Cultural Resource Committee is currently updating their cultural resource management plan --

MS. KAAKUA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --so perhaps that can help with completing the greenprint. And the Molokai community, Molokai Island Community Plan also has in its priorities traditional land use overlay as one of its high priorities, so perhaps that's something that the committee would also like to look into as, you know, something --

MS. KAAKUA: Definitely.

VICE-CHAIR RAWLINS-FERNANDEZ: --that they can implement in the, with the greenprint. So, I think that's my last question. I think I had another question, but I'll yield the floor. Mahalo.

MS. KAAKUA: Mahalo.

CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. Ms. Kaakua, you're a very popular person, we have three Councilmembers waiting to ask you questions. We'll start first with Member Kama, followed by Member Paltin, and Member Hokama. Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I just have a question, I think, one for Ms. Baisa and then to Ms. Kaakua. So, is there a budget for the committee to work with?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: I'm not aware of one; however, I would think that like, you know, in the Planning Department they have a budget for handling commissions and boards, so their gonna have to get money to do this too, because there will be costs, particularly, we're gonna have travel because we have two members from off island and we also are going to have

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help, obviously, with this greenprint, which is a very sophisticated process. They may come to you in Budget, I guess.

COUNCILMEMBER KAMA: So, would that mean, Chair, now this one's for you, that if that's the case that the committee would not be able to get together or to work until they get this budget amendment?

CHAIR MOLINA: Well, I would assume so, you know, you need money to operate and also just tying into as far as overseeing this commission, if it's, well, I assume Planning will have a hand in it, but also my understanding is Mr. Couch is also staffing this committee as commissioner as well.

MS. BAISA: Yes, Mr. Couch will be assisting the committee.

CHAIR MOLINA: And meetings will be in the Mayor's Office, out of the Mayor's Office.

MS. BAISA: That's correct.

CHAIR MOLINA: Okay, alrighty.

COUNCILMEMBER KAMA: Okay. Thank you, Chair. Now my question for Ms. Kaakua. In, on your application, the last sentence, and I'm gonna read it to you, and I just would ask you to just clarify that for me, which is, as I work in land conservation, I would likely step down after the formation period before the committee accepts applications. Can you explain that to me, please?

MS. KAAKUA: Sure. So, I work for Hawaiian Islands Land Trust and we are a partner in the Hana coastal preservation efforts, which you all have thankfully supported, and so I understand that there'll be a period of time where the committee will be forming policies and procedures and laying out the greenprint, which is really information gathering. And so, I don't see a conflict doing that type of work, but I would see a conflict if I was to appear before the committee that I sit on as a possible applicant or a partner in a land application or land protection application. And so, I just would want to err on the conservative side and step down before I was put into that position. And so, I think it might be, I guess, you might have to do this again with someone else if you accept my application onto the committee, but I would be happy to serve until that situation arose where I might come before the committee as a possible applicant or partner supporting an effort.

COUNCILMEMBER KAMA: So, I guess, I want to ask this of Mr. Kushi. Sir, could she possibly continue to stay on the board and, but also recuse herself if the issue of becoming an applicant before the commission with HILT?

CHAIR MOLINA: Mr. Kushi?

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MR. KUSHI: Member Kama, if she's the applicant and she sits on the committee, she definitely should recuse herself.

COUNCILMEMBER KAMA: Okay.

MR. KUSHI: Because, you know, I mean, it's, get one or the other, right.

COUNCILMEMBER KAMA: But she would not necessarily have to step down from the commission.

MR. KUSHI: No, just recuse herself --

COUNCILMEMBER KAMA: Okay.

MR. KUSHI: --for that application.

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

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Kaakua, for being here. I've been a fan since the Trust for Public Land days when I used to call you guys from the tower. But most of my question were similar to the ones being asked, I just was wondering, you know, because your term is the longest, the four-year term and did you think that it would take four years to establish the greenprint.

MS. KAAKUA: I hope not. I hope we get...we can get it established pretty quickly and can start really...

COUNCILMEMBER PALTIN: Accepting applications --

MS. KAAKUA: Yeah.

COUNCILMEMBER PALTIN: --before the four years.

MS. KAAKUA: Yes.

COUNCILMEMBER PALTIN: And then, so then, did you have conversation with Ms. Baisa of, maybe, you not being the four-year person, instead of, like, you know, stepping down early from the term or just wondering as to that?

MS. KAAKUA: I would be happy to rearrange the terms so that I take a shorter term if that makes more sense for everyone.

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COUNCILMEMBER PALTIN: I mean, like if there's a two-year, three-year, and a four-year term and you expect the greenprint to take, like, not more than two years, 'cause I would hope we accept applications before four years.

MS. KAAKUA: Yes.

COUNCILMEMBER PALTIN: And then...

MS. KAAKUA: And I guess just wanted to share that I'm, if I felt that recusal wasn't enough, like if there's only one application before this committee and I happen to be involved in it, I don't know if recusal...I guess I would follow Corporation Counsel's guidance, but I just wanted to put out there that that might be a possibility for me to actually step down, but if not needed and everyone was comfortable with me staying on and Corporation Counsel advise, so then I could just recuse.

COUNCILMEMBER PALTIN: Okay. And have you been or have you seen other of these types of committees have members out of that reside out of the county?

MS. KAAKUA: I don't know actually. I'm not sure if I've seen it before. I think the language, the Hawaii-based language is a little, I don't know, it's broad, but I would totally defer there too, if it's appropriate or not, yeah.

COUNCILMEMBER PALTIN: And do you feel like you have expertise not only in the greenprint land management aspect but also as to Maui County, our lands.

MS. KAAKUA: I do. So, both of my families are actually from Maui, and I've had opportunity to work on Maui for many years. And so, I guess there's always much more learning to do about every new place, but I do think I have a pretty good understanding of Maui County and I'm also working on Molokai and so we have...I don't think that would be an issue for me.

COUNCILMEMBER PALTIN: Thank you. Thank you for your volunteer to service.

MS. KAAKUA: Sure.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. And before I recognize Member Hokama, as the CEO of the land trust certainly your resume is quite impressive. Your availability to attend meetings, no problem, you're quite flexible, even though the meetings have not been set yet, but you're at least good for once a month --

MS. KAAKUA: Yes.

CHAIR MOLINA: --on average, yeah?

MS. KAAKUA: Yeah.

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CHAIR MOLINA: Okay. And I do want to make you aware that, you know, should you be confirmed by this committee and the Council, you may be subject to being asked, as an Oahu resident coming to Maui, to bring over some of that ono manapua, you know. I'm like Chairman Lee, for some reason that manapua from Oahu taste so much more ono, yeah. Mr. Hokama, you have the floor.

MS. KAAKUA: Noted.

COUNCILMEMBER HOKAMA: Chairman, there is no quid pro quo here. So, appreciate your responses to some of our earlier questions by the Committee Members.

MS. KAAKUA: Sure.

COUNCILMEMBER HOKAMA: So I appreciate that. For those of us on Lanai though, they would say, what about Lanai that you could make a decision for Lanai?

MS. KAAKUA: Honestly, for Lanai, you know, other than spending time there with friends, I think that's, for Lanai in particular and actually I mean everywhere, but that greenprint process would be really critical because I think for any committee you don't want the committee or for land protection, land conservation committee, you don't want the committee setting the values for the people, but you want really that input on what's important to come from community. And so, I think any greenprint process that we do, if it's the same template that I've been involved with we would have to go out to Lanai and just ask right and seek that input on what are the types of...

COUNCILMEMBER HOKAMA: Well, for me, yeah, before you even get the acquisition of land, the County's gonna know what the community wants because the request is gonna come in a formal acquisition, I guess, to the attorneys and through the appropriate channels, Chair, that we would know what the community wants before we agree to acquire. And that's what I wanted to say, share with the new Members, Chair, is that this is nothing new. This is part of something we've gone through over the last 20 years in our acquisition in a lot of acres of land in agricultural areas, conservation areas, because of the Charter language with open space and scenic view plains. We have general parameter templates already, Chair. Past terms, we've had members who pushed acquisition and we moved forward and when we were and as I recall it two members accepted the responsibility to help develop this so called green plan, okay. Nothing happened, four terms. So, Council finally came up with this ordinance proposal that puts it clearly what our policy is and how we gonna approach after the acquisition. I like this because it makes us think before the acquisition, Chair, and one of my question is, again, I don't have a problem with the entity being involved, but why wouldn't the entity want a Maui County person to be on this board? Okay. I don't, again, for me this is a County board at one County residence serving this County board, Chairman, okay, because they got to deal with the community they live with, they live in. So, it makes a difference for me, especially to understand what their neighbors are

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saying to them when we trying to set up programs. Everything in this ordinance is what we've discussed throughout the terms of the last 20 years, Chair, and the key was how we gonna maintain and pay for a property after acquisition and how much public access should we provide certain public areas because of the hazardous conditions. So, I just bring this up because we've talked about this for many terms, Chairman, now we putting to a action forum, but for me, Chairman, I prefer Maui County residents, period. Thank you.

CHAIR MOLINA: Thank you for comments, Mr. Hokama. Any other questions for Ms. Kaakua at this time? If not...oh, Chair Lee, you had a question?

COUNCILMEMBER LEE: Thank you, Mr. Chairman. I can understand Mr. Hokama's position, but I'm thinking that first of all it's difficult to find volunteers to serve on any committee, number one, and number two, when you have someone with this nominee's expertise and background and technical skills that would be, to me, a plus for those who don't have those skills. And I've, you know, like many of you served on lots of boards and commissions and it's really, if everybody starts off at the same level like elementary school, then in a year or two they are only be up to the maybe the fifth or sixth grade, but if you have somebody with the background and education and the experience, well then pretty much that committee can fly forward, how I feel, okay. Thank you.

CHAIR MOLINA: Thank you for your thoughts, Chair Lee. There are no other...oh, okay, I will go ahead recognize my Committee Vice-Chair Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Ms. Kaakua, in light of comments shared by Member Hokama, in sitting on this committee as a non-Maui County resident but family to maternal and paternal side on Maui, what do you feel your practice would be in making decisions on this committee in deferring to those who on, those committee members who are residents here?

MS. KAAKUA: Yeah, I actually think Councilmember Hokama makes a really good point. I think when I originally started talking about my willingness to serve on this committee, I had said, you know, I'm happy to be like an advisor or something to the committee and Councilmember's point actually makes me think that it might be more appropriate to actually step down after the setting up period has concluded because then I think, I just really want to see the committee get off to a solid start, but I think when applications come in, I think either I would have deference to the other committee members if I stayed on or if this Council, I guess, wanted me to stay on or maybe it would just be more appropriate to serve in the formation period and then step down before applications come in the door, and then every vote for a new project would be from a Maui County resident.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response to that question. I think, for me, you know, I live away from Molokai for a while, I went to school, Richardson too,

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and my heart was still on Molokai and protecting our aina and our people. And so, I can see, you know, someone living away from, you know, their aina and still their heart being there with the people and the place. Like Member Lee, you know, I'm grateful that you are willing to assist our County in achieving, you know, this goal of creating a Countywide greenprint, and I consider us lucky that you would be willing to do this work as a volunteer. And so, I would be voting in favor of your nomination. And I hope, you know, I think with your skill set, the committee would benefit greatly as well as the entire County. Mahalo.

MS. KAAKUA: Mahalo.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. And prior to recognizing Member Paltin, you know, again, it was my early question about the interpretation of what the Code says Hawaii-based, so I use this flexibility in there if, you know, this not, that's not preclude the Administration from submitting someone from Maui based on as how I interpret the Code. But at the same time, I recognize what Chairman Lee said as well about the importance of getting people with now especially with the infancy of this committee is just starting up so it's important to have someone with the extensive experience that, you know, you possess Ms. Kaakua. So, you know, it's either way, it's good, 'cause, you know, I certainly respect your point, Mr. Hokama, but at the same time too, you know, we need people with extensive knowledge, at least in the, with the beginning of this board or commission, so just my thoughts to share with you. Member Paltin, you have the floor.

COUNCILMEMBER PALTIN: Hi. I just was wondering, you know, when you were speaking about the outreach part of the greenprinting that you had participated in before, would you then be coming over for these already established events and participating in the outreach?

MS. KAAKUA: I'm not sure since the committee hasn't been formed or had a chance to get together. I will say that the outreach that was done on the Oahu greenprint was really extensive, and we actually worked in partnership with a firm, a private firm that helped kind of put some of the materials together and we, kind of, like, I would attend and someone from the private firm would attend. And so I do, I guess I would be concerned about the monthly meeting if there is an expectation that all the outreach is done on a volunteer level by the committee members too. I think, I do think there would need to be either some support for an outside firm to get it done in a timely matter and work with the committee or a staff person that would really work to move this forward on a daily basis. I know that every other committee are at the various counties and the state level do have a dedicated staff person that work to move projects forward or when they were in the formation stage just move real making forward and get in touch with committee members, get the votes, and it definitely is a lot of work, so I think I maybe was an assumption, but I think is a component that would be needed to actually get some progress made.

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COUNCILMEMBER PALTIN: And then in this section ordinance thing, it says additional stakeholders made, Part C, says additional stakeholders may be involved as resource persons on an ad hoc basis, including subject matter experts, cultural practitioners, stakeholders for specific lands, including lineal descendants, but shall not be considered members of the committee. And I was wondering if you were not approved or if at the time the greenprint was completed and they're accepting applications, is that something that you would commit to being that sort of subject matter expert?

MS. KAAKUA: Yes. Yeah, I think I'm happy to be an, I guess, whatever role you all feel is most appropriate now or, you know, once the committee is formed, so I'm happy to be a committee member or a resource person now or make a switch at a later time, either way is fine with me.

COUNCILMEMBER PALTIN: And just wondering if any of the Maui-based HILT folks were interested in volunteering or too busy or...

MS. KAAKUA: I could ask them. That definitely came to mind when Councilmember Hokama brought up his very good point. I think...so, I will say our great folks that we do have staff, have on staff on island, I think that they would if I asked. They know that the Council would like somebody on island to step up, I think one of them would and because they weren't involved in a prior greenprint process or and have actually less involved in the application process from the different counties and the state level, I think I would still serve either to them and, you know, through them to the committee or just directly as a resource person but happy to go that route if that makes more sense for this committee as well.

COUNCILMEMBER PALTIN: And then just wondering, do you think there's possibility that, how you said, 50 percent of your time you're on Maui, is it the expectation that our Council brings you over every time?

MS. KAAKUA: No. Yeah, I didn't know actually know that was a possibility, so I didn't...like, I'm over here today anyway, I'm meeting with staff, so hopefully when we set up the meeting schedules as a committee we could just find times when it would work.

COUNCILMEMBER PALTIN: Okay, cool, thank you so much.

CHAIR MOLINA: Thank you very much, Member Paltin. Before closing your line of question for Ms. Kaakua, you mentioned that you have family from Maui. Did you spend most of your early years here on Maui or have you lived all your life on Oahu?

MS. KAAKUA: No all, yeah, I'm definitely born and raised on Oahu.

CHAIR MOLINA: Okay.

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MS. KAAKUA: My family still has our family lands in Nahiku, and so we try to go out there. Nobody lives on the land now but...

CHAIR MOLINA: And sorry to be so niele, if you could share, what families?

MS. KAAKUA: Chong and Marciel is my family.

CHAIR MOLINA: Okay.

MS. KAAKUA: Yeah.

CHAIR MOLINA: Good families. Alright, Members...

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: And I don't think I asked it it's important to bring that culture, make sure that cultural perspective on this commission as well. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. One last question. Do you get a sense that when you think about community-based values that are these so different across the counties or are they similar?

MS. KAAKUA: Honestly, I think they're similar. When we did the Oahu greenprint because we partnered with the Office of Hawaiian Affairs, we actually took a look at...we narrowed down the top four values with the general population, everybody who participated in the greenprint, and then we actually separated out the part-Hawaiian participants of the greenprint and that was really the only like differential view that we looked at and even within those two sets, the, you know, part-Hawaiian or non-Hawaiian same top four values and just the cultural sites became number one with the Hawaiian community, but there were still, like, number two for the general, number two or number three for the general population. So, I think it'll probably be the same and it was really fresh water, freshwater resources, cultural sites, agricultural lands that produce food to be consumed in Hawaii, and then I think the fourth was recreational access. So, I think we all appreciate the same things about Hawaii, so I think it's still good to go through the process, but I wouldn't be surprised if the same values showed up on Maui County.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Kama. With that being said, we want to thank you Ms. Kaakua for --

MS. KAAKUA: Thank you.

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CHAIR MOLINA: --your endurance to respond to the questions from this Committee. So, I thank you.

MS. KAAKUA: Thank you so much.

CHAIR MOLINA: Okay, Members, we're on to our next nominee. We'll ask Ms. Carroll to come up and give us some opening remarks and then respond to any questions, all levels of questions, yeah, simple kind like who your family. It's just a natural instinct, yeah, to ask. We just like know, we curious, yeah. Okay. Good...say, almost good afternoon, Ms. Carroll, and thank you for your patience. So, if you could go ahead and address the committee with your reasons as to why you want to be considered for this commission?

MS. CARROLL: Mahalo, Council Chair. And, yeah, good morning, Councilmembers. I'm really happy to be here today. When I saw this committee being started, it actually struck a chord in me. I'm generational, seven generations in Hana. I'm also a gatherer from the ocean to the mountain. Hana's changed. It's changed a lot. If you folks haven't visited Hana, I have stood before you testifying about Miconia. We seem to have the threat of invasive species. When we say conservation, what are we really looking at? I pass Hookipa coming in this morning, and I pointed out, I said, remember when Hana pastures were looking that way, it's so beautiful. We can't anymore. We could go down road and up road and watch each other and see who going, I mean, that was kind of naughty but conserving our lands and working with our people. I work with our community a lot. I do a lot of volunteer work. And it's not about being payment, about getting paid or compensated, I'm here because of my heart, my community, and I want to serve on this committee that I've been honored to ask to be involved with. Laura's from Oahu but her knowledge, why would we question her knowledge, she has a resume. I come here before you as a community member. I cherish our aina. We talk about aloha aina, I have aloha for our aina. I've worked with Shane. I'm on a Hana...I used to be on the Hana Advisory Committee with the Planning Commission back in 2001. Hana Community Association is all about our community and what we can collaborate with community, large landowners, and see how we can all work together, and that's why I'm here today. Questions?

CHAIR MOLINA: Okay. Thank you very much, Ms. Carroll. Chair would like to recognize the sitting Councilmember on this commission and also a resident of East Maui, Mr. Sinenci. Do you have any questions for Ms. Carroll?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Claire, for coming out today. And, again, this is a new committee and I've been happy to be voted on from this Council to be on here, so I think, you know as far as Hana residents you're exactly right. We have large tracts of coastline property throughout East Maui, so I think just having two Hana guys are good for us anyway to be on this committee. So, we welcome aboard Ms. Carroll. Thank you for serving.

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MS. CARROLL: Mahalo.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Members, any other questions for Ms. Carroll at this point? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, Ms. Baisa said that she's hoping that the committee will agree in their policy and procedures to make the meetings monthly. Do you, you know, see any reason that you wouldn't be able to make these meetings because attendance is important?

CHAIR MOLINA: Ms. Carroll?

MS. CARROLL: Somebody hit me. No, I come here very often actually. And as soon as they say the meeting is today, as you guys know that I am always willing to drive that little extra mile to be here and work with others and especially my Councilman Sinenci. You know, it's an honor, I mean, like I said, I'm here with my heart and for our community.

VICE-CHAIR RAWLINS-FERNANDEZ: Quite a few extra miles and turns, and we'll try to make sure no one hits you so you can make your meetings. So, do you have any experience in creating anything like what the committee is gonna be tasked with creating, which is the Countywide greenprint?

MS. CARROLL: Yeah. I have not been involved in a previous as Ms. Baisa said that this is a new committee. We have like an outline, but I think we all need to collaborate and it down together. I think it's gonna be a great committee. I'm always a person that can work well with other, have an open mind and discussion, and take that knowledge of our past experience on the committee and take that and we can all work together.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, I guess, like did you participate in the creation of the Hana Community Plan or the general community plan or anything?

MS. CARROLL: So our last community plan was in 1994. I'm not too sure if you were around yet, but you so young.

VICE-CHAIR RAWLINS-FERNANDEZ: Yesterday I was called old, today I'm called young.

MS. CARROLL: So, anyways, I have not participated in that and we can all agree that across Maui County that all of the community plans need to be updated. So, as president of the Hana Community Association, we have already planned on coming to our community and seeing what our community wants before budget comes up and be prepared ahead of time instead of waiting for Hana and say, like, oh, we're gonna address Hana's Community Plan. Our community plan is well outdated. I mean, there's a lot of things we can keep, but, no I have not done the participation but I plan on coordinating that with the Hana Community Association.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. And then, I guess, this is the question I was gonna ask Ms. Kaakua that I forgot. Your...what is your understanding in this context, conservation?

MS. CARROLL: For conservation...sorry. Conservation, for me, is looking at what open spaces that we can allow. We talked...I'm in discussion earlier about land that is significant. I come from a background that is knowledgeable of areas in Hana that has cultural significance and working with the descendants. I, for one, is a descendant of Hana. There are many places that we really need to discuss on protection for our future and make sure that these lands are spared and collaborate even with access, being a gatherer that we can have our community access this key points. We don't really have a problem at this time in Hana, but we do have like on the Lahaina side, you see access denied, but, you know, to work with our community members. I come here as, you know, a community member that really cares about what the future holds, smart planning isn't about putting all lands in conservation but doing the conservation and areas that we foresee being, I don't want to use the word saved, in protection for our future, so that we can go on generational remembering that this land has always been set to the side and conserved.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. And last question and then I'll yield the floor, Chair. So, there are two seats for the general public and you have been nominated for one and Ms. Anela Evans have, has been nominated for the other and the rest are basically from public, from the County Departments, Managing Director, Public Works, Planning Department, Parks, and conservation group, which would be Ms. Laura Kaakua. So, Member Sinenci is from Hana and he has extensive knowledge of his wahi, and then you would fill the seat of general public, Ms. Anela is from Lanai and knows her aina as well as Kahoolawe, I volunteered with her there. I'm looking at this and I'm wondering who will speak for Molokai, because I'm not seeing there being a voice. So, what...do you have any kind of knowledge of our area or Molokai's values, and if not, what are your plans to make sure that Molokai's voice is heard on this committee?

MS. CARROLL: Thank you for the question. Molokai, Molokai is actually a really special place. I know the ____, ____, ____, you know, and she's working with my niece U'i, I think it's ____. But it's about getting there and making sure Molokai has a voice. We're all connected. I think Shane...you get place in Molokai, right?

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

MS. CARROLL: Right there. He could technically be one resident. But anyways if we cannot learn to have that open conversation, the committee get nowhere. We're here to make this committee work and working together is the key to making the success of doing the greenprint and acknowledging the issues of whether it'd be Molokai, Lanai, or Maui. That's what we have committees for, a committee of nine, that's nine whole people, and it's not with the Council, it's, we have a Councilmember, we have a professional, we have a community member, but I would never consider Molokai out of the picture or not

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have a voice. I'm Hawaiian, we are the voice, they are our people whether be Hawaiian, haole, whatever it is, they are our community. Molokai should never be considered who's gonna be the voice. They have their voices and it's up to us as a community or a committee on a conservation to hear those voices and honor the community of Molokai's request.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. I agree that Molokai is special, and it's important to make sure that their voices are heard, but my question was how. How will you make sure that their voices are heard?

MS. CARROLL: Well, let's get the committee together, form what our rules or policies and come back and explain that to you, but I cannot believe that Molokai not having a voice. I mean, if you want me to go to Molokai, I'll travel there. I've never asked for any compensation, hold meetings, meet with Molokai Community Association, I mean, there's so many resources that I believe that voices can be heard.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. There's...there are a lot of resources.

MS. CARROLL: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: One of them is the Molokai Island Community Plan, which includes the traditional land use overlay which is what I mentioned to Ms. Kaakua and their, yeah, --

MS. CARROLL: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: --so there are a lot of resources and you named some family members that you could, you know, speak with as resources for you as well.

MS. CARROLL: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: So mahalo.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. One quick question for Ms. Baisa.

CHAIR MOLINA: Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Baisa, so there will be, what, three seats, three or four seats after this? Is there a way to ensure or to get someone from Molokai in one of these seats?

MS. BAISA: Thank you, Chair. And thank you for the question. I was hoping I would have the opportunity to address who the rest of the members are. At this point, of course,

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we have Ms. Ane, Sandy will be serving as Managing Director, Rowena will be serving from Public Works, Dave Yamashita from Parks, Jordan Hart from Planning, and Laura, hopefully, and Shane, of course, is our Councilmember, Ms. Evans from Lanai, hopefully, and also Ms. Carroll. They will also have three ex-officios and one is Scott Fretz, who is with DLNR, he's the Maui Nui Branch Manager, and Tim Botkin, who is the Sustainable Science Management Program at UH Maui College, and we also have Jacob Verkerke, our Chief Technology Officer, who will be helping us with that aspect. And those...that's the full membership that is proposed, and so while there is nobody that lives on Molokai, as you understand, there is, you know, everybody that's concerned on this committee, all of us have, you know, we are a county, and when we think we think Maui, Molokai, and Lanai, and that's one of the things that was not mentioned when we were discussing with Ms. Kaakua about Oahu. Our difference is that we have a tri-island county that we have to serve and that we have to look at and address the needs of...I became very much aware of this when I ran MEO because any program we ran on Maui we were expected to run on Lanai and Molokai, and it's difficult, but I think that we're all very much aware that we have the needs on Molokai. And, again, I'm here to represent the Mayor's choices and I can't explain, you know, why he chose who he chose, but I'm very impressed with the people that he chose, and I fully support his recommendations.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Baisa. So, the list, like as you said, no one is from Molokai, so no one has like the kind of inherent knowledge of growing up there and understanding our community from that standpoint and there would potentially be two people from Hana that would serve on this. And I'm really happy that there'll be someone from Lanai that will be serving on this committee. I'm just...I'm concerned that Molokai does not have a voice, so I'm gonna have to think about this, 'cause it's not that I wouldn't support Ms. Carroll, but I really want a Molokai person on this committee.

MS. BAISA: I totally understand what you're trying to say. I also want you folks to know that when I was informed about the meeting being posted, I, the members that we were proposing, these three people were not requested to attend but the minute that I let them know they all expressed...Ms. Kaakua came at the very last minute notice, Ms. Carroll came flying from Hana, and Ms. Evans would have been here except that she was scheduled to conduct a workshop today and there was no way that she could be in two places. So, you know, there is a lot of aloha and a lot of wanting to be here.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Baisa. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you, Ms. Rawlins-Fernandez. And to get back on point from member Baisa's statement about Members did not want to request...there were three Members that requested all attendees, all nominees come but Chair's policy is four, so just wanted to state that for the record. And I kind of share your concern Member Rawlins-Fernandez, why isn't there a Molokai resident on here? So, I'm kind of with you on that, I'm just curious to know how Mayor came up with, kind of, leaving off a

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Molokai resident on this very important commission. I'd like to recognize Member Paltin, followed by Member Hokama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Carroll, for being here and your willingness to serve. My question is, you know, when we talk about conservation and land management, public access and whatnot and say the costs involved in public land management, how do you, in your thought process, how do you draw the line between commercialization to support management of the land and commercialization for commercialization sake, like, you know, and tie that into public access separate from, like, PASHA rights kind of thing, if you understand what I'm saying?

MS. CARROLL: I'll try my best. So for public access, I understand what I believe I understand what you're trying to say with commercialized, I think you folks have done a job already addressing those issues. So, I kind of get you do know the answer on, you know, reducing the commercialization, how much permits are taken out, but we're talking about, for me, conservation, _____, you know, that's a good one, but when that goes through, where is that fine line like going to Waioka because the State owns right on that. You can't control that, we're County, that's a State property.

COUNCILMEMBER PALTIN: So, we can try to manage it.

MS. CARROLL: Manage is all education. Right now we have more people stay in management than education. We can come out every day and run out of breath trying to educate our visitors on the respect and education of our aina, and it doesn't...I'm not going to 1,000 tourists and educate them. I can but I have to get back out there today. I do actually every single day, educating. Why the access...we do not appreciate the trespassing or Hana's kind of different because we're not overloaded with these commercial industries of kayaks and parasailing, dinner tours, you know.

COUNCILMEMBER PALTIN: Lahaina.

MS. CARROLL: I want to pinpoint that one. But limiting those permitting and enforcement...enforcement is as...we can do the enforcement; I think that'll generate revenues. We're always talking about revenues. It's actually being more proactive in enforcements but it's more of an education about the area. Why...who goes there? You're not gonna see very many people on the cliffs of Waikoloa in Hana unless...

COUNCILMEMBER PALTIN: So, do you support, like, limited commercialization if it's to support management efforts or...

MS. CARROLL: Well it has to be limited to actually help conserve. I mean, if you got Olowalu with 2,000 people on Labor Day Weekend, did we really expect the water to be clean in all honesty? I mean, you know, we have this whole bunch of people going. I mean, it has to be a balance on conservation, management, education.

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COUNCILMEMBER PALTIN: And what does well managed public lands look like to you? What is your vision for that if it's Keaau, Hali, or Honolua, or whatever it is? What is your vision for a well-managed public lands?

MS. CARROLL: It's about malama the aina. I don't know if you saw there's someone who's working down in Honomanu to rejuvenate the kalo patches. If you've been there, I'm not too sure if you consider that management from an outside, our kukui nut trees are getting choked out by vines. We have Miconia on the side of the road. What is the management? What are we gonna malama? If you drive down there...for my vision on management, it start untangling, cutting those roots on that native Hawaiian plants. The hapuu, the Australian hapuu is overtaking the Hana Highway towards Kailua. We should be working with our State. Hey, you know what, that hapuu is actually invasive and is popping out like crazy. Management, conservation, you know what, do you guys think you could attack this area and get out that hapuu? It's actually not a Hawaiian hapuu but knowing the knowledge of what's invasive and what's native to always, you know, malama the native plants, not say that's a kukui nut being choked with a vine. For me, that's my interpretation on conservation and management. What can we do as a community to work together to manage our aina? We can talk about it all day, but what is the action plan that we plan on taking and getting that done.

COUNCILMEMBER PALTIN: Thank you.

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

COUNCILMEMBER HOKAMA: Chair, I don't have a question for Ms. Carroll. It's something that I just want to bring up and ask you and maybe we can do it this way. I hear my Molokai colleague's desire and I support it greatly. And so, Chairman, I would ask you that at least whether it's by your ladder as our Committee Chair that, you know, maybe we have an item for your Committee regarding amendments to Chapter 2.82. I would say in hindsight now that we may want to adjust the makeup of the committee itself. I don't need that many Administrative people, okay. We need and maybe we don't need the Councilmember either because at the end of the day, the Councilmember will be voting on the plan as well as any financial budgetary considerations. So, we will make the final call on the matter what, including future acquisitions and what is implemented by policy because this group is gonna do the leg work but this body is the approving component. And then in the future, only what is sent to the commission as a request gets responded too, as I read the current Code. So, I would say Chairman, I'm bringing it up so that we can have this at your future meeting of yours where I would look at adjusting the makeup and designating as we've done on other major boards and commissions of this County that we have appropriate district representation of Molokai, Lanai, and Hana. That...then we can deal with it because the purpose is still great, Chairman, I would agree that maybe in reflection we should, we can just tinker and tweak the membership to take care of our needs for all three islands to participate actively. So, I appreciate that, Chairman.

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CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Your suggestions are very well taken, and I'm happy to, you know, under your signature or suggestions to Committee.

COUNCILMEMBER HOKAMA: You need send letter to you Chair --

CHAIR MOLINA: Yes.

COUNCILMEMBER HOKAMA: --or if you wish you can initiate it on our behalf as our Committee Chair.

CHAIR MOLINA: Sure. I'm happy to work together with all of your considerations.

COUNCILMEMBER HOKAMA: I follow your direction. Thank you.

CHAIR MOLINA: Yeah, leaving out the Molokai representative is almost like, you know, leaving out a member of the family, yeah. I'm sorry, I hate to put it so simplistically. It feels funny kine, you know, not to have Molokai representation on there. I'm sure the Mayor had his reasons. So, maybe with Ms. Baisa's help we can get a response or what the Mayor's reasons was for, I don't know, maybe not an oversight, or I'm sure there was some good reason for, lack of a better word, omitting a representative a Molokai resident on this very important committee. So, we'd appreciate your assistance on that, Ms. Baisa.

MS. BAISA: Thank you very much, Chair.

CHAIR MOLINA: Okay, thank you.

MS. BAISA: I'd be happy to carry the message. And I, really, I like your idea, Mr. Hokama.

CHAIR MOLINA: Thank you. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I love that idea and I already have a proposal. We take out the second, number two, so since we already have a representative from the Office of the Mayor we don't need the Managing Director, so we can remove the Managing Director. And then in number eight, we have three representatives from the general public, one from Molokai, one from Lanai, and one from Hana.

CHAIR MOLINA: For the sake of today's agenda item, the way...can we restructure the committee or do we have to do it as a separate? 'Cause I know we're only supposed to consider the nominees, yeah, on this agenda. So, maybe, yeah, mister...well, Chair will consider your proposal and be happy to work with you and Mr. Hokama to see how we can look at restructuring the makeup of the committee, so we'll do that at another time, and I'll certainly bring that matter up before Budget.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay, Members, well I think we've...

VICE-CHAIR RAWLINS-FERNANDEZ: And mahalo again, Ms. Carroll for being here and your willingness to serve.

CHAIR MOLINA: Thank you, Ms. Carroll, for your --

MS. CARROLL: Mahalo.

CHAIR MOLINA: --patience and for going through the interrogation process from this Committee. I appreciate it. But thank you Committee for your hard work, 'cause that's our job to vet all of our nominees. Our last nominee, of course, is not here, but as I was during the line of questioning I was observing her application and she has quite an extensive resume, so she seems quite qualified. I'd like to ask Mr. Hokama as the longtime resident to the tremendous family legacy on Lanai if he has, if he knows the nominee, Ms. Evans, he could share any thoughts on her nomination.

COUNCILMEMBER HOKAMA: Chairman, thank you. Anela Evans comes from an old kamaaina family of Lanai. Many of you know her, I think, I believe it would be either her aunt or great aunt, which was Pat Evans around this building. Her father was Andy Evans, Pat's brother. So, for those that have some historical connection that's part of our Evans family on Lanai. Ms. Evans, if you noticed, her resume has gone to Kamehameha Schools, she and her family has been very active on the island, her mother was a school teacher and I think administrator before she moved on to, I believe, Chaminade University in a higher role. So, her family's been, again, long time family members. Hate to say, she's at least half my age, so I don't know her as personally as some others, but I can tell you from her, I know enough her family, she does understand the island, she's very passionate of our island cultures far as well as the native Hawaiian culture. And, you know, for us, I look at her as someone who is in a marginal time of history. She has some understanding the pineapple from her dad's time, she has some understanding the transition to, as we move to the visitor industry, and now under the new Ellison era on the island and what he's planning to, would like to do on the island. I think she would be a good person for us that can help guide us in the future. She is someone I believe is invested in our community. I believe she has a good sense of what is fair as well as what is pono, if I can use that term appropriately. So, I would recommend, Members, that we give her the support and allow her to participate. Again, I believe she knows Lanai well, and, you know, of course, people like myself and others who, you know, I can always say, Chairman, I've walked that island, I've hunted that island, I've hunted, camped, fished that island. And so, again, our issue for Lanai right now is appropriate conservation programs and acquisitions whether it'd be water, power, or open space, Chairman. I'm open to all three things for this County. Thank you.

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CHAIR MOLINA: Okay. Thank you, Mr. Hokama, for that very good description of Ms. Evans. Members, Chair's aware of the clock, being that there's this consideration possibly restructuring this committee, Chair's looking at maybe deferring this since there is no deadline; however, we could consider maybe taking action on Ms. Evans since there, we all concur that there is a Lanai resident that should be on there. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I would ask if you maybe real quick you consult with either your committee attorney or Corp. Counsel, 'cause I think we're too narrow in our posting of the agenda that just said nominations.

CHAIR MOLINA: Mr. Kushi, any thoughts?

COUNCILMEMBER HOKAMA: 'Cause I would like to do what she wants, but I think we really handcuffed ourselves by the posting parameter.

MR. KUSHI: Mr. Chair, your agenda is considering just one resolution which contains three names. So, if you want to separate, then you can also make a motion to separate.

COUNCILMEMBER HOKAMA: What about to change membership of the commission?

MR. KUSHI: Well, if you gonna change the ordinance, you need a ordinance amendment. And you can't do it by...

COUNCILMEMBER HOKAMA: Understand. No, no, I, again, we just trying to see what we can and cannot do this morning, Chairman. So, I appreciate Mr. Kushi's comments. Thank you.

CHAIR MOLINA: Okay. Mr. Kushi?

MR. KUSHI: Chair, just listening to the conversation, there is one way to get a Molokai representative on and within the bounds of the current makeup is that you appoint your Molokai representative of the Council as a Councilmember but that's up to you.

CHAIR MOLINA: Thank you, Mr. Kushi. Now, Mr. Sinenci has been...yeah, I know Mr. Sinenci has already been approved, yeah so. Hey, Mr. Sinenci, any thoughts? You care to comment at this point? Okay, well we've heard the option from Mr. Kushi. You want...you have anything to say about that, Mr. Sinenci?

COUNCILMEMBER SINENCI: I was thinking that, too, but...

VICE-CHAIR RAWLINS-FERNANDEZ: I'm not trying to steal your seat.

COUNCILMEMBER SINENCI: Yeah.

CHAIR MOLINA: Okay.

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COUNCILMEMBER SINENCI: I wasn't sure...I'll defer to Ms. Keani Rawlins-Fernandez.

CHAIR MOLINA: So, Mr. Kushi, as I understand your explanation so we could at least maybe take action on one of these, just request as a separation vote from the resolution. For example, like I'm just gonna go out on a limb here and, you know, guess that everybody agrees we need a Lanai representative, so we could take action separate, take a separation vote on Ms. Evans for Lanai, and then defer action on the other two nominees while we consider a restructuring of the committee. Will that make it cleaner? I don't know, I'm trying to think of the best, you know, way to go about this. Mr. Kushi?

MR. KUSHI: Yes, Mr. Chair, you could pass request that we, that Staff and my office separate the nomination into three separate resolutions and act on one and you would have that amended resolution before the full Council and you could defer the other two if you please and you could also play with the terms, the number of years. But, Mr. Chair, I just remind the Committee that this committee, this commission is a brand new one, it has no meetings yet, it hasn't established its officers, its rules and regulations, and they have no meetings. The completion of these three member will make the committee complete. They can, they're enabled to get a quorum and they're under the gun, in terms of the ordinance. They need to submit a greenprint to the Council within the year.

CHAIR MOLINA: Okay.

MR. KUSHI: So just my concerns, Mr. Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Kushi. And as the Committee Chair, I'll make a commitment to try and be expeditious with handling this matter as much as possible. I saw Chairman Lee, followed by Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER LEE: Mr. Chair, I was just following up on what Mr. Kushi just said. I can't see any advantage in voting for one person at this time, perhaps we can think about it and figure out how we can actually accomplish our goals, but they can't start with just one, you know, one member from the public so, and then maybe we can have Member Rawlins-Fernandez, think about it, you know, because that would be the quick fix. But maybe on the other hand that's not something she's really able to commit to now that she has extra duties as a Vice-Chair and so it might be a little bit too much of a burden on her. So, yeah, let's think about this a little bit more and then and vote for it at a time when we can vote for all three, okay.

CHAIR MOLINA: Okay. Your suggestion is well taken. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Mr. Kushi, for that creative idea, quick fix, I guess. Like, for me, it would be, you know, a basically a Band-Aid for

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right now, and what I'm looking to do is what Member Hokama said, which is like, you know, institutionalize a Molokai seat on this committee, and then we can, you know, move forward. I would be in favor of all three, you know, since we're talking about Ms. Evans. I had the privilege of going to an access with her as one of our leaders and she demonstrated great knowledge of conservation, the Hawaiian culture, working with people. So, I would be in favor of voting for all three on the resolution. I understand...and the reason I'm saying that here and now is I wouldn't ask for all three to return if what we choose to do is defer the resolution today. I think we sufficiently vetted the two that were here, not sure if anyone else would want to ask Ms. Evans to come so that they can also vet her, but I would be, you know, I'll look to you guidance and leadership in whether we defer or not. But I think in amending the ordinance to remove one of the seats from the Administration and creating a third general public seat that could be for Molokai, then I would be, that would satisfy my concerns. Mahalo, Chair.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez, and we certainly want to do satisfy your concerns, you know, it's important to have a member of the family, sort of speak, on this commission. So, I guess, I'm, kind of, if I'm reading you right, like Chair Lee says, maybe it's best we defer, cleaner, gives Corporation Counsel time to work on any matters.

COUNCILMEMBER KAMA: No, that's not what he said.

COUNCILMEMBER PALTIN: No, let's vote.

CHAIR MOLINA: You guys are okay with voting --

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: --for all three?

COUNCILMEMBER KAMA: Yeah.

CHAIR MOLINA: And then we amend...okay, I'm just wondering if maybe cleaner we address the issues with the structure of the committee first, you know, bring back this item separately on a separate communication or same item and bring the nominees back for future, if they choose to come back and then we vote then. But if it's the pleasure of this body to vote today on all three nominees and then we restructure the committee or amend the committee --

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: --makeup.

COUNCILMEMBER KAMA: Yeah.

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VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick.

CHAIR MOLINA: And Mr. Hokama said maybe delete one of the department representatives and insert in there a third community representative or general public representative, which would be somebody from Molokai. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. For the department for the Administration appointments, do they come to the Council for confirmation? Okay.

CHAIR MOLINA: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama is saying no. Okay, I see why you're saying to defer, because this is the last three and all the other seats would be filled. Okay. So, would it be problematic if we voted the three on the resolution today and basically it would mean that the committee would have all nine members that we then retroactively change one of the seats to a Molokai seat. Would it be problematic, I guess, anyone?

CHAIR MOLINA: Okay. Yeah, I'll leave that to anyone for...Chair Lee, followed by Member Kama?

COUNCILMEMBER LEE: Okay, we're getting mixed signals here. You know, we thought you meant let's move forward with the vote --

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER LEE: --and fix the issue, the long-term issue at another time. That's not meant what you meant, yeah?

VICE-CHAIR RAWLINS-FERNANDEZ: Well, I guess, I would prefer to defer. Are the department directors already seated? Is that the understanding? And then we would have to ask one of them to then step down.

CHAIR MOLINA: Mr. Kushi or Ms. Baisa?

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VICE-CHAIR RAWLINS-FERNANDEZ: I guess, I'm not clear on what the process would be in order for us to create a Molokai seat.

CHAIR MOLINA: Mr. Kushi?

MR. KUSHI: Mr. Chair, Member Rawlins, if you approve all three of them today, the committee is full. In terms of the Administrative directors or their designees, this Council does not need to approve them. I believe the Mayor will then, is planning to submit a letter to inform you who they are. Like in the case of Parks and Recreation Department, it wouldn't be the director, it would be whatever his name is, yeah. But again, and their terms are fixed by their appointment by the Mayor, these three before you are staggered terms, and the ex officio members, you know, who cares but, again, they're basically State employees, except for Mr. Verkerke, who's a County employee permanent status. So, again, that's the makeup of the commission, this commission, if you amend the makeup of the commission after the commission is established and if you amend the general public representatives, meaning the one from Lanai and one from Hana, they might be a problem in terms of the set term, unless you say, I amend it and when their term expires, then you have all three outer district represented. The better way to do it is maybe to eliminate one of the Administrative people and then add on to the general public.

CHAIR MOLINA: Okay. Thank you, Mr. Kushi. Chairman Lee?

COUNCILMEMBER LEE: And in the interim since we have, we're having a multiple choice test right now, in the interim, we can ask the Mayor any one of his Admin people could be from Molokai.

CHAIR MOLINA: Creative solution, yeah. Member Rawlins-Fernandez, any thoughts on that as the Molokai representative?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair. I guess, you know, in light of what Mr. Kushi shared, I think my preference would be to defer the resolution today, so that we wouldn't establish the committee and have to, you know, do extra work in order for us to, you know, accomplish the goal of creating a general public seat reserved for a Molokai resident. But I guess the reason it sounded like mixed signals is because I said that I would vote in favor of all three, but I'll vote in favor of all three at the next time after we pause and defer.

CHAIR MOLINA: Okay, that sounds clear enough to me so. Ms. Baisa, quickly, any final thoughts before we close today?

MS. BAISA: Thank you very much. I just like to make a quick reminder that, you know, we really need to get this going. We're already tardy and I'm concerned because the date to get the greenprint out is a year and we already heard it's gonna take us two. So, the longer we wait, the longer we're gonna have to move that due date back. Thank you.

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CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Staff, just for the record, when did we receive these final three nominations? Do you have that information for us?

MS. BAISA: December 4.

CHAIR MOLINA: December 4, so we couldn't do one meeting, already had one committee meeting scheduled, so yeah, kind of put the Committee up against the wall here too, so I'm not trying to defend, but we will try our best to address this soon. We already have our agenda item slated for January 21st meeting, February we were expecting the mass vacancies from the Mayor's Office, so it might be a good time to tie this in at that time since these are boards and commissions.

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

CHAIR MOLINA: Oh, okay. You'd be willing to give up your meeting slot.

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

CHAIR MOLINA: Okay. We'll talk story. Yeah, thank you, Mr. Hokama, for that offer. So, as far as today on this item, we will defer then, so that way we can dot all the I's, cross the T's, and so forth and look at why we got to this point and it was interesting. And thank you, Ms. Baisa, for revealing who all the members of this committee is, who will be on this committee, and the omission of a Molokai representative and I'm sure wasn't intentional maybe just a...there had to be a good reason for not having a Molokai resident on here at this point. But this Committee will ensure that we'll have a slot for someone from Molokai to serve. So, anyway, with that being said, 13 minutes after the hour of 12 o'clock, if no objections, the Chair will defer this item.

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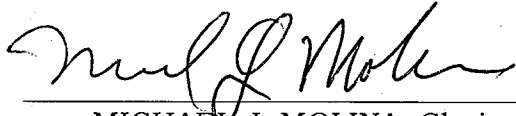
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KTK and YLS)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR MOLINA: Okay. Any final announcements? If not the GET Committee meeting for Tuesday, January 7th is now adjourned. . . . *(gavel)* . . .

ADJOURN: 12:13 p.m.

APPROVED BY:

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

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

get:min:200107:mb

Transcribed by: Michelle Balala

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CERTIFICATE

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

DATED the 27th day of January, 2020, in Kihei, Hawaii

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

Michelle Balala