

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

January 21, 2020

CONVENE: 9:02 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

EXCUSED: Councilmember Alice L. Lee
Councilmember Riki Hokama

STAFF: Shelly Espeleta, Legislative Analyst
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci

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

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

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

ADMIN.: Mimi desJardins, Deputy Corporation Counsel, Department of the Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor
David Thyne, Fire Chief, Department of Fire and Public Safety
Cary Kayama, Ocean Safety Operations Manager, Department of Fire and Public Safety
Scott Teruya, Director, Department of Finance
May Anne Alibin, Deputy Director, Department of Finance
Lori Tsuhako, Director, Department of Housing and Human Concerns
Josiah Nishita, County Clerk, Office of the County Clerk

OTHERS: Barbara Potopowitz
Warren Watanabe
Kellie Pali
Stan Franco

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Lawrence Carnicelli
Pat Borge
Scott Shapiro
Claire Carroll
Gene Abbott
Jasee Law
Lu Ann Lankford-Faborito
Bryan Otani
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . *(gavel)* . . . The Governance, Ethics, and Transparency Committee meeting for Tuesday, January 21, 2020, is now in session two minutes after the hour of nine o'clock. Good morning, everyone. And in attendance we'd like to recognize the member from Hana, Mr. Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair.

CHAIR MOLINA: Aloha kakahiaka to you too. Excused is Council Chair Lee. And now we have Councilmember King, good morning.

COUNCILMEMBER KING: Aloha kakahiaka.

CHAIR MOLINA: Aloha kakahiaka. And I have my very dependable Committee Vice-Chair Ms. Rawlins-Fernandez.

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

CHAIR MOLINA: Aloha kakahiaka. Excused is Councilmember Hokama. And we have from West Maui, Ms. Paltin. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR MOLINA: And from Upcountry, we have Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR MOLINA: Good morning. And from Kahului, we have Council Pro Tempore, Ms. Kama. Good morning.

COUNCILMEMBER KAMA: Good morning, Chair.

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CHAIR MOLINA: Good morning. All right, Members, we're functioning with seven Members this morning. Two of our Members, as I mentioned, are excused. And please forgive the raspiness in your Chair's voice. I had a very . . . was involved in a community event this weekend and blew up my voice so. I know my wife is very happy. So, but I'm on amend and who knows I maybe have to depend on you, Ms. Rawlins-Fernandez, to run the meeting possibly if I lose my voice. So, with that said, we have a very big agenda this morning, Members, so we're going to try and get to every item as much as possible. But before we do that, we're going to entertain public testimony related to our agenda. We have five individuals that have signed up here in the Chamber. And general rules for testimony you'll be given three minutes to testify and once you see . . . you'll see a yellow light that will notify you that you have 30 seconds to complete your testimony. Once you see the red light you've hit your three-minute limit. And please state your full name for the record and any organizations that you may be representing. So, with that being said, and we'll also go out and check out Molokai and Lanai. I've been informed that we're having some technical difficulties with Molokai Office, but to this point there's been no one that have signed up in Molokai. So, anyway, let's get to testimony here in the Chamber. And, also, I didn't recognize attendance from our Staff. Ms. Espeleta, good morning.

MS. ESPELETA: Good morning, Chair.

CHAIR MOLINA: And also, Ms. Martins, our Secretary.

MS. MARTINS: Good morning.

CHAIR MOLINA: And from Administration, we have Corporation Counsel Ms. desJardins . . . Ms. Mimi.

MS. DESJARDINS: Good morning.

CHAIR MOLINA: Thank you for being here. And then, we have Ms. Albin our Deputy Finance Director. And also, our Fire Chief, Mr. David Thyne. Thank you all for being here. Okay. Testimony let's begin. Testifying on GET-Item 40, I'd like to call upon Barbara Potopowitz. Hope I said that right, Barbara. Forgive me if I didn't.

MS. POTOPOWITZ: You did.

CHAIR MOLINA: Thank you.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. POTOPOWITZ: Well, good morning, Honorable Mike Molina, Chair, and Committee Members of the Governance, Ethics, and Transparency Committee. My name is Barbara Potopowitz. I am Chair of the Affirmative Action Advisory Council for the County. However, testifying today on behalf of myself and not representing the Council,

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as we did not have time for a meeting to discuss this proposal. I am testifying regarding amending Chapter 2.41, Maui County Code, relating to attendance at Board, Commission, and Committee meetings by appointed members. I moved here over 12 years ago from the State of Connecticut where I worked for the Connecticut State Legislature. Appointment to State boards and commissions was one of my projects. I prepared reports, conducted research, kept a data base of potential members and conducted seminars around the State on how to get appointed, and the responsibilities that go with that responsibility. Our goal was to recruit interested and committed people, representative of the population of the State to participate in State government through these boards and commissions. Upon moving to Maui and having public policy withdrawal, I pursued membership on County boards. At first, I served on the Mayor's Committee on the Status of Women for many years, first as a member and then as Chair. Then I became a member and now Chair of the Affirmative Action Advisory Council. I believe the County is enriched with its many citizens serving on County boards, commissions, and committees. When made aware of amendment 2.41, regarding attendance on these appointments, I wondered why this would be necessary since if one is interested enough to be appointed why not would someone attend meetings? However, if this opens opportunities for others who may be interested and others who are not or cannot serve any more, I would be in favor of this new amendment with one comment. Section F states, that if a member has attended 50 percent of more meetings in a 12-month period, that member will be removed. I feel this threshold is too low. If you miss 50 percent of the meetings, it may be time to move on to something else and allow somebody else the chance to participate. I believe 75 percent would be a more viable number. In order to conduct proper business, the commission, council or committee needs all the opinions of its members representing different perspectives as much as possible. Also, Section E of the proposed amendment that requires a 48-hour notice of attendance, in my opinion, is not burdensome and is essential for quorum purposes. There is even a provision for a last-minute emergency that might arise for a member. As far as reporting, my observation over the years is that we already record members present and those not attending for the official minutes. So, it would not be a burden to track that membership and that attendance. You can even have a spreadsheet after that meeting that would be easy to track. It's also essential that this information be communicated to potential members before appointment. Thank you for the opportunity this morning to express my opinion.

CHAIR MOLINA: Thank you very much, Barbara. Committee members, any questions for Ms. Potopowitz? We'll start with Member King followed by Member Paltin.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here. This . . . on this, I wanted to ask can you clarify that Section F because Section F says, if a member has not attended 50 percent or more then they can be removed. So, you're saying that it should be higher?

MS. POTOPOWITZ: A higher threshold, yes.

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COUNCILMEMBER KING: Have not attended 75 percent.

MS. POTOPOWITZ: Yes.

COUNCILMEMBER KING: So, they could skip 50 percent; they could still stay on.

MS. POTOPOWITZ: Well, I'm thinking my intention is that 50 percent is too low and 75 percent, they have to attend 75 percent of the meetings.

COUNCILMEMBER KING: Okay.

MS. POTOPOWITZ: Yes.

COUNCILMEMBER KING: But this one is speaking to what the member has not attended. So, you would like to see that drop if they have not attended 25 percent or more.

MS. POTOPOWITZ: Oh, right. Yes. Okay. Yes, yes.

COUNCILMEMBER KING: I just wanted to clarify that.

MS. POTOPOWITZ: Yes, thank you.

COUNCILMEMBER KING: And then do you think that the year is a good . . . is a good time frame or do you think we need to move, you know, shorten that period so that we can get a new, we're waiting for a full year before we decide if people can stay on or not. And I know of couple of different commissions that have not been able to meet the last couple of meetings because they haven't had a quorum. So, you know, I'm just wondering in your opinion if the year is sufficient or if we should shorten that period to six months.

MS. POTOPOWITZ: I think a year is a good amount. I know our advisory council from the Affirmative Action Advisory Council is scheduled only to meet once a year, but we meet four times a year because we believe that we want to participate, and we have a lot of information to go over. And so, if we're meeting four times a year to keep, you know, attendance records from the minutes I think that that's --

COUNCILMEMBER KING: Okay.

MS. POTOPOWITZ: -- you know.

COUNCILMEMBER KING: So, you would like to see that drop to, if they missed more than 25 percent.

MS. POTOPOWITZ: Yes.

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COUNCILMEMBER KING: Actually, in your situation, that would be 50 percent if you're only having four meetings a year.

MS. POTOPOWITZ: Yes. Yes.

COUNCILMEMBER KING: Okay.

MS. POTOPOWITZ: I mean, you know, if you're not interested, you know, or if you can't for some reason, you know, just move on to something else.

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

CHAIR MOLINA: Okay. Thank you, Ms. King. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I didn't have any clarifying questions. I was just thumbs upping her because I agree.

CHAIR MOLINA: All right. Chair appreciates that. Member Sugimura?

COUNCILMEMBER SUGIMURA: Point of information . . . not about the testimony. Thank you for being here. But when this comes up, will you ask Ms. Baisa to be around?

CHAIR MOLINA: Yes, of course. She'll be representing the Administration.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR MOLINA: Thank you.

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: Ms. Kama?

COUNCILMEMBER KAMA: So, thank you very much for being here, Barbara.

MS. POTOPOWITZ: You're welcome.

COUNCILMEMBER KAMA: So, if an organization, for example, meets six times a year --

MS. POTOPOWITZ: Uh-huh.

COUNCILMEMBER KAMA: --and if you think that and believe that people need to serve more than 50 percent of their time so they would have to attend four out of the six meetings?

MS. POTOPOWITZ: Uh-huh. Yes.

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COUNCILMEMBER KAMA: Okay. Thank you so very much.

MS. POTOPOWITZ: Uh-huh.

CHAIR MOLINA: Thank you very much, Member Kama. Members, any other questions for the testifier? Seeing none. Thank you very much for your testimony.

MS. POTOPOWITZ: You're welcome. Thank you.

CHAIR MOLINA: Okay. Next to testify, we have Warren Watanabe who will be testifying on GET-Item 2(28), and he'll be followed by Kellie Pali. Good morning, Mr. Watanabe.

MR. WATANABE: Good morning, Chair Molina, Vice-Chair Rawlins-Fernandez, and Members of the Committee. My name is Warren Watanabe. I'm the Executive Director of the Maui County Farm Bureau. The Maui County Farm Bureau on behalf of our member farmer and ranch families and organizations is in strong support of the appointment of Bryan Otani as the MCFB representative on the Kula Agricultural Park Committee. Bryan is an active member and is one of our young commercial farmers. He is a tenant in the Ag Park and so is well-aware of the issues our farmers face on a daily basis such as water, labor, transportation, and a myriad of other issues. His experience in farming will prove to be invaluable to the committee's decision-making process. He comes from a multi-generational farm family that is very well-respected by the industry. And so, we cordially ask for your support and approval of Bryan Otani to the Kula Agricultural Park Committee. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Watanabe. Members, any questions for the testifier? Seeing none. Thank you very much, Mr. Watanabe. Next to testify, we have Kellie Pali who will be testifying on GET-Item 10(3). And she'll be followed by Mr. Stan Franco.

MS. PALI: Hi. My name is Kellie Pali, and correction I'm gonna also testify on a second item – the Affordable Housing Fund.

CHAIR MOLINA: Sorry about that. Yes, thank you.

MS. PALI: That's okay. No problem.

CHAIR MOLINA: Okay.

MS. PALI: Okay. Yeah, good morning. Thanks. I had something to just keep me focused because I'm kind of a bouncer. I have high energy. But just to kinda tally up on the first testifier I do just want to address that our current model for attendance is nothing. And so, I would just like to urge you that going from no requirement other than just having to call in and then in my own mind I think it's excused. And as long as I called in, I'm excused, to 25 percent, I think it's extreme. I think we're all probably, I mean, if I had my way you come every time. I go 100 percent, no absences. But we can't really

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live that way. We can't balance families that way. I'm a single mom and I also don't want to exclude others from wanting to volunteer because we want to be extreme today. So, I just urge you not to be extreme. We know it's an issue. We're here today to address the issue, which I think we should do, but let's ease into this. So, that's the only thing that I'd like to say. I'm going to go on to my rehearsed here thing. I'm here in regarding 120128. It covers the attendance for all commission board members. This is a long time coming. It's an essential change that we need, and I wholeheartedly support it as it is. I want to commend the Administration and the Mayor for making changes like this that holds us accountable and gives transparency. This is what we want. Our people want transparency and accountability, and this is a very small step to show that. I personally have experienced the hardship and witnessed the unfairness that applicants and other commissioners are exposed to when there is a lack of attendance by board members. I also believe in supporting families. I understand the struggle between balancing home life and public service. As a single mom, I say, hey, thank you for having a heart that desires to serve the community but family's first. I'm grateful for parents that decide to serve their family first. If they're doing that at the home, we don't have to do that in the community centers, on the streets in rehab, do it at home. So, I support both but there's got to be a balance. So, moving forward, when considering new members that want to serve, they have an expectation and they know what they need to do. So, having a small threshold now at the 50-50 eases us into this and it doesn't restrict people that want to serve. Okay. I want to respect the time; I had more. I had examples about pink eye coming in being part of five, but I'll spare you the details.

CHAIR MOLINA: Chair certainly can appreciate that. Members, questions for Ms. Pali? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Pali, for being here and for your service on the Planning Commission.

MS. PALI: Oh, yeah. I forgot to say that. Sorry.

COUNCILMEMBER PALTIN: Oh, yeah. I just was wondering are you supportive of then having alternates so that meetings don't need to be cancelled for lack of quorum? Or what do you think is the solution if meetings are getting cancelled for lack of quorum 'cause then the overall effect on the operations is to slow things down unnecessarily?

MS. PALI: So, I believe that us today we're already taking a stance and just everyone's on notice. You're on notice. We're watching you. We know who shows up. We know who doesn't. Like so, to me, this is already a big, much bigger than you may think it's a big impact. And that's why I think we should go in slow. Alternates I think could be a great option but as . . . let's say I'm the alternate. Am I going to study and read these thick binders and then not get called? I mean, I do it now 'cause I've committed to the volunteer position. I don't know how many alternates we can find that would be willing to do that. Is that fair to ask of an alternate? You know, I don't know. I know that . . . I believe from my memory we didn't have to cancel any this year because we, you know,

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like I said, as I mentioned, I called in. I had pink eye and I got the call that morning four showed up, do you mind coming in with the pink eye? And luckily, I live close. And I'm all, okay, if the camera doesn't come on me and no one sits by me, and I came in. And so, that's the commitment that we're willing to do. And so, again, I feel like you may find that the abusers of this issue now that they're on notice that you guys are paying attention, I think you're going to find a very different environment. And if you feel that once this move didn't cultivate the change you're looking for, then I say come back in six months or a year and let's go harder. I commit, I show up rain, snow, shine, whatever, pink eye, but not many can so.

COUNCILMEMBER PALTIN: Thank you.

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

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for coming in today. So, does the Planning Commission have the option of calling in if you're not physically able to attend?

MS. PALI: I'm not aware that we have that. And if we do have that, I've never seen someone do that before.

COUNCILMEMBER KAMA: Does . . . oh . . . they don't?

CHAIR MOLINA: Member Kama, we can ask that of Administration --

COUNCILMEMBER KAMA: Okay.

CHAIR MOLINA: --when we get to the item.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: It's a good question. Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, I was just wondering . . . thank you very much, by the way, for all your service that you've provided. I was just wondering how often have meetings been cancelled because of . . . especially with your commission?

MS. PALI: I didn't recall any this year. I don't recall any this year. I, personally, also as I balance home life and parenting and my public service, I like to travel. And I had to limit to my travel because of my commitment but there was the month of October I did miss two because I was traveling. My son is in the Navy and got married and, you know. So, to me, that's again my family. So, it does allow me that flexibility. But I really think we're trying to hit the abusers here. I think we all agree that it's not the ones that still try to juggle life. I think we know that there are just certain ones that just often . . . they show up less than they do call in. They call in sick more than they show up. And

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so, that's why I really want to urge you to just ease into this. And I think the 50-50 is a good start.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Kellie. And I think you're one of the more responsible ones, so I appreciate the fact that you show up. But I also think, and I just want to get your opinion, isn't it also a problem if you get bare quorum all the time?

MS. PALI: Yes.

COUNCILMEMBER KING: Then you have like, you know, one person can hold up all your decisions and . . .

MS. PALI: So, that was my second example to you, but I ran out of time. So, thank you for allowing me to finish.

COUNCILMEMBER KING: Okay, now you can finish.

MS. PALI: So, I was . . . I call it a victim. I was a victim of that, you know, where we have five and so no action can be taken. I say no action because it's not always approval. No action can be taken when there's only five. And so, what happens is you waste County resources, staffing, payroll, the applicants they're fronting money for their hired professionals, their witnesses' time off from work, and so it's, to me, I feel the tragedy when I'm there and I don't agree with my four others. I will be honest. I personally . . . that's sort of potentially puts me in an environment that I could be easily manipulated because I feel bad for the situation. Now, unfortunately, I still hold true to myself but it's a tough one. It's a burden. It's an emotional burden, it's a financial burden, I don't like it. It's not fair. And there was in the beginning of last year there were a couple big topics and I'm not going to accuse anybody but, I mean, sometimes it's convenient that you don't show up when it's a topic that's very controversial or whatever and I'm the dummy, oh, okay, I'm showing up. And I'm one of five and it's not been pretty. So, yes, it's a problem. How often has it been a problem? I mean, maybe if I can remember last year maybe three or four. Our Carolyn would know. She's got the numbers. But for us it's not every time. So, that's why that's not the focus. I think, for me, putting this in the focus would be let's not weed out people that want to serve because it also could be that way too. If we require too much, we're weeding out many that want to serve and I wanna give everybody an opportunity to serve. But at the same token, I want to make the message that when you commit, you're committing to showing up. To me, when you commit to this even though it's 50-50, you're not committing to 50-50. You're committing to coming 100 percent, but we have a default of 50 if for some reason your family life gets in the way and you can't balance it. That's how I look at it.

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COUNCILMEMBER KING: Okay. And then just one more question, Chair. I just wanted to clarify because you're saying that we've gone from nothing but has the . . . has yourself and the people you feel are watching seen the questioning of candidates because this entire, the entire last year every time a candidate came up there were people on this Council that said, are you going to commit to attending?

MS. PALI: I love that.

COUNCILMEMBER KING: So, I feel like . . .

MS. PALI: No, that's been new.

COUNCILMEMBER KING: I feel like we've done that first level.

MS. PALI: This year, yeah.

COUNCILMEMBER KING: So, . . .

MS. PALI: But I mean but all the people that have been in already that got in before all this. All the people that have already been in I think they got used to anything can kind of pop up and, oh, I can't come, you know, maybe. So, we're talking about kind of the people that were in. No, I think you guys have done an excellent job this year at kind of sticking it.

COUNCILMEMBER KING: This term.

MS. PALI: And I think putting this in writing helps the person that wants to volunteer have an expectation that they don't commit unless they know they can fulfill this.

COUNCILMEMBER KING: Okay.

MS. PALI: Yeah. I mean that --

CHAIR MOLINA: Okay.

MS. PALI: --we have examples right now where maybe a person hasn't been around for a year and there's been no action. And I think this is an example of, you know, helping us deal with those kinds of cases.

COUNCILMEMBER KING: Okay. Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Quick question. Aloha, Ms. Pali.

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MS. PALI: Hi.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your testimony and mahalo for serving our community. I just wanted clarification on one of the statements you made.

MS. PALI: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: When you said that when there's only five commissioners who show up then you can't take any action. Did you mean --

MS. PALI: You can take action . . .

VICE-CHAIR RAWLINS-FERNANDEZ: --you can only take action if there isn't consensus.

MS. PALI: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. PALI: You can only take action if we all agree.

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

MS. PALI: So, when one is . . . cannot agree then we cannot take action. So, what we usually do is we'll just push it for the next meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

MS. PALI: But then that's . . .

VICE-CHAIR RAWLINS-FERNANDEZ: There's a clock on projects.

MS. PALI: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: I understand that.

MS. PALI: Then monies and all that. Thank you. Yes, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification for the record and for --

MS. PALI: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: --anyone in Akaku land. Mahalo.

MS. PALI: I appreciate that.

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CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. Any other questions for the testifier? Seeing none. Thank you very much, Ms. Pali, for your testimony.

MS. PALI: Okay. And then if I can jump on the other agenda, sir.

CHAIR MOLINA: Oh, yes, go ahead.

MS. PALI: So, the other agenda I'll be honest, I didn't realize it's on the agenda, but I do have a few words, if you don't mind. This is in regarding to Charter amendment affordable housing, GET-10(3). So, you guys may or may not know but I was one of the original members that came together and campaigned and got this on the ballot in 2000, oh, gosh, it's been so long – 3, 4. And so, there was about 35 members and we worked really hard to pass this. And so, I feel like I've tried my best anyway with everything else I'm doing to be a good steward of this. And so, the reason why it's important for you to know that I was part of it is because you have to understand how committed I am to it. My daughter who is now 16 was almost one and she was like on my hip doing the sign waving and meeting with people and community members to make sure that everybody was on board to get this passed. But I . . . you're going to be surprised by my opinion here. I don't support this today. Will I support it in the future? Very likely. The reason why I don't support it today is because I feel we still need a lot of work with the Administration rules on how it can be accessed. I feel like the public deserves to know how this money is going to be spent before they're paying a tax that they don't know how it's going to be used. And I feel like if you guys go look back in how it started, the first several years we were collecting this money it just sat. It never got used. It wasn't doing what it was supposed to do. And so, that is largely because we went forward with getting the money and then we were trying to work out the details later. Well, it's been years, a decade, over a decade. I still think that we should have transparency and guidelines on very simple . . . you can access this with A, B, C, and D. That way, developers know, private entities know, the community knows, and then once that's established sure go forward and if we can increase it and start putting money but we know what we're spending it on before you're collecting it. That's not happening right now. So, that's my testimony on that.

CHAIR MOLINA: Okay. Thank you, Ms. Pali. Committee Members, questions for the testifier? Member King?

COUNCILMEMBER KING: Thanks for your testimony. Thanks for working on this affordable housing issue. So, there are guidelines for how you can access this money but are you saying that you want to see what specific projects it's going to be used on before it's . . . *(inaudible)* . . .

MS. PALI: Well, so I'll give you an example. In the beginning when it wasn't being accessed, I knew that Na Hale O Maui was accessing it. They were kind of the only ones at that time. And I . . . just be very clear, they have done an amazing job, they have been very

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consistent, one of the only consistent ones, but that model is good for a portion of it. It's definitely not good. It's not a one size fits all because I don't think we can put \$150,000 into every single family and then try to house 14,000 families, you know, that are supposedly needing affordable housing. So, it's not a model for every, everyone. And so, without knowing how much can go towards that model, without knowing how much should be going, you know, without diversifying it or having deeper more specific rules on the Administration part, I feel like it would just open us to, I don't know, potential . . . we're desperate, whoever wants to come and access it we're just going to give it and then maybe was that the best investment? I just want us to manage it a little bit more on how we're investing the funds. And that's the part, I think, we can work on.

COUNCILMEMBER KING: Okay. So, you see that as an Administrative function, not necessarily . . . *(inaudible)* . . .

MS. PALI: Oh, no, it's an Administrative.

COUNCILMEMBER KING: All right. Thank you.

CHAIR MOLINA: Thank you, Member King. Any other questions for our testifier? Seeing none. Thank you very much, Ms. Pali.

MS. PALI: Sorry it took so long. Thanks.

CHAIR MOLINA: No, no, no. Your comments were very much appreciated. Next to testify, we have Stan Franco. He'll be testifying on Item-10(3) and he'll be followed by Lawrence Carnicelli. Good morning, Mr. Franco.

MR. FRANCO: Good morning. I have that kind of voice that you have. So, I might run out of gas here before I end my testimony. Thank you for having me. I want to speak to the Charter amendment. You know, following Kellie Pali is a real bad thing. She has all this energy and probably says things that maybe I agree or don't agree but I know she's going to say it. So, I want to talk about two things in the Charter amendment. The first thing is about the percentage – 2 to 3 percent. You know, the Council has already decided that it should be 4 percent and we keep on talking about getting more money to the budget for housing and we have an opportunity here but we're limiting ourselves. So, my suggestion is to change it to 4 percent. The second thing is might be a little bit more controversial. We say suitable living environments for persons of very low to gap housing. In other words, from 0 to 160 percent. You know, study after study that we have seen, testimony that, you know, we've heard here in the Council have said that we are neglecting those at the lower levels of income. In 2018, the Department of Housing and Human Concerns says that 74 percent of our households earn less than a 100 percent of area median income. So, I am suggesting here that to actually put numbers in here and then we should really focus on those that are low income, and then the market should take care of everybody else. So, I'm suggesting that we say instead of very low to gap income to say 0 to 100 percent of area, HUD area median income. Again,

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it's 74 percent of our households. We don't have any statute on our books yet to even include or talk to the people 80 percent and below. We're letting developers to come and tell us and grateful that we have Doug Bigley or Kevin Carney to come and help us with this, but we don't have any policy. This is setting policy when we do this Charter amendment. So, again, I suggest that we do it from 0 to 100 percent. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Franco. Members, any questions for our testifier? Seeing none, oh, I'm sorry, Member Kama?

COUNCILMEMBER KAMA: Thank you. Thank you for being here, Mr. Franco. So, are you saying that you'd like to see the Affordable Housing Fund be used for those below 100 percent AMI?

MR. FRANCO: Yes.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Thank you, Member Kama. Any other questions for the testifier? Okay. Seeing none.

MR. FRANCO: Thank you.

CHAIR MOLINA: Thank you very much, Mr. Franco. Next to testify is Lawrence Carnicelli and he'll be testifying on GET Items-40, 10(3), and 10(7), and he'll be followed by Pat Borge. Good morning, Mr. Carnicelli.

MR. CARNICELLI: Good morning, Chair, Members. My name is Lawrence Carnicelli and I'm testifying on GET-40. I am the Chair of the Maui Planning Commission. I am not testifying on behalf of the body. I don't have that ability to do that, but I just want to say that I think I can shed a little bit of insight as well on this. I'm in support of it for a lot of the reasons that you guys have talked about. But it's not just about bare quorum 'cause we've had bare quorum a couple of times. I think last year we cancelled one meeting. But this is beyond just like, okay, what's going on now, but this is something for when none of us are around, right? This is something that we want to see, okay, how do we want our boards and commissions to work. I can get a text at 8:59 and say, oops, I'm not going to be there, and that person is excused. Right. So, I think part of this conversation is, excused, absent, and present, right. I get a text at 8:59, which I do, I do, and it says, oh, I can't be there. And now that person is marked down as absent, I'm sorry, marked down as excused absence, right, rather than just not there. So, the 50 percent threshold it's kind of like, okay, are you there or not because life happens, you know. I think that, you know, like Member King brought up a year seems like a long time to say, okay, at what point in time do we measure your commitment? And yet, at the same time, we also have to be, you know, what if a family member is really ill and it's going to take you two months to take care your mom. You know and you missed four meetings at least 'cause we meet twice a month. So, you know, just to

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talk from our own perspective. Suddenly that's four, boom, just in two months that you just missed. So, I think that, you know, we need to be, as Kellie said, you know, I think we need to be, you know, at least aware of that and have that part of the conversation. But like Barbara said, you know, too is I think that there is a level of commitment. And I . . . it's great when we have nine, right, like you guys know the same thing, right. If you have bare quorum, Kellie kind of alluded to this, at bare quorum minority rules, right. One person rules. And we've had a couple situations where a minority member, like say in the bare quorum, the minority member says, well, now I want this condition and this condition and this condition, and we kind of say like, all right, in order to get the five we gotta, you know, agree. And if we had nine, we could have a healthy conversation, vote 5-4, and we really worked it out and we just agreed to disagree, and it was great. Nine-0 is easy, right. But, you know, when you have those ones that you want to work you need nine. You know, that's kind of to me and I think that's true for all boards and commissions, right. So, anyway, thank you, Chair.

CHAIR MOLINA: Okay. Members, any questions for Mr. Carnicelli on this particular item? Member King?

COUNCILMEMBER KING: Just a quick question. Thank you, Chair. Thanks for being here, Lawrence. So, I mean, you guys meet a lot. You probably the . . . meet most often of any board or commission.

MR. CARNICELLI: Yeah.

COUNCILMEMBER KING: And I really appreciate all that. But it is difficult when you have to cancel or when you get bare quorum so, as Chair, you don't have this arbitrary authority to say, I'm not going to accept any 8:59 excusals because I mean you need that to be in the statute or something somewhere in order to be able to do that?

MR. CARNICELLI: Yeah, we . . . before this actually came from the Mayor's Office actually Kellie had to even . . . brought it up is, you know, do we change our own commission rules? We can do that, right? We have the ability to change our own rules and, you know, if for whatever reason you guys don't this, we're prepared to do it that way at least just for our, you know, commission 'cause like you said, we're one of the heaviest lifting, you know, commissions that we have. So, we're prepared to do that, if we need to. But we figured that it might be best if it's kind of considered in a whole and the Administration, and actually, Gladys kind of took the lead on this whole thing.

COUNCILMEMBER KING: Oh, okay. Great. All right. Thank you.

MR. CARNICELLI: Yeah.

CHAIR MOLINA: Okay. Thank you, Member King. Okay, seeing no other questions for that item, Mr. Carnicelli, continue on your next item.

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MR. CARNICELLI: Okay. The Affordable Housing Fund GET-10(3), so as I often do here in this Chamber is, I'm going to try to think a little bit outside the box on this thing and just to get us to think about it. What is the Charter? You know, the Charter is how government runs, right. That's what it's kind of like the Constitution, right. The Constitution is how government runs. It's not what we should do. The Charter, the Constitution is not policy, so my recommendation is that you eliminate it. Take it to zero. And that's coming from a guy that stood here and talked about housing more than anything. And the reason why I say that is I was recently over at the State Leg and I was talking to Stanley Ching, Senator Stanley Ching, who's the Chair of the Housing Committee. And he said, our housing problem is a political will issue, period. And I thought about it. He kind of tweaked my mind a little bit about it and I said, okay. Again, take us personalities out of this and let's go 10 years from now, 20 years from now. I want whoever is sitting here to have to put it in the budget. If we have a housing issue, we're going to put it in the budget – 4 percent, 6 percent, 10 percent. We're going to commit to it rather than say, well, you know, the Charter says. You guys did that this year. You guys said, okay, we're going to make four, right. Each and every year I want the people that we elected to show us how committed they are to housing. And so, I'm just going to say, let's eliminate it. Let's make it a political will issue. So, that's just, you know, food for thought.

CHAIR MOLINA: Okay. Thank you very much, Mr. Carnicelli. Members, any questions on this item for Mr. Carnicelli? Okay. Seeing none. Mr. Carnicelli, continue your last item.

MR. CARNICELLI: Yeah, the other one was on term limits. Again, I'm just going to go outside the box again. I just want to throw in there for part, I think part of the conversation of this, again, we're going to take personalities out of it, we're going to take, you know, you guys here personally we're going to go 10 years from now, 30 years from now, whatever it is, is it number of terms, length of term, and then, you know, is that it or not? But I think that there's another part of the conversation I would like to hear you guys have, and that is, when do you get vested? Right. I think that's another piece of that equation is some guy that works for Public Works right now has gotta work 30 years to get vested. You guys are done. You know, so it's like, okay, you guys work two terms here and you get appointed by the Mayor for another four and you're fully vested. I just think that that needs to be part of the conversation, right, is to say like, okay, are we going to move that needle too. Is it going to say, all right, it's two fours with no recurrence and fully vested is beyond say another two appointed by someone or something like that? So, just to have it part of the conversation I think would be good for the community to hear. So, thank you, Chair.

CHAIR MOLINA: Thank you very much, Mr. Carnicelli. Members, any questions for Mr. Carnicelli? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Lawrence, for being here. So, just on that vested --

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MR. CARNICELLI: Uh-huh.

COUNCILMEMBER SINENCI: --idea, so, I mean, you could serve a couple terms on the Council and then you're saying that you could be appointed by the Mayor but within the County you'd be vested for ten years?

MR. CARNICELLI: That's as I understand it, yes.

COUNCILMEMBER SINENCI: Okay. All right. Thanks.

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

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, and I didn't feel like I heard what you thought about 10(7) or did you not want to share that?

MR. CARNICELLI: Oh, I guess that is my thoughts. I mean, as far as it being two fours or five tens or . . . I like the idea that being longer than you guys, you know, get elected. You figure out where the bathroom is and then you gotta run for election again. You know, I mean, I like the idea of that. How . . . but, yet then again, I mean, everything is a trade off because then if you get, you know, a poor Member, then you're stuck with him for four years. So, you know, I really . . .

COUNCILMEMBER PALTIN: Like six or one half a dozen of the other.

MR. CARNICELLI: Sure. You know, you might like someone that you want four years and then I might not like that person. I want it to be two, so I don't know. Is that one, to me, is you guys can sort that out and if it ultimately becomes a ballot amendment then, you know, the public can make that decision. So, yeah, that to me, it's just a, you know, there's pluses and minuses to both as far as that goes.

COUNCILMEMBER PALTIN: In comparison of what it is on the agenda to what it is right now where you can sit out one term and then come back for five more terms, is that . . . is this a step forward or . . .

MR. CARNICELLI: I like that idea. That's one that I'll actually commit to. I think that, yeah, is . . .

COUNCILMEMBER PALTIN: Take out the word *consecutive* from what's existing.

MR. CARNICELLI: Yeah.

COUNCILMEMBER PALTIN: Is that what you're saying?

MR. CARNICELLI: Yeah.

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COUNCILMEMBER PALTIN: Okay.

MR. CARNICELLI: Is I think, you know, give new members of the public a chance. Yeah, I think that that's a good thing.

COUNCILMEMBER PALTIN: It's kind of different but less change and simpler a little bit.

MR. CARNICELLI: Sure.

COUNCILMEMBER PALTIN: Okay. Thanks. Sorry.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Any other questions for Mr. Carnicelli? Seeing none. Thank you very much, Mr. Carnicelli.

MR. CARNICELLI: Thank you, Chair.

CHAIR MOLINA: Appreciate your input. Next to testify, we have Pat Borge and he'll be testifying on GET Item-2(27) and GET Item-39. And he'll be followed by Scott Shapiro. Good morning, Mr. Borge.

MR. BORGE: Good morning, Mr. Mike Molina, Council Members. On a first, I'd like to add on GET-3 [sic], please.

CHAIR MOLINA: Okay. So noted.

MR. BORGE: Okay. On the first one on this lifeguard for Makena, Big Beach, I mean, it's just a no-brainer. You gotta support that. I've been in the Makena area almost 45-50 years been out in Makena, you know, I do a business out there. I do trail rides on horseback and I've been out there for many, many years. And those lifeguards don't only cover Makena Big Beach, but they also go all the way down to Kaupo around there jet skis and I've been involved with several rescues with them. If it wasn't for, I mean, there would be more serious injuries than they have right now. And, right now, the State I think is collecting parking fees and trying to improve the area a little bit more. They could use more parking that's for sure. And with that money they probably could help take care of those lifeguards. I think they need better equipment as far as working on the sand, they got couple ATVs, but they need the top grade, you know. They cannot have second-hand equipment doing their job down there. And so, that's my thing on Makena Big Beach. I've been down there for many, many years. I used to do my trail ride on Makena Big Beach on Puu Olai Hill. There was a dirt road, I mean, it's just grown. You know, lot, lot of people go out there. It's unbelievable. Sundays it's ridiculous, you know. I mean, you're talking thousands of people. But, anyway, I just . . . on this commission, I want to go to the next issue. On these commissions, I sit on the Animal Control Board and my issue, I mean, we have a great, great, Ms. Ferguson, who handles the situation. She always makes sure we have a quorum before she calls everybody to the meeting, which is right on. But my problem is sometimes when

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people's animals are taken by the Humane Society and they want to appeal the dangerous dog designation, they don't show up. They don't show up for the meetings. I've been to several meetings where, you know, I take off, I close up my business, I drive all the way to the County building here. Even to this morning I shut down my business to come here to testify. But there should be some kind of penalty for these people who don't show up for these meetings and think it's a joke. And then maybe the fourth time they show up and, you know, it's not right. I mean, we should have some kind of, you know what I mean, we volunteer our time and dah, dah, dah, you know what I mean. And it's time for . . . they should, it goes the other way, not just the commission members, you know what I mean. I mean, a lot of guys who apply for these boards, you know, they have good heart, they want to help the County and put in their opinions and stuff but sometimes you got to look the other way. The other people gotta show up too, you know. And then the other one on the affordable housing, it's a no brainer. This has been going on for years and years. I mean, I live on Maui all my life and I went to the military, came back, I struggled to buy my own house, okay. But the bottom line for me is that you got all these rich people. We have the lowest tax rate in the State of Hawaii. Why the hell these rich people not paying their fair share of taxes? They're going agricultural rate. Some of these guys have more money than we'll ever see in this world. And yet, they come, they grow couple papaya trees and bananas and they get agricultural rates. I don't understand that. And here the poor local guy trying to make a living, trying to struggle and what he's doing . . . he's cleaning that guy's yard, you know, and he cannot even afford a house. How's that? Shame, shame, shame. And the reason we have a Charter is for you guys to follow the Charter. I'm not . . . to me, it's common sense. Hey, the rich pay for . . . you guys like live Maui part-time you pay for live here. Bottom line. And you take care the local people who born and raised here three, four generations, you know. I've got nephews, I've got my daughter lives in Sacramento, my grandkids because they cannot afford a house. So, it's all up to you guys to tell these people, hey, pay your fair share you guys like live here. And that's the bottom line. That's the way I see it. But thank you very much. You guys have a good day. Aloha.

CHAIR MOLINA: Thank you, Mr. Borge. Hang on for a second. Members, any questions for Mr. Borge on any of the three items he testified on? Okay. Seeing none. Thank you, Pat. Certainly made your point well known. Appreciate it. Thank you. Thank you for your service on the Animal Control Board as well as to Ms. Pali and Mr. Carnicelli on the Planning Commission. Next to testify, we have Scott Shapiro and after Mr. Shapiro's testimony we'll go out to Molokai and Lanai and Hana. Good morning, Mr. Shapiro.

MR. SHAPIRO: Good morning. My name is Scott Shapiro. I'm going to testify first on GET-10(3), Affordable Housing Fund. I just want to back up what Stan Franco said. I agree completely. I don't have to say anything more on that, so I think he said it all. If you have any questions for me on that, I'd be happy to answer. So, on the next item, GET-10(7) on term limits, I love the idea of term limits. Hundred percent love the idea of term limits. And we look at our U.S. Congress and Senators and people who have been there for decades. When we look here at home, we see things that we like, and we

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don't like about people that two- or four-year term kind of again I'm on the fence like Lawrence Carnicelli was. I want to hear a good debate about that, you know, 'cause there's pros and cons to both two- and four-year. With four years you definitely get more time to do the things that you want to do but if there's an alignment with maybe and I don't know with the staggering terms if that aligns up with the Mayor who people might not like or appreciate at the time moving forward how does that work out? So, I don't know all the ins and outs of that – two to four. I asked a young man on the elevator on my way up if he got the opportunity to serve on the Council would he like two- or four-year terms and he thought four-year terms was a great idea because it would give him time to learn the system and be effective. That was just somebody who you wouldn't think would be on the Council, but he was thinking about it. So, that was kind of cool. The last thing I want to talk about on that is you need to add in you guys past and present Council Members if you want to have an eight- or a ten-year term limit, you know, we could go through the numbers. You guys all know if you keep getting re-elected for the next two terms up until the General election then you are successful for another two terms beyond that. That's a lot of time that some people have served on this Council. There are a few Members who would be over 20 years. So, please look at present and past Councilmembers to limit terms on the time that they've served as well. Okay. That's it.

CHAIR MOLINA: Okay. Thank you very much, Mr. Shapiro. Mr. Sinenci, questions for Mr. Shapiro.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Scott, for being here. So, one issue that came up was about sitting out and coming back. So, again, the consecutive. Would you agree with getting rid of the consecutive where you can sit out, technically, and come back to finish out the . . .

MR. SHAPIRO: Yes.

COUNCILMEMBER SINENCI: Okay.

MR. SHAPIRO: Term limit . . . I think a number of years you could stick in there rather than terms so it could be consecutive and non-consecutive. But, yes, take that out so it's either consecutive or non-consecutive terms served. Yes.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Members, any other questions for Mr. Shapiro? Seeing none. Thank you very much for your testimony, Scott.

MR. SHAPIRO: Thank you all.

CHAIR MOLINA: Okay. Let's go out to . . . well, let me just confirm with Staff, Molokai is there still no one signed up for testimony on Molokai? Okay. The Chair will move on from

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Molokai and go out to Ms. Fernandez out in Lanai. Good morning. Do we have any testifiers from Lanai?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR MOLINA: Thank you. All right. Let's go out to Hana and see Ms. Oliveira-Medeiros if we have any testifiers out in Hana.

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. This is Mavis from the Hana Office and there's no testifiers.

CHAIR MOLINA: Okay. Thank you very much, Mavis. All right let's go back to the Chamber; we did have one additional individual that signed up to testify. Claire Kamalu Carroll will be testifying on GET Item-40. Good morning, Ms. Carroll.

MS. CARROLL: Aloha kakahiaka. Aloha, everyone. I am here to, actually I just swung by to give a gift to someone and I heard you guys speaking and there's one thing that caught my ear, GET-40. I really have a great example to give everyone today. Last week I was out in Kahului. I had two important engagements that I had committed to. And I also committed to the Hana Advisory Committee that was supposed to meet at 4 p.m. We're busy people. Commitment is something that when we have committees that people should be committed. I reached at Hana Bay at Helene Hall at exactly 4 p.m. I was met by a locked door and a poster that said, meeting has been cancelled. So, I'm just here today that, you know, I am volunteering my time and my commitment to my community, our community. But GET-40 I felt it was real important to come here today and express that when we make commitments to these that we go in with our heart. I understand what Lawrence said there is emergencies. We're human. But I think let my record show that I have never missed a meeting. Maybe once but the commitment to reach out to our community and say these committees are important. The boards and commissions is what helps run Maui County. But thank you for having me today. Aloha.

CHAIR MOLINA: Thank you very much, Ms. Carroll. Members, any questions for Ms. Carroll? Seeing none. Mahalo for your testimony. And we do have one additional testifier. We have Mr. Gene Abbott will be testifying . . . and he'll be testifying on GET Item-40. Good morning, Mr. Abbott.

MR. ABBOTT: Good morning, Mr. Molina, Council Members. I am the Vice-Chair of the Salary Commission and I'm not speaking in their behalf so let's make that clear. On the rules or regulations regarding the appointment and the following through of commission board meetings, I've been on three commissions now, thank you, Mr. Molina, and everyone I've ever been on except this one you've had to sign in. There's a sign in sheet for your . . . to tell that you've been there, and that is the record that the County should have. I fully believe that if you don't, if you've missed three meetings, I mean, three meetings in a row, obviously indicates a medical condition or something has happened.

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But three meetings over a four-month period is not acceptable. There are times when there aren't enough people to make a quorum. That isn't the way the business is run. We're here to help the County and make decisions for the County but we can't do it if the people won't cooperate. So, I think it is imperative that you make your decisions when you appoint people to the Council or commissions tell them what they're going to have to do. I mean, don't just say, well, welcome to the commission, whatever. And it might help a little bit if you would tell the people that they are entitled to a gasoline allowance to get to the meetings and very few people even know that. It might help a little bit. But a lot of the people that are coming on to the commissions don't know what they're really in for 'cause there's no explanation, and I think it's imperative that you do this. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Abbott. Members, questions for Mr. Abbott? Member Paltin followed by Member Kama.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Abbott, for your service on the commissions.

MR. ABBOTT: Thank you.

COUNCILMEMBER PALTIN: I was wondering, you know, when you were saying that three meetings missed in a row is unacceptable . . . there's . . . I was wondering if you meant absence or like excused absence like you were saying medical condition? That's more acceptable because stuff happens in people's lives or did you want people to be replaced? Is that what you're saying? If they have a medical condition that causes them to miss three . . .

MR. ABBOTT: I think it is imperative that if they call in for to be excused that they state the reason they have to be excused. And in that reason if it's stated we have a medical emergency and it may go on for a while that's one thing. But just not to say anything or not show up for a meeting or two meetings or three meetings, that doesn't accomplish anything. That's not doing a service.

COUNCILMEMBER PALTIN: Thank you.

MR. ABBOTT: Uh-huh.

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

COUNCILMEMBER KAMA: Thank you, Chair. So, how often does the Salary Commission meet?

MR. ABBOTT: We meet once a month.

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COUNCILMEMBER KAMA: And when you meet if you're not able to attend, are you required to call in or notification such as email say I can't be there?

MR. ABBOTT: That's never stated. That's the problem. I can only say, and don't quote me, but Sherilyn who is, Otsubo, who is our liaison says I'm the only one that ever responds - are you going to be at the meeting? So, there's got to be some kind of a check and balance system to find out if we're wasting time. I mean, like the lady said, she drove all the way to Hana, the door's closed.

COUNCILMEMBER KAMA: Last question, Chair. So, in your role as a commissioner, would it be helpful if people were able to call in and have a meeting just by calling in or face timing or something like that?

MR. ABBOTT: I don't think in this particular commission I'm on, --

COUNCILMEMBER KAMA: Okay.

MR. ABBOTT: --I don't think it would be a benefit.

COUNCILMEMBER KAMA: Okay.

MR. ABBOTT: I do think it would be a benefit for Lanai or Molokai or, you know, some where there's a distance involved.

COUNCILMEMBER KAMA: Uh-huh. Thank you very much. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Kama. Any other questions for Mr. Abbott? Seeing none. Thank you very much --

MR. ABBOTT: Thank you very much.

CHAIR MOLINA: --for your testimony. Is there anyone else in the gallery that would like to testify, come on up and sign up later?

MR. LAW: Aloha kakahiaka. My name is Jasee Law from Kula. Thank you. Thank you, Mr. Molina. That color looks good on you. Hey, a GET-10(3), I wish Mr. Hokama was here because he's got some interesting comments on the definition of affordable. I can't even get a job. I doubt I'll ever be able to afford a house on Maui. Maybe I can rent from somebody. I can work but Upcountry is kind of tricky on this. If they don't know you, they don't want you on their land and a lot of places on land. So, in relation to this item on the agenda, there's several churches in my neighborhood that have land and I'm thinking that there should be some kind of a fee on churches to put into this fund. And also, there's a big church in your neighborhood, Mr. Molina. You have quite a few spaces available there, I think, to get people off the streets so maybe it could be transitional housing up there or something like that. Thank you for your time.

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CHAIR MOLINA: Okay. Thank you, Mr. Law. Members, any questions for the testifier? Seeing none. Thank you.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: All right, seeing no one else in the gallery approaching for public testimony, and no objections, Members, the Chair will close public testimony for our agenda today.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So ordered.

GET-39 INTERGOVERNMENTAL AGREEMENT AMENDING THE MEMORANDUM OF AGREEMENT FOR LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI FOR MAKENA BEACH PARK (CC 19-449)

CHAIR MOLINA: All right, Members, let's get down to business. We do have a very ambitious agenda today. Chair would like to address every item, if possible, today. Let's start off first with Item GET-39. The Committee is in receipt of County Communication 19-449, from the Fire Chief, transmitting a proposed bill entitled "*A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT AMENDING THE MEMORANDUM OF AGREEMENT FOR LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI FOR MAKENA BEACH PARK*". So, with that being said, Chief Thyne, if you would like to open up with some comments?

MR. THYNE: Thank you, Chair. Good morning and good morning, Vice-Chair Rawlins-Fernandez as well as Committee Members. I do have . . . I wanted to provide you with a brief timeline, if I could, because one of the . . . I was talking to one of the Members earlier and there was a question as to how long and . . . how come it took so long to get here? So, I just wanted to run that down real quick. We did follow up after our . . . I believe we came before you September of last year for the what was the then the 12th amendment as the way this process works. They had an original agreement that was in 2008. And then they do consecutive agreements basically allocating the funding and those types of things. So, we did have numerous conversations and communications with State DLNR, the Division of State Parks, who is the representative I guess of the Governor's Office, if you will, who allocates the funding then for the State beaches in these situations. They understood our plight as far as being a State beach with County lifeguards on it and; however, they did inform us on July 12th of this year, excuse me, of 2019 that the funding would be basically stagnant. It would be the same amount that was allocated for the previous fiscal year. So, you know, obviously, we continue to request and plead, if you will, and pull on the ear of whoever would listen because we know the concerns are there. But we did receive an official transmittal on

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August 6th then of 2019. That was the proposed 13th amendment with the funding static at that \$1,056,059 subject to the availability of funds that would be transported in quarterly increments. We also have to provide an invoice and a financial statement. That's part of the process and agreement in the MOA. So, immediately sent that then to the Corp. Counsel as our process and then they go through the form and legality and put it in the format that comes before you. And we received documentation then on November 1st of 2019 that that was approved for transmittal to you folks. So, that kind of brought us up to here. I'm not sure where things get delayed in the process or agendized or whatever have you. So, I can't really comment as to that, but we do appreciate your support for this amendment. So, basically a thing, I had a couple footnotes that I wanted to include just to help, hopefully, with your process and consideration. We did receive a transmittal dated the 9th of January of this year, 2020, so just a few days ago that informed us that the Governor has agreed and will be submitting legislation this session to allocate \$5 million a year annually, TAT funding, specifically for the Ocean Safety contracts. And we are not the only County with those contracts. The other counties have those as well. So, that is apparently a push from the Governor side. We hope that the Legislature support it, and we look forward to that funding. It is there hope that the funding will help to cover the increase in salary cost because as we know our Ocean Safety officers do have a binding arbitration agreement - BU-14. And they also hope that it helps to support, as Mr. Borge said, the tower refurbishing and other related equipment that goes along with servicing Makena Beach Park in our case. So, although we understand the process of the Council, we do ask for your consideration of the timeliness of this request. It is our understanding that the State House Finance Committee has already requested copies of the contracts. And at this point, Maui County is the only one outstanding and that's because they are trying to allocate permanent funding for the TAT funding. So, thank you, Chair, for the opportunity to open and I'm here to answer questions but anything technical we have our Operations Manager Cary Kayama in here as well. So, thank you for the opportunity.

CHAIR MOLINA: Okay. Thank you very much, Chief. Deputy Director Alibin, do you have anything to add to the proposal?

MS. ALIBIN: No, Chair. Good morning, I'm just here on behalf of Budget Director Yoshimura. And if you have any financial questions, I'll be happy to answer. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Alibin. Okay, Members, again, as I mentioned, we're on a somewhat of a time constraint. I'd like your questions to be very pointed, straight to the point and so we can move on and address some of our other items. Chair will recognize Member Paltin as our resident lifeguard who has had a lot of experience to ask the first question. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess I have three quick questions, hopefully. Is the five million that you mentioned that's all for Maui County or for all the counties divided evenly?

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MR. THYNE: That's to be shared. I'm not sure the breakdown. They didn't provide that. They just provided us with an email that they were proposing that funding . . . or the Governor was proposing that funding. I apologize.

COUNCILMEMBER PALTIN: Okay. Thank you. Maybe we can request that. And then the second question was if Makena had any, what the equipment expenses were for this fiscal year or have been or projected to be?

MR. THYNE: So, we do have operating expenses, obviously. However, fortunately, some of the units that were assigned there, we did receive some funding through the Hawaii Tourism Authority. I believe now headed up by our former Managing Director.

COUNCILMEMBER PALTIN: Mr. Regan. Yeah.

MR. THYNE: Mr. Regan. We did receive some funding. There are some rescue watercraft that are currently at our Kahului station retrofitting for, as you know, for rescue slot operations and then we hope that if the funding is allocated in the five million that was proposed that will be able to also look at many more upgrades, if you will, to those facilities. So, currently, it's taken from the operations . . . overall operations. . . excuse me, Ocean Safety Program operating expenses.

COUNCILMEMBER PALTIN: So, to clarify, how much do you know Makena expenses for the equipment were this fiscal year?

MR. THYNE: Thank you, Member Paltin. I don't believe that we had any allocated. I'm looking at Cary to see if it jogs any memory, but I know that we have some operating expenses, but I don't believe that there's any capital equipment that was procured for Makena.

COUNCILMEMBER PALTIN: Okay. And then my final question I think would be for Ms. desJardins. Is that like a normal amount of time from August 6th to November 21st for the contract to reach the Council . . . like three months or so?

MS. DESJARDINS: Chair?

CHAIR MOLINA: Proceed.

MS. DESJARDINS: Do you mean the delay that he was speaking to to get this resolution or to get this before you folks? Well, you know, I --

COUNCILMEMBER PALTIN: Yes.

MS. DESJARDINS: --was looking at the timing and it looks like, yeah, it was supposed to commence I guess July 1st. The letter didn't come from DLNR until August 6th. So, that would have been well past July 1st. And then I just saw that it looks like it got received

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by Corp. Counsel in September. I can't see the date. And then, it was approved as to form . . . oh, September 13th and then approved looks like September 24th. So, I don't know what internally the process was to get this to you because it's not my assignment. So, I was just kind of looking at the dates to try to figure that out.

COUNCILMEMBER PALTIN: So, to clarify you're saying it left Corp. Counsel September 24th?

MS. DESJARDINS: I can't say that for sure, but I can see that the date that it was approved as to form and legality underneath it, it looks like it was drafted on September 24th. So, I'm assuming it around that time would have. But if there was a delay, I'm don't . . . I'm sorry I can't answer your question.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Members, questions? Okay. All right then. Member King?

COUNCILMEMBER KING: Thank you, Chair. So, I really appreciate this as the area representative. Thank you, Chief Thyne. And I'm sorry you didn't get that improvements. I mean, the additional funding but the five million is in addition to that 1.5 million and whatever portion of that five million we end up with is in addition to that 1.5 million or is it spread across just all of your cost? It doesn't go just into the State-owned beaches?

MR. THYNE: Chair?

CHAIR MOLINA: Chief?

MR. THYNE: So, Member King, I don't know. They didn't give us a breakdown. It was just an email. I think I talked to you about just in passing --

COUNCILMEMBER PALTIN: Right.

MR. THYNE: --couple of weeks ago that we received that I was excited about it. They haven't broken it down as far as if it's additional funding or if it's an allocation. All I understand is that it will help to make sure that the funding for . . . through the Division of State Parks is for Ocean Safety funding. It's specifically earmarked for that. Outside of it, if it's an addition to the current allocation, I can't be sure.

COUNCILMEMBER KING: Okay. So, you haven't actually seen the legislation that they . . . okay. When you do, can you give copies of that to the . . . I guess if the Council wants it, but I certainly would like to advocate for that for Makena. And this comes up every

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year as a, you know, the issue of it being a State park and the State funding for that and whether or not we should enter into these agreements. But you would hope that there would be an increase even if it's just a cost of living increase. So, you know, I'm happy to help with that and I think our Representative Tina Wildberger would probably be an advocate for that as well. The other issue, Chair, I just wanted to mention that this has come up . . . when this has come up in the past it's come to the Budget Committee. So, I'm not sure if we're changing the format for these but maybe looking into whichever Committee when it does leave Corp. Counsel Ms. desJardins if you could forward this. I know it's not your . . . you're sitting in for someone else but maybe we could try to expedite it to whichever Committee has time to hear it so that we don't have these long delays because I think it could go to either GET or Budget and, you know, I know there's been times when both of them have been slammed but we have overlap . . . we have a lot of overlapping issues in the Council so trying to get this on a more timely basis so that we're not always the last County to put in our paperwork would be helpful. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. Any other questions before the Chair makes a recommendation? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Quick questions. Following Member Paltin's questions, do you have the number or estimate of how much the expenses are for Makena as a State beach and do you know if the funds that are being proposed to be transmitted to us would cover that?

CHAIR MOLINA: Chief or Director [sic] Alibin?

MR. THYNE: Thank you, Chair. I had asked our Office Manager in Ocean Safety, Jamie, to provide current expenses to-date and it was about 17,000 that she worked off of as not the current expenses to date but the amount that she has allocated for Makena for operating expenses. So, it's not a . . . it's not a huge amount. They do have things like, you know, water charges and things of that nature that are just part of having any operation. So, but they are, you know, we had come before you in the past. I don't know, I don't think I did as your Fire Chief, but I was definitely in support for our former Chief requesting some renovations to, you know, the facilities down there. As you know, they work out of 40-foot containers and things of that nature. So, we are looking forward to enhancing their surroundings, if you will. And we've always been real cognizant of the fact that, you know, it is a State beach. We've really tried to be shepherds of, good shepherds of the taxpayer dollars and, but we also have to provide for the employees that work there and our personnel. So, the amounts are very minimal. I was glad to see that because we've always been trying to make sure that that's the case. So, I could get you actually hard and fast figures. I have it in my office, but I was surprised to see that it was a very small amount in regards to the operation we have there.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo for that information. And last question, okay, so of the five million from the TAT we will be getting \$1,056,059. Is that

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the correct understanding? No?

MR. THYNE: Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

MR. THYNE: So, Vice-Chair Rawlins-Fernandez, so that 1,056,059 is the current amount that's again static from the previous fiscal year as well. As Member King mentioned, is that now that five million going to be above and beyond that? I don't know. What I can read from the email that I was given was that the current funding for the beach parks not just Makena but the other four in the State is 80 percent of the Department of State Parks allotted budget. So, I'm assuming that there still will be an allocation of that million fifty-six and then the five million would be in addition to that, but I can't say for sure until the Governor's bill moves forward through the process. And we were asked to provide testimony either written or oral, so I'll be doing that in support of this measure as well to the Legislature. And I will keep you informed as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that. Do you have the number of that bill on you, if not, I can get it later?

MR. THYNE: I don't think so.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. No, some do.

CHAIR MOLINA: Ms. Rawlins-Fernandez, we can get that Bill number with Staff's assistance if you'd like?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay. Any other questions?

COUNCILMEMBER SINENCI: Chair?

CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Real quick. Thank you, Chair. For Chief Thyne, so was it, just out of curiosity, has there been like any data of number of rescues or drownings at this particular park that has warranted the added funding?

MR. THYNE: Chair?

CHAIR MOLINA: Go ahead, Chief.

MR. THYNE: Thank you, Member Sinenci. Yeah, thanks for asking that question. I try not to always say that 'cause that seems to be the default when you're nervous saying thank

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you for the question. But thank you for that question. And the reason I say that is because I asked our Operations Manager Cary Kayama, who is available as well, to back up my statements to provide us with numbers 'cause they do track statistics for Makena as well as our other beaches. But I was surprised to see that we have two towers down there, as you may know, that there is approximately an average of 1,800 visitors a day to that beach park. Eighteen hundred visitors a day. Preventative actions which was what I really keyed into because I was a Captain in Kihei, assigned to Kihei, when before Wailea station and before we had Ocean Safety Officers at Makena. From 2002 to 2005 I was stationed there. Numerous tragedies, you know, loss of lives, paralysis, I mean, it seemed like a regular monthly occurrence, I'm sad to say. But the preventative actions that our Ocean Safety Officers take down there are in the hundreds. They're basically averaging each tower, you know, basically a hundred preventative actions a day. That's tremendous and I think that is saving folks from making a bad decision because the lack of familiarity with our ocean and the potential hazards that exist there. And so, I was also surprised to see that there was very few rescues that were done, and I think it's because of the preventative actions and what they call public contacts . . . having those conversations. And so, I know we can't put people on every beach but that was just a real eye opening . . . these are real eye-opening statistics to me to see that. And, of course, there were transports and medical situations that happened, but they were very small numbers, which I was impressed to see. So, they're doing a great job down there.

COUNCILMEMBER SINENCI: All right. Thanks. Thanks, Chief. And I did . . . Mr. Borges said that on a Sunday down . . . there could be thousands of people as well. So, thank you for that.

CHAIR MOLINA: Thank you. Good question, Mr. Sinenci. Appreciate the eye-opening statistics you provided for us, Chief. And the whole key is educating our visitors about the conditions but still you have a few that disregard. It's nice to hear that it's been minimized the amount of rescues. Okay. Member Paltin and Member Kama, I'll give you each one question each. Chair wants to move on from this item and make a decision. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My question was just for you like when you said that you will get Member Rawlins-Fernandez follow-up on the Bill number. Is that for all of us? And my question to follow-up on the five million and whatnot I was wondering also if we could ask to follow-up on the financial breakdown of what exactly it cost the County of Maui to run Makena and then we can compare that ourselves with the 1.5 and whatever else comes out of that five million and just see the, you know, the total cost. Just, I mean, not that I don't think it's important but just so that we know like come Budget time what we expect our County taxpayers to put in to cover this State kuleana.

CHAIR MOLINA: Very good request. Staff will make note of that and ask Administration for that breakdown. Thank you. And Ms. Kama?

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COUNCILMEMBER KAMA: Thank you. So, I have one long . . . two questions. So, what is the length and the width and the breath of the area of the State Park in Makena? And are two towers sufficient to cover that?

CHAIR MOLINA: Chief? You're going to say thank you for that question?

MR. THYNE: No, I'm pau nervous already. But Cary, I'm going to ask Operations Manager Kayama; I know you're on a compressed timeline, but he is right here in the audience if he's able to answer that more specifically. I can't. I used to spend a lot of time down there, but it's been a few years.

COUNCILMEMBER KAMA: Cary, do you need for me to repeat the question or do you know it?

CHAIR MOLINA: Mr. Kayama, before you answer just for the record officially identify yourself and your position with the Department?

MR. KAYAMA: Good morning. My name is Cary Kayama. I'm the current Operations Manager for Ocean Safety. Good morning, Chair, Committee Members, so Makena we have two towers. The beach is quite long. It's, you know, less than a mile but the two towers we have, you know, we could use another. The more towers we get the better, but we do have, you know, quads, ATVs to patrol the beaches. We have binoculars to see. But, yeah, the distance between the towers are pretty wide. It's over a hundred yards. So, you know, right now it's effective but we could be a lot more effective if we had another tower. But that will be more funding and manpower.

COUNCILMEMBER KAMA: Thank you. Maybe we should go look at that, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you. Potential site visit in the future. Okay. All right. Okay. Seeing no other questions, the Committee Chair is going to offer a recommendation. The Chair's recommendation is to ask for a motion to recommend passage of the proposed bill on first reading and to file County Communication No. 19-449.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Okay. Motion made by Committee Vice-Chair Rawlins-Fernandez. And I heard the second come . . . we'll give it to the Member from Hana - Mr. Sinenci. Any discussion on the motion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

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CHAIR MOLINA: All those opposed? Thank you. Chair marks it seven ayes, two excusals – Members Lee and Hokama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

**ACTION: FIRST READING OF BILL AND FILING OF
 COMMUNICATION.**

CHAIR MOLINA: Thank you very much, Members. And thank you very much, Chief and the Department, and Ms. Alibin, and Mr. Kayama. Got a good lesson in this today for sure.

**GET-2(27) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (COST OF
GOVERNMENT COMMISSION) (CC 19-24)**

CHAIR MOLINA: All right. Moving on to our next item. We have the Nominations to Boards, Committees, and Commissions (Cost of Government Commission), GET Item-2(27), which relates to the appointment of Lu Ann Lankford-Faborito to the Cost of Government Commission for the County of Maui and this would be for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Sharron Courter. And we have from the Administration, Ms. Baisa. And Ms. Baisa . . . I'm going to ask Ms. Faborito to come up to the lectern to answer any potential questions. While she does that, Ms. Baisa, please just give us a very brief introduction on Ms. Lankford-Faborito.

MS. BAISA: Good morning, Chair and Members. Thank you for the opportunity to be here today to present our recommendation, the Mayor's recommendation to fill a vacancy on the Cost of Government Commission. I am a very excited person today to have this woman here today, and I have to tell you that the Cost of Government Commission is totally excited also. It has been a long time since we've had a representative from Molokai. We always have people from . . . for a long time as long as I've been involved, we had a person from Lanai, but we have not had anyone from Molokai. And so, the

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Commission is really excited that we are now complete. We have somebody from our entire County. Ms. Faborito is, has a very impressive resume and I have to tell you she's very enthusiastic. When I called her, I was kind of nervous because I only had an application and, of course, I was talking to her about the Cost of Government and I was really impressed that she was very enthusiastic. She went and asked a lot of questions and she really is excited about serving. She's so excited that when I told her that if she wanted to come today it would be at her own expense because she had not been summoned. She said, no problem. I'll be there. So, that kind of tells me that she is more than willing to serve, and her resume is quite impressive. She has . . . she graduated from James Campbell High and Cannon's Business College, and she runs a business. And I'm going to be quiet so you folks can ask her all the questions. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. Okay, Ms. Lankford-Faborito if you'd like to just give some opening comments about your interest in serving on this commission, and then I'll open up the floor for questions if any of the Members have for you.

MR. LANKFORD-FABORITO: Aloha. Welina mai, Maui County. Lu Ann Mahiki Lankford-Faborito, Hoolehua, Molokai, mai _____. I'm glad to be here. I serve on another commission in the State, so I am a little bit aware of this. I've served on that one for eight so I kind of know a little bit about the commitment. Outside of that, I'm sure you saw my resume. I do a lot of civic things. My friend, Keani Rawlins, we are on the same Hawaiian Civic Club of Hoolehua, which I am also a member of, and the Hoolehua Homestead Association. I do work on Oahu Monday through Wednesdays and I fly back home so that's my life. I'm here let's go for it.

CHAIR MOLINA: Okay. Thank you very much Ms. Lankford-Faborito. I'll recognize Committee Vice-Chair Rawlins-Fernandez to ask the first question. And, again, Members, I'd like to . . . I'm sorry to put you under some time constraints but if can leave it, you know, to a minimum of two, no more than two questions, if possible, to work with the Chair on this. Go ahead, Ms. Rawlins [sic].

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Lankford-Faborito. Mahalo for being here today especially at your own expense. So, first question is regarding attendance. We're having that discussion today. Do you see any conflicts or any reasons why you think you would not be able to make meetings, or do you see attendance as not being a problem?

MS. LANKFORD-FABORITO: First of all, what is . . . is it a standing meeting? It's a standing meeting every month, which day?

MS. BAISA: Mr. Chair. I gave her that information but I'm sure that she's probably is very excited here. Anyway, Cost of Government Commission meets once a month on the second Thursday.

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MS. LANKFORD-FABORITO: Second Thursday.

MS. BAISA: And they meet at 10:15 here in the County building.

MS. LANKFORD-FABORITO: No, that is not a problem for me.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Would you be coming from Molokai or Oahu?

MS. LANKFORD-FABORITO: I'll be back on Molokai on Thursdays. I fly home on Wednesdays, I fly back to Honolulu Monday morning. So, I wasn't sure if we meet at the Molokai Office and you guys do it that way like how you had some . . . but you have to come here physically. Okay. That's not a problem for me.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then after confirmation I believe your expense would be covered --

MS. BAISA: That's correct.

VICE-CHAIR RAWLINS-FERNANDEZ: --unlike today.

MS. LANKFORD-FABORITO: Well, there's a correction today. Ladies, did you want to let them know?

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Espeleta?

MS. ESPELETA: Mr. Chair, your procedure is to request, having received four or more requests from Members before a nominee is invited. We did receive that by the deadline; therefore, we did cover the expenses for Ms. Lankford-Faborito's travel today.

MS. LANKFORD-FABORITO: So, I bought it myself and then they turned around and then so, long story short I got the refund and . . . yeah, I did it on my Hawaiian Miles. That's a good thing. So, thank you, to the girls here who took care of my travel for today.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great. And last question for this round, what do you expect to bring to the board? What kind of experience do you have on this . . . how well do you know what the board, this Cost of Government Commission does? And what do you expect you would contribute, or would you like to contribute to the commission?

MS. LANKFORD-FABORITO: So, I know it's about making sure the taxpayer dollars they get the value for what they're paying. Yeah, so it looks to me like there's a lot of transparency things, the annual report looks like whatever issues and matters come up especially when it comes to finance issues and budgetary things, they need to research that. I've been in the accounting field for over 30 years so I know a little bit about that

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but I think what is most, the most thing for me is the whole accountability for the taxpayers, you know, the amount of money that you guys allocate to do these things and making sure that it is done within the parameters of what you guys have, you know, given them. So, I'm committed to do that. I think I know a lot about it.

VICE-CHAIR RAWLINS-FERNANDEZ: Did you get an opportunity to review any of the minutes or watch any of the meetings?

MS. LANKFORD-FABORITO: No, but I did look at some of your annual reports – all 128 pages of them. So, you know, I see each . . . there is so many committees that are responsible that come under the purview of this commission, this board, that it's pretty deep. So, I can just listen from the others their book, what their book was like for them to review. I mean, I just hope that ours is not going to be that big but like you said once a month surely whoever is the person who is going to be passing on the information we get it in adequate time, we get to review it before we actually come to the meeting and take action. Correct? Is that how it's done here?

VICE-CHAIR RAWLINS-FERNANDEZ: I think the Cost of Government Commission is a little different from the Planning Commission --

MS. LANKFORD-FABORITO: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --in the sense that you won't be approving projects like the Planning Commission does. But the current Cost of Government Commission seems to be very active and ambitious in what they're doing right now. And so, I know that you're also, you know, really active in boards and commissions so I think you would be a good fit.

MS. LANKFORD-FABORITO: Yeah, that one sunsets in June. So, I'm kind of happy to let that one go and move on.

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

CHAIR MOLINA: Mahalo, Ms. Rawlins-Fernandez. Members, any other questions before I come back to Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Real quick, Chair.

CHAIR MOLINA: Oh, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: I wanted to correct the record. Ronald Kimball was from Molokai. He was the last person that served, and he was replaced by Michael Williams. So, it hasn't been that long. I think Ms. Baisa would like to respond to that.

CHAIR MOLINA: Yeah. Ms. Baisa?

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MS. BAISA: Chair, yes, Councilmember Rawlins [sic] that is correct. Unfortunately, it took a while for him to be replaced. Thank you.

CHAIR MOLINA: Okay. Member Paltin followed by Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you for your willingness to serve and being here today. My understanding of what some of the issues Cost of Government Commission is covering or has covered in the past is not entirely about the finances. Like there is some sort of . . . maybe kind of I don't know if policy work is the right word but things that they've looked into in the past were like the professional manager versus the strong Mayor structure or things like, you know, possibly repealing the Minatoya list, which allows for a lot of short-term rentals beyond what is permitted. And so, my question is how comfortable or knowledgeable are you about how the County works and the role of the Cost of Government Commission can have in directing functions for keeping the cost efficient, not necessarily, you know, saving money but at what expense and the efficiency of the systems and the ways that our government functions?

CHAIR MOLINA: Okay. Ms. Faborito Lankford [sic]?

COUNCILMEMBER PALTIN: Sorry, I can clarify parts of that.

MS. LANKFORD-FABORITO: No, no. I think I know where you're going. So, just from what I glanced at some of the reports there's a lot of statistical stuff that they do with different things like the safety and the health, the work environment, so I know where you're going with that. It's not just the finance but that was the one that kind of hit me first because I'm in accounting. That's my thing. So, of course, that's more like my kuleana. But the other things also because I also do . . . I'm involved in human resource things, so I do know some of those statistics, reading 'em, the workplace issues, the safety issues, worker's comp issues. There was a whole bunch of stuff that I read in there. So, I'm not unfamiliar with those type of issues and matters. And I am very, I think I know that I'm very knowledgeable as far as a lot of the workplace stuff in the private sector, yeah. Government this is something a whole different animal to me, but I believe most of it is somewhat similar. The private sector, you know, we have a way more latitude. So, I feel comfortable with my skills and my knowledge.

COUNCILMEMBER PALTIN: Thank you. And I appreciate the acknowledgement that the private sector may have way more latitude than the government sector has with union, bargaining rights, and things like that. So, thank you, thank you for your willingness to serve and fly over here monthly.

CHAIR MOLINA: Thank you very much Member Paltin. Before recognizing Member Sugimura, typically, if it's four Members of the Council asks for a nominee to come over, the Council assumes the travel expenses. Now, once the nominee is confirmed, and in this case, Cost of Government Commission comes under the Mayor's Office, I believe it will be the

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Mayor's Office that will be reimbursing Ms. Faborito [sic] and also a Lanai member, I believe they have one. So, that's where the reimbursements come in as it relates to the nominees. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I really appreciate you being here, and I must say I'm impressed so let's call for the question. Let's vote.

MS. LANKFORD-FABORITO: Sounds good to me.

COUNCILMEMBER SUGIMURA: I like your commitment. I like your energy. And I look forward to learning more from what you learn. Thank you.

CHAIR MOLINA: Okay. Before we do that, we'll recognize Member King and Member Rawlins-Fernandez to have the last turn at Ms. Lankford-Faborito.

COUNCILMEMBER KING: Thank you Chair. And thank you so much for coming over even being willing to do it at your own expense. I just wanted to reiterate the . . . I don't know if you, I think you sat here the whole time and heard all the --

MS. LANKFORD-FABORITO: Yes, I did.

COUNCILMEMBER KING: --testimony about showing up. But my understanding is the Cost of Government Commission has been having issue with quorum and had to cancel meetings. So, just wanted to reiterate how important it is to have members show up and anything that you can do as part of that group to encourage the other members as well because as you heard earlier also it's not just getting that quorum but it's getting the full complement so you can have a rich discussion and deliberation and not just being held up by the one person who would threaten to vote against everybody else. So, anyway, I appreciate you being here and that shows us your commitment and that, you know, this moving forward with this other legislation if we should do so today would be, would apply to all of the board and commission members. But I also wanted to ask what was the State Commission that you were on?

MS. LANKFORD-FABORITO: I belong to the King Kamehameha Celebration Commission. I was the Molokai Commissioner for the past three years. Five years before I served as the Association of Hawaiian Civic Club's Commissioner. So, I'm only allowed to serve eight . . . --

COUNCILMEMBER KING: Oh, okay.

MS. LANKFORD-FABORITO: --eight years total, yeah, and then we're done. And I think I've been there long enough that I'm good with being done.

COUNCILMEMBER KING: Okay.

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MS. LANKFORD-FABORITO: The only thing my question is the County level is done differently so on the State level, you know, we have the Sunshine Law, we have to post the agenda at the Capitol one week in advance. If we meet outside, if I had the meeting on Molokai, I have to let them know a week before I can have the meeting on Molokai while they're having it in Honolulu. Do you guys have the same Sunshine Law, agenda posting, all of that?

COUNCILMEMBER KING: We are subject to Sunshine Law.

MS. LANKFORD-FABORITO: Okay.

COUNCILMEMBER KING: Probably even more so than the State.

MS. LANKFORD-FABORITO: Okay.

COUNCILMEMBER KING: The State Legislators actually exempt themselves from the Sunshine Law, but the Council is subject to the Sunshine Law too.

MS. LANKFORD-FABORITO: Thank you.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR MOLINA: Thank you, Member King. And to close our line of questions for our nominee we have Ms. Rawlins-Fernandez. You have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Last question. As a part-time, so you'll be taking the Molokai seat and as a part-time Molokai resident how do you plan to, you know, gauge community interest or . . . what's the word, ensure that you're representing Molokai's, you know, interests in . . . on the Commission?

MS. LANKFORD-FABORITO: You know the best part of going home – Thursday, Friday, Saturday, Sunday, Monday, the airport is the buzz. Friendly Market is the heart of the town and Molokai Dispatch. I also sat on the board of the Molokai Community Health Center prior to the snafu. So, you know, I do have a beat a little bit. Every time you go to town, every time I visit with people, mom's up in Maunaloa, I'm in Hoolehua, we hit downtown so I do have a little bit of a beat on things on the island. I am engaged, interactive with almost everyone especially my mom's classmates. I did not grow up there, I did not graduate there; however, my roots are from the island. I was born there so I do have a connection, I do have a direct contact. Taken mom to Vegas for her Molokai High School reunion for all the whole alumni so I do, I do feel like, you know, I have contacts and I am connected even though Thursday, Friday, Saturday, Sunday, you know, from the time I get there, like I said, the airport, the market, the church, everywhere, you know, I am connected as very visible, everybody sees and more so because they know I recently moved home, you know, so they like, oh, you know. So, more people wanna talk, and that's good for me. It opens the door.

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that.

MS. LANKFORD-FABORITO: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Would you be willing to attend some of my town halls to present some of the things that you will be discussing on the Commission?

MS. LANKFORD-FABORITO: Absolutely.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Thank you. Mahalo, Chair.

COUNCILMEMBER KAMA: Chair? Chair?

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

COUNCILMEMBER KAMA: Thank you. So, my understanding is that when we get new board and commission members that there's an opportunity for them to attend training. So, I just want to ask Ms. Baisa if it's possible if Ms. Faborito [sic] would be able to attend those trainings so when it's coming up, we can let her know that. But I totally support Ms. Faborito [sic]. Thank you.

CHAIR MOLINA: Okay. Ms. Baisa, you have any comment?

MS. BAISA: Yes. Mr. Chair and thank you. Been laughing about the fireman. Thank you for the question. Gives me an opportunity. The Cost of Government Commission has been having some issues. There's been a change in leadership and there's been some long-time illnesses and it's had some issues. However, we have a brand-new Chair and he's very active. I'm very excited about working with Mr. Williams. The other thing is, when they looked at their budget for this year, they did not have any money in there for training or for that kind of thing and they did put some in. And at this very moment, I am working with a consultant to bring somebody in to help them with team building and also with leadership training, and I'm very excited. They will receive all the basic training and she will receive the Sunshine Law and all the harassment and all those kinds of things that we have to know. But they will have extra training.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Kama.

COUNCILMEMBER KAMA: Thank you, Ms. Faborito [sic].

CHAIR MOLINA: Okay. The Chair is going to end the question, line of questioning for our nominee. I want to thank Ms. Faborito-Lankford [sic] for responding to the questions.

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MS. LANKFORD-FABORITO: And can I thank the two ladies who took care --

CHAIR MOLINA: Of course.

MS. LANKFORD-FABORITO: --of everything and Ms. Baisa, thank you very much.

CHAIR MOLINA: All right. Thank you. All right. Very simple, Members, the Chair is in total support of the nominee so, therefore, the Chair will ask for a motion to recommend adoption of the proposed resolution to approve the nomination of Ms. Lu Ann Lankford-Faborito to the Cost of Government Commission.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KING: Second.

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

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. Thank you. Chair marks it seven ayes, two excusals -- Members Lee and Hokama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR MOLINA: All right, Members, Chair is aware of the time -- 10:40. Do you have stamina to do one more? All right. Let's go for it. We'll do GET Item-2(28) and then take a recess after.

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GET-2(28) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (KULA AGRICULTURAL PARK COMMITTEE) (CC 19-24)

CHAIR MOLINA: Item-2(28) relates to the appointment of Bryan Otani to the Kula Ag Park Committee for the County of Maui, and this would be for a term expiring on March 31, 2022, to fill a vacancy due to the resignation of Brandon Shim. Chair recognizes Ms. Baisa for a brief introduction.

MS. BAISA: Yes. Thank you very much, Chair. I'm very excited to present, the Mayor and I are very excited to have Mr. Otani as a nominee to the Ag Park Committee. You know, the name Otani is so synonymous with Upcountry farmers as far back as I can remember, and I've been here a while. So, I'm very excited that he is a, offering his service. I'm also excited that the Farm Bureau is in full support of his nomination. He's taking the seat on the board that is assigned to the Maui County Farm Bureau. And the reason why Mr. Shim resigned was that he was no longer with the Farm Bureau and he realized that he was not eligible, so he resigned, which I thought was very gentlemanly of him. Mr. Otani, of course, is a country boy and he's very, very knowledgeable about the Kula Ag Park being that he works in it and he farms in it, and he has a high school diploma and three years at the University of Hawaii. He is involved in the community in other ways. He's a baseball coach and he's also on the Farmer's Exchange and the onion growers. It's like the throat problem today is prevalent and so I'll be quiet. Thank you.

CHAIR MOLINA: Thank you, Ms. Baisa. I know the feeling. So, thank you, Mr. Otani. I know we appreciate you giving your time. I know you come from a very well-established family up in Kula, and you guys grow some very terrific vegetables up there. Chair will recognize the area rep if she has a question for Mr., oh, by the way, Mr. Otani, do you care to make a brief opening comment on why you want to serve on this Committee?

MR. OTANI: Just to offer my, I guess knowledge and experience. Knowing the industry growing up all my life is, yes, pretty much all I know.

CHAIR MOLINA: All right. Thank you, Mr. Otani. Member Sugimura?

COUNCILMEMBER SUGIMURA: Gladly. Thank you very much for being here. I know you had to, like everybody else, take off time to appear. And with you I know it's hard work being a farmer. And I looked on your application it says from 1988 you've been doing this to present, and that's your whole life. And you come from a very well-known family Upcountry and I know your parents must be really proud that you're taking over, you know, the family business. So, Mr. Otani, as you know, lot of the vegetables that we eat in our salads come from his farm and I really support him to serve on this Commission. He lives it. So, Members, don't have to ask any more questions. Just vote. No, but I really do mean that. Thank you.

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CHAIR MOLINA: All right. Thank you, Member Sugimura. Members, any questions for Mr. Otani? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Otani, for stepping up and volunteering. How long have you been part of the Kula Ag Park, your ohana?

MR. OTANI: Yes.

COUNCILMEMBER SINENCI: For several years?

MR. OTANI: Since '84. I think when it opened when it was just kiawe trees and rocks.

COUNCILMEMBER SINENCI: I just had a general question for you. I mean, are there any, you know, looking at where the current circumstance . . . situations are about farming and us trying to promote ourselves, continue in our farming traditions especially for our small farmers supporting them for startup cost and that kind of thing. So, if you were accepted into the Committee, what are some of your . . . maybe you have some ideas that you wanted to kind of promote farming to get more young people involved and to get more just agriculture in general?

MR. OTANI: I would say the biggest support starting up as a new, young farmer will be like a . . . a lot of it is financial. Like for me, I was fortunate because my family has been farming for four generations. But some of these new guys they're coming in and actually they're not experienced so sometimes they need like a little bit leeway like on policies and that kind of stuff. And that's the biggest challenge I see for new people. You know, some of them they have actually pretty good ideas. But they don't have the experience and the knowledge to, you know, be successful sometimes. And sometimes they just need the time to, you know, be successful.

COUNCILMEMBER SINENCI: Do you find that for those startup small farmers, will they have a market on Maui? Could they easily, you know, . . .

MR. OTANI: Yes, there's always a market for local vegetables because people gotta eat, basically.

COUNCILMEMBER SINENCI: Do you see a need for more production and processing plants not just for startup farmers but for all farmers?

MR. OTANI: Yes. Processing actually helps because it expands the product line, yeah. It extends the shelf life and that kind of stuff. Value added.

COUNCILMEMBER SINENCI: Okay. Continuing more value products besides the fresh . . .

MR. OTANI: Yes.

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COUNCILMEMBER SINENCI: All right. Thank you, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Otani, for being here and for farming. I was wondering if you had any like policy, recommendations in regards to the area and, you know, actions to be taken to prevent like rat lung worm or little fire ant or those types of invasive species and pests in your Kula Agricultural Park?

MR. OTANI: Not at this time but I probably could think of something.

COUNCILMEMBER PALTIN: Okay. Thank you.

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

COUNCILMEMBER SUGIMURA: It's kind of one comment in tagging on this is they're probably more concerned with axis deer or feral pigs, you know, kind of those kinds of that the Kula Ag Park is having problems with so I just want to mention that.

CHAIR MOLINA: Okay. Thank you for that clarification. Member Kama?

COUNCILMEMBER KAMA: Thank you. Thank you for being here, Mr. Otani. You know, so as I think about our County and the economy, I think about how tourism is, is the economy now but I also think that we can't always have our eggs in one basket and I think about agriculture being more of an economy than tourism because that's something we can actually do, and we can probably approach with a better mindset. So, what do you see as and how do you see, if you do it all, see agriculture being a . . . playing a larger role in our economy?

MR. OTANI: I think more for self-sufficiency; that is the biggest issue. Cutting down on the imports, you know, whatever we can grow here we should grow it here, but you know there are certain items like is just almost impossible. You know, I just was talking to a friend of mine who is also a farmer but he was saying like, you know, people from the mainland they come here they think, oh, they can do things one certain way but, you know, it's some different area, the climate, the micro-climates and all that kind of stuff. So, there's certain crops that we can grow but maybe not for export even. So, it's more like for self-sufficiency.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Member Kama. Just a quick question. Maybe Ms. Baisa can chime in. The Kula Ag Park as far as your ability to attend no problem. Ms. Baisa, the Kula Ag Park typically meets at what time of day?

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MS. BAISA: Mr. Chair, the Kula Ag Park meets on call.

CHAIR MOLINA: Okay.

MS. BAISA: There is no regular monthly meeting scheduled.

CHAIR MOLINA: So, it's on as needed basis.

MS. BAISA: That's correct.

CHAIR MOLINA: And I guess because the farmer's schedule you gotta start early in the morning and I know go through early evening, yeah, so the meeting is typically more in the late afternoon, early evening? Mr. Otani, I think when your dad was on the committee before --

MR. OTANI: Yes.

CHAIR MOLINA: --the meetings would be what more late afternoon?

MR. OTANI: I believe so.

CHAIR MOLINA: Okay. Thank you. Okay, Members, if there are . . . oh, sorry, Member King?

COUNCILMEMBER KING: Thank you, Chair. So, I wanted to . . . that was kind of interesting that the meetings are on call. And I'm assuming that there are going to be meetings about the additional part of the park that we've added on, and would that be . . . or is that a separate body, Ms. Baisa?

MS. BAISA: Mr. Chair? Yes, there will be follow up meetings because as it is planned right now it's part of under this board but I think that it may need a separate organization running that 'cause it's going to be pretty big and, particularly, in the beginning.

COUNCILMEMBER KING: Oh, okay. That's interesting. So, you would just be focusing on the current active part of Kula Ag Park. Okay. Now, I wanted to mention speaking of climate that agriculture is kind of rising to the top of climate solutions, specifically regenerative agriculture so are you open to being part of that discussion as a member of Kula Ag Park and a member of our local agricultural community?

MR. OTANI: Can you clarify the question?

COUNCILMEMBER KING: Well, the issue of regenerative agriculture is rising to the top of climate solutions for, you know, the climate change issues we're dealing with, and mitigations of emissions. And so, I was just wondering if you are open to being a part

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of that discussion because we're looking for to bring the ag community together and it's important that it's not just one faction of another of the ag community?

MR. OTANI: Okay. You mean like our farming practices?

COUNCILMEMBER KING: Farming practices and working with the regenerative, organic farmers, you know, we need all farmers to come together.

MR. OTANI: Yeah, I think anything that works the farmer will do, yeah, basically what it is. Because like for me, I would do, you know, people say, oh, are you conventional or organic? But I just tell people I do . . . I just do whatever works.

COUNCILMEMBER KING: Right. No, I'm not, I'm not necessarily talking about your personal farming practices. I'm just . . . as a board member, would you be willing to come together with the larger agricultural community?

MR. OTANI: Yes. Sure.

COUNCILMEMBER KING: Okay.

MR. OTANI: Yeah.

COUNCILMEMBER KING: Okay. That's going to be very important going forward, I think.

MR. OTANI: Uh-huh.

COUNCILMEMBER KING: Thank you. And thanks for being here.

CHAIR MOLINA: Okay. Thank you very much, Member King. Mr. Otani, because you're so successful and so knowledgeable, this is why we seek your input so. Okay. Member, Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, have you attended any of the Kula Ag Park meetings?

MR. OTANI: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Have you reviewed their minutes, any of their minutes?

MR. OTANI: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. How familiar are you with what they do?

MR. OTANI: Not that familiar. I just know my dad used to go.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, I guess . . . do you know what you would contribute to the committee?

MR. OTANI: I think more as one voice, as one actual, active farmer and the experience, like I said, what I can bring and offer. If they have questions about the industry, I can answer questions.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Okay. And then we talked about the attendance issue and that's all I have. And I have a question for Ms. Baisa after . . . after everyone pau with Mr. Otani. Mahalo, Mr. Otani.

MR. OTANI: Thank you.

CHAIR MOLINA: Okay. I don't see anyone else that has questions for Mr. Otani, so I recognize you, Ms. Rawlins-Fernandez, with a question for Ms. Baisa.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Maybe we can excuse Mr. Otani from the podium. Mahalo.

CHAIR MOLINA: Okay.

MR. OTANI: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Otani.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Baisa, it says in the ordinance that no more than three Committee members may hold a financial interest in a lot within the Kula Ag Park. Do you know if any of these the nine or the eight current members have an interest in the Ag Park?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: To the best of my knowledge we have, we'll have Mr. Otani and we also have James Jones who is a tenant in the Park.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. But that's a required seat.

MS. BAISA: That's a required seat.

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VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, Mr. Jones and then Mr. Otani would be one. Okay. And so, there would just be two?

MS. BAISA: As far as I know.

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

CHAIR MOLINA: Okay. Thank you, Ms. Rawlins-Fernandez. All right. Seeing no other questions, Members, the Chair is going to offer a recommendation and it's to recommend a passage of the, oh, excuse me, to recommend a motion to approve the proposed resolution to support Mr. Otani's nomination to the Kula Ag Park.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER SINENCI: So moved. Second.

CHAIR MOLINA: Moved by Member Sugimura, seconded by Member Sinenci. Any discussion? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Thank you. Chair mark it seven ayes, two excusals – Members Hokama and Lee. Thank you very much, Members.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

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CHAIR MOLINA: Well, Members, it is 10:54. Chair is going to call for a recess. Return to the Chambers at 10:55. Nah, just kidding. Come back at 11:05, Members. Meeting in recess. . . . (*gavel*) . . .

RECESS: 10:55 a.m.

RECONVENE: 11:09 a.m.

CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for January 21, 2020 is now back in session. Nine minutes after the hour of 11 o'clock. Thank you for that recess, Members.

**GET-40 AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO
ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY
APPOINTED MEMBERS (CC 19-478)**

CHAIR MOLINA: We're now on GET Item-40, which relates to the proposed changes to the boards and commissions as far as attendance goes. There was a request made to have the Affordable Housing Fund Charter amendment taken up first. However, I know Ms. Baisa has got very important matters you have to deal with so, we'll continue with the agenda as is and we'll try to see how fast we can go through this first item. So, what I will do right now is, well, first, tell you what this bill is about. This is, again a bill for an ordinance amending Chapter 2.41, Maui County Code, relating to attendance at board, commission, and committee meetings by appointed members. And the purpose of the revised proposed bill is to incorporate non-substantive revisions. So, I'd like to ask Ms. Baisa from the Mayor's Office to give us a brief overview of this proposal.

MS. BAISA: Thank you very much, Chair. And I'm very happy to be here today. I've been waiting to get this down here for quite a while. As you know, I've been in the position of helping with the boards and commissions for over a year now. And I've experienced all kinds of situations with attendance. And after maybe about eight months of it and mostly I want to say, first of all, most of the commissions do very well. We have approximately 30 boards and commissions that we oversee, and I would say that the majority, the vast majority, do a good job. People come and they're able to function and nobody is taking advantage of attendance. However, as you know, every time you make a rule or law, you're going to have the minority to deal with and they challenge you. We have several commissions that have had serious attendance problems and they've had to cancel meetings and they've had to go without a quorum. And as I watched that, I got more and more excited about it. I also started attending some of these commissions and I also decided that I would review the minutes of every commission with an emphasis on attendance. And I was kind of surprised when I did that, that when I attended one of the meetings, I got there and the Chair wasn't there and the people came in and nobody seemed to be excited about the fact that the Chair wasn't there. And so, after a little while, a good-natured kidding about who was there and who wasn't. So,

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ah, you, you can chair the meeting so somebody steps in. And, oh, where's so and so, oh, I don't know. But we have enough so we can go. And it really bothered me. So, I went back, and I talked to Mr. Kushi about it. And I said, Ed, do we have a County policy that governs all of this and he said, well, we have various policies in various departments and commissions, but we don't have an overarching policy. And what we might want to do is create an ordinance. So, I took it from there and I did some research. I went to look at other municipalities and the kinds of policies they have and with my nonprofit background I also went to the nonprofit sector and looked at what they had and I know we have one at MEO, and quite a few of the nonprofits have strict policies 'cause it's so important that they can do their business. When people don't come, and you can't meet, you don't have a quorum, you can't do business. Also, as I was counseling people or talking to them in the recruiting process, I kept stressing the fact that you need to come. You need to come. And meanwhile, I'm experiencing the attendance of some of the commissions that were not doing very well at all. So, this was the impetus for this creation of the ordinance. And so, I worked with Mr. Kushi and I gave him a draft, which he worked on, and I have put in a RFLS and we went back and forth a few times. Meanwhile, during this whole process I had been talking to the Mayor and I told the Mayor, I said, you know, Mayor, this is my experience and he said, well, this is not good and I support you. I think it's very important that when people agree to serve or want to serve and sometimes solicit and say, oh, I really want to be on this commission. Sometimes we beg them to be on the commission because we really need them. But in either event once you are installed and once you take the oath of office you're committed to attend. You should be as much as possible. And so, here came this draft. And another thing that I required right away was that at every meeting, this I did myself, I just said, administratively, this has to be done. From now on, at every meeting, I want a roll call so that it is on the record and that you said present or not present, no answer, where is he, present, excused, absent, whatever. So, when Mr. Kushi and I started talking about this I wasn't really that clear myself about how do you determine who is present and who's not, and we had a discussion about excused and absent. And one of the big problems we have and we heard about it this morning in testimony is that people will call at the last minute and say, well, my kid is sick or I decided I'm going to go out of town, whatever, and so they're excused. But they're not there. And if they have a whole bunch of excuses, we still have that effect of not being able to meet and not being able to do the business. So, the recommendation was just it's either you're there or you're not there. And we hope that you feel strongly enough about the work that your commission is doing that if you have reasons why you cannot attend that you would take the initiative to say, I don't think I can fulfill the responsibilities so I would like to resign. But sometimes that's hard to get. And we've had cases where people have been really . . . they've had really bad attendance and they don't volunteer. And when they're coached or asked to resign, they resist. And so, we decided that it was in the best interest of everybody that we all know going in this is my expectation of attendance. If I don't do it, this is what's going to happen and it's clear and then there's no debate and there's no issues about favoritism or you like her better than me so, you know, you let her be excused and we got out of all that. So, that's what this is before you. And the 50 percent was an idea that, you know, at least half; however,

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we did discuss it and we decided we put the 50 percent in and see how the public and you folks felt about it. So, I'm open to answering any questions and I look forward to the discussion. This is very important. We're in January and if we can do it soon then we can start implementing. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Baisa. All right, Members, you heard the overview from Ms. Baisa. The Chair is going to take the privilege first of letting you know that I did submit some proposals for consideration on this proposed bill. But I want to first thank, Ms. Baisa and the Mayor, and the Administration for looking at memorializing rules and parameters for attendance. This is very, very important. Over the years various administrations have had different policies as it relates to dealing with the chronically absent board and commission members. I believe this is the right, going in the right direction to memorialize this. So, whatever comes out of this Committee and Council in terms of the ordinance at least now all boards and commission nominees and members will be made aware these are the parameters you are expected to follow 'cause whereas there was none, at least officially in writing, you have something now in writing. So, I want to thank you for putting this out there. Let me just first state I agree with one of the testifiers that said the way the bill is structured or the parameters, in my opinion, humble opinion, it's a bit rough, I think, because it does put especially on the committee or board chairman because these are volunteer positions. There's no compensation involved. I believe we should remain status quo. These should be administrative duties and not be placed upon the volunteer 'cause, otherwise, I fear that it may deter individual members from becoming the chair because it's additional responsibilities. Now, certainly it's up to a committee or board chair to take on additional responsibilities. I don't want to make that a requirement. Leave it as an option for the committee chair to take them on. So, to me, to pressure them with carrying out, staff functions will impact our ability to get the community to volunteer for these appointments. So, therefore, before you I have submitted to you some considerations and I'd like to walk . . . walk you through them if it's okay with you, Members.

COUNCILMEMBER SUGIMURA: Wait. You have a copy?

CHAIR MOLINA: Yes. It's dated today. It's transmittal of legislative proposal relating to amending Chapter 2.41, Maui County Code. I believe Staff handed --

COUNCILMEMBER SUGIMURA: I got it.

CHAIR MOLINA: -- them all out to you. Okay. Are we all good, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: Okay. All right, Members, Chair's first proposal, I'll walk you through it is to delete Section B. Okay. I believe this section is not necessary because it just references a Charter section that is a statement of fact but, again, has no teeth and does not add

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to the proposed bill. In its place, I want to add a new Section B, which is . . . with new language that's in bold italics. Proposed bill requires the Chair to keep attendance. Now, in my opinion, the attendance is an administrative duty so, therefore, the department staff should continue to keep attendance. This is a clerical responsibility and should not be the Chair's responsibility who is a volunteer. So, therefore, the new "B." should read – *It shall be the duty and responsibility of the departmental staff personnel assigned to the board, commission, or committee, to account for and document the presence or absence of all members at every duly noticed, regularly scheduled meeting.* Comments, Members? Member King?

COUNCILMEMBER KING: Thank you. Just a question. I support having the staff do that because as you said, that's the paid staff and they're supporting the boards and commissions who are all volunteers. I just have a question about this, the first section that you're deleting. And you're saying that that's already in Charter that it takes two-thirds of the Council to support the Mayor's removal?

CHAIR MOLINA: Um . . . I don't . . .

COUNCILMEMBER KING: That's what that says --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: --right now. And I know I looked at some of these other schedules and they say so and so removed by the Mayor, and I don't remember . . .

CHAIR MOLINA: Yeah, it's the Council removes, right.

COUNCILMEMBER KING: I don't remember approving it, so I just wonder if we, are we in violation of that section in the Charter?

CHAIR MOLINA: Let me ask Ms. desJardins, if you have any comments?

MS. DESJARDINS: I need a moment to look at it. I just got it so if you want to just let me look at it for a second.

CHAIR MOLINA: Okay. Well, while you're looking that up, I'll go to other Members if they have any other comments on this.

COUNCILMEMBER KING: But that was the main reason for removing Section B is that you said it's already in the Charter.

CHAIR MOLINA: Right.

COUNCILMEMBER KING: Okay. So, I don't remember . . .

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CHAIR MOLINA: It may be redundant in some cases.

UNIDENTIFIED SPEAKER: Section 13-2(5).

CHAIR MOLINA: Section 13-2(5).

COUNCILMEMBER KING: So, apparently, it is in the Charter and we haven't been doing that as a Council, you know, approving removals.

MS. BAISA: You do.

CHAIR MOLINA: I think we did, yeah. I know when I served in Ms. Baisa's capacity for the former Mayor, the Mayor would make a recommendation to Council and it's up to Council to remove the person, ultimately.

COUNCILMEMBER KING: Okay. So, is . . . if we replace that, consider that approval, or are we actually doing? Okay, I guess we can check into the history of that.

CHAIR MOLINA: Okay. Any other as it relates to this proposal? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I support that the staff be responsible for it. I just have a question to the original version where the Section 13-2(5) was referenced and if this was put on by Corp. Counsel or Ms. Baisa or the Mayor to remind us of that wouldn't you want to be open to saying the Mayor, with the approval of the Council or just two-thirds of the Council if the Mayor's staff doesn't realize that there's been so much absences or something like that? You know, I mean, as has occurred in the past. You know, for just the CPAC recently we all knew long time that somebody had resigned but just to even get the process rolling to put someone in there who could have been making some votes that would have not held up the program. Maybe instead of just deleting what's already stated into the Charter, we could add on, you know, the Mayor with approval of two-thirds of the Council or just two-thirds of the Council themselves could take the action to remove the person if it's for cause or medical reasons or whatever and just give an extra layer of getting things moving a little bit faster.

CHAIR MOLINA: Administration, you want to give comment on . . . or Ms. desJardins?

MS. DESJARDINS: Thank you, Chair. The Charter is pretty clear it has to be both.

COUNCILMEMBER PALTIN: Oh.

MS. DESJARDINS: So, it's Mayor and two-thirds Council. So, you would have to stay consistent with that.

COUNCILMEMBER PALTIN: We're not making an ordinance now and you cannot ordinance beyond what the Charter allows for, is that what you're saying?

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MS. DESJARDINS: No, the Charter prevails over the ordinance. So, the ordinance has to be consistent with the Charter.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. Sorry.

CHAIR MOLINA: Okay. No problem. Any other comments on this first proposal? Okay. Seeing none. Let's move on to the next proposal that I have for you. Section D, which will now be the new Section C. Again, the Mayor's or the Administration, I feel, would be putting too much responsibility on the board and commission chair. So, this amendment reads – *If a member will be unable to attend a duly noticed, regularly scheduled meeting, the member must notify the chairperson and the departmental staff personnel assigned to the board, commission, or committee.* Any comments? Chair King . . . Member King?

COUNCILMEMBER KING: Yeah. So, it looks like you've taken out the at least 48 hours part and that's a little concerning because of what Mr. Carnicelli said. So, you could notify someone one minute ahead of time and you would have notified them. That's really inconvenient for everybody else who's sitting there waiting for the meeting to start. So, I would rather see that 48 hours put back in there because I think that would . . . maybe Ms. Baisa can elaborate on the reason for that.

CHAIR MOLINA: Yeah. Let me give you a quick, before I recognize Ms. Baisa. Let me explain my rationale for that. You know, things happen. I mean, it could happen 24 hours, you know, you could have an emergency. I wish we could plan our lives where things, emergencies happen 48 hours or after but that's my rationale for taking out the 48 hours. Now, I don't know if you guys want to make it 24 hours or if that might be something more agreeable to everyone?

COUNCILMEMBER KING: But Chair, maybe we could make it 48 hours except for in a case of, you know, medical emergency or something like that because a lot of times it's just a few minutes before the meeting someone just decides that they'd rather do something else. I just got a notice about an HSAC meeting for next week where one person can't make it because of an event, and they want to change the date. When I tried to change the date because I've had standing committee meetings, there was no movement. But, you know, it's frustrating to and it's also frustrating to not know the reason. I see you've taken that out too for the absence because to me that's the difference between an absence and an excuse. If there's a good reason for it because it's an emergency, then it should be excused. But if it's just somebody that decides to go somewhere else instead because you know there's an event that's more attractive, I think then that should be an absence.

CHAIR MOLINA: Okay. Administration, you care to comment --

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

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CHAIR MOLINA: --on the 48-hour rationale?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, real quick. Chair, I just wanted to point out that except in case of emergency is already in the proposed bill. That's all.

CHAIR MOLINA: Okay.

MS. BAISA: Chair?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yeah, I think Ms. Rawlins-Fernandez explained there is a provision for emergency in here. What we were trying to address, and you heard it earlier today, there's the notice that comes at 8:59. There also is the notice that comes at two o'clock in the morning, and at 3:30 in the morning, and then there are the people that don't call in at all. We had one of those just very recently where the quorum did not show up, had not called, or done anything about it. So, we were trying to find a way to . . . there's that fine line between excused and absent. You know, if you're absent, to me, you didn't call, you didn't let us know, you didn't do anything. If you were excused, I think you need to let us know in a reasonable amount of time, and maybe 48 hours is too difficult. But a problem that we have here in this Tri-Isle County is we bring people in from Molokai and Lanai, and they're sitting at the table and we've paid for them to come and then their commission cannot meet. So, it's very, very serious for us because there's this inter-island travel that we have to pay for.

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER KING: So, Chair, just to --

CHAIR MOLINA: Member King?

COUNCILMEMBER KING: --finish my . . . so, thank you for that explanation. I think that 48 hours is reasonable too. But the following clause it says, except in case of emergency. If you take out that 48 hours that loses its meaning because it says, failure by a member to provide the requisite notice within the time specified. So, you're taking out the time specified and it kind of nullifies the following sentence because if we do this . . . if we take out the 48 hours.

MS. BAISA: Chair?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: I'd like to respond about emergency. You know, there's a big discussion, we're going to be a long time here talking about an emergency. You know, if my child gets

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sick, it's an emergency. If I decide that my car, you know, won't start or whatever, it's an emergency. And so, it is not uncommon that everybody has an emergency to account for their absence. This is why when we had this long discussion we decided not to talk about emergencies and absences really seriously but to talk about being there or not being there 'cause that's what counts. And if you miss 6 meetings out of 12, there's some kind of an issue, there's some kind of a problem.

CHAIR MOLINA: Thank you. Chair would just like to add that another reason why should we ask our volunteers if there is an emergency, force them to disclose what that emergency is? Because there's an issue of privacy. Now, I can see if they're paid employees, yeah, okay. But now, how is the Administration going to recognize an absence based on an emergency? Are you going to force the volunteer to provide you a doctor's note with the specific reasons and you're going to . . . yeah, that's my question. And this is why I may be overly conservative because I really truly respect the importance of privacy for our volunteers out there because there may be some instances where a volunteer would just say a medical emergency. But now, are we going to ask them specifically what it is 'cause that may determine whether it's an excused absence or a non-excused absence. So, that's kind of where I'm coming from on this.

COUNCILMEMBER KING: Yeah, I think the term medical emergency there should not be, you know, a request for a doctor's . . . Now, these are volunteers, so we respect them but we also, you know, people want to know if they flew in all the way from Molokai and they're sitting there and there can't be a meeting that there is a good reason why. So, I don't think we should get so strict that we're bringing down the hammer every time somebody, you know, says they have an emergency. We're adults. We're trusting them. They're giving us their time and but having that, but knowing the difference between, you know, just a medical emergency and just people that just don't show up seems to be happening a lot I think is really important.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: There's no good way to . . . there's no good way to force that and it's not . . .

CHAIR MOLINA: So, as I understand, some of you prefer to keep the 48 hours in except in a medical emergency. So, if I call up half an hour before the meeting a medical emergency happened, I'm not going to be penalized with an unexcused absence. Okay. Member Kama, you have something to say?

COUNCILMEMBER KAMA: I was going to say that you know in advance, right, if you're going to take a trip, you're going out of town, you know in advance that your family is going to come visit so you don't want to be and so you would call and say 48 hours in advance. But you don't know when you're going to get a flat tire. You don't know on the way to the meeting you're going to get into an accident so, I think things like that, I mean, I think, and we have to trust that our people want to serve. And sometimes our people

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want to serve and yet sometimes they don't have the time to commit to serve, and sometimes asking them not to serve takes I think the burden off of them to have to say, yeah. You know, sometimes we have to let them go for their own good and we have to offer that to them and not wait for them to happen. Sometimes I think we just gotta know that our people are trustworthy, that they're honorable, that they have integrity and we gotta give that to them and trust that they're going to give that back. But I think also part of the training that I was leading up to is that they need to know upfront how critical it is for them to show up because of these concerns that we have. And I think once people know that upfront, I think there will be a lot more . . . more gracious in terms of calling and doing what they should be. But I think in the past if that wasn't emphasized as much as we're doing it now, I think people would catch on and they will get, you know, into the program. So, I think we should just decide what we're going to do with this resolution today and just do it and then just, you know, hopefully, our people will come through. Thank you, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. For me, I support having the 48 hour notice back in and similar to my colleagues I think if somebody says that they have an emergency then we just trust them because of the integrity of having been appointed and accepted on to the board. So, you know, that way it's kind of clear guidelines we expect you to let us know 48 hours in advance if you're not going to make it except in case of emergency whether it's medical or family or whatever the emergency is I think that having gone through the process of applying and getting accepted we can trust their integrity to decide what an emergency is without further questioning of that as long as the member, you know, calls and says it's an emergency. If they're unable to call, is some kind of tragedy or something and then they let us know after the fact, you know, obviously . . . that's also, to me, acceptable.

CHAIR MOLINA: Okay. Thank you. Comments, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Good discussion. So, I was under the impression that commissions had rules on this that would address this and not have to put it into ordinance. So, somebody?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yes, some of them do but majority don't. And those that have them have not been following it.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER SUGIMURA: Oh.

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MS. BAISA: So, we really need something, in my opinion, that is across the board. Just think how better it would be if when I'm recruiting, I discuss the policy, give them a copy of it, and say this will be the expected attendance. We talk about it --

CHAIR MOLINA: Okay, sorry, Ms. Baisa. I'd like to go on. Okay, I have a need for clarification on Member Sugimura's question.

VICE-CHAIR RAWLINS-FERNANDEZ: I wanted to answer her question 'cause I have the answer here.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Section 12-301-24, Attendance -- this is for the Planning Commission. A member shall be absent from the service of the authority unless the member is sick or otherwise unable to attend and has so advised the Chair prior to the meeting. And that's it. There's no teeth to it. And so, that's what I think the Administration is trying to provide is some kind of consequence for violating this rule here, so it has a little more meaning. So, that's the current.

CHAIR MOLINA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Okay. And my second question is, when a new commissioner starts, you know, after they get confirmed does the Administration or I think I remember having Sunshine Law or different things that we had, orientation as a new commissioner. But somebody set out all these, you know, policies that they need to or rules I guess it would be 'cause there was no law but is there some kind of . . .

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Uh, yes, Ms. Sugimura. They do go over all of the basic things that you have to know in order to be part of government. And, you know, Sunshine Law and harassment and then all those kinds of things. However, I'm been around now for a year and I attended a lot of orientations last year and it was not highlighted about the law concerning attendance. Also, if they have a policy, that commission has one, but another commission doesn't have one. So, I agree with Ms. Fernandez [sic] I think we really need to be more specific. Okay.

COUNCILMEMBER SUGIMURA: So, one last . . .

CHAIR MOLINA: Ms. Sugimura, follow up?

COUNCILMEMBER SUGIMURA: One last question then. Is this something that the Administration could have implemented for all the commissions as a rule so that we don't have to make it, take this step or is it something that you want to do that you can establish these rules for all the commissions before the step is taken?

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CHAIR MOLINA: Ms. Baisa, before you answer, Member Rawlins-Fernandez would like to add a clarification? Oh, you want to go up. Okay, sorry, I thought you were ready to add another clarification or response. Sorry, Ms. Baisa, go ahead.

MS. BAISA: Thank you, Chair. I had that discussion with Corp. Counsel, and I was advised that the best thing we could do was to do an ordinance change.

CHAIR MOLINA: Ms. desJardins, you want to add to that?

MS. DESJARDINS: Yeah, I just want to sort of echo what Member Rawlins-Fernandez said. Almost all of these commissions and boards have an attendance policy, but the problem is they don't have any teeth, the Chair doesn't want to be in the position of calling out the members. Sometimes some members don't show up in my experience and nobody really cares if they're there or not 'cause they don't want them there anyway. So, really . . . even when you talk to the Chair it's really not their problem. It's our problem to enforce it and I think I . . . once we flew to Molokai and it was canceled because we didn't have a quorum. Other times, there wasn't a quorum but there's a training on the agenda so we can still do the training, but I really think, you know, Councilmember Rawlins-Fernandez is correct. We need to enforce this and put it upfront so when people sign up, they know they're really expected to be there. And under this, you know, provision if they do have an excused absence it's not going to be counted against them under that 50 percent. So, we . . . you are going to be making an allowance for folks having life come up. The only other thing I just wanted to throw out there because I know Ms. Pali brought it up the Sunshine Law does allow if there is a member of a board or commission who is unable to attend due to a disability, they can attend remotely. It gets slightly complicated. It doesn't really say what a disability is. Like is it a permanent disability or would pink eye be considered a disability, but there is a way to allow for some attendance via video conferencing. We haven't had to implement it, but I think this is a much better idea.

COUNCILMEMBER SUGIMURA: Very good. Thank you.

CHAIR MOLINA: All right. Thank you, Member Sugimura. All right, Members, so we move on from that proposal from the Chair about the 48 hours. Oh, sorry, Member Rawlins-Fernandez. I'm sorry to be neglecting you.

VICE-CHAIR RAWLINS-FERNANDEZ: It's okay.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I really like your amendments and I support putting the 48 hours and the reason for the absence back in. As Member Kama was sharing some of her comments, initially because of my experience with the Molokai Planning Commission as Ms. desJardins pointed out, in 2017 attendance was a real

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problem. You know, almost half the meetings – 9 out of 22 of the meetings didn't have quorum, and so they were canceled. And a commission like the Planning Commission, Molokai Planning Commission, they have clocks that they, you know, so there are things that they need to take action on whether to approve or disapprove within 120 days. And so, those kinds of commissions need like, I feel, needs strong enforcement. And so, as Member Kama was kind of sharing her comments that's the thoughts that I was having. And, initially, I was kind of disagreeing with what Member Kama was saying but after I was thinking that, you know, I think she's right for the other boards and commissions and that perhaps there should be another section, specifically for the Planning Commission because of the load that they carry and the responsibility attached to those. And so, for those I feel that there should be, you know, more restriction like attendance is a must. Member Paltin brought up having possible alternates so that quorum wouldn't be an issue. And one thing I was thinking that might address some of these issues with attendance is that the practice of polling the members is already something that is done prior to posting the agenda. So, I would like to memorialize that where, you know, assigned the . . . the personnel staff assigned to the board or commission shall poll for quorum prior to posting the agenda. And then, so I attended, you know, Richardson Law School and we had a very strict attendance policy. You couldn't miss, you couldn't have more than three unexcused absences, and so, there's a list of what is considered excused and unexcused absences and it goes down illness, death, mandatory professional training, religious holidays, mandatory active or reserve military obligations, moot court, attendance at local, national, international conferences, court appearances, serious personal matters. And so, you know, if we wanted to list some of the things so that the boards and commission members would have an idea of what would be considered excused or unexcused. You know, we could potentially use this as a model if you'd like. And that's all I got right now. Mahalo, Chair.

CHAIR MOLINA: Thank you very much, Ms. Rawlins-Fernandez. Certainly, submit it to Committee for consideration with Administration. I appreciate all ideas and suggestions to help minimize the lack of attendance on our boards and commissions. So, I think Mr. Sinenci had a question followed by Member Kama.

COUNCILMEMBER SINENCI: Thank you, Chair. Real quick. I just wanted to echo support for the 48 hours. I think we're . . . the Committee is in receipt of written testimony from Director McLean and it concerns the Hana Advisory Committee, and so she said, you know, because staff has to go out there, drive out there and set up the meetings, I think the 48 would be at the least so that they don't have to drive everybody out there just to cancel the meeting. And I just wanted to also support the polling because we do that for the MPO and so I think it adds another layer of importance when you're getting a call or at least an email asking for your attendance. So, I just wanted to state that. Thanks.

CHAIR MOLINA: Thank you, Mr. Sinenci. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I just wanted to reiterate what Vice-Chair

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Fernandez-Rawlins [sic] said is that I am totally in support of the Planning Commission having a lot of more stronger enforcement verbiage as we continue on. But also, that if a Committee Chair is hesitant to call out a particular commissioner who hasn't been in attendance and hasn't met that commitment, why doesn't the staff do the calling out and mention, you know, committee member you haven't been here for . . . and let them do the, give the responsibility to them? And so, that's just my two points on that. Thank you, Chair.

CHAIR MOLINA: Point well taken, Member Kama. Yeah, again, I don't think it should be . . . that responsibility should be placed on volunteers. That's what we have administrative staff for. And I think they . . . it's the current procedure as I understand it. All right, Members, so the Chair will move on from that. So, we will leave in the 48 hours as proposed by Administration.

COUNCILMEMBER KING: And the reason for absence or we're leaving that in as well?

CHAIR MOLINA: Yeah, we'll leave it as is.

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: As is, yeah.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. Moving on to the . . . your Chair's next proposed consideration is the current Section F now it will be the new Section E, which would be adding language that absences shall be from duly noticed regular meetings. Again, this will prevent emergency or special means from counting on absences. The proposed amendment reads if a board, commission, or committee record reflects that a member has not attended 50 percent or more of the duly noticed regular scheduled meetings in any twelve-month period. And so, that I, you know, we heard earlier from a testifier about possibly making it 75 percent. I'm open to that consideration. Now, if you want to leave it at 50, so be it. Comments, Members? Member Paltin followed by Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify. I thought that there was conflicting information given from Ms. Baisa and Ms. desJardins that one had said missing 50 percent of the meetings for any reason and one had said 50 percent if it's excused. I just wanted to know which one it was.

CHAIR MOLINA: Okay. Ms. desJardins?

MS. DESJARDINS: So, I was referring to the proposal by Chair Molina. If you look at the end of what is now D, it says that the Chair, I guess, would not record . . . if it was an excused absence, the Chair would not actually record it is an absence so it wouldn't count towards the 50 percent. Do you folks read it that way? It says, except in cases

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of an emergency, failure of a member to provide the requisite notice within the time specified shall deem the member's absence as unexcused, and, therefore, the member's non-attendance must be recorded as absent. So, then when I flipped over to F or the new E, and it said, did not attend, I guess I assumed if you were not recorded as absent because you was excused then you wouldn't be hitting that 50 percent mark. You might want to make it clearer but that was how I read it so that you didn't have somebody who had a bunch of unfortunate things happen to them fall under this, you know, 50 percent attendance.

COUNCILMEMBER PALTIN: So, maybe for what is now D put in all other instances the chairperson shall mark whether a member's absence is excused so then for what is now E it would say, if they were not present for 50 percent of the meetings then that letter should be sent, Ms. Baisa, if that's what you had in mind.

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Thank you very much, Chair. You know, I'm glad that we're really digging in to this excused and absent thing. If we are going to excuse people and not count it as the 50 percent, I can quote a situation we have right now where the member has been excused or would be excused because of a family medical emergency or the person herself or himself for a better part of a year so that does not help us with trying to get attendance up.

COUNCILMEMBER PALTIN: And they refuse to vacate.

MS. BAISA: Right. Yes.

COUNCILMEMBER PALTIN: So, whatever way we word it I think that if they're not present for 50 percent of the meetings at the very minimum, a letter should be sent notifying the Council and the Mayor that that's what's occurring. I see that you seem to have removed that the letter would specifically recommend that the member be removed but I think that we're smart enough to know why the letter is being sent. So, that's okay with me. But I think 50 percent of not being there whether it's absent or excused is not helping our cause and that's what we're here to do is fix the problem, right.

CHAIR MOLINA: Thank you, Member Paltin.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Any other comments? I'm sorry. Member King?

COUNCILMEMBER KING: Okay. Thank you. So, there was a confusion on that recommendation, and I think what the testifier really meant to say was that that number should be dropped to 25 percent. She was getting confused about not attended/attended. So, making it stricter would be to say that if a member has not

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attended 25 percent or more of the duly noticed meetings so that's the first thing. That percentage . . . I just wanted to point out that the percentage issue if you make it a percentage, you're actually making it easier on the boards and commissions that have more meetings, which is the Planning Commission because you know at the State level when my husband was chairing the State Environmental Council they have an automatic rule that if you miss five meetings you are replaced. You're just . . . basically you're off the Council. But theirs is excused. We have boards and commissions that meet at different intervals. So, this percentage thing may not work for some boards and commissions because if you're meeting 24 times a year and 50 percent is okay, that's 12 meetings. If you're meeting four times a year and 50 percent is okay that's only two. So, I'm not sure if there's another way to, you know, if we're trying to get tougher on the Planning Commission, this actually makes it easier to miss more meetings on the Planning Commission by going with this percentage. So, I'm not sure what the response is because you can't say if you miss three meetings you're out because that's a very small percentage of the Planning Commission but it's a huge percentage of the Salary Commission, which meets four times a year. So, I'm not sure what . . . did you have that discussion, Ms. Baisa, when you were going through this percentage issue?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yes, we had a lot of discussions about the percentage. And the best, you know, compromise we could come up with was the 50. But we were well aware that it would be a big discussion here.

COUNCILMEMBER KING: Okay.

MS. BAISA: Because it's not simple. There's too many different kinds of organizations. Like Affirmative Action might meet four times a year. Some like Kula meet on call.

COUNCILMEMBER KING: Right. Yeah. So, I'm not sure what the answer is but I do think that the commissions like the Planning Commission who have deadlines and are addressing important issues like SMA and 201H issues, we need to get those attendance records up beyond 50 percent. So, I would be in support of going somewhere below 50 percent, you know, like 30-40 percent or something like that. And, also, I think we need to make the statement that this applies to all board and commission members not just the new ones that we appointed. The ones that have been on there for a year too should know this but, you know, we're making a bold statement with this ordinance going forward.

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

COUNCILMEMBER KAMA: Thank you, Chair. So, my sense is that you know how the Liquor Commission and the other commissions are all kind of like put on the side out there. We could do the same with the Planning Commission and give them . . . because I agree, I mean, that Commission is almost a special commission that shouldn't be treated like

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the other commissions. But I also think that I don't know why we're going with percentages. I mean, it just makes sense if you took a look at all the boards and commissions and figured out how many times do they meet a year and just say if it's this commission, that commission, if you miss two meetings you're out. If you miss three meetings, you're out but you gotta . . . I mean, we're trying to level the playing field and we can't because it's not level. So, I think we should take a look at maybe putting numbers if you miss "X" amount of numbers of meetings for this commission, that's when you have to go with them. But I think you're trying to do a percentage it's not going to be equal across the board. Thank you.

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

COUNCILMEMBER SUGIMURA: Yeah, you know, that makes sense. So, what if you have a commission that meets once a month, then it's this much. Or if you have a commission that meets twice a month, then it's this much absences are excused. I mean, I think you gotta kind of relook at it from the other way and this discussion is very relevant. And, you know, the comparison for the Kula Ag Park, which we just heard, is on an as need basis.

MS. BAISA: Yeah.

COUNCILMEMBER SUGIMURA: Which is even more, you know, not random but it's up to the discretion of the needs, yeah, of the --

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: --one position.

CHAIR MOLINA: And Member Sugimura, is that a comment or is that a question directed to the Administration, otherwise, I'll move on to other Members.

COUNCILMEMBER SUGIMURA: No, so, I think we need to relook at that.

CHAIR MOLINA: Okay. So, you're just thinking, you're not asking --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: --for a response from Administration?

COUNCILMEMBER SUGIMURA: Well, if Administration has it now but I'm thinking that what this policy, I mean, I really like what you've done and just that one part if we can look at it so it becomes relevant 'cause that's the discussion on the floor.

CHAIR MOLINA: Uh-huh.

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COUNCILMEMBER SUGIMURA: And I don't know, Ms. Baisa may have another thought or you 'cause you worked so closely with them.

CHAIR MOLINA: Okay. Ms. Baisa?

MS. BAISA: It appears to me after all this discussion and I like where it's going, you know, almost appears we have to have some kind of a sliding scale. If you're a monthly commission, you can miss so much. If you're a bi-monthly. . . you know, however, some people meet on call maybe meet four times a year so we might kind of need a sliding scale which we could work on and say, with this commission it's 10 percent, this one is 20, you know what I mean.

COUNCILMEMBER SUGIMURA: So, I like this . . . I like the way this discussion is going, Chair.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. All right. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I like the percentage. I did the math it's not hard to do the math on it. So, the Planning Commission meets bi-monthly, it's 22 meetings a year, so, you know, 50 percent of that is 11, and 25 percent is 6. And if it's a monthly . . . if it's a board or commission that meets monthly then, you know, half of that would be six and then a quarter of it would be three. So, I would be in favor of leaving in percentages. What I think might be helpful is leaving in the 50 percent of attendance whether excused or unexcused, and maybe adding like a 25 percent unexcused or something like that. And I also think that the 12-month period is too long. I don't want us to have to wait 12 months before we decide that you know what they've missed too many meetings. So, maybe six months? Mahalo, Chair.

CHAIR MOLINA: All right. Thank you for that suggestion. Okay, Members, at this point it seems that there's some consensus on a 50 percent, but maybe with some additional revisions. So, we're gonna move on to the next section or the last proposal that I have. Chair's aware of the time. I'm gonna ask you guys if are you folks amenable to at least going to 12:30 today? 'Cause I'd like to at least try to touch upon the last two items, if possible. Okay, the last consideration from your Chair as it relates to GET-40 would be replacing, well, Section G would be now the new Section F and I'm concerned about this last proposed section because I think the consequence is being proposed. I'll read it as it states. What's bracketed out is the language where such failure, in itself, would be considered cause for the removal of such chairperson from membership to the respective board, commission, or committee. And this is in relation to the attendance issue. I just feel these consequences are a bit harsh to be asking the chairperson to do that, you know, one could argue it's a way of punishment if you don't do your due diligence, if you will. Again, they should be . . . the staff who should be charged with assisting the

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chair and corresponding with the Mayor. So, my proposed revised language is to have the staff assist the Chair, if necessary, and remove the harsh consequences proposed by the Mayor. So, the new section reads, *if any board, commission, or committee chairperson fails to submit the letter to the Mayor as set forth in Subsection F, the new language is, within 30 days of the last absence of the member, the departmental staff shall submit, well, should read shall. I know it has the word stall . . . shall submit the letter to the Mayor on the committee's behalf.* Yeah, so rather than just putting it all on the Chair, I think it's important they get assistance to some of the departmental staff. So, that's my consideration. Any discussion on that, Members? Comments? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just was wondering if there's anything in the Charter about how like if we need the written correspondence to start the process of selecting someone new, you know, in the effort of like being having more people and getting it done faster. There's like lots of talk about how slow the bureaucracy is. So, maybe if we can already start the process once it's known and then complete it by the time we get the written correspondence. Like don't take the action but start looking out for people and interviewing them and whatnot and then coincide it once we get the written . . .

CHAIR MOLINA: Okay. Let me ask Ms. desJardins, do you have any response for Member Paltin's inquiry?

MS. DESJARDINS: Yeah, the Charter doesn't say that you, I mean, it just under Section 5 just talks about how to remove and what your vote needs to be to remove. So, there's nothing that's specifically addresses it has to be in writing. I think this would complement that and wouldn't override it. But, Chair, can I just mention one thing based on what Ms. Rawlins-Fernandez mentioned? You know, one thing if you miss 50 percent you don't have to wait a whole year, right? If you have hit that 50 percent mark --

COUNCILMEMBER KAMA: You're gone.

MS. DESJARDINS: --say half-way through, maybe put language in here as soon as that 50 percent mark because I agree a year is a long time. But once you're there you may as well just start the process. So, if you could think of some language to put in there to not make it so you would have to wait that whole year because that seems kind of long time. And, again, you know, the letter has to be sent. You folks have to vote on it, that person could come in and tell you why they weren't here and, you know, explain it and you could understand it or not.

COUNCILMEMBER KING: Question?

CHAIR MOLINA: Thank you, Ms. desJardins. Hang on. Member Paltin had the floor. Do you have anything else?

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COUNCILMEMBER PALTIN: Thank you. So, it would be up to us whether we want to codify or memorialize that if we could start a process to recruit and interview new people before or we can just do that as an internal or Ms. Baisa can do that as an internal practice. Either way works for me. But I think we should, you know, have the opportunity to start getting things moving as soon as we know and not have to wait for the written situation like how we did for West Maui CPAC.

CHAIR MOLINA: Okay. Thank you. Good comments. Member King?

COUNCILMEMBER KING: Thank you, Chair. I wanted to follow up on Ms. desJardins suggestion about not having to wait for a year. We need to put a period in there that we have to because if you're in the Planning Commission and you miss one meeting, you've missed 50 percent for that month. So, there needs to be a period that we're looking at that it can't be as soon as you miss the 50 percent because but if you're talking about if you miss the 50 percent for a one-year period, I mean there needs to be a descriptor of what you're looking at and when you make that decision so that we're not cutting people out too early before they've been able to approve that they do intend to make the rest of the meetings.

MS. DESJARDINS: Chair? Yeah, definitely you want to keep that 12 month I think language in there. But maybe say, as soon . . . you know, 50 percent I don't know how you craft it but . . .

COUNCILMEMBER KING: Or it could be . . .

VICE-CHAIR RAWLINS-FERNANDEZ: Once a board, commission or a committee record reflects it.

MS. DESJARDINS: Right. And so, you're still measuring it from 12 months not like a month 'cause you're right you miss one you're 50 percent.

COUNCILMEMBER KING: Okay. But I do agree that maybe we should shorten that one year period to six months because we need to move on and get, you know, if we wait an entire year that's kind of putting that committee, you know, a disadvantage for that entire year. So, if we can change that to six-month period and look at the 50 percent over six months, I think we can try to move on quicker from those. You know, like we've been talking about and I brought up was that it's just difficult where these different boards and commissions because if you change it to six months and you have now one committee that only meets twice in that period and you miss one meeting then you've missed 50 percent. So, yeah, maybe we do need to look at the different boards and commissions and how often they meet and make a specific designation for how many meetings that you could miss. We would need maybe a list of, you know, some meet twice a month, some meet once a month, some meet quarterly, some meet what on call. Thank you, Chair. I think this is a really important aspect of this and so trying to get it right is going to be real important.

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CHAIR MOLINA: All right. Good points. You know that's, I guess, the unattended consequence of codifying things because as the current situation there's more flexibility with Administration how they want to handle absences which relates to the different boards and commissions. Like it was stated, some commissions meet only two, three times a year, others like the Planning Commission – 24 times a year. So, there's pros and cons to it. But I still agree with the fact that we need to codify something. We need to put it in writing.

COUNCILMEMBER KING: I just want to bring up one more point is that I don't want to give the impression to the people that have volunteered for the boards and commissions that, you know, some of 'em are really important and some of 'em are not important because they're all important. And so, you know, I think maybe if we, if we are going to focus on the Planning Commission and say, we're going to be able to be strict on that maybe that's because of the timelines in there and not just because we think it's more important than other ones because I think the Cost of Government is one of the most important commissions we have and they're also the only ones I know of that have subpoena power. That's pretty important. But the fact that they only meet once a quarter, you know, puts them in a different category. It doesn't diminish their importance, so I think we need to acknowledge that for all of our volunteers. Thank you.

CHAIR MOLINA: Maybe we can do it as a separate agenda item in the future to focus on these specific committees that have little bit more, I guess, responsibilities and to look at establishing separate rules, parameters that might be something under consideration. Committee Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to propose an amendment to your amendment to replace the word "if". So, to . . . basically what Ms. desJardins had suggested. So, once a board, commission or committee record reflects that a member has not attended 50 percent or more of the duly noticed meetings in any, and then we can decide whether it's going to be a 12-month period or six-month period.

CHAIR MOLINA: Good consideration.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Members, let's cut through the chase. You have some other considerations and I kind of anticipate this may take more than one meeting and in lieu of the time considerations, what I'd like to ask you to do I will bring this back for my next scheduled agenda meeting, which is February 4th it's at the top of your agenda for work consider any additional revisions. At that point, I'd like to do it that way and give us more time, more time to think in between and we'll have a very more complete proposal here. So, I appreciate your enthusiasm with this as well as the Administration. So, we can get to

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the next item if there are no objections, I'd like to defer action on Item GET-40.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused AL, RH)

ACTION: DEFER

CHAIR MOLINA: Okay. Thank you.

COUNCILMEMBER PALTIN: I just had a question for you --

CHAIR MOLINA: Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: --on the process. So, the revisions that we made today is going to be on the Granicus for the next meeting for us to look over?

CHAIR MOLINA: Yeah. Staff has acknowledged that as well, yes. And by all means, if you have something else new you want to add in between now and February 4th, please go ahead and submit it to Committee.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: Thank you. Thank you, Member Baisa [sic]. We kept you here a while, so I appreciate you being here.

GET-10(3) PROPOSED CHARTER AMENDMENTS (AFFORDABLE HOUSING FUND) **(CC 19-28)**

CHAIR MOLINA: Okay, Members, getting on to the next agenda item, which is a proposed Charter amendment from Councilmember King, which is a proposed resolution proposing an amendment to Section 9-20 of the Revised Charter of the County of Maui, as amended, which relates to the Affordable Housing Fund. And as it was stated in testimony, it's an increase from 2 percent to 3 percent. Member King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair. And thank you for bringing this up on the agenda today. It's almost like housekeeping because it's a fund that expires next year and so the proposal is because we don't have another . . . if we don't put it on the ballot this year, then it's going to expire. One of the testifiers mentioned that we should just do away with this and let every Council decide. And I think the reason this came up in the first place was the fact that the Council wasn't putting this money in to affordable housing. So, I wanna couch it in a way that . . . if we can get this on the ballot and if the people don't want it, then they can vote against it and it will expire, we won't have it. So, all we're asking, at this point, is to if we vote on this is to get it on the ballot for another ten years. And the increase from 2 percent to 3 percent was after discussions

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I had with people in some of the departments and people in the community that there may be a time where, I mean, if we put it up to 4 percent then that's a 4 percent minimum. There may be a time in the future in the next ten years where we don't need that 4 percent and so we won't, we want the option of . . . this is just a minimum. And any given year this Council could decide to put 5 percent in and that's basically what we're elected to do is make those decisions on how much to put in. But I do have another amendment after we get to the motion that because I do agree with the testifiers that said that this should focus on affordable housing and I like the suggestion of having it go just to the 0 to 100 percent AMI. But I wanted to ask the department if we do that then what about these projects that have a certain percentage of affordable and, you know, the percentages are this many up to 80 percent, this many up to 120. So, if we were to change, put that clause in that would that limit you to just funding out of the Affordable Housing Fund that portion of those projects that were under 100 percent AMI or, you know, 100 percent or lower or would you still be giving money to entire projects that had a portion of that affordability?

CHAIR MOLINA: We have in attendance, we have the Director of the Department of Housing and Human Concerns - Ms. Tsuhako as well as the Director of the Department of Finance - Mr. Teruya. I guess who wants the opportunity of responding? We'll go with Director Tsuhako.

MS. TSUHAKO: Good morning, oh, good afternoon, Mr. Chair and Members. Thank you for your question, Councilmember King. I think that the Department's awarding of funds from the Affordable Housing Fund would be based on limitations that this body would determine about its use. So, for example, I think over the last . . . I was trying to review some of the projects that the Affordable Housing Fund has funded over the years. And just from a quick glance at them I believe all, most of them have been 100 percent affordable so there haven't been projects seeking funding that have a mix of market units as well as affordable. So, I think that issue is almost moot because based on the applications that I've seen over the years and the allocations that have been made, I think most of these projects have been 100 percent affordable.

COUNCILMEMBER KING: Okay. So, there wouldn't be a problem actually putting that into this resolution if it's for the 100 percent affordable projects that are from 0 to 100 percent?

MS. TSUHAKO: I don't anticipate that that would be a project because --

COUNCILMEMBER KING: A problem.

MS. TSUHAKO: --based on our . . . the folks who have applied for it in the awards I think they've been focused on affordable housing.

COUNCILMEMBER KING: Okay. I'll make that amendment when the time comes, Chair. Thank you.

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CHAIR MOLINA: Okay. Thank you, Chair King [sic]. The Chair is going to take privilege again. I've been greedy today. I'll recognize the rest of you with your comments. First, I support Ms. King's proposal. You know the affordable housing crisis is here to stay. Let's face reality. Quick brief history for the new Members. The affordable housing amendment was passed in 2008 and the Council has successfully appropriated 2 percent from real property tax for purposes of creating affordable housing since. And, again, because of the high demand for affordable housing the process of having to extend the dates for an annual appropriation seems maybe a little bit redundant. So, I'm gonna have a consideration for the Members for your consideration. Like the Open Space Fund, there are no dates, well, I should say the Open Space Fund has no dates for sunseting appropriations. To me, we should eliminate such restrictions from the Affordable Housing Fund. If you look in the Charter, it says, you know, it's supposed to go from 2008 to 2021. I would like to propose removing that language which would allow the appropriation to take place in perpetuity. By removing that it allows the appropriation to just continue on and on. And, to me, I know we had a testifier that said, well, let's leave it in the hands, you know, eliminate this 2 percent or 3 percent and put it in the hands of future Councils. That's an uncertainty because we don't know who may propose it or if it will be proposed. This way, it's set in stone for all Councils to consider so the appropriation is locked in. So, that's something I would like to reconsider at the appropriate time so. Okay, I've been on my soap box long enough. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I was having a misunderstanding for myself between what Member King was saying and what Director Tsuhako was saying. My interpretation of what Director Tsuhako was saying was that it was used for 100 percent affordable projects. And my interpretation of what Member King was saying that if it should be 100 percent and below AMI. So, if we're considering 120 percent or 140 percent to be affordable, then by limiting it to 100 percent and below AMI would the 120 and 140 portions of the projects then not get the help from the AHF Fund?

CHAIR MOLINA: Director Tsuhako?

MS. TSUHAKO: Thank you, Member Paltin. You bring up an excellent point and I'm sorry for the . . . for the confusion about that. What I was referring to was, in general, affordable housing and you're right housing that's at 120 and up to 140 of AMI is still considered affordable housing under our definition. So, it does have a little bit of conflict with what Councilmember King was talking about because we have funded projects that have housing up to 140 of AMI. So, if the Department is or the developers who apply for Affordable Housing Fund have portions of their projects that go up to 140 AMI, then with the restriction that Councilmember King spoke about a few minutes ago it would restrict our ability to fund that portion if that proposal were selected. So, I think it's an important clarification and I thank you for bringing that up.

COUNCILMEMBER KING: Chair, can I clarify my proposal?

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CHAIR MOLINA: Member King?

COUNCILMEMBER KING: Okay. So, the proposal was to apply this money for projects that address the 0 to 100 percent AMI. Then, my question to Ms. Tsuhako was how would that affect projects that had varying levels of . . . because I heard and the first report we got back in June defined affordable as up to 80 percent and define anything 80 percent more as workforce housing. So, those definitions were in your, your report maybe it was in June and it came out later. But there's no, there's nothing written in ordinance that says what affordable is. So, if we put this into this fund and we say or we specify that this fund is for 0 to 100 percent AMI affordability, then that keeps it in that realm of the most needy for this affordable fund. So, my question to you was, which is the confusion I think is, if we do that then how does that affect projects that are split with some under 100 percent and some over? And your response to me I thought was that all the projects you've funded through this had been 100 percent affordable but that doesn't really answer the question of those levels of affordability because right now some of the projects go up to 140 percent. You're still considering those affordable housing not necessarily workforce housing.

CHAIR MOLINA: Director Tsuhako?

MS. TSUHAKO: Yes, thank you, Member King. Sorry for the confusion. So, I was referring to affordable housing which includes workforce housing at about 80 to 140. So, I contributed to that misunderstanding so I apologize for that.

COUNCILMEMBER KING: It's okay. It's okay. Just wanted clarity.

MS. TSUHAKO: I don't know off the top of my head how a funding request would come in from developers if the portions of their projects that address the 100 to 140 AMI how they would dissect their projects to change their application to only address the financing for the lower level AMIs. We certainly could ask them and see if that's a possibility but I think that restricting to the funding to 100 percent and below even though that's really a big target sort of diminishes in a way the overall impact we want for affordable housing which is 140 is still considered affordable but it's affordable for people who we know we need to have here, you know, fireman, teacher, etc.

CHAIR MOLINA: Ms. Tsuhako, yeah, if I could just interject on that. There's one point I wanted to make. And thank you, Member Paltin, for bringing this up about the gap group or the 120 to 140. The initial intent of the Affordable Housing Fund, of course that was 2008, was to address the needs at the time for our policemen, firemen, teachers, and now lately the concern is from our health professionals. We're having a problem keeping doctors here, medical professionals here because of the lack of housing that's moderately or affordably priced for them. So, I agree with the points made by Member Tsuhako [sic]. But at the same time, I understand where the greatest need is but it's a balancing act we have to consider. Member Paltin? I know you had the floor to a question. Go continue.

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COUNCILMEMBER PALTIN: Thank you. I'm just happy I wasn't confused for no reason. But besides that, like I support the 100 percent and below because a lot of our 120, 140s at least on the West side flip out of affordability within the 90-day allotment of period. So, I support 100 percent and below, and for me my position on that would be I believe that this Council is making great strides in approving projects that are affordable. And, you know, the 30 to 60 percent below, the 80 to 120, and I believe that that along with the work that we're doing on short-term rentals and raising the fines and like that will even it out. And that the 100 to 140 will take care of itself because of the opening up of all that. We see plenty of 201H projects where they go up to 140 and they heavily . . . like the 80 to 100 percent portion of a 201H project most times is the smallest amount of houses, and the 100 to 140 because they're more so privately funded, they have a lot of options there. The most recent one I think Kahoma Village is in Lahaina many of those 120 to 140 is flipped out of affordability. So, for me, I support 100 percent and below just, you know, where we're at now we can change it in the future as things, you know, level out and like that. But I think that for this time and place right now 100 percent and below is where we need to be at.

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

COUNCILMEMBER SUGIMURA: I would like to . . . I support, by the way, eliminating the date. I was going to suggest that. I like that idea. And, of course, since we're talking about a minimum percentage, you know, that minimum can range for whatever. I think it was your amendment as we went through the budget and we changed that affordable housing to 4 percent. So, on this discussion because this is a Charter amendment it's not going to be easy to change. I would like to ask if you would ask the Department to gather some information so that we can have this discussion to understand the range that we really want to address. We're talking about people that are the working families that are super important, right. It's the cog in the wheel and it keeps the engine going. So, I wonder if you would, Chair, so we can have a, you know, larger discussion with the data we need to make the discussion.

CHAIR MOLINA: Okay. Staff, make that inquiry to the Department. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I support having no sunset for the Affordable Housing Fund, but I also think that it should be reviewed every so often just so that we are apprised as to how it's coming along, where it's going, do we need to increase the funding or whatever but that's . . . But I also want to ask what is in terms of dollars and cents today the 120 to 140 percent AMI?

CHAIR MOLINA: Director?

MS. TSUHAKE: Sorry, Member Kama, I don't have my chart with me. I think . . . I think and you're relying on my bad memory, but I think 100 percent AMI was something like 88,000 a year. So, let me see if I can do the math.

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COUNCILMEMBER KAMA: Everybody doing the math. Thank you.

MS.TSUHAKO: So, I think 120 would be about 105,600. And 140 might be at 123,200. But that's just based on my recollection so don't quote me on it.

COUNCILMEMBER KAMA: Okay. Thank you, Chair.

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

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to add some comments about the . . . I support the 100 percent and below. And I think if we did that and we codified it here, then I think more developers might say, hey, we're just coming with this project that is 100 percent . . . addresses the 100 percent AMI and below. So, we wouldn't, I don't think, and then, you know, I'm thinking they could probably technically do more homes at that income level versus having that the higher AMI part of the project. My question was for Mr. Teruya, how much is in that fund currently?

CHAIR MOLINA: Mr. Teruya?

MR. TERUYA: Thank you. And good afternoon, Chair and Members. Currently, the fund balance, as of today, is at \$30,700,301.38 if you want to be exact.

COUNCILMEMBER SINENCI: So, the 3 percent, adding the 3 percent would, I mean . . .

MR. TERUYA: Chair?

CHAIR MOLINA: Mr. Director?

MR. TERUYA: Thank you, Chair. Currently, real property taxes annually or this past fiscal year was about 358,000. So, if 1 percent . . . 1 percent brings you about \$3.5 million. So, 2 percent gives you about \$7 million a year. Going to 3 gives you 10.5, I mean, just general numbers in additional revenue. My only caution to the Members is whenever you have a floor that's being escalated, you cannot take it away. So, if the economy changes and goes down, you need to caution that this money is going to go to Housing over maybe something that might be more important whenever it happens later. So, that's just a caution. Members, you can do whatever you want. I believe even the Mayor is probably introducing maybe even more than 3 percent for this year for affordable housing. So, just caution that I know you guys can raise it at any time during the Budget but creating the floor something higher than you might be able to afford later is just the caution that I would give the Members. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Teruya.

COUNCILMEMBER SINENCI: Just for clarification.

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CHAIR MOLINA: Mr. Sinenci?

COUNCILMEMBER SINENCI: The 3 percent would add about 10 million into the Housing Fund, yeah?

MR. TERUYA: . . . *(inaudible)* . . .

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. All right. Thank you. Thank you, Mr. Teruya. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, I really like that we're doing this. Mahalo for scheduling this right away. I support going the 3 percent, you know, 6 million to 10.5 million is pretty manini. But I understand, you know, what the caution that the Director is giving us that we need to know, you know, in the future if any, you know, recession were to hit or something, you know, like that we would be committed to putting, you know, 10.5 or 3 percent into affordable housing. And I for one am . . . so, I would be okay with supporting this. I support your amendment, Chair, with taking away the sunset. I actually would advocate for 80 percent AMI and below so less than 100 percent. 100 percent is pretty much at market rate at that point and so, I did submit amendments to the Affordable Housing Committee in 3.35.010 or Chapter 3.35 in Affordable Housing Fund and, you know, to remind the Members that the purpose of this fund is housing projects . . . should housing projects subsidized by this fund must directly advance the objectives of providing affordable housing in perpetuity under the Director's supervision. So, it says it in the title, you know, Affordable Housing Fund. And I think we have enough data. We all ran our campaigns on truly affordable housing. And anything above 100 percent AMI is not truly affordable anymore. And so, I would support putting 80 percent AMI into the Charter. Mahalo, Chair.

CHAIR MOLINA: Thank you, Ms. Rawlins-Fernandez. Any other questions before the Chair makes a recommendation? Okay.

COUNCILMEMBER KING: Just a quick comment.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: I just want everyone to consider this. I would support having this in perpetuity, but we also have to consider would the general public vote for that because as was mentioned by the Finance Director the situation may change in ten years. I'm not so worried about recession because I think if the recession . . . if we get into a recession, our tax revenues are going to be lower anyway so the percentage, 3 percent is going to be lower and I think the 3 percent should be the minimum floor. But just going forward just to consider whether that's that kind of an unknown, I mean, and it

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could be that any Council between now and ten years puts it back on the ballot to sunset if our circumstances change. But, you know, this proposal is kind of carrying on the previous proposal. I thought it was interesting that the person who fought for the proposal in the first place came and testified against it because, you know, and worried about the uses but, you know, to me, I think it's, you know, it's, it is being used for 100 percent affordable projects right now. The terminology is what is affordable is kind of the question. So, my, you know, I would support even going to 80 percent and my only concern with that is if you have a project that's got up to 80 percent, can you limit a portion of the Affordable Housing Fund that goes into that just to that portion of . . . that meets whether we go 80 or 100 percent, can you limit the amount of money that they can get from the Affordable Housing Fund to just that portion of the project that's addressing that AMI qualification? I'm not sure if I got a firm answer on that earlier whether you could do that. Maybe that's a Finance Director question.

CHAIR MOLINA: Mr. Teruya, are you prepared to respond or Ms. Tsuhako?

MS. TSUHAKO: Thank you for your question, Member King. The answer is we're not sure either one of us – Director Teruya or myself. I think, in my earlier comments, I said we probably need to check with the developers, those who would be asking for these funds to see whether it's possible for them if their entire proposal has housing above the AMI that this body wants, whether that portion could be . . . whether we could prorate the funding to assist with only that and how that would impact their ability to finance the entirety of the project. And that's not something that I'm really deeply involved or familiar with. So, we'd have to ask for some feedback from the developers about that in particular and how that limitation would impact their ability to do the housing at the levels we want them to do.

COUNCILMEMBER KING: Okay. And so, that brings me to my second comment is that I think what I am hearing from this body is that we're pretty focused on 100 percent affordable because let's get away from the part of the AMI whether it's 80 or 100 percent. But this body has been pretty focused on getting higher levels of affordability in these projects and the 25 percent requirement means we have to develop three-quarters, no, 75 percent more regular housing just to get to the point of the housing that we need. So, I think that's part of, my concern is if we're going to be using . . . if we're going to create an Affordable Housing Fund, then use it for affordable housing. I'd like to see it just go into affordable housing. And I agree that 80 to 100 percent should be the cap because that's our greatest need. Those are the people that can't afford it, can't get their loans, can't, you know, need that type of assistance.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So, at some point, we have to decide where we're going to go but . . .

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CHAIR MOLINA: I appreciate your point although I do have some bit of disagreement on your statement, opinion about that whole Council. I'll add my thoughts later. I'd like to recognize Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two quick clarifying points. One, I wasn't proposing to add perpetuity language in the resolution. It already exists in our ordinance. And two, I want to, if we are going to put an AMI, I wanted it to be determined by the County and not HUD because the County's numbers generally come in about \$10,000 less than what HUD's is because they use different formulas and so, I just wanted to, you know, put that out there for consideration that we use the County's determination of area median income and not HUD's. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Ms. Rawlins-Fernandez. Member Sugimura?

COUNCILMEMBER SUGIMURA: Question for the Department. Sounds like you're going to defer this, and we'll get more data. Is that what you're planning on doing?

CHAIR MOLINA: I actually thought about trying to take action but, again, it's the will of this body. If you guys want to defer . . .

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: But anyway, go ahead and ask your question.

COUNCILMEMBER SUGIMURA: Just based upon what Keani just said. So, as far as HUD versus the County formula, are we required, as a question when you do come back, are we required to use HUD, the HUD formula for certain reason because it seems to be the standard, you know, average, I guess, that we've been using? So, if you could come back and just --

MS. TSUHAKO: Okay.

COUNCILMEMBER SUGIMURA: --talk to us about that.

MS. TSUHAKO: Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Tsuhako. All right, Members, before I recognize Member Paltin, it is just past 12:30. We do have a 1:30 meeting with Mr. Sinenci's committee. So, it sounds like this body is not quite ready to move forward with this today in spite of the Chair's initial optimism and thoughts. But all is fine and dandy. Good discussion. And I will try to bring this back as soon as possible. I know Member Kama also had a proposed Charter amendment today as well. Let me ask, are you all interested in maybe doing a recessed meeting this week to address these last two Charter amendment proposals? You know what, let's take a quick short recess for Staff to poll the Members. Meeting in recess. . . . *(gavel)* . . .

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RECESS: 12:33 p.m.

RECONVENE: 12:34 p.m.

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, January 21, 2020 is now back in session. So, Members, again the Chair has discussed the matter with the Committee Vice-Chair Sinenci [sic], which relates to his 1:30 meeting. Mr. Sinenci, I'll give you the floor for your offer. Disclose to the Members and the public.

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. Due to some unforeseen events and we couldn't agendize some of our planned items, we just have one presentation today on the Ahupua`a Investment Summit that's coming up at the end of the month. So, it's just a presentation about ESG sustainable investing. So, no action on the floor so we should be pretty quick. So, if you guys wanna . . . I could yield some of the time of my meeting to this Committee, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. You're a very generous man. I do understand . . . Members, the Chair would like to take it . . . Mr. Sinenci has offered. We'll recess this meeting and would reconvene at 3:00. Chair's intent is to take it up to at least 4:30 to address Ms. King's Charter amendment as well as Ms. Kama's Charter amendment. Any comments, concerns? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would be happy to come back at 3:00. Right now, I'm scheduled to fly back home at 5:20. I can check to see if there is any later flights. I'll let you know if there is anything later but as of right now, I can stay until 4:20.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: That's reasonable. And certainly wouldn't want to inconvenience you having to do a later flight on account of this. So, okay, so any other comments? Members, are we all okay with considering a recess at 3:00 and Chair will take it up to at least 4:30? And I guess a lot we've exhausted a lot of your comments and questions so I'm hoping that a lot of your comments and proposals related to Charter amendment 10(3) have been asked and so that way we can address the next Charter amendment from Ms. Kama as well. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Yeah, I'm ready to vote on 10(3). And if they do get some of the information back by the 3:00 recess, yeah, I . . . my understanding is, you know, we can pro rata anything. So, it's not if it can be pro rata. It's the feasibility of that. I mean, I don't think the question is if it can be pro rata, if the project has components that are 80 percent and over or 100 percent and over that can be done.

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It's just math. So, I think the question is more the feasibility of imposing that cap on there at 80 or 100 percent or whatever it is. So, I don't think we should ask if it can be done. You can do math and do it, you know.

CHAIR MOLINA: Okay. All right. Okay, Members, I appreciate your comments. So, we will recess this GET meeting for January 21, 2020 until 3:00 p.m. today. Meeting in recess. . . . (gavel) . . .

RECESS: 12:37 p.m.

RECONVENE: 3:07 p.m.

CHAIR MOLINA: . . . (gavel) . . . The GET Committee meeting for January 21, 2020 is now back in session. Members, thank you for the consideration of a recess this afternoon. It's seven minutes after the hour of three o'clock and we last left off of GET-Item 10(3), which is the proposed Charter amendment to increase the percentage from 2 percent to 3 percent. Earlier today, you had a lot of questions to try and vet this proposal. If there are no other questions for Administration, the Chair's preference is to put the proposal in play, and then if you have any proposed amendments, then we can go forward with that. So, that is the Chair's preference to ask for a motion to approve and amend accordingly.

COUNCILMEMBER KING: So move.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, moved by Councilmember King, seconded by Committee Vice-Chair Rawlins-Fernandez to approve the resolution proposing an amendment to Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, relating to the Affordable Housing Fund. And, Member King, you have the floor.

COUNCILMEMBER KING: Yes, thank you, Chair. I think we've . . . beyond what you just described also the proposal is to extend it because it expires next year. One of the questions I wanted to get answered first, if the Department has had a chance to look into that is, would we be able to use . . . I wanna make an amendment, I want to propose an amendment relative to households with certain levels of AMI. And are we allowed to use the Maui AMI versus . . . or specify the Maui AMI versus the HUD, and I think that was one of the ones you were going to look into?

MS. TSUHAKO: I wasn't able to conclude the expiration of that answer, Member King. So, I'm not . . . I don't know right at this moment.

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COUNCILMEMBER KING: Okay. So, Chair, I would like to propose a motion to amend the motion on the floor – Section . . . under the Be It Resolved, the first paragraph in adopting the fiscal years. And then the section that says, of very low to gap income, which is No. 1 under that section, to change the word “of very low to gap income” to *from 0 to 100 percent area median income*.

CHAIR MOLINA: Okay. The amendment has been made by Councilmember King to amend from very to . . . I guess will that be to, would you be bracketing out the “of very low to gap income” or . . .

COUNCILMEMBER KING: Right. And can I just, in making this motion, can I just ask the Department, right now it says, suitable living environments for persons of very low to gap income, but are we talking about households or persons? Because I think don't you combine the household income for that area. So, I think, so my proposal would be to change that wording to for households from 0 to 100 percent area median income.

COUNCILMEMBER PALTIN: Point of information?

CHAIR MOLINA: Okay, Member Paltin?

COUNCILMEMBER PALTIN: Sorry. Thank you. Are we working off of this that just got distributed to us or are we . . .

COUNCILMEMBER KING: I'm actually working off the original.

CHAIR MOLINA: Yeah.

COUNCILMEMBER KING: The motion was the original one and, you know, we can all make our amendments from the original.

COUNCILMEMBER PALTIN: Okay. So, we're not working off of this?

COUNCILMEMBER KING: No.

CHAIR MOLINA: Yeah, for your information, this is a recommendation from the Chair for some revisions. So, what Councilmember King is referring to is the original resolution. And at some point, we'll get to what the Chair would like the body to consider.

COUNCILMEMBER PALTIN: Okay. Thank you for the clarification.

COUNCILMEMBER KING: So, that's the first amendment. So, in the resolution under Be It Resolved, No. 1. Okay.

CHAIR MOLINA: Okay. I thought we already have a motion on the floor.

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COUNCILMEMBER KING: He was seconding it.

CHAIR MOLINA: Okay. This is another amendment?

COUNCILMEMBER KING: No, this is the same one. I was just repeating it in case . . .

CHAIR MOLINA: Oh, okay. Yeah, 'cause I heard a second coming there so I thought we already had an existing motion. So, go ahead.

COUNCILMEMBER KING: Yeah, yeah. So, the motion is to change the verbiage – so bracket out of very low, I mean, persons of very low to gap income and change it to households of 0 to 100 percent area median income. And I don't have a . . . we don't have an answer on whether that can be specified as HUD or Maui so I'm wondering if Council Members can support this amendment and then before first reading we can get an opinion on whether we can specify the Maui area median income.

CHAIR MOLINA: Okay, Members, you heard the suggestion from Councilmember King. Comments? Member Sugimura?

COUNCILMEMBER SUGIMURA: So, I'd like to comment then on the amendment. And I want to stick to supporting working families. So, if you take a household, which is what we're talking about household, 100 percent of AMI so AMI is 81,000 earnings and so now you're going to have a teacher and a firefighter and they're now not going to qualify to receive benefits of our Affordable Housing Fund. So, I understand the intent but I think that what is currently in the resolution where you talk about very low to gap income, you're going to be inclusive more of the people that are the working families that we want to make sure that they buy homes and keep them on Maui and supporting the families that I think that we need to. I think the gap income the low is understandable, but I think the gap goes and maybe Department can confirm this, but I think that goes up to 140 or 160 AMI. And so, if you put, you know, incomes together of teachers and, you know, firefighters or police, you know, lot of my friends, you know, who work kind of fall within this range but I think if we limit it only to 100 AMI all those people are not going to be able to qualify.

CHAIR MOLINA: Director Tsuhako, a response?

MS. TSUHAKO: Thank you for your question and your comments, Councilmember Sugimura. I agree with you. I mean, I think, you know, I totally understand the desire to focus on 100 percent and below and even 80 percent and below. I totally understand that. The need is there but I think earlier in the morning we talked about . . . the Chair actually talked about what the intent was with residential workforce housing was created, the fund was created to try and get people who were professionals to be able to buy a home and to live here and to continue to contribute in ways that were substantial. So, I think I just mentioned to Member Kama that the DOE and the Governor is proposing a pretty substantial pay raise for teachers who've been in the DOE system for more than 10

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years, I think. So, if you have a pair of teachers who are married to each other and they each receive a 10 to \$15,000 annual raise, they're not going to fall within 100 percent AMI and below. They're going to be over that. And I don't know that just that \$20,000 or that \$30,000 in extra income is going to allow them to buy a home that's not subsidized in some way. Yeah, so, I mean, I share that concern with you because I do think we need to have homes that doctors and attorneys and accountants and firemen and teachers can also be able to afford. I don't know what the solution is in terms of the issue that we're discussing today but it's important to me too.

CHAIR MOLINA: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: One last question tied to that then is there a study that was done, I bet you there is, data book or something on what the average incomes are for different professions?

CHAIR MOLINA: Director?

MS. TSUHAKE: I'm sure there is.

COUNCILMEMBER SUGIMURA: Yeah.

MS. TSUHAKE: I'm sure there is.

COUNCILMEMBER SUGIMURA: Maybe we don't have it right before us, but I think we're . . . I think we're caring all about the same people and it's just a matter of us figuring out what that, you know, income range is. But 80 percent, if you talk about a household, you know, it's going to exclude people if it's 81 percent AMI . . . 81,000 I'm sorry, AMI, it's going to exclude working families that have two incomes – husband and wife with two incomes that would qualify to purchase. But if we take it to the 100 percent level, I think we're going to be excluding people that I think we all, you know, are trying to support. So, maybe more study or research or data needs to be presented to us so that we can talk about knowing, you know, what professions are we talking about.

CHAIR MOLINA: Okay. Thank you, Ms. Sugimura. Chair appreciates your points. Maybe Ms. desJardins, if this amendment passes versus what's in the Charter, is there flexibility for the Council to, I guess, make adjustments accordingly like it seems like the priority right now is to focus on the lower income bracket and lower area median income. 'Cause as I mentioned earlier today, the initial thrust for the Affordable Housing Fund was geared towards the gap group folks, which is in the 120 to 140. Councilmember King has proposed up to 100 percent and I'm including my latest proposal I guess it's language similar to what Councilmember King is proposing as a potential compromise 'cause I know where you're coming from, Member Sugimura, too. So, I'm just seeing if there's some type of flexibility if we decide to go with the 100 percent then can we still, do we still have room to adjust? Ms. desJardins? Hopefully it's not too confusing.

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MS. DESJARDINS: No. I understand where you're coming from. I'm looking at this just purely from a legal point of view, not policy. If you leave your Charter amendment broader, you can certainly restrict things in the ordinance. And I know you folks have been having discussions about amending maybe to exclude gap income those definitions in your ordinance. But if you're going to limit it in your Charter, you're going to limit it in your ordinance. So, you just have . . . legally, that's just the way you have to look at it is do you want to keep your Charter broad and then you can spend time amongst yourselves as a Council changing out your ordinance and how you want to spend your money. Once you . . . once it's a Charter amendment then it obviously you have to go through quite a process to change it so that's up to you folks. But just legally just remember Charter and then you can narrow it down in the ordinance.

CHAIR MOLINA: Okay, thank you very much. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I think it was me making noise over here. But I was just . . . I wanted to add to the conversation. You know the County is also approving 201H projects so, I mean, those projects don't necessarily use the Affordable Housing Fund. So, we're looking when we're speaking about those gap they can, they can technically qualify for those 201H projects that the County exempts, you know, upwards of several million dollars for the project. I think for those . . . what I'm hearing from the other Members is that for those really low 100 percent AMI and below you need that extra money for developers to subsidize the projects. I think for those gap applicants you can use at least the 201H process to try and address those and then it will probably kind of measure out for the developers because now they've got people at that higher AMIs, you know, purchasing the homes. Just my thoughts, Chair. Thanks.

CHAIR MOLINA: Thank you. Ms. desJardins?

MS. DESJARDINS: So, you're exactly right. This fund is funded by this 2 or 3 percent tax. It's also funded by monies that developers give in lieu of credits, you know, in lieu of what they have to give in affordable housing. So, this fund isn't all the affordable housing, you know, you have 2.97 projects, 2.96, 201H, this is just a special fund that you folks determine how you want to spend that fund. So, you know, it's within your purview to limit it how you want to. It doesn't mean that the developer can't go out and do a 201H project and have the 140s or the 120s.

CHAIR MOLINA: Okay. Thank you. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so I'll start with a question. Whoever wants to answer. Is it true that we could use other funding, General Fund, to help subsidize housing that we would like to build? That it's not only from Affordable Housing Fund that we can pull money from. Whoever wants to take that question.

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CHAIR MOLINA: Department?

MS. TSUHAKE: Thank you, Member Rawlins [sic]. I'm not aware of any specific funding source outside of Affordable Housing Fund that has been used to pay for the development of housing in terms of the usage the same way to subsidize development. I think the . . . for example, the land for Kulamalu was actually purchased through Affordable Housing Fund but that's not a good example. But I'm not aware of any General Fund allocations that were used to subsidize affordable housing. So, I don't know if it's not allowed or if it just hasn't been identified as an additional funding for the purpose of development or not. I don't think Director Teruya recalls any in particular either.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for that response. Ms. desJardins, is there anything in our rules, laws, that prohibit us from doing . . . from using funds elsewhere?

MS. DESJARDINS: No, I don't think so. But I do think that, and I know you know this because you've raised this. This fund is restricted to certain types of uses, right. So, I would before . . . if you folks are going to pass this out, we have time before, you know, you go to Council to kind of look at that a little more carefully cause this is a, to me, I see this as a pretty limited use anyways. So, we would, I would think we would want to look to see where else could you get monies for affordable housing.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Okay, so I think, you know, what the Councils before us – Chair Molina and others who sat on it in addressing the gap income group, I thought that was, you know, a noble effort in recognizing and doing your best to try to provide housing for that gap income group. And what we've discussed in Affordable Housing Committee with Deputy Director Linda Munsell is that, and Member Paltin brought this up a little earlier too is that the closer the house price is to the market rate there's less people willing to disclose their finances and open themselves up to that kind of, you know, yeah. To open their books up. It kind of . . . there's not as many people willing to do that and enter into a deed restriction and, you know, to sign on to purchasing a house with all this added baggage. And so, I think, we've now had some time to look at that and see, you know, it was, you know, a really good idea – did it work? And we're seeing now that, you know, a lot of houses close to market rate flip out of affordable housing and there goes our funds because the gap group, you know, many in the gap group prefer not to purchase those houses because it's too close to market and they rather purchase a home that doesn't have a deed restriction. And so, I think, you know, we should learn from what we've observed and we should, you know, take the lessons that previous Councils have given us in that observation and, you know, address the group that needs the help, the most help. And I think that's what Chair King . . . Member King and Chair Molina have suggested here. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. Members, any other comments as it relates to the proposed amendment on the floor? Councilmember King?

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COUNCILMEMBER KING: Yeah, I just wanted to go back to what one of the testifiers said, and ironically one of the ones who originally campaigned for this fund and said, you know, now we should let it expire because nobody knows what we're doing with it. And so, keeping this part of it in the Charter amendment tells the public this is what we're planning to do with it. We're addressing the lowest . . . we're basically by putting that 100 percent in there, we're basically defining affordable housing . . . that affordable housing client as the household that makes 100,000 or 100 percent of AMI and less. And we've had various descriptions and various documents over the year. But this kind of makes it firm that this is what we're doing with your money. We're looking at the people who make the area median income and less, and we're going to put our efforts there. So, I think that, you know, ultimately, the public is going to decide whether they like this or not because we're only talking about putting it on the ballot right now. But I just wanted to make that point because sure we could just leave this vague and then do it in ordinance but we're not telling the public what we're doing, and it seems like that's what the public needs to know what exactly are we addressing here. So, that's, you know, kind of an additional thought from this morning's testimony. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. King. Any other comments as it relates to the proposed amendment? Councilmember Kama?

COUNCILMEMBER KAMA: Thank you. So, what we're talking eliminating the verbiage – gap group income, we're talking about people who make between . . . that's the 140 and the 160 percent AMI. Is that right?

CHAIR MOLINA: The proposed amendment is up to 100 percent.

COUNCILMEMBER KAMA: So, you're eliminating the 100 to the 160.

CHAIR MOLINA: 101 to 160.

COUNCILMEMBER KAMA: 101 to 160. Okay. So, I always because I'm not good in math and we're looking at percentage, so can somebody tell me what it is in dollars and cents?

CHAIR MOLINA: Director Tsuhako?

COUNCILMEMBER KAMA: Because while we talk about these things about percentages, I believe I'm not the only person in Maui County that doesn't do good math. So, good that have people out there who know if they qualify in terms of their own income.

CHAIR MOLINA: Okay. Chair appreciates your honesty, Member Kama. Director Tsuhako, any response to Member Kama's inquiry?

COUNCILMEMBER PALTIN: Chair, point of information.

CHAIR MOLINA: Member Paltin?

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COUNCILMEMBER PALTIN: I would . . . maybe if we can pull up the chart and put it on there because it depends, I mean, it's not like you can say a number and know the range because it depends on how many people are in your . . . like you can say a number and that could be for one person. But then the range changes like if you have two kids or how many people are in your household. So, if we could put the chart on the screen off the website maybe. Or if you could pull it up on your . . .

CHAIR MOLINA: Granicus.

COUNCILMEMBER PALTIN: I think it's on the DHHC website.

CHAIR MOLINA: Uh-huh.

COUNCILMEMBER PALTIN: So, that will give you a more accurate representation of what the number actually is because you can't just say one number and that's . . . somebody is watching on TV and they're like I make that.

CHAIR MOLINA: That's more ranges, yeah, at this point.

COUNCILMEMBER PALTIN: Yeah, it's all ranges. So, if you go to the County of Maui Department of Housing and Human Concerns, right?

CHAIR MOLINA: It would be a single-family affordable sales price guidelines.

MS. TSUHAKE: So, Mr. Chair --

CHAIR MOLINA: Yeah, Ms. Tsuhako.

MS. TSUHAKE: --just really quick math, so 100 percent AMI is 83,800 so 101 percent would be 84,638. And I believe 140 percent of AMI would be 117,320. But like Member Paltin said those calculations depend on household size. So, if you have a household of two versus a household of six, it makes a difference, right.

CHAIR MOLINA: Okay. Any other comments on this while we await the . . . Councilmember Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so I have the I think we also need to know how much the houses would cost so that we have an idea. And so, there's like prevailing rates but starting from you know 4 percent for a three-bedroom at 100 percent is 461,900. So, that's how much a three-bedroom house at 100 percent AMI would be.

CHAIR MOLINA: So, that's 100 percent at income 83,000 that they would qualify for a home up to that price currently based on a 4 percent interest.

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UNIDENTIFIED SPEAKER: Yeah.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so just for some perspective.

CHAIR MOLINA: On that chart that you have what does it say for gap income from say 140 to 160?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, 140 at 4 percent a three-bedroom is \$646,700. And at 160 percent it's \$739,100 for a three-bedroom.

CHAIR MOLINA: Oh, doesn't sound too affordable, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: I can't afford that.

CHAIR MOLINA: Yeah. Okay, Members, any other comments?

UNIDENTIFIED SPEAKER: Call for the question?

CHAIR MOLINA: Okay. All right. Okay, Members, we have a proposed amendment. If you could again restate the proposed amendment, Member King?

COUNCILMEMBER KING: Okay. The proposed amendment is to Item No. 1 under the Be It Resolved in the resolution to bracket out persons of very low to gap income, and then that would end the bracket. And insert households from 0 to 100 percent area median income.

CHAIR MOLINA: We already have that motion on the floor. So, okay, that was the amendment as stated. Chair will call for the vote. All those in favor signify by saying "aye."

COUNCILMEMBER KING: Aye.

CHAIR MOLINA: Excuse me.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

CHAIR MOLINA: Member Rawlins-Fernandez, did you have a quick question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I just . . . sorry for stopping the vote. You had proposed the amendment and I just wasn't sure if Member King saw it from very low income up to but not exceed persons, it says persons instead of household, household of 100 percent area median income.

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COUNCILMEMBER KING: You know, it's just wording it differently because --

COUNCILMEMBER KING: --because I noted earlier that . . . that was a suggestion is to go from 0 to 100 percent but also to refer to the households because the 100 percent like we said, the 100 percent is different for various households. So, just a little bit simpler way of, I guess, saying the same thing.

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

EXC.: Councilmembers Hokama and Lee.

CHAIR MOLINA: Members, the Chair has an amendment to consider. This would be under the first Be It Resolved clause – No. 1, it says, In adopting Fiscal Years 2008 through 2021 bracket, and then, 2031, Chair's proposing deleting the sunset clause in there. And, therefore, I'd like to amend it basically to take it out and, you know, not bound the Council. So, basically, it's going to be in perpetuity so you wouldn't have to come back on a whatever two-year basis to relook at supporting the fund –

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

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CHAIR MOLINA: Okay. Move by Member Paltin, seconded by . . . will give it to Member Rawlins-Fernandez. Any other comments or discussion on the Chair's proposed amendment to delete the sunset?

COUNCILMEMBER KAMA: Could we also include as part of the verbiage that at least we do an annual review of the fund or two-year review or something?

CHAIR MOLINA: Let's ask Corporation Counsel for her thoughts?

MS. DESJARDINS: I was just gonna look at your ordinance and see what it says on whether there's already a review or not.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? While Ms. desJardins was looking at that we also do a review of it at every Budget.

COUNCILMEMBER KAMA: So, is that . . . that's what we do. Is that what's always been done? 'Cause I just wanna make sure that we always do it, you know, no matter who's here.

CHAIR MOLINA: I would guess it's just a general review and I'm sure if there's any problems or potential problems that could occur, again any current Council or future Councils, can consider making a change via Charter amendment or an ordinance change. So, there is still that flexibility and option.

MS. DESJARDINS: Mr. Chair?

CHAIR MOLINA: Ms. desJardins?

MS. DESJARDINS: There's 3.35.080 Affordable Housing Fund Annual Plan, I don't know if that would address it or not but that seems pretty detailed about the Department has to propose a plan for the use of the funds and transmit it to Council for its consideration. Looks like that's annual.

COUNCILMEMBER KING: Is that before Budget?

VICE-CHAIR RAWLINS-FERNANDEZ: Um, it . . .

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: The Budget Committee receives that.

MS. DESJARDINS: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, we review that. And then we also decide in Budget whether we want to approve that plan and the funding that is being proposed or not.

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CHAIR MOLINA: Okay.

VICE-CHARI RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Thank you for those points, --

COUNCILMEMBER KAMA: Good enough.

CHAIR MOLINA: --Member Rawlins-Fernandez. Member Kama, is that okay?

COUNCILMEMBER KAMA: Good enough.

CHAIR MOLINA: Okay. Mr. Sinenci, you have comments? Member King?

COUNCILMEMBER KING: I just wanted to hear from the Department and Finance Department on if that . . . if you have any issues with having that be, you know . . .

CHAIR MOLINA: Director Teruya?

MR. TERUYA: Thank you, Chair. And Member King, in regards to your question, first of all, I'd just like to say that the Mayor was in support of the extension to 2031. So, I just wanted to make that point. And I guess if the Council wants to make it in perpetuity, I guess we'll just consider that an annual review. So, I think either way I think we can work with it. It's just a matter of how you guys want to handle . . . handle it moving forward.

COUNCILMEMBER KING: Okay. And you don't see any problem with him having an issue with that?

MR. TERUYA: With the annual?

COUNCILMEMBER KING: With it going on, I mean, not sunseting.

MR. TERUYA: I don't know his comment or his opinion on that other than he was supportive of the extension.

COUNCILMEMBER KING: Okay. Yeah, I don't have a problem with this, Chair. The only thing I worry about is will it pass with the voters, you know, if there's not a sunset date on it. But I'm amenable to taking that out that if that's what the Council wants to do.

CHAIR MOLINA: Thank you, Member King. Okay. Members, any other discussion with the proposed amendment to remove the sunset date? Seeing none. Chair will call for the vote. All those signify by saying "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Okay, Chair will mark it seven ayes with two excusals – Members Hokama and Chair Lee.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

ACTION: AMEND RESOLUTION.

CHAIR MOLINA: Any other considerations, Member? Oh, yes, I did have some other considerations if you would be so kind to deal with the Chair. If you look at the paragraph where it says, Shall the Charter be amended to, I think No. 5, Chair is gonna ask for consideration to bracket out the words extend through Fiscal Year 2031 the requirement, bracket those words out and simply insert the word require.

VICE-CHAIR RAWLINS-FERNANDEZ: So move.

CHAIR MOLINA: Okay.

COUNCILMEMBER PALTIN: Oh, I had a question.

CHAIR MOLINA: Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: This second part that's highlighted in yellow, would we change that as well?

CHAIR MOLINA: Okay. I just wanted to take --

COUNCILMEMBER PALTIN: One at a time.

CHAIR MOLINA: --one at a time. But if you guys would like to all rather me incorporate that in one motion, I can do that as well, if there are no objections. Member Sugimura?

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COUNCILMEMBER SUGIMURA: So, you can do that since we talked about this a lot. But did you also take into account the minimum – the 3 percent? I didn't hear a motion on that.

COUNCILMEMBER KING: It's already . . . that's part of the original . . .

COUNCILMEMBER SUGIMURA: Since we have three copies, we're working off of so . . . just kidding.

CHAIR MOLINA: Okay. So, if you'll allow the Chair, I'll also include the other consideration for this paragraph.

COUNCILMEMBER PALTIN: And I just was wondering for consistency sake if we would use Member King's language about households and 0 to 1 percent, 100 percent AMI?

CHAIR MOLINA: Okay. Chair has no problem using Member King's language. Okay. So, that additional change was somewhat similar to what I had proposed but if there's any objections to using that for the sake of consistency what we had just passed in Chair King's amendment, any objections to that, to incorporate that into this motion?

COUNCILMEMBER KING: No.

CHAIR MOLINA: Okay. So, there you have it. That's the proposed amendment.

COUNCILMEMBER KING: You have a second?

CHAIR MOLINA: I think we did have, oh, I'm sorry, we had . . . there's no motion on the floor. I think Member Paltin had a question first. So, Chair will entertain a motion for the amendment.

COUNCILMEMBER KING: So move.

CHAIR MOLINA: Okay. Moved by Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Seconded by Vice-Chair Rawlins-Fernandez. Any discussion? Okay. Seeing none. All those in favor signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed. Thank you. Chair mark it seven ayes, two excusal – Chair Lee and Member Hokama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

ACTION: AMEND RESOLUTION.

CHAIR MOLINA: And that is it from your Committee Chair. Any other considerations as it relates to the resolution, as amended? Okay. Seeing none. The Chair will call for the vote. All those in favor signify by saying "aye" for the support of the proposed resolution, as amended.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Those opposed? Okay, Chair mark it seven ayes with two excusals – Chair Lee and Member Hokama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and Lee.

MOTION CARRIED.

ACTION: ADOPTION OF REVISED RESOLUTION.

CHAIR MOLINA: Thank you very much for your work on this. And thank you, Member King, for this proposal to move this on to the full Council for consideration increasing the . . . set aside of 2 percent of real property tax to 3 percent.

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COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: All righty. Thank you, Members.

GET-10(7) PROPOSED CHARTER AMENDMENTS (ESTABLISHING SHORTER LIFETIME TERM LIMITS FOR COUNCIL MEMBERS BY LIMITING THE NUMBER OF TERMS A PERSON MAY SERVE ON THE COUNCIL TO TWO FOUR-YEAR TERMS) (CC 19-28)

CHAIR MOLINA: All right, we'll go on to our last agenda item for today and this was a Charter amendment proposed from Member Kama, which relates to proposing amendment to the Revised Charter of the County of Maui (1983), as amended, to establish shorter lifetime term limits for Council Members of two four-year terms. Chair will recognize Member Kama with her proposal.

COUNCILMEMBER KAMA: Thank you, Chair. You know, this issue came up during, a couple of times, throughout our tenure as new Council Members. And I just thought that, you know, since I've only been here for a year and I thought I could do so much in the short time I was here, and I realized that we can't. We need a little bit more time. So, I wanted to be able to offer this amendment. I'm not married to anything in this resolution. But hopefully my colleagues will be able to help to vet this through too. So, thank you, Chair.

CHAIR MOLINA: Okay. Members, comments or questions as it relates to the proposed amendment? Member Paltin?

COUNCILMEMBER PALTIN: Just clarifying no motion was made yet to . . .

CHAIR MOLINA: No.

COUNCILMEMBER PALTIN: Oh, okay. I would just, for me, suggest that you know based on the testimony and my own feelings and things like that and, in general, I think it's good to keep things simpler and so I would suggest an amendment to the proposal or I would propose an amendment to the proposal that we go back to the original wording in Page 6 of the Charter and just eliminate the word "consecutive" because of the testimony that we had saying like, you know, a four-year term or a two-year term has its own pros and cons and I agree with that, you know, there's plenty pros and there's plenty cons for each. And that, you know, also the testifier saying the wish to see like, you know, different folks step up as well as that way we won't need to look into the issue of vested, you know, because it will be what it is. And so, I think, you know, that's a simpler way to go about it. I did stop in and speak with our County Clerk if, you know, there would be any cost savings or any efficiencies by having it four years and then if it was staggered and they didn't seen it to believe that it would be any kind of significant cost savings because, you know, if it's staggered you still have to do inauguration every two years

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and depending on the State races and whatnot you still have to have elections every two years. So, there's no real cost savings of holding it the terms four years. And I think in my experience of watching the politicalness [sic] of voting, you know, a few bad apples could just sour the whole bunch if you have to wait four years as opposed to two years it kind of keeps people accountable. And, you know, if there's only one chance for re-election and there's no opponent, it kind of little bit robs the people of their choice, you know, to like let folks know their choice. So, I would . . . I like the idea of looking at it and I would say maybe the first step and keep it simple and go from there. It's just eliminating the word consecutive so that there's a total of five terms period.

CHAIR MOLINA: Thank you for your thoughts, Member Paltin. Chair has a couple of questions for Member Kama, the proposer of this. I know there's been a segment of our community who would like to see change in terms of, you know, reducing the terms or limiting Council Members on how long they can serve. It's interesting because we have three, I guess, old-timers on this Council of, you know, myself along with Member Lee and Member Hokama. And it's too bad they weren't here because I'm sure they could offer some interesting insight on this. My first question as it relates to the resolution to Member Kama in the second Be It Resolved the four Council Members that receive the least number of votes only get a two-year term and a four-year term. Just looking at it I'm just kind of not clear. It just seems that maybe . . . are we looking I know it's not the intent to punish someone by lessening the opportunity to serve eight years. How can we resolve this? I mean, when you look at it, you know, it just appears that why are we saying four Council Members that get the least amount of votes only get a two-year term?

COUNCILMEMBER KAMA: The intent is to be the beginning of the staggering. When you begin to stagger your terms, right, if you go the first five highest vote getters stay for four years then you still have another election two years later. Then the last four or the four that didn't get the top four would now run in this next election and they begin their four-year terms.

CHAIR MOLINA: So, if you get the most votes the first go around, you're lucky. You have the four years.

COUNCILMEMBER KAMA: Yeah, then you're good for four. And then if the next guys run the next two years and then figure out where they're gonna go.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: If they would stay in for the next four years too. So, you will end up . . . somebody is going to end up with a ten-year term if everybody serves their full two-year terms plus your two you've already served previously. The only thing, I think, that would come out short was those on probably the last four vote getters would probably get two eight-year terms but that's about it.

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CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: That's two four-years, yeah, in the end.

CHAIR MOLINA: And then if someone is appointed for a Council seat that is vacated, would that individual receive two elected terms thereafter in addition to the appointed years. For example, . . .

COUNCILMEMBER KAMA: I think that's something the Council could figure out. I didn't think that was something that I wanted to put in here, but we could --

CHAIR MOLINA: Uh-huh.

COUNCILMEMBER KAMA: --deliberate about that.

CHAIR MOLINA: You know in hindsight I should have invited someone from the Clerk's Office to give further insight on this, yeah. Okay. Oh, Mr. Nishita, would you, are you able to come down here and provide some insight on this proposal? Thank you. I believe Mr. Nishita will be in Mr. Hokama's Committee on Thursday to give us the whole election proposals.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: Mr. Nishita?

MR. NISHITA: Thank you, Mr. Chair. Yeah, I had received couple of questions from some of the Members, so I was monitoring this section of the meeting just in case some questions came up. So, thank you for letting me come up here. I will be available to answer any specific questions that you guys have but I just wanted to relay some of the information I provided to some of the Members who had asked me questions regarding this. What Councilmember Tamara Paltin said is correct. I wouldn't anticipate any significant cost savings or anything like that from this measure. And I did get a question about the question that's presented on the resolution itself. And I did have a, for what it's worth, I did have a concern about the question as it's listed. Primarily, to indicate to voters that the terms will be staggered I don't think that it was indicated in the question itself. And I haven't looked at the proposal recently, but I thought that the proposal called for the first . . . the five highest vote getters to get the first full four-year term and the lowest four vote getters to get a two-year term that would count as their first four-year full term of office. And I just felt that the question could be clarified a little bit because I think it's stated about whether a Council term should be changed to two four-year full terms of office. And it's a little misleading in that sense because if you're the lowest four vote-getters, you'll only have a two-year term of office followed by a four-year which would count as your full supposed eight years. So, I thought that should be somewhat clarified. The similar questions have been brought up in about 2002 and 2012, I believe, although the proposals were slightly different. And both of those questions had

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indicated the staggering of terms, and as I said, their provisions were slightly different. So, the rest of it kind of didn't apply but I did have a concern about whether voters accurately knew that the four lowest vote getters would only be getting a two-year term and not two full four-year terms of office. Thank you, Mr. Chair.

CHAIR MOLINA: Okay. Thank you for your clarification. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Nishita, for coming up. So, is it possible that the ones that get the two-term and then the four-term and then they get back in so you have another to, I guess, do the ten-year maximum, do you get a two-year at the end? I mean, would there be like a cutting of the four-year term or something or is my math really off?

MR. NISHITA: Thank you, Mr. Chair. Just in response to that, as I said, I haven't looked at the proposal recently but my recollection is that the lowest four vote-getters would only have six full years in office and that would be the end of their terms that they could serve. In other proposals, I believe in 2002 and 2012 the lowest vote getters would get the first two-year term, but they could serve two four-year terms following. So, then in that case, they would get ten years instead of eight years in office. But I believe under this proposal the highest five vote-getters would get eight years, the lowest four could have potentially six years.

COUNCILMEMBER SINENCI: Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. So, as I kind of hear your response, so if you're the one that's been . . . you have the least, you don't make the top five so to speak, so you would be eligible to run for another four, well, two four-year terms provided the voters want you in then. So, in essence, you get the ten years. Sort of as a make up for the fact that you got, you know, and I don't call it short-changed, but you didn't make the top five in terms of votes. Maybe Member Kama can tell us where did you get this? Was this modeled after a particular municipality?

COUNCILMEMBER KAMA: No, that was just what I thought about. But I think, I think when you think about elections too is that so you . . . let's say you're on the top five and you get elected and then so you're four years, right. But then what if you don't get elected the next round, right, when you gotta run the four years. So, sometimes if you're good at this you get in and the voters will put you back. But it's not a guarantee that you're going to get back in for those two consecutive full two four-year terms.

CHAIR MOLINA: Okay. Point well taken. Member King followed by Member Rawlins-Fernandez. Questions for Mr. Nishita?

COUNCILMEMBER KING: So, I think it's confusing because I thought what I heard you say is that under this proposal you would only get a potential maximum of six years if you're one of the lowest vote getters because you get the two years plus one four-year term.

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But . . . so, I'm not sure and I know that you were saying that there were proposals and they were on the ballot in 2002 and 2012 or did they just . . . did they make it on the ballot?

MR. NISHITA: Yes, Mr. Chair. My recollection is 2002 and 2012 and I don't know if Council Vice-Chair Rawlins-Fernandez's staff might have it handy 'cause I did send them the . . . what the actual numbers were after the election. I know both times it failed. There were more noes than yes, but I don't remember the exact percentage breakdown off-hand.

COUNCILMEMBER KING: Okay. And then the other question I have is, I notice that this version on Granicus is not signed by Corp. Counsel so is there a reason why it wasn't signed?

CHAIR MOLINA: Ms. desJardins?

MS. DESJARDINS: We weren't asked to review it.

COUNCILMEMBER KING: Oh.

MS. DESJARDINS: I know that Councilmember Kama had discussions with Ed Kushi about it but we . . . my understanding is that we weren't asked to approve as to form and legality.

COUNCILMEMBER KING: Oh, okay. Okay, I think that's the only question I had. Obviously, it's been floated before and not asked by the voters but maybe Ms. Rawlins-Fernandez could tell us those numbers.

CHAIR MOLINA: Ms. Rawlins-Fernandez, are you prepared to respond?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No.

CHAIR MOLINA: Q and A from Mr. Nishita at this point.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, Mr. Nishita.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, no, no. He said he gave it to my staff, so she is printing it. I can see her coming. Just come through that door. Okay. She's coming around. She's coming around. So, she has the numbers and she'll provide it. There she comes. Thanks, Jen. So, she'll provide those numbers to answer Member King's question. Mahalo, Jen.

CHAIR MOLINA: Members, in the meantime, questions for Mr. Nishita? Member Sugimura?

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COUNCILMEMBER SUGIMURA: Is he going to read the results and then I have a comment.

CHAIR MOLINA: Yeah. Okay. Go ahead, Mr. Nishita?

MR. NISHITA: Yeah, thank you, Mr. Chair. And I just wanna as I reiterated before that the proposals were slightly different in 2002 and 2004 but they did relate to, you know, four-year terms for Councilmembers. In 2002, there was 14,011 yes; 24,059 noes; 3,257 blank votes. So, basically, 33 percent to about 58 percent in 2002. And then 2012, there were 16,005 yes votes; 27,278 no votes; 5,562 blank votes roughly 32, 33 percent yes and 56 percent no.

CHAIR MOLINA: Okay. Thank you, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. That confirms my recollection. I was on the Charter Commission and this question came up and the Charter Commission as you all may know acts like the County Council where we went to all the communities. I mean, we went to the same communities that the Council does for Budget. And this was one of the questions that came up and I will tell you that we didn't even put it on as a ballot question because we got . . . the community basically said, what they really said was we want to vote you out, you know. So, we don't . . . and two years is enough. So, we didn't even put it on when we were on the Charter Commission because the community was pretty strong in their response. And then when we took it up as a Charter Commission, it didn't have enough votes to go on the ballot for four years versus, you know, it stayed as two. It stayed the existing so consistent.

CHAIR MOLINA: Okay. Thank you for that historical insight, Ms. Sugimura. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Nishita, do you have the questions on that sheet of paper?

MR. NISHITA: No, I don't. But I can get that for you guys.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR MOLINA: Thank you. Mr. Nishita, just help me confirm. Oahu County and Big Island County they have staggered terms for their Councilmembers?

MR. NISHITA: I believe only City and County of Honolulu.

CHAIR MOLINA: Okay.

MR. NISHITA: I think Big Island, yeah, I don't recall on Big Island. But I know City and County is, yeah, has those staggered four-year terms.

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CHAIR MOLINA: Yeah, and I think they have district voting too, yeah, for . . .

MR. NISHITA: City and County does and Big Island, yeah.

CHAIR MOLINA: Okay. Members, any other questions for Mr. Nishita before I excuse him? And thank you for being available to this . . . it certainly helps get us up to speed on this proposal. Okay. All right, Members, well, the Chair's intent was to have at least a second meeting on this 'cause there are some questions that I think need to be answered at least for my sake. But then again that's me. If you feel as a body that you'd like to take action on this, Chair is certainly open to that. Member Sugimura?

COUNCILMEMBER SUGIMURA: You know, I think you made a really good point earlier where yourself, Ms. Lee, and Mr. Hokama are returns. And I would love to hear what they have to say about this concept in general. There's, you know, great value to having your experience as you sit before us and you talk about those, you know, days when the ordinance was formed and why. I mean, there's historical knowledge that's valuable. But you're going to take it up, if you defer this, take it up again and they'll probably be here, and we can hear their perspective too because I think it's valuable.

CHAIR MOLINA: Chair appreciates those points, Ms. Sugimura. And so, unless there are other pressing questions for Corporation Counsel or Ms. Kama, I think I'll recognize Member Rawlins-Fernandez before I give my dissertation.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, just a couple comments. One, that while I know that historically in 2002 and 2004, which is 18 and 16 years ago, there was a vote of no and the Charter Commission was ten years ago that, you know, I don't think we should not do something just because, you know, it didn't pass in years before. If we want to try again now there, you know, different people and different understanding and different desires, interests. So, I wouldn't be opposed to having this on the ballot. I would be opposed to the way that the staggering would start. And I was trying to quickly look up some information so I could provide it to basically support my suspicions. But, basically, my . . . I think and I can't back this up yet, but I'll do the research that the bottom four would end up being the rural Council Members and that's because most of the population is on Maui. And a lot of times they don't really know who the rural Council Members are or we don't live on Maui. And so, I think that would be unfair to the rural Council Members. So, I don't support the way that it would start to stagger. I don't have a suggestion otherwise right now, but I can think about it and propose one the next time you schedule this item. I do know that when OHA was created from the 1978 Constitutional Convention that this is the way that OHA started its staggering. And it's been problematic since because there were four at-large seats and one of the at-large seats was with one group of staggering and three of the at-large seats were in the other group of staggering. And now that elections has one at-large and three at-large, it's just . . . it's messy. So, you know, I think I can, you know, try to come up with some kind of a proposal and would, you know, if any of the other Members support

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putting this on the ballot that, you know, maybe we can all kind of put our heads together, not together because of Sunshine but alone and then come back together to, you know, figure out what would be a better idea of how to start the staggering. And I think this also doesn't address how . . . what would happen with the Council Members who've already served, you know, full ten-year term or just served in the past. So, I don't think this addresses that.

COUNCILMEMBER PALTIN: Point of information on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, go ahead.

COUNCILMEMBER PALTIN: I did ask --

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

COUNCILMEMBER PALTIN: --Mr. Nishita that question also. If I'm . . . if he is not running up the stairs right now . . .

VICE-CHAIR RAWLINS-FERNANDEZ: He's sitting right behind.

COUNCILMEMBER PALTIN: Oh. He was saying that, you know, as a new law passes it's kind of like a reset button.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. That's what I figured would happen. So, basically, all the terms that you served in the past would not count toward your term limit.

CHAIR MOLINA: Like grandfathering in, I guess.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. I just didn't want to call you grandfather or anything like that.

COUNCILMEMBER PALTIN: He said something like --

VICE-CHAIR RAWLINS-FERNANDEZ: You said it not me. Mahalo, Member Paltin.

COUNCILMEMBER PALTIN: --you can't be held to a law before it was passed --

VICE-CHAIR RAWLINS-FERNANDEZ: Uh-huh.

COUNCILMEMBER PALTIN: --so it starts from when the law gets passed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin and mahalo, Mr. Nishita, for that clarification. Mahalo, Chair.

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CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. There is no problem. I don't know what to say but I appreciate your comments. Okay. I'm going to thank Member Kama for bringing this for consideration.

COUNCILMEMBER SUGIMURA: Good discussion.

CHAIR MOLINA: Whether it moves forward or not it certainly merits the discussion and stimulates our curiosity. Member King followed by Member Sugimura.

COUNCILMEMBER KING: Yeah, Chair, I would like to kind of bifurcate the issue of the four-year terms with the issue of consecutive because I agree with Member Paltin that we need to take that word "consecutive" out. When I've spoken with people who originally proposed that and the intent was never to, you know, take the break and come back. It was supposed to be term limits whether they're consecutive or not. And then I understand that it would start when the vote passes. But I talked to a lot of people in the community who would like to see that word removed from term limits, not just for the Council, but for the Mayor as well and, you know, we are also in, you know, we could see the Mayor coming back after taking a four-year term break. So, I would like to look at that issue and have a separate Charter amendment for that issue and then separate Charter amendment for the four-year term because I think people might want one but not the other. And so, you know, it might just die for reasons of people not agreeing with the whole Charter amendment. So, I don't know if we can make a . . . you know, if we can vote on, you know, on Member Paltin's proposal for the amendment today. I'd be willing to vote on that because that's pretty simple and I've heard from hundreds of people about that.

COUNCILMEMBER PALTIN: I can make a motion.

CHAIR MOLINA: Then what is that? Can you restate the proposed amendment?

COUNCILMEMBER PALTIN: The proposed amendment was to go back to the language in the Charter, I think on Page 6, and simply eliminate the word "consecutive".

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order, Chair.

CHAIR MOLINA: Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I think procedurally we cannot do that because of the title of the resolution.

COUNCILMEMBER PALTIN: Oh.

CHAIR MOLINA: Point well taken. Corporation Counsel, additional clarification?

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MS. DESJARDINS: Yeah, I agree. I don't think you can but isn't it because it says lifetime? It doesn't matter whether you're consecutive or concurrent. It's not one of those stop/start issues that I think was a problem in the past. This is saying in one person's lifetime you have two four-year terms period.

COUNCILMEMBER KING: Right.

MS. DESJARDINS: Whether they're concurrent or consecutive.

COUNCILMEMBER KING: Right. But my issue was that people who like or don't like the four-year terms might like the taking out the "consecutive", and so that's why if we make it two separate issues people can vote on one --

MS. DESJARDINS: Oh, I'm sorry.

COUNCILMEMBER KING: -- even though they don't like the others.

MS. DESJARDINS: Okay. So, you're talking about two Charter amendments.

COUNCILMEMBER KING: Right. Right.

MS. DESJARDINS: Two resos.

COUNCILMEMBER KING: So, anyway, she was saying if she could go ahead and amend this one but, no, it's brought up that the title agreement . . .

MS. DESJARDINS: Yeah. I agree I don't think you can.

COUNCILMEMBER PALTIN: And then I had a question if we do the two separate resos that are seemingly conflicting a little bit, would it be a problem like, I mean, suppose a majority of people don't read and they mark yes for both or something then we're kind of in a trouble or can we say, choose one or the other?

CHAIR MOLINA: Ms. desJardins, any thoughts on that?

MS. DESJARDINS: I would make it as simple as possible and really vet whether I don't know that you want to have two things that could even possibly be conflicting of one another.

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think we could just, I guess, we would have to vote that they would both not have consecutive in it, and then they wouldn't be conflicting.

COUNCILMEMBER PALTIN: Oh, okay.

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VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, one would be to remove the word “consecutive” and then the other would already have the word “consecutive” removed and would ask if the electorate would like four-year terms.

CHAIR MOLINA: Okay. Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Another point that was briefly brought up but not addressed in detail is invested, investing. So, you have somebody who works two four . . . is elected two four-years that’s eight years but in order to receive your retirement you need ten years unless if maybe, you know, we can put something together so we can except you ‘cause you have 20 as a lifeguard.

CHAIR MOLINA: Can I add to that, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR MOLINA: Probably we’d have to get a comment from the Personnel Department. I have heard that for elected officers if you get elected for one term it automatically vests you in. I just heard that. I don’t know if that’s confirmed. So, it is ten years no matter what whether you’re in an elected position or a civil service position.

COUNCILMEMBER SUGIMURA: And I could have wrong information. So, I think we need to have legal or and . . .

CHAIR MOLINA: Yeah. And I think Federal level I’ve heard that too, I’m not sure. But if you make a good point about legal, which is why the Chair’s recommendation for today is to defer this. I’d like (1) it’s been stated for the record that Corp. Counsel never had an opportunity to review this, which is why there’s no sign off on it. I’d like to get their comments. Additional comments invited from the County Clerk as well on some of the issues that were brought up. And, of course, bringing might have . . . joining a discussion at our next meeting on this from my two fellow Methuselahs of the Council – Chair Lee and Councilmember Hokama. I know, thank you, Member Rawlins Fernandez for reminding us of our longevity and that we’re still surviving. So, yeah, that is the recommendation from the Chair at this point for deferral of this item, and I’ll try to bring this back as soon as possible along with everything else. And if there’s other considerations for a Charter amendment such as what Member Paltin had brought up about, you know, the consecutive terms and alike, we can also consider that as well. So, any final closing comments, Members, on this? Okay. So, if no objections, Chair will defer action on GET Item-10(7). Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused AL, RH)

ACTION: DEFER.

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CHAIR MOLINA: All right. Very good, Members. Staff, anything else Chair needs to be reminded of? If not, then we shall adjourn the GET meeting of January 21, 2002 [sic]. It's ten minutes after the hour of 4 p.m. Thank you very much for your hard work, Members. This meeting is adjourned. . . . (gavel) . . .

ADJOURN: 4:10 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

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Transcribed by: Jo-Ann Sato

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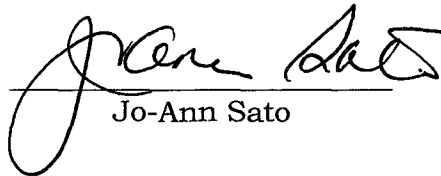
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CERTIFICATE

I, Jo-Ann Sato, 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 12th day of February, in Pukalani, Hawaii


Jo-Ann Sato