

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

## M I N U T E S

Council Chamber

February 21, 2020

**RECONVENE:** 3:06 p.m.

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair  
Councilmember Riki Hokama (arrived at 3:10 p.m.)  
Councilmember Tasha Kama  
Councilmember Kelly T. King  
Councilmember Alice L. Lee (left at 4:25 p.m.)  
Councilmember Tamara Paltin  
Councilmember Yuki Lei K. Sugimura

**EXCUSED:** Councilmember Shane M. Sinenci

**STAFF:** Lesley Milner, Legislative Analyst  
James Forrest, Legislative Attorney  
Pauline Martins, Committee Secretary

Don Atay, Executive Assistant to Councilmember Sinenci

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

**ADMIN.:** Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department  
of the Corporation Counsel  
Gladys Baisa, Executive Assistant, Office of the Mayor  
Caleb Rowe, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
John Jakubczak, Assistant Chief, Department of Police  
William Hankins, Lieutenant, Department of Police

**OTHERS:** John Copeland  
John Ornellas  
John Gerdel  
Marinel Yumol  
Plus (2) other people

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

---

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: . . . (*gavel*) . . . The GET, recessed GET meeting of February 18, 2020 has now reconvened. It is Friday, February 21<sup>st</sup>, five minutes after the hour of three o'clock. Good afternoon, Members. And...

COUNCILMEMBER KAMA: Good afternoon.

CHAIR MOLINA: And let's go down the line and find out to see who's here. We'll start off first with Ms. Kama from Kahului. Good afternoon.

COUNCILMEMBER KAMA: Good afternoon, Chair.

CHAIR MOLINA: Good afternoon. And Member Sugimura.

COUNCILMEMBER SUGIMURA: Good afternoon.

CHAIR MOLINA: Good afternoon.

COUNCILMEMBER SUGIMURA: Good to be with you again.

CHAIR MOLINA: Oh yes, always a pleasure. And Member Paltin.

COUNCILMEMBER PALTIN: Aloha auinala, Chair.

CHAIR MOLINA: Aloha auinala back to you, Ms. Paltin. And we have Committee Vice-Chair, Member Rawlins-Fernandez.

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

CHAIR MOLINA: Aloha auinala. And we have Councilmember King.

COUNCILMEMBER KING: Aloha. Long time no see.

CHAIR MOLINA: Aloha and long time no see. You got it. And we have Council Chair Lee.

COUNCILMEMBER LEE: Konnichiwa.

CHAIR MOLINA: Konnichiwa back at you. Okay, and then we have two Members have been excused today due to personal reasons, Member Sinenci and Member Hokama, so we have seven Members here for the recessed meeting. And just as an FYI to you, Members, your Chair has to leave by five o'clock so let's see how much we can get done with the time allotted. And we have from Committee Staff, we have Analyst Lesley Milner and Committee Secretary, Ms. Pauline Martins. And from the Administration, we have Deputy Corporation Counsel, Mr. Ed Kushi. And from the Mayor's Office, we have Ms. Gladys Baisa. Thank you all for being here today as we continue the saga of our nomination process for our various boards and commissions.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

**GET-2(30) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**  
**(CC 19-24)**

CHAIR MOLINA: When we last left off, we were doing interviews with the nominees that were asked to attend the meeting. And we have for the record, we have two individuals or excuse me, four individuals we'll be interviewing today, two from Lanai and two that are here in the gallery today. And Chair would like to recognize Mr. John Copeland who is the Mayor's nominee to the Maui County Commission on Persons with Disabilities. And good afternoon, Mr. Copeland, thank you for being here.

MR. COPELAND: Aloha.

CHAIR MOLINA: And I'd like to ask you to just give the Committee a few brief opening statements as to why you'd like to serve on this Commission.

MR. COPELAND: Can you hear me okay?

CHAIR MOLINA: Can we boost up his sound? I can't...he sounds a little...maybe...okay, could you try that again, Mr. Copeland?

MR. COPELAND: Can you hear me?

CHAIR MOLINA: There you go. Okay.

MR. COPELAND: Okay. Aloha. It's my honor to be here with you today. I love Maui. I grew up in Nashville, Tennessee and they say Nashville is laid back. Well, I say that Maui is peaceful and serene, so it's definitely a little better than Nashville, and we both have that musical connection. I've been in ministry most of my life and wanting to serve other people is really important to me. I've worked with individuals with disabilities also. I was the first pilot project in the state of Tennessee to use Paul Wehman's supported work model for persons with disabilities. We dealt mainly with people with severe disabilities, mental and physical. So, I've been working with people like myself now for a long time. I . . .(inaudible). . . here and I haven't been able to walk since then. And I suppose I've become a bigger advocate for equal rights for people like myself. I think one of the big problems with people who don't have a disability is they don't think about the barriers that are there. Now, we have to because it's in our face every day. And I'm a big advocate for awareness and education so that people in general know how hard it is for some of us kupunas and from some of the young people. I'm a member of the Maui Wheelers and we have young and old. A young man I met, he was on a rowing team and canoeing and big wave hit 'em and it broke his back, and he's been quadriplegic ever since. So, you know, a lot of advocacy is important. We need people that can speak up and let people know what we need, because a lot of times if our needs aren't meant, we just don't say anything. We just

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

assume okay, that's the way it is. Well, it doesn't have to be that way. And I know that all of you care. And some people in this room I know that you've been in meetings with me with the Maui Wheelers, and I appreciate the opportunity to serve any time that I can, because we need better opportunities, we need better facilities, we need better care than we're getting. We are highly appreciative of what we get, but we really need more. I'll give you an example, myself, if I was sitting here to you in a wheelchair today, I would be severely handicapped. This scooter gives me the opportunity and allows me to have the attitude that I'm just as proficient as any of you. And that's important that we have the prosthetics and the devices that we need that give us more independence and more mobility. I know I don't want to depend on others, I will ask for help if I need it, but there are a lot of people more severely handicapped than I am, and they're important people in our community. We talk about family, well, we're part of the family. And you may say well, why I am so interested, well, I grew up in a family with a handicapped brother and that may be one of the reasons why that I'm such a big advocate. And of course when you get in this condition, it changes your perspective also.

CHAIR MOLINA: Okay. Mr. Copeland, sorry to have to cut you short a little bit, we're under some time constraints. So, thank you for your opening comments. I'm going to now open it up to the Committee for any questions for Mr. Copeland and his request to serve on the Commission on Persons with Disabilities. Members? Councilmember Sugimura followed Councilmember Kama.

COUNCILMEMBER SUGIMURA: I just want to thank Reverend Copeland for being here. I see you all around in many different events with you and your girlfriend. I even see him on their scooters going down Main Street.

MR. COPELAND: Fiancé.

COUNCILMEMBER SUGIMURA: Oh, fiancé. Very good. And even at the Upcountry Farmers Market. Nice to see you, I look forward to all the contributions you can make for this valuable Commission. Thank you.

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

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Copeland, for being here. Are you aware of the adult Medicaid bill that is going through the Legislature right now?

MR. COPELAND: Yes.

COUNCILMEMBER KAMA: So, what is your thoughts on that?

MR. COPELAND: Well, you know, I wish that people would consult us more before they start introducing legislation. I think so many times I've seen this all over the United States, just not here, and that is people write bills and they think they have great ideas, but

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

let me say this to you as a minister. The road to hell is paved with good intentions. People always have good intentions, particularly here in Hawaii I think most people really have good intentions. But we need to have input so that we can make a difference and have legislation that actually works.

COUNCILMEMBER KAMA: So, are you connected with the oral health team on Maui that does a lot of that legislation?

MR. COPELAND: What do you mean by connected? I mean I'm not a member.

COUNCILMEMBER KAMA: There's...oh okay. Okay.

MR. COPELAND: They haven't consulted with me.

COUNCILMEMBER KAMA: Okay. Chair, I'll talk to him later. Thank you.

CHAIR MOLINA: All right, thank you, Member Kama.

MR. COPELAND: Thank you for that question.

CHAIR MOLINA: Committee Members, any other questions for Mr. Copeland before we excuse him? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two questions. Mahalo, Mr. Copeland, for your willingness to continue to serve our community in the various capacities. One, have you attended any of the meetings or have any familiarity with the board or Commission? Sorry.

MR. COPELAND: The Commission?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, like have you attended any of the meetings before?

MR. COPELAND: I have many friends that have served on it, but I've never actually attended the meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then do you see any reason that you wouldn't be able to attend the meeting regularly?

MR. COPELAND: No.

VICE-CHAIR RAWLINS-FERNANDEZ: 'Cause attendance is really important so I just want to make sure.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

MR. COPELAND: I live down at Lokenani Hale which is about three blocks away from here so it'd be a piece of cake for me.

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

CHAIR MOLINA: Okay, thank you, Committee Member Rawlins-Fernandez. And the Chair recognizes Councilmember Hokama to our proceedings today. Members, any other questions for Mr. Copeland? Seeing none, thank you very much, Mr. Copeland, for taking the time to be interviewed by the Committee, and we hope to have a decision made on you today.

MR. COPELAND: Thank you.

CHAIR MOLINA: Thank you. Aloha. By the way, your Tennessee Titans made a great run this past football season, so. Okay, next we have Mr. John Gerdel, nominee for the Urban Design Review Board. Oh, sorry. If you could just hang on for just a second. By the way, Members, as an FYI, we do have one litigation item as well to consider besides the board and commission nominees. Good afternoon, Mr. Gerdel, and thank you for taking the time to be here, and as I mentioned earlier, a nominee for the Urban Design Review Board. And if you, like Mr. Copeland, if you could just give us some brief opening remarks, and right after that we'll turn matters over to the Committee for questions. Proceed.

MR. GERDEL: Okay. Yes, good afternoon, Members. I appreciate the opportunity to be here and serve on the Urban Design Review Board. I guess a little bit of my background, I grew up here on Maui, I went to the school on the mainland and came back, and I've been working as an architect for the past 20 years. And so, I really value what the Urban Design Review Board can do, it can kind of be a positive force and advocate for construction, new projects on Maui and still maintain Maui's unique environment and qualities as new development happens. So, I appreciate that opportunity. And I guess for myself it also I think helps my with own practice to see some of the challenges and issues that projects go through and I think it can kind of help my own personal practice. So, it's a little bit of a selfish thing, but it's also helping and serving the community which is what I'd like to do. And I have served on the Urban Design Review Board I think about five years ago, I had another term.

CHAIR MOLINA: Thank you very much, Mr. Gerdel. Committee Members, questions for Mr. Gerdel? Okay, well, I guess we...oh sorry, Mr. Hokama? Oh no? Okay. Well, I have just one basic question, your ability to attend meetings. No problems with regards to your employee...employment?

MR. GERDEL: Yes, yeah, I have my own firm here in Wailuku just a couple blocks away, and I live a couple blocks away so it's a easy commute for me.

CHAIR MOLINA: Okay, very good. Very good. And, Ms. Baisa?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

MS. BAISA: I'd like to just make one quick comment and that is I'd like to really thank Mr. Gerdel for volunteering. We have a very difficult time getting professional architects to help us with Urban Design, and his volunteering his time is very, very...it's a big deal. Thank you.

MR. GERDEL: Thank you.

CHAIR MOLINA: Member King?

COUNCILMEMBER KING: So, thank you, Chair. So, it looks like you're applying for the alternate position? Is that one that we...that you require, Ms. Baisa, for them to attend every meeting?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Yes. The Urban Design Review Board does ask for alternates, and then they have to attend so that they can step in if one of the regular members are not there.

COUNCILMEMBER KING: Okay. So, you have no problem with attending every meeting even as an alternate?

MR. GERDEL: Yes, I have no problem with that.

COUNCILMEMBER KING: Okay, thank you.

CHAIR MOLINA: Mr. Gerdel, I have one quick question. Any potential conflict issues if for example you had a client that was up there, you would, I presume you would recuse yourself. But do you see any instances where that could occur?

MR. GERDEL: Well, I guess do know I would have projects coming to the Urban Design Review Board so I just would want to be able to present the project but I wouldn't be voting on the project. So, I just have the ability to present them.

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

COUNCILMEMBER PALTIN: Thank you. So, I think it may be for Ms. Baisa, but is that why they have the alternates, like in case some of them have a conflict?

CHAIR MOLINA: That's probably another reason why, yeah, a good follow-up question.

COUNCILMEMBER PALTIN: Oh. And then when you had served previously, were you the real or the member and not the alternate?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

MR. GERDEL: Yes, at that time I was a full member. I guess what changed for me is I have my own firm so my time is a little bit more limited than I was working for another firm.

COUNCILMEMBER PALTIN: But the attendance requirements are the same, so I don't understand what you mean by the change.

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Chair, yes. They will call them and tell them we need you to attend this meeting, because regular member John Brown cannot be here.

COUNCILMEMBER PALTIN: Oh okay. Thank you.

CHAIR MOLINA: Okay. All right, thank you very much. Seeing no other questions for Mr. Gerdel, thank you very much for taking the time to be here, Mr. Gerdel, and hopefully we'll have a decision rendered on your nomination at some point today.

MR. GERDEL: Okay, thank you, Chair.

CHAIR MOLINA: All right, thank you again. All right, let's go out to our office out in Lanai. I believe is Ms. Fernandez is monitoring who's on Lanai. Good afternoon, Ms. Fernandez. May we have the nominee for the Cultural Resources Commission, Ms. Marinel Yumol on the phone please?

MS. FERNANDEZ: Sure. Good afternoon, Chair. This is Denise at the Lanai Office and Marinel is here.

CHAIR MOLINA: Okay.

MS. FERNANDEZ: So, you we may go ahead and proceed.

CHAIR MOLINA: Okay, yes please. Good afternoon, Ms. Yumol. I would like to first ask you if you could give us some brief opening statements as to why you would like to be nominated to the Cultural Resources Commission.

MS. YUMOL: Sure. Aloha, Chair and Council. My name is Marinel Yumol and I've been a resident here on Lanai since I was seven years old. So, you know, I've been here, I've seen all of the changes that have occurred from, you know, when I was little from plantation to what the economy now is here on Lanai. I've also graduated here on the island of Lanai and since then, I've also, you know, I'm a graduate also of the 2015 to 2016 Ka Ipu Kukui Fellowship program. So, it was, you know, a great leadership program that I completed which made me be aware and how...showed me the importance of what, you know, being involved and being engaged in the community is. I also currently serve on several boards here on the island of Lanai, but, you know,



# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

being...having the opportunity to be able to serve on this commission would allow me to kind of my broaden my, you know, my service in other areas other than just...

CHAIR MOLINA: Okay, thank you very much, Ms. Yumol. All right, Members, the Chair will open up the floor for questions to the nominee. Chair will recognize our area representative, Mr. Hokama for questions of Ms. Yumol. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chairman. And we thank you, Marinel, for your willingness to volunteer and serve. For Lanai people, you know, and again I appreciate you mentioned that you've seen the end of pineapple and our transition to the visitor industry. But part of the Cultural Resource Commission's responsibility is of course our historical and Hawaiian component of our culture and traditions of Lanai of the past. And so, if you could give us some comment of your understanding of a historical Hawaiian perspective for Lanai and who were your mentors or your kupunas that you relied upon to share their wisdom and history with you so that you could represent our position of Lanai effectively.

MS. YUMOL: Sure. You know, I only have a mentor that I, you know, really sat down with, but I do, you know, I serve on several boards so we do share our ideas and opinions of, you know, when we're having these little forums or when we have little meetings when we're catching up with one another. So, we do talk about, you know, issues or concerns that are going on the island, and we help, you know, just keep everyone informed and just educated on certain issues that are going on.

COUNCILMEMBER HOKAMA: Okay. Yeah, no, for us yeah, is one of the more important aspects of a member of the Cultural Resources Commission is to understand the historical cultural significance of either an area or its impact...the impact from a proposed project. And so, we are interested in your understanding of our historical culture of Lanai so that you can use that to guide your potential decisions regarding the application that will be before your Commission. That is our main concern about who sits on Cultural Resources. It's not about the current day concerns, we're more concerned about the impact on the cultural and historical aspect. So, that is what we would like to hear from you.

MS. YUMOL: I do understand, you know, there's been a lot of changes here and as you...I mean if I do...when I do talk to, you know, residents on the island, we have all our concerns about change, you know, the changes. But it is also very important to preserve a lot of our cultural sites here and of course just the culture of the people, that is something that we all would like to continue to do and not have the lifestyle change so drastically here. And I think that's what makes Lanai also very unique is that sense of community. And then of course, you know, making sure that we preserve all of these important cultural and historical sites on the island is also very...

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER HOKAMA: Okay, Ms. Yumol, for the Committee this afternoon, we appreciate you state that you're the human resources manager for Pulama Lanai. So, we would consider that a management position. Would we be correct?

MS. YUMOL: Yes, it is.

COUNCILMEMBER HOKAMA: Okay. Then more than likely any application from Pulama Lanai which basically would be the only one that would put an application forward would make you null and void since you would have to abstain and not represent the island since your employer is the applicant. So, then who would speak up for Lanai on its historical significance, especially if it goes contrary to Pulama's intentions?

MS. YUMOL: Oh . . . *(inaudible)*. . . involves any, you know, things like Pulama, I would have to recuse myself on the issue.

COUNCILMEMBER HOKAMA: That's correct. Okay. Thank you very much, Ms. Yumol. I, you know, I appreciate. I know your family, the Agtarap family. You folks have been a part of our community for many decades so I appreciate your willingness to serve. Thank you, Mr. Chairman.

CHAIR MOLINA: Thank you, Mr. Hokama. Ms. Yumol, you have a question for you from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. It's my understanding that even though the Lanai member is going to come to Maui and make decisions for County issues Countywide, and I just was wondering, you know, Lahaina having been the capital of the Kingdom, how familiar are you with our Historic Districts 1 and 2 in Lahaina side?

MS. YUMOL: I'm not too familiar with, you know, about the Lahaina or about the other areas in the County, but that is one reason why I would like to join. You know when I was with Ka Ipu Kukui Fellows, the leadership program, we did go through a section and went over the land use, you know, condition and zoning and so forth. So, that's always been something that I'm interested in so I would need to read up a little bit more about it if I am chosen to serve on this board.

COUNCILMEMBER PALTIN: Okay, thank you for that. One more question, so just, do you know anything about the Banyan Tree in Lahaina?

MS. YUMOL: No, I don't. I'm sorry.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR MOLINA: Okay, thank you, Member Paltin. Ms. Yumol, you have a question now for you from Committee Vice-Chair Rawlins-Fernandez.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Yumol, mahalo for your willingness to serve our County in this capacity. So, I'm going to ask a couple of questions that I usually ask all the candidates. One is do you foresee any reason that you wouldn't be able to have good attendance?

MS. YUMOL: No, I don't.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then second is do you have...have you been to a CRC meeting in the past, or are familiar with what they do, reviewed any of their meeting minutes or watched it on *Akaku*?

MS. YUMOL: I haven't but I have gone on the website and have read some of the minutes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And then how do you see yourself contributing to the Commission?

MS. YUMOL: I feel that, you know, if...as far as representation goes, I do believe that there should be representation from all islands that are part of the Maui County. So, I don't see other candidates that are from Lanai so I would love to represent the island and be able to speak up for and be an advocate for the community.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Yeah, geographical representation is very important to this Council too. But I'll rephrase the question. So, in reviewing your application, you know, I see that you had...so you graduated from Lanai High School and Elementary School. You went to University of Southern Colorado and Kapiolani Community College. And it doesn't say what, you know, what major you had or what you studied. And so, my question is with your background and skill set and experience, what...how do you see yourself contributing to the Cultural Resource Commission?

MS. YUMOL: I do find myself, you know, being a leader. So, I, you know, if there are people who are unable to voice their concerns, I would be able to advocate for them. I do have some background in development and construction, so I did work, you know, for, yeah, under that industry for a couple of years. So, you know, I do understand some of the processes that go on in, you know, or...and things that need to be done for a project to get approved.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Last question, Chair. Okay, mahalo. Okay. So, because...so it's important for this Council to ensure that all the different districts are represented on the boards and commissions, because we rely on those people who come from their areas to bring with them the expertise of their aina, of their history. Because, you know, those that live on Molokai may not be as familiar with the culture and practices and history and people of Lanai as someone who is born and raised on Lanai would know. And so, you know, I want to make sure that the people and the culture and history of Lanai is being represented on this

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

Commission, because this Commission is made up of those who bring with them a background and experience and generational knowledge of their place. And so, that's what I'm wondering if you could answer.

MS. YUMOL: As far as general, generational aspects, you know, I don't have any ties to, you know, the other families that have been here for, you know, hundreds of years, but my family has been here for, since the '70s. But, you know, if I do serve, I would be open and I would seek out, you know, mentorship from kupunas here on the island and, you know, have them share more of their knowledge with us...with me.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo.

MS. YUMOL: To find out what's important to them.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Yumol. Mahalo, Chair. I see, it looks like Ms. Baisa has something to say.

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

MS. BAISA: Thank you very much. I just wanted to add something to the discussion. First of all, I want to say that it was very difficult to find someone to fill this slot, and we were extremely happy that Ms. Yumol stepped forward. I was excited because with her Ka Ipu Kukui background I know that she's familiar with maybe not a whole lot of...

MS. FERNANDEZ: I'm sorry but we can't hear.

CHAIR MOLINA: Ms. Baisa, can you speak...bring your microphone up a little bit? Yeah.

MS. BAISA: Okay. I don't know where I...where it didn't work. But anyway, I was happy to get her because we had a very difficult time trying to find somebody to be on this Commission from Lanai.

MS. FERNANDEZ: Her microphone went off again. Can't hear.

CHAIR MOLINA: Ms. Fernandez, can you hear us, hear me?

MS. FERNANDEZ: No, we cannot.

CHAIR MOLINA: Okay. Hang on yeah, we'll get this microphone fixed. Yeah. She said she can hear us right? Okay. Okay, anyway, Ms. Baisa, we got, you got the gist of the message, so okay. All right. Yeah, okay. In the meantime, we'll get Ms. Fernandez if she...we have one more nominee over there. Members, any other questions for Ms. Yumol? Ms. Paltin?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER PALTIN: Just a quick follow-up question on my original question.

CHAIR MOLINA: Okay. All right, hang on yeah. Let's make sure we're connected to Lanai.

MS. FERNANDEZ: Yes, we are connected. I can hear you folks.

CHAIR MOLINA: You can hear us now? Okay. All right, Ms. Baisa, you need to conclude real quickly, okay, very briefly 'cause I've got a nominee waiting. Go ahead.

MS. BAISA: I'll be very quick. I just wanted to say that we're happy to have her. Also, we do have an unusual situation this time going to the Cultural Resources Commission. You already interviewed Emily Spenser who is eminently qualified with Hawaiian background. We also have Dave, David [sic] Kanahele on this Commission. So, we have a wonderful representation of Hawaiian smarts.

COUNCILMEMBER PALTIN: Daniel Kanahele?

MS. BAISA: We have a couple of archaeologists and we have an architect, Brandis Sarich coming in.

CHAIR MOLINA: Okay, thank you, Ms. Baisa.

MS. BAISA: Yeah. So, I think --

CHAIR MOLINA: Yeah.

MS. BAISA: --we're covered.

CHAIR MOLINA: Okay, thank you. All right, Ms. Yumol, we have a follow-up question from Councilmember Paltin. Councilmember, proceed.

COUNCILMEMBER PALTIN: Thank you, Chair. So, my question is, if you have an area that you know is historically significant, what types of activities would you think should be allowed and what, if they should be commercial in nature or no?

MS. YUMOL: Can you repeat that again?

MS. FERNANDEZ: Can you please repeat that?

COUNCILMEMBER PALTIN: Yeah. If you have an area that you know to be culturally and historically significant here in Maui County, what types of activities would you allow to be there? And do you think under any circumstances commercialization is appropriate in culturally historic significant areas within our County?

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

MS. YUMOL: I think it all depends on what the activity would be. If it benefits the community and educating them about, you know, about the place and, you know, there's, I believe there's then parameters that can be done. But yeah, I think kind of just depends on what it is.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair, for the leeway.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, mahalo. Real quick, I just wanted to clarify that when I asked my question about contribution to the CRC, it wasn't exclusive to Native Hawaiian history and Native Hawaiian culture, it was specific to Lanai's place. And so, their history which includes plantation history, which, you know, includes ethnic diversity. So, it's not exclusive to, you know, 500 years ago, you know, and like Native Hawaiian only. Because there's a lot of knowledge in knowing your place geographically, from what elders share with you, you know, just the moolelo of the physical place as well. People who are like in touch with, you know, the natural environment, spiritual environment, and with the story of the people of the island, you know, and it's not only Hawaiian.

CHAIR MOLINA: Okay, thank you for that clarification, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay, any other questions for Ms. Yumol? Seeing none, okay, thank you very much, Ms. Yumol, for making yourself available to answer questions from the Committee. Ms. Fernandez, we'd like to have Mr. Ornellas now. He is the nominee for the Lanai Planning Commission. And if we could have Mr. Ornellas provide some opening, brief opening statements for the Committee.

MR. ORNELLAS: Good afternoon, Chair --

CHAIR MOLINA: Good afternoon.

MR. ORNELLAS: --and Members. My name is John Ornellas. I've lived on Lanai for about 30 years. My past record was serving as an advocate for Lanai. Was a past chair of a, of \_\_\_\_\_, State health for Maui County, past member for the Cost of Government, member for the Police Commission, past chair of the Lanai Planning Commission. I'm presently the treasurer of Lanaians for Sensible Growth. I'm a member of the Lanai High and Elementary School expansion committee. I also am a board member with the Coalition for a Drug Free Lanai, and also a part-time employee. If I have time at the end of the day, I drive limo for Rabaca's Limousine now.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Okay. Thank you very much, Mr. Ornellas. Okay, Members, the floor is now open for questions for Mr. Ornellas. We'll start with the area representative, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Mr. Ornellas as he has indicated with the Committee has served in various capacities already. He has already provided some service at the planning level for our community. He participated as well in the community plan process actively. So, I have no questions. I am in support of his nomination. Thank you.

CHAIR MOLINA: Okay, thank you very much, Mr. Hokama. Councilmember Paltin, question for Mr. Ornellas?

COUNCILMEMBER PALTIN: Thank you, Chair. Mr. Ornellas, I was wondering if you could describe for us what fairness means in your opinion?

MR. ORNELLAS: You're asking what fairness means to me?

CHAIR MOLINA: Oh, go ahead. Mr. Ornellas, did you get the question?

MS. FERNANDEZ: Yes, can you please repeat the question?

COUNCILMEMBER PALTIN: Yes. If you can provide us your interpretation of what it means to treat people fairly.

MR. ORNELLAS: I don't know what you're getting at.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR MOLINA: All right, thank you, Member Paltin.

MR. ORNELLAS: Give me an example.

CHAIR MOLINA: Member Paltin, you care to follow up on Mr. Ornellas' request to provide an example of what fairness would be?

MR. ORNELLAS: I don't understand the question.

COUNCILMEMBER PALTIN: Well, if one person does one thing and another person does another thing, or I mean, sorry, if one person does one thing and another person does the same thing, how do you treat them fairly?

MR. ORNELLAS: Listening to both sides, I would then decide what would be the best...sitting on the Lanai Planning Commission, you have nine other members so you'll have your chance to ask questions as far as who does what and when.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member Paltin. Members, any other questions for Mr. Ornellas? Committee Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Ornellas. Mahalo for your willingness to serve the County on the Commission. And so, I see that you've been part of a lot of boards and commissions in the past so it seems to me like there shouldn't be any issues with attendance. I guess if you could share with us how, you know, you see yourself contributing on the Planning Commission.

MR. ORNELLAS: I've served on the Planning Commission in the past for five years. Three of those years as chair, so I know exactly what is expected of me as, to be on the Planning Commission. We have nine members of the island that sits on this Commission and I know all of them. So, we would be a good working team to move items through the system so it can get back to you guys so you can make a decision.

VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Mahalo, Mr. Ornellas. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Any other questions for Mr. Ornellas? Seeing none at this time, thank you very much, Mr. Ornellas, for making yourself available for questions from the Committee.

MR. ORNELLAS: Thank you.

CHAIR MOLINA: All right, thank you. All right, Members, this concludes the interview process for the four nominees that I had stated earlier today. So at this point, the Chair will now go back to our agenda.

## **GET-2(33) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF ETHICS) (CC 19-24)**

CHAIR MOLINA: If you'll allow the Chair I'd like to take care of one matter on our agenda which relates to GET item 2(33) and the nomination to the Board of Ethics for Travis Thompson. We had Mr. Thompson here back on Tuesday so the Chair would like to offer a recommendation for Mr. Thompson.

UNIDENTIFIED SPEAKER: Recommendation?

CHAIR MOLINA: Okay, recommendation is to place the name of Travis Thompson on Resolution B which is to approve the Mayor's nominee to the Board of Ethics. The Chair will entertain a motion.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Okay.

COUNCILMEMBER LEE: Second.

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

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION:   ADOPTION OF RESOLUTION TO APPROVE THE  
                  APPOINTMENT OF TRAVIS THOMPSON TO THE BOARD  
                  OF ETHICS.**

CHAIR MOLINA: Thank you. Chair will mark it eight "ayes," one excused, Mr. Sinenci. Okay, we got one down.

**GET-2(30)   NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**  
**(CC 19-24)**

CHAIR MOLINA: All right, let's go back to the item GET-2(30) which is, has a number of names on the list. What the Chair is going to do, we're going to down by board and commission and ask if there's any considerations to separate names for a separate vote, 'cause right after we go through that process then the Chair's going to make a recommendation for approval excluding the names of the nominees that are being requested to be separated. Okay?

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER PALTIN: Oh, I had a question.

CHAIR MOLINA: Yes, Member Paltin?

COUNCILMEMBER PALTIN: So, are we separating it from the whole of it or are we voting on each board or commission?

CHAIR MOLINA: No. How we're going to proceed, I'm going to go down through every list of names, like for example if there's two people up for nomination to a particular board or commission, some of you may request a separate vote on one of them. So, rather than just one blanket motion for the two people, some of you may request a separate vote.

COUNCILMEMBER PALTIN: Oh, but we're going to vote separately on each different type of board or commission?

CHAIR MOLINA: Well, what I'll do, I'll have a separate vote for those individuals who are not requested to be separated. I have a separate vote for that and then we'll go individually on the people who have been requested to be separated. Yeah, just bear with me, you'll...

COUNCILMEMBER PALTIN: Figure it out.

CHAIR MOLINA: Yeah, we'll figure it out. I'll make it as user friendly as possible. Okay. First, for the Affirmative Action Advisory Council committee, we have just one nominee, James "Ipo" Mossman. And moving down to the Board of Ethics we have two nominees, Linda Kay Okamoto and Shanna Willing. Any request for separation? Okay, Chair will move forward. With the Civil Service Commission, okay, we have Colin Yamamoto, one nominee. For the Commission on Children and Youth, we have Elizabeth Fujii, one nominee. Next, appointment to the Council on Aging, we have two nominees, Agnes Groff and Arleen Gerbig. Any request for separation for either of these two? Okay, no separation. Moving to the Fire and Public Safety Commission, we have Max Kincaid, Jr. and Punahele Alcon. Any request for separation? Okay. Moving to the Hana Advisory Committee, Douglas Mardfin and Dean Wariner, any request for separation? Okay. Kula Ag Park, James Jones who is a reappointment and Curtis Tom, any request for separation? Okay. Lanai Planning Commission, Sally Kaye and John Ornellas, request for separation?

COUNCILMEMBER PALTIN: Yes please.

CHAIR MOLINA: There is? Okay, we have a request for separation, and which nominee would that be, Ms. Paltin?

COUNCILMEMBER PALTIN: Mr. Ornellas.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Mr. Ornellas, okay. Okay, Liquor Control Adjudication Board, one nominee, Colleen Cluney. Liquor Control Commission, we have two nominees, both nominees we're going to defer action on these two individuals. Mr. Venenciano was asked along with Ms. Fernandez to make themselves available for either Tuesday or today. To date, Ms. Fernandez said she would be available for Tuesday's GET meeting. Mr. Venenciano...Ms. Milner, we're still in the process, he has not been...we have not been able to make contact with Mr. Venenciano at this point?

MS. MILNER: That's correct, we're still trying to reach him.

CHAIR MOLINA: Okay, we're still pending and so we'll find out more come next week Tuesday so we'll hold off on that. We will not do a vote on them today. Yes?

COUNCILMEMBER SUGIMURA: Can you refresh our memory, what is the date that we have to do this by?

CHAIR MOLINA: Well, we received...well, our deadline date is March 31<sup>st</sup> we have to make decisions; otherwise, all the nominees will be deemed approved if the Council does not take action.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR MOLINA: Okay?

UNIDENTIFIED SPEAKER: Chair?

UNIDENTIFIED SPEAKER: Chair?

MS. MILNER: I think for this one it's March 22<sup>nd</sup>.

CHAIR MOLINA: Oh, this particular one are you talking about, the Liquor...okay, for the March...

MS. MILNER: Well, for GET-2(30) --

CHAIR MOLINA: Two thirty.

MS. MILNER: --is March 22<sup>nd</sup>.

CHAIR MOLINA: Okay. So, March 22<sup>nd</sup>, sorry about...make that clarification.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Yes, Ms. Rawlins-Fernandez?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: For sub-item 11, for the Liquor Commission, were there any questions for the nominees?

CHAIR MOLINA: Yes, I request, I'm going to request both nominees to be interviewed on Tuesday. Well, Ms. Fernandez already confirmed she will be available for interview and Mr. Venenciano.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And if we don't get both of them on Tuesday?

CHAIR MOLINA: Good question. I would be concerned if either...well, we could actually, if say one of them is not available on the 25<sup>th</sup>, their last chance for an interview would be our March 10<sup>th</sup> GET meeting because we still would have time. But what is the deadline again for this? Was March 22<sup>nd</sup>.

UNIDENTIFIED SPEAKER: Correct.

CHAIR MOLINA: Yeah. And then the Council meeting, we could discharge on the 10<sup>th</sup> and then take action on the Council meeting for the 13<sup>th</sup> --

MS. MILNER: For the 13<sup>th</sup>.

CHAIR MOLINA: --that is a possibility, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR MOLINA: Yes, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I, you know, I wasn't there to vote on it, but I did look into the attendance record of the Molokai nominee and it's not good. So, I would actually prefer to take action on that. And I mean if the Members would like to...he has been on the Liquor Commission from August and missed almost half the meetings already and has not really contributed much in discussion. And so, the attendance was my concern as well as familiarity and contribution to the Commission. And both of my concerns were legitimized in this short time.

CHAIR MOLINA: All right. Well, you know what, if you'll allow the Chair on this since we are offering Mr. Venenciano the 25<sup>th</sup>...

VICE-CHAIR RAWLINS-FERNANDEZ: We haven't made contact with him. I know . . . *(inaudible)* . . . has been trying as well.

CHAIR MOLINA: Yeah. If we...yeah, if he doesn't give a response then I'd like to give him one more chance for the 25<sup>th</sup> and if that day doesn't...he doesn't respond, let's take --

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --action on that day.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, regardless of now knowing that he missed half the meetings --

CHAIR MOLINA: Yeah, and I'll give him the benefit...

VICE-CHAIR RAWLINS-FERNANDEZ: --you would still want to...

CHAIR MOLINA: Yeah, there may have been a medical reason so I just want to give him that --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --benefit of that. And again, if there's no response by the 25<sup>th</sup> then by all means we could take the appropriate action.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Okay. But thank you for alerting the Committee to that because that is certainly very important to hear. Okay, moving on next, the nominees for the Maui County Commission on Persons with Disabilities, Robert Carroll for reappointment and John Copeland. Any request for separation? Okay, good. Moving on, and I think that it's for GET item--let me find my place here --

COUNCILMEMBER KING: No, there's a whole bunch more.

CHAIR MOLINA: --2(30). Okay. So, for this particular item so we will therefore...Staff, again confirm, the only separation vote we have is...

MS. MILNER: We have a few more commissions under GET-2(30).

CHAIR MOLINA: Oh wait a minute, let's see. I'm getting my pages mixed up.

VICE-CHAIR RAWLINS-FERNANDEZ: It goes to 18.

CHAIR MOLINA: There we go. Yeah, yeah, sorry. Okay, now we're on the Planning Commission nominee. Sorry about that. Okay, Planning Commission nominees Dale Thompson reappointment and Jennifer Salisbury. Request for separation?

VICE-CHAIR RAWLINS-FERNANDEZ: Separation.

CHAIR MOLINA: Okay, separate, and which nominee would that be?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Salisbury.

CHAIR MOLINA: Ms. Salisbury, okay. Okay, and Maui Redevelopment Agency one nominee, George Kaho`ohanohano. Police Commission, Frank De Rego, Jr. and Janet Kuwahara. We will not act on Ms. Kuwahara today. She has not been...well, we were informed she will be available possibly for the 25<sup>th</sup>, Ms. Milner?

MS. MILNER: We didn't hear back from her. She's on the mainland due to an emergency but she is expected back on island on the 24<sup>th</sup>.

CHAIR MOLINA: Okay, so her status is somewhat iffy for the meeting. Okay.

MS. MILNER: Yes, but I'll confirm with you as soon as I hear.

CHAIR MOLINA: Okay. All right, Real Property Tax Review Board we have one nominee, Georgina Kawamura. And then Salary Commission we have two nominees, Paul Kailiponi for reappointment and Edwin Misaki. Any request for separation? Okay, moving forward there. Urban Design Review Board we have Marie Kimmey, Mandy Saito, John Gerdel, Paul Areus. Mr. Areus I believe and...is that Ms. Kimmey...I know Ms. Saito came before us before so I know some of you may have requested her to come in again. We will consider...I'm not sure how you feel about Ms. Saito. I'm fine with Ms. Saito as far as I don't need to interview, so. Okay, so any request for separation? I know Mr. Areus is still pending interview for the 25<sup>th</sup>. Am I correct, yeah?

MS. MILNER: And Ms. Kimmey as well.

CHAIR MOLINA: And Ms. Kimmey as well. Okay. All right, so I believe we can act on Mr. Gerdel today and Ms. Saito. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. Just a question, 'cause I got...I'm slightly confused on this one. Under Ms. Kimmey, when we look at the narrative at the end of number 18, Chairman, it says except for Mandy Saito who will continue her current term expiring on March 31, 2024. So, I'm trying to understand why we're bringing her up if she already serving?

CHAIR MOLINA: Okay, let's ask Ms. Baisa for clarification.

MS. BAISA: Thank you for the opportunity. She is an alternate and we're moving up to her...her to a regular member.

COUNCILMEMBER HOKAMA: Okay. That's the only difference, the term --

MS. BAISA: Yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER HOKAMA: --doesn't change at all?

MS. BAISA: No, just that she's for real now.

COUNCILMEMBER HOKAMA: I always believed they were real, Chairman. Thank you for the clarification.

CHAIR MOLINA: Okay.

COUNCILMEMBER HOKAMA: Thank you for the...'

MS. BAISA: . . .(*inaudible*). . .

CHAIR MOLINA: All right, now I believe this concludes first line of nominees for GET-2(30). Okay, so now we have...so we have two separations, Jennifer Salisbury and John Ornellas. Otherwise, we'll move forward on the individuals that I have named. Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: That's a really good point about Marie Kimmey. So, if she's...based upon her history with us, does she really need to come before us on the 25<sup>th</sup>? It sounds like we confirmed her before.

CHAIR MOLINA: Well, four Members requested all nominees to come in so which is why the Chair honored their request.

COUNCILMEMBER SUGIMURA: Marie, I'm sorry, Marie Kimmey...okay.

CHAIR MOLINA: But again you guys can change your mind if you don't want that person to be there but just let the Staff know . . .(*inaudible*). . . If you don't really need to have Ms. Kimmey in for the interview on Tuesday that will help.

COUNCILMEMBER SUGIMURA: Yeah. I mean it sounds like she's going to fulfill, you know, her term. Maybe Ms. Baisa...

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: I'd like to put in a plug for her. She's the one that helped me find all the architects.

CHAIR MOLINA: Oh.

MS. BAISA: She's talked them into it.

COUNCILMEMBER SUGIMURA: Yeah, she's good.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Okay. With that said, for this particular item, everybody understand who we're going to be voting on at this point? Okay, so the motion will be to place all of the names previously stated on the Resolution B to approve. Okay. Excluding the names of John Ornellas and Jennifer Salisbury. Everybody understand?

COUNCILMEMBER PALTIN: Oh.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER PALTIN: Can we...

CHAIR MOLINA: Ms. Paltin, you have a question?

COUNCILMEMBER PALTIN: The ones with one name on it, can we move to separate those commissions?

CHAIR MOLINA: Okay. If you want, yeah, and no one had mentioned, but okay, which ones do you want to separate? Well...yeah, okay, go ahead.

COUNCILMEMBER PALTIN: I'd like to separate Civil Service Commission.

CHAIR MOLINA: Okay, Colin Yamamoto.

COUNCILMEMBER PALTIN: And that's it.

CHAIR MOLINA: Okay. So, we have three separations, yeah.

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

COUNCILMEMBER PALTIN: From the rest of the boards and commissions.

CHAIR MOLINA: Yeah, well, I think she wants to vote in the alternative. Yeah. 'Cause I'm going to make a blanket motion for approval on all the other names that there were no request for separation. Okay.

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Everybody clear?

COUNCILMEMBER KING: Could you just --

CHAIR MOLINA: Member King?



# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER KING: --repeat the names that we're pulling out that weren't asked for separation but you...I know --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --number 11 you wanted to defer both of those names, and then what were the other names you were deferring?

CHAIR MOLINA: Okay. All right, we'll go...I'll go ahead and give the rundown of the names for this blanket motion to approve. Okay. James "Ipo" Mossman to the Affirmative Action Advisory Committee [sic]; Linda Kay Okamoto and Shanna Willing to the Board of Ethics; Elizabeth Fujii to the Commission on Children and Youth; Agnes Groff and Arleen Gerbig to the Council on Aging; Max Kincaid, Jr. and Punahele Alcon to the Fire and Public Safety Commission; Douglas Mardfin and Dean Wariner to the Hana Advisory Committee; James Jones reappointment and Curtis Tom to the Kula Agricultural Park Committee; Sally Kaye to the Lanai Planning Commission; Colleen Cluney to the Liquor Control Adjudication Board; Robert Carroll reappointment and John Copeland to the Maui County Commission on Persons with Disabilities; Dale Thompson to the Maui Planning Commission; George Kaho`ohanohano to the Maui Redevelopment Agency; Frank De Rego, Jr. to the Maui Police Commission; Georgina Kawamura to the Real Property Tax Review Board; Paul Kailiponi reappointment and Edwin Misaki to the Salary Commission; Mandy Saito, John Gerdel to the Urban Design Review Board. I believe that's it. Ms. Sugimura, did you...so, Members, let me recap again, do you want Ms. Kimmey for an interview or would you like me to place the name of Ms. Kimmey on the list to approve?

COUNCILMEMBER SUGIMURA: I would prefer you just . . .(inaudible). . . --

CHAIR MOLINA: Okay, all right.

COUNCILMEMBER SUGIMURA: --because she's already...

CHAIR MOLINA: So, for the record we'll as Ms. Kimmey, Marie Kimmey to the recommendation to approve.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: All right, everybody clear, any more questions? Of course this excludes the names of the individuals that have been requested to be separated for a separate vote. Okay. All right, the Chair will then ask for a motion.

COUNCILMEMBER HOKAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Okay, moved by Member Hokama, seconded by Member Sugimura. Discussion? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, we...I just want to thank those that have volunteered and put forth their willingness to serve our County for the benefit of all residents. And I thank the Administration for providing us with I would say a good bunch of nominees for our consideration this afternoon. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Any further discussion on the motion? Seeing none, all of those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION: ADOPTION OF RESOLUTIONS TO APPROVE NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS... except Colin Yamamoto, John Ornellas, Jennifer Salisbury, Linda Fernandez, Pedro Venenciano, Paul Areus, and Janet Kuwahara.**

CHAIR MOLINA: Okay, Chairman will mark it eight "ayes." All right, now let us go now to the nominees who have been asked to have a separation vote. We'll go to the nominee for the Civil Service Commission, Colin Yamamoto, and the request was made by Member Paltin. Member Paltin, you have the floor. Please state your reasons and any considerations for the Committee with regards to Mr. Yamamoto.

COUNCILMEMBER PALTIN: Thank you, Chair. I just, you know, I don't need the Board of Ethics to tell me how I feel. I feel it's just too close. I would be supportive of this individual as like Police Commission or another type of commission. But for this one I

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

don't feel that it's an appropriate thing. If we know that folks are going to be recusing themselves and other things, I just don't feel it's appropriate personally.

CHAIR MOLINA: Okay. Ms. Baisa?

MS. BAISA: Just one quick remark. He has submitted a letter to the Ethics Board, and they should be looking at it on March 11<sup>th</sup>.

CHAIR MOLINA: Okay, thank you for that update, Ms. Baisa. All right, Members, with that being said, Chair is going to offer a recommendation to place the name of Colin Yamamoto on the Resolution B to approve. That is the motion.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Made by Member Sugimura. Is there a second?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Seconded by Member Lee. All right, any discussion? Okay, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

COUNCILMEMBER PALTIN: No.

COUNCILMEMBER HOKAMA: No.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Okay, Chair's recommendation is to place the name of John Ornellas on Resolution B which is to approve.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR MOLINA: Okay. It's --

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: --moved by Member Sugimura, seconded by Member Hokama. Any discussion? All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

COUNCILMEMBER PALTIN: No.

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

**NOES:   Councilmember Paltin.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION:   ADOPTION OF RESOLUTION TO APPROVE THE  
          APPOINTMENT OF JOHN ORNELLAS TO THE LANAI  
          PLANNING COMMISSION.**

CHAIR MOLINA: Okay, we have seven "ayes," and one "no," Member Paltin. And Mr. Ornellas will advance to the full Council. Okay, and I believe we had one more individual and this would be for the Maui Planning Commission, the name of Jennifer Salisbury. And I believe the request was made by Committee Vice-Chair Rawlins-Fernandez. I'll go ahead and yield the floor to you, Ms. Rawlins-Fernandez, for comments and considerations.

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For me, this goes back to, you know, having a good diversity of background in each board and commission, especially for a commission, for the Maui Planning Commission. I think it's too heavy on the realtors' and developers' side and, you know, I asked her, you know, a number of questions that day and I really wasn't satisfied with her responses. I wasn't convinced that she would represent the community collect...community's interests as a whole. And I know we said that we could, you know, ask the Board of Ethics for an opinion, you know, that, regardless of what that opinion would say, I would still feel the same. I think we need to get a better balance for the Maui Planning Commission. Mahalo, Chair.

CHAIR MOLINA: All right, thank you, Ms. Rawlins-Fernandez. Ms. Baisa?

MS. BAISA: Again, just to, for your information, Ms. Salisbury has submitted a letter for an opinion to the Ethics Board and that should be looked at on March 11.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. Chair would like to just offer a brief comment before the recommendation. Because the potential for conflict may exist, I still will make a recommendation to move out of Committee at the very least, but again depending on what the opinion is from the Ethics Board, I could potentially reverse my vote. So, I just wanted to make that statement. So, with that being said, Chair will...Chair's recommendation is to place the name of Jennifer Salisbury on the, on Resolution B which is to approve. That is the Chair's motion. Is there a motion coming from the floor? Okay.

COUNCILMEMBER LEE: So moved.

CHAIR MOLINA: Okay. Moved by Member Lee. Is there a second? Going once; going twice. Okay. Seeing no second, the motion, Chair's recommendation dies. Is there another consideration?

VICE-CHAIR RAWLINS-FERNANDEZ: I move to remove her name?

CHAIR MOLINA: Or you can place, if it's, the intent is to disapprove, you could place the name, or just make a motion to disapprove, which would be Resolution C, Ms. Milner, if I'm correct -

MS. MILNER: Yes.

CHAIR MOLINA: --to place the name of the nominee on the resolution to disapprove?

MS. MILNER: C.

CHAIR MOLINA: It's C, yeah?

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

MS. MILNER: Yeah.

CHAIR MOLINA: Okay. So --

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR MOLINA: --Member Rawlins-Fernandez? Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I move to add this name to the Resolution to Disapprove.

CHAIR MOLINA: Okay. Is there a second?

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Okay. Seconded by Member Hokama. The floor is open for discussion. Ms. Rawlins, I know you made some statements. Any additional comments?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. You know I think it's important whether there is a...the Board of Ethics determines there is or is not a financial conflict of interest, it's important for us to ensure that the public has trust and confidence in our boards and commissions, especially those that make the kind of long-lasting decisions that the Planning Commissions do. And, you know, the appearance of a conflict deteriorates that kind of trust and confidence that we would hope the public would have in our boards and commissions. And for that reason I move to place her name on the disapproval resolution. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you for your comments, Committee Vice-Chair Rawlins-Fernandez. Member Paltin, followed by Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. You know before I took this gig, I applied to the Planning Commission numerous times and I never even made it to the podium. And by an interesting turn of fate, I'm now the Chair of the Planning and Sustainable Land Use Committee.

CHAIR MOLINA: Irony.

COUNCILMEMBER PALTIN: So, just a little background on the situation. But I would support Miss...or Dr. Salisbury. My situation in not being able to do so at this time is the current makeup of the Planning Commission. And as Member Rawlins-Fernandez and some other testimony did point out that it's realtor/developer heavy at this moment. And so, for me the time is not a right time. You know if there were only one realtor or only one developer, I would be more open to the situation. But for me dealing directly with the Planning Commission and all the things going on with the advisory committees and whatnot, I feel that the timing is not right to add another

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

realtor or developer on the Commission. And, you know, that's not to say anything negative against Dr. Salisbury, I mean she's in great company along with myself as a Planning Commission disapproval or never got to the podium kind of person. So, I really mahalo her for taking the effort and I see all her efforts and I'm right there with her in that disapproval pile.

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

COUNCILMEMBER KING: Yeah, thank you. I had the same thought is I was actually pleased with the, Dr. Salisbury's answers to my questions, and I thought she had a good background of experience. But I think, I agree that it's too heavy, heavily weighted with developers and realtors and so we need to try to balance it out. I've been a big believer and I know the last Council tried to pass an ordinance that all the Planning Commissions and advisory committee have to have an environmentalist onboard and we were not successful in passing that. But that's the kind of balance I'd like to see on some of these boards and commissions that have to do with planning that never seem to get somebody who's an expert in...an environmentalist. But I did like the fact that she, you know, she supported, you know, the environmental laws, I just think we need a more balanced...and so for me it's the same as Ms. Rawlins-Fernandez said, I don't...it doesn't really matter what the Board of Ethics says, it's just, you know, let's get, let's have a more balanced vocational mix in, on the Planning Commission.

CHAIR MOLINA: Okay, thank you, Member King. Any other comments before the Chair calls for the vote? And again, the motion on the floor is to place the name of Dr. Jennifer Salisbury on the Resolution C which is to disapprove her nomination to the Maui Planning Commission. Everybody understand? Okay. All those in favor of the disapproval, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

COUNCILMEMBER LEE: No.

CHAIR MOLINA: No.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

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

**NOES:    Chair Molina and Councilmember Lee.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:    Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION:    ADOPTION OF RESOLUTION TO DISAPPROVE THE  
                                 APPOINTMENT OF JENNIFER SALISBURY TO THE MAUI  
                                 PLANNING COMMISSION.**

CHAIR MOLINA: Okay. Chair will mark it for the record, one...two...three...six “ayes” for disapproval and two “noes,” Member Lee and myself. So, the nomination to the Maui Planning Commission does not advance to the Maui County Council. Okay. Staff, does that take care of everything at this point for GET item 2(30)? Okay, very good. Thank you, Members.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR MOLINA: Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, what about bottom...not bottom, but the 19<sup>th</sup> group I guess is Maui County Arborist Committee. There’s Barbara Fernandez reappointment, Christopher Berquist, and John Patnode.

CHAIR MOLINA: Yeah, Ms. Baisa?

MS. BAISA: Those names are provided to you for information.

COUNCILMEMBER SUGIMURA: Oh okay.

CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: It doesn’t require...

CHAIR MOLINA: Yeah, I think Administration is just required to notify us who’s on there yeah. So, I think no Council action yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER SUGIMURA: Thank you.

MS. BAISA: Thank you.

CHAIR MOLINA: Okay.

**GET-2(31) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**  
**(CC 19-24)**

CHAIR MOLINA: All right, moving on to GET item 2(31), the name of Caron Green to the Board of Variances and Appeals. Was there...Ms. Green I believe is from Lanai. Am I correct, Ms. Milner? Yeah. And is she available for interview or was there a request for her to come in?

MS. MILNER: She was excused.

CHAIR MOLINA: She was excused yeah. Okay. All right, and then we also have nominees for the Maui County Cultural Resources Commission, Emily Spenser, Brandis Sarich, and Marinel Yumol. Okay, well any request for separation for Ms. Green? No? Okay. The nominees Ms. Spenser, Ms. Sarich, and Ms. Yumol to the Maui County Cultural Resources Commission. Request for separation?

COUNCILMEMBER HOKAMA: Separation.

CHAIR MOLINA: Okay, which nominee, Mr. Hokama?

COUNCILMEMBER HOKAMA: Ms. Yumol.

CHAIR MOLINA: Yumol, okay. Any others? Okay, so we'll just consider Ms. Spenser and Ms. Sarich at this point for the CRC. Moving down to Urban Design Review Board we have Christopher Curtis and Joshua Circle-Woodburn to the Urban Design Review Board. Mr. Woodburn, I believe, is scheduled to come in for his interview on the 25<sup>th</sup>.

MS. MILNER: That's correct.

CHAIR MOLINA: Okay. All right, so at this point we have one request for separation; otherwise, the motion to approve will be Ms. Caron Green to the Board of Variances and Appeals, Ms. Emily Spenser and Brandis Sarich to the Maui County Cultural Resources Commission, and Christopher Curtis to the Urban Design Review Board. So, the Chair's recommendation to place these names on Resolution B which is to approve. Is there a motion?

COUNCILMEMBER KING: So moved.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KING: Did you forget to say Josh Circle-Woodburn's name?

CHAIR MOLINA: Was it...yeah, Mr. Woodburn was the one that I mentioned that he's scheduled to come in for an interview on...

COUNCILMEMBER KING: Oh, so we're not, we're just not taking...

CHAIR MOLINA: Yeah, we're not including him.

COUNCILMEMBER KING: Oh okay.

CHAIR MOLINA: Yeah, sorry. Thank you.

COUNCILMEMBER KING: That's okay.

CHAIR MOLINA: Okay. The motion has been made by Ms. King, right, I believe, and is there a second?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR MOLINA: Ms. Sugimura. Okay. Discussion on the nominees for approval? Seeing none, all those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any nays? Nope. Okay. Chair will mark it eight "ayes" and one excusal, Mr. Sinenci.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

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

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION:     ADOPTION OF RESOLUTIONS TO APPROVE NOMINATIONS  
                                 TO BOARDS, COMMITTEES, AND COMMISSIONS... except  
                                 Marinel Yumol and Joshua Circle-Woodburn.**

CHAIR MOLINA: All right, now moving to the nominee for separation, Marinel Yumol to the CRC. A request was made by Member Hokama. Mr. Hokama, the Chair will yield the floor to you for comments and considerations.

COUNCILMEMBER HOKAMA: I move to place the name on Exhibit C to disapprove for this nominee.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. The name of Marinel Yumol has been, the motion has been made by Member Hokama to place on Resolution C, which is to disapprove. Motion seconded by Committee Vice-Chair Rawlins-Fernandez. Mr. Hokama, you have the floor.

COUNCILMEMBER HOKAMA: Chairman, thank you. It is difficult for me to make this motion, Chairman, but for me, my community, my island comes first over an individual. For me, I believe, you know, I really would like this lady to serve, she does good work in our community. But I don't think this is the right commission at this time. I need someone who understands not just the last 40 years of our history, I need someone who can go back and understand whether we had ownership of the Baldwin's, whether we had ownership from the Gay family. Why certain things are the way they are on Lanai and how did we have the understanding of what we know as red \_\_\_\_\_, black \_\_\_\_\_, Yamada Trail, Donato Trail, Morita Trail. These are all historical components that is part of our essence and culture that makes us special of Lanai. I need those that can speak up and bring those unique points forward, because if the Lanai representative doesn't, no one else will. I need people who are maa that have it in the naau or the koko to understand the significance of the historical aspect. I'm

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

sure that Ms. Yumol would be one day reach that plateau that we all would hope she can and I have no doubt she will. But at this time I need somebody who can also vote for Lanai when a issue comes up regarding Cultural Resources Commission. And so, you know, I'm going to unfortunately not be supportive of her, but I would ask her to please consider others because I would like to support her to serve in another manner, Chairman. Thank you.

CHAIR MOLINA: Okay, thank you, Mr. Hokama. Further comments? Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I echo all the comments that Member Hokama shared, and I know it's not easy, you know, disapproving a resident of, you know, our area, our home. But like Member Hokama said, her participation in Ka Ipu Kukui tells me that she has a desire to serve the community and learn more. And I would like to support her on a different board or commission where she can contribute more. And as she grows and develops and becomes someone who when sitting on a board or commission and a topic on Lanai comes up and every, all the members of the board or that commission can look to her and she can confidently speak in representation of her island home. Because oftentimes that's what happens in decision-making bodies, they look to the resident of that district for guidance as we often do. And, you know, I really want to support someone who will be able to do that on this Commission because of the, you know, sensitivity of it. Mahalo, Chair.

CHAIR MOLINA: Thank you for those very heartfelt comments, Member Rawlins-Fernandez. And yes, she certainly has impressive credentials but unfortunately may be a victim of circumstance here. Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I speak in support of the motion. You know last night we had a pretty tense West Maui Community PAC meeting, and it was a similar situation which has led to my stances today on recusal. When the situation gets heavy like that and you have folks that have the knowledge of the area and then need to recuse themselves for whatever reason, it's kind of...it lessens the quality of the whole. And so, for me that's, having gone through that experience last night and seeing it, like if we already know going in that there's a chance of recusal, to me it's giving the whole less than what it should be. And so, while I'm grateful for the people last night for recusing themselves because of the financial interest that they had and disclosing it to the rest of us, it would have been my hope that they did that from the start and the decision could have been made then to have the body have a more fuller, robust discussion with the viewpoints of someone without the financial interest or whatever it may be, you know. So, that's kind of shaped my view for today and I'm glad to have attended that meeting last night even though it kind of made our heart sore to see our community fighting with each other.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Thank you for those comments, Member Paltin. Any other comments as it relates to the motion to disapprove? Seeing none, the Chair will call for the vote. All those in favor of the motion, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Sinenci.**

**MOTION CARRIED.**

**ACTION:   ADOPTION OF RESOLUTION TO DISAPPROVE THE  
                  APPOINTMENT OF MARINEL YUMOL TO THE MAUI  
                  COUNTY CULTURAL RESOURCES COMMISSION.**

CHAIR MOLINA: Okay, Chair will mark it eight "ayes," motion to disapprove, one excusal, Mr. Sinenci. So, the nominee does not advance to the full...well it does advance to the full Council but this is the Committee recommendation. Thank you, Members. Okay.

**GET-2(32)   NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (VARIOUS)**  
**(CC 19-24)**

CHAIR MOLINA: Moving on to the next item, GET-2(32). We have two nominees, the first nominee is for the Board of Variances and Appeals, Ivan Lay, and the other nominee is to the Liquor Control Adjudication Board, Robbie Sanches. Ms. Milner, was...please refresh my memory, was Mr. Sanches excused from an interview?

MS. MILNER: Yes, Mr. Sanches was excused.

CHAIR MOLINA: Yeah. He's from Molokai yeah?

UNIDENTIFIED SPEAKER: Lanai.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Oh Lanai?

MS. MILNER: Lanai.

CHAIR MOLINA: Okay, thank you. Okay, any requests...well, separation vote for Mr. Lay or Mr. Sanches? Okay.

COUNCILMEMBER PALTIN: Chair, I had --

CHAIR MOLINA: All right.

COUNCILMEMBER PALTIN: --a question.

CHAIR MOLINA: Yes.

COUNCILMEMBER PALTIN: Was Mr. Lay excused?

CHAIR MOLINA: Yes, I believe he was. Was he? Can you confirm that?

MS. MILNER: Yes, he was.

CHAIR MOLINA: Okay. Chair has a quick question for Ms. Baisa. Who was Mr. Lay replacing on the BVA?

MS. BAISA: He is replacing Mr. Kincaid from Molokai.

CHAIR MOLINA: Mr. Kincaid from Molokai. Okay.

MS. BAISA: Unfortunately we made every attempt we could to get someone and we couldn't, and so I was advised to put the name forward.

CHAIR MOLINA: Okay. So, the next opening I guess will occur for the Board of Variances and I guess we have the list here. My concern with that is that would mean...I don't know how soon the next vacancy will occur, but if we were to take action to approve Mr. Lay, that means Molokai would go for some time without representation on the BVA if I'm correct. Ms. Rawlins-Fernandez, do you have any comments or thoughts on this? I mean I know Mr. Lay, he's a good man. He served I believe on the Planning Commission and other boards and commissions.

UNIDENTIFIED SPEAKER: Chair?

CHAIR MOLINA: Okay, hang on. Ms. Rawlins-Fernandez?

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I appreciate Ms. Baisa's...I know she works really hard to try to find someone from all the districts, and I tried too and I couldn't find someone for this either. So, I understand that this initially was the Molokai seat. There are two seats that will expire next year and so we can try harder. And in the meantime, if someone, you know, resigns or withdraws or we can...so that seat with the Molokai person and then reappoint when one of these expire or something.

CHAIR MOLINA: Okay. All right, well 'cause initially the Chair had some concerns, but if you're okay, Ms. Rawlins-Fernandez, waiting until 2021, I hope that Administration will make an effort to seek a Molokai person after the expiration of Mr. Shimabuku and Mr. Sung's term. Ms. Baisa?

MS. BAISA: Yes, thank you very much. And I appreciate Member Rawlins-Fernandez's comments. It's very difficult sometimes to find people from Molokai and Lanai. I tried really hard. I had an applicant and I was so happy with him until a couple days before the names needed to be submitted, he got a new job. And his, so his boss could not release him to participate. So at the very last minute, he called and said I'm really sorry, I want to do it but I can't do it. So, we were really stuck. And Mr. Lay actually volunteered when we asked him. And he's been a wonderful member of whatever he's on. And I am sure that he would understand if you wanted to do something about the term. Ivan is a very reasonable person and we can make...you and I can work together, I hope we can find someone. Administration would love to have a Molokai person.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Baisa. Yeah, I know another, you know, option is, you know, we disapprove and then give our self another ten more days. Yeah, I'm not sure if I can find someone that quickly.

MS. BAISA: I tell you it's hard.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, I...mahalo for that consideration, Chair.

CHAIR MOLINA: Okay. All right, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll try to find someone for the next term.

CHAIR MOLINA: Great.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: The key word, collaboration. Yeah, I love it. Thank you for working with the Administration. And Liquor Adjudication Board, now this is a Molokai...Lanai, a person from Lanai, am I correct yeah? Mr. Hokama, you have any insight on Mr. Sanches?



# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER HOKAMA: Chairman, thank you. I know you're going to have a motion but I would be definitely speaking in support of Mr. Sanches. Mr. Sanches for some of you who may know is our, one of our key supervisors in our Department of Public Works for the County. He does a great job for us within that Department for our island. He's also a long-time youth sports coach in baseball and other activities. He's supported our community in many, many ways, including volunteering some construction assistance to our youth program and our sports athletics program. So, I can speak in support of him. I can say that he has a great understanding of the issues of teenage drinking since he is a father of some very wonderful daughters. And I can tell you that he would take his responsibilities very seriously and he understands the role of Adjudication and the role that they play in enforcement of our State liquor laws. Thank you.

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

MS. BAISA: Chair?

CHAIR MOLINA: Ms. Baisa?

MS. BAISA: Very quick comment, I want to thank Rowena Andaya, she helped me very much because I could not find anyone and she recommended him and we're very honored to have him.

CHAIR MOLINA: Okay, thank you, Ms. Baisa. Okay, with that said then, Members, the Chair will offer a recommendation.

UNIDENTIFIED SPEAKER: Recommendation?

CHAIR MOLINA: Recommendation is to place the name of Ivan Lay as a nominee to the Board of Variances and Appeals, and the name of Robbie Sanches to the Liquor Control Adjudication Board on Resolution B which is to approve. Chair will entertain a motion.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Moved by Member Sugimura --

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

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

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmembers Lee and Sinenci.**

**MOTION CARRIED.**

**ACTION:   ADOPTION OF RESOLUTION TO APPROVE THE  
                  APPOINTMENT OF IVAN LAY TO THE BOARD OF  
                  VARIANCES AND APPEALS AND ROBBIE SANCHES TO  
                  THE LIQUOR CONTROL ADJUDICATION BOARD.**

CHAIR MOLINA: Thank you. Chair will mark it seven “ayes” with two excusals, Chair Lee and Member Sinenci. Okay, Members, we took care of GET item 2(33) earlier regarding Mr. Thompson, so we have one last item. Members, you need a short break, or do you want to plow through? Five minutes? All right, Members, we’ll take a five-minute recess, so please report back ASAP to the Chambers. Meeting in recess. . . . *(gavel)* . . .

**RECESS:       4:26 p.m.**

**RECONVENE:   4:39 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The recessed GET meeting of February 18, 2020 is now back in session. Today is Friday, February 21<sup>st</sup>, 4:38 p.m. Members, thank you for your hard work.

**GET-11(24)   LITIGATION MATTERS   (SETTLEMENT AUTHORIZATION:   KEVIN  
  BARHAM; CLAIM 30181452447-0003 (CC 19-29)**

CHAIR MOLINA: We had one last agenda item today which is GET item 11(24), Litigation Matters, settlement authorization related to the Kevin Barham complaint, or claim I should say. We have from Corporation Counsel to give us the overview, Mr. Rowe. If

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

you could provide the Committee a brief overview, and also we have representatives from Maui Police Department. Proceed, Mr. Rowe.

MR. ROWE: Thank you, Chair. This accident occurred...this involves a police car accident that occurred on November 1, 2018, at the intersection of Honoapiilani Highway and Leialii Parkway in Lahaina. Our police officer was driving an unmarked police vehicle and he was traveling in the right lane on Honoapiilani Highway heading towards Kaanapali. The claimant was driving a moped, he was also...directly behind him were two of, were his two brothers who were also driving mopeds. At the time of the accident, he was traveling in the right bike shoulder lane going in the same direction as the police officer. It's questionable how long he had been in that right bike shoulder lane. Our police officer was making, was executing a right-hand turn into Leialii Parkway, and the claimant entered the intersection and a collision occurred. The front end of the claimant's moped made contact with the right rear of the unmarked police vehicle and the claimant flew off his moped and sustained fairly significant bodily injury. There is a police report that has been issued in this matter and we did receive a settlement demand in lieu of litigating this case in court. We were able to get the settlement down considerably and come to a resolution that we think is fair under the facts and circumstances of this case. Because it does involve fairly significant physical injuries, I would like to request executive session to discuss this further.

CHAIR MOLINA: Okay, thank you very much, Mr. Rowe. Representatives from Police Department, Lieutenant Hankins, any comments prior to opening the floor up for questions from Members in open session?

MR. HANKINS: No, I don't have anything at this time.

CHAIR MOLINA: Okay. All right. Thank you very much. Okay, Member Paltin, you have a question in open session? Is that for Corporation Counsel?

COUNCILMEMBER PALTIN: Yes please.

CHAIR MOLINA: Okay, Mr. Rowe.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Thank you.

COUNCILMEMBER PALTIN: I'm not saying that I don't trust your rundown of the scenario, just wondering in previous cases that we had like this, we did receive the police report and wondering why this time there is a minimal of information on the Granicus?

MR. ROWE: Yes, normally we would present the full police report and all of the materials that come along with the claim when there isn't a personal injury involved; however, in

# **GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

this one there's some pretty significant personal injury and there is quite a bit of discussion of the personal injuries in the police report. So, we do have copies of the police report with us that I'm planning to distribute at, during executive session.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay, thank you, Member Paltin. Any other questions in open session before the Chair makes a motion to go into executive session? Okay. Seeing none, the Chair will call for a motion to go into executive session pursuant to Section 92-5(a)(4) of Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. Any discussion? Again, we need six votes to go into executive session. Seeing no discussion, Chair will call for the vote. All those in favor, signify by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed.

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

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:     None.**

**EXC.:       Councilmembers Lee and Sinenci.**

**MOTION CARRIED.**

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

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Thank you. The Chair will mark it seven “ayes” with two excusals, Member Lee and Member Sinenci. So, Members, we will take a brief recess to secure the Chambers for executive session, and once we have secured the Chambers, we will reconvene in executive session. Meeting in recess. . . . *(gavel)* . . .

**RECESS: 4:43 p.m.**

**RECONVENE: 5:16 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The recessed GET meeting of February 18, 2020 is now back in open session. It’s 5:15 Friday, February 21<sup>st</sup>. Members, we’ve just come out of executive session for GET item 11(24). The Chair is ready to offer a recommendation. Okay. Members, the Chair’s recommendation based on discussions in executive session is to approve the settlement claim number, for settlement Claim No. 30181452447-0003 related to Kevin Barham. That is the Chair’s motion to approve.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: It’s been, the motion made by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. Discussion? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, again, I appreciate your recommendation. We heard the comments in executive session. I’m sure you have the support, Chairman. I’m going to vote no. I want the claimant’s legal representative to know that this was a hard decision for us and that we don’t have consensus on the settlement amount. For us...for me it’s about the facts as I understand it and that I am in support of the Department’s position of the facts presented to me. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Any other discussion as it relates to the motion on the floor? Seeing none, all those in favor, signify by saying “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER HOKAMA: No.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

COUNCILMEMBER PALTIN: Oh.

CHAIR MOLINA: Yeah. I was just informed best to recess this meeting, hear the nominee, the three nominees that day, and then, you know, once we adjourn that then we go back to the agendized meeting for February 25<sup>th</sup>.

COUNCILMEMBER PALTIN: Oh okay, got it.

CHAIR MOLINA: Yeah. As clear as mud yeah?

COUNCILMEMBER PALTIN: It's such hard work.

CHAIR MOLINA: Okay, Councilmember Sugimura?

COUNCILMEMBER SUGIMURA: So, since you're announcing meetings, I have my meeting because of the holiday is next week Monday at 9:00.

CHAIR MOLINA: That's right.

COUNCILMEMBER SUGIMURA: I know you're all coming.

CHAIR MOLINA: Thank you for the reminder. That's 9:00 a.m. on Monday correct?

COUNCILMEMBER SUGIMURA: Monday, yeah.

CHAIR MOLINA: Not the usual 1:30.

COUNCILMEMBER SUGIMURA: Right.

CHAIR MOLINA: Right. Okay. Thank you. The Police Department has an announcement? No, no?

MR. HANKINS: No.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**February 21, 2020**

---

CHAIR MOLINA: Okay. All right. Okay. Let's be safe everyone. Okay. Members, so that is the status of this meeting. GET meeting for February 18, 2020 is in recess until Tuesday, February 25<sup>th</sup> at 1:30 p.m. Thank you, Members. . . . *(gavel)* . . .

**RECESS: 5:20 p.m.**

APPROVED BY:



---

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

get:min:200221r:ds

Transcribed by: Daniel Schoenbeck



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

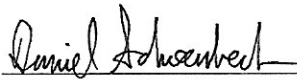
**February 21, 2020**

---

CERTIFICATE

I, Daniel Schoenbeck, 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 16<sup>th</sup> day of March, 2020, in Kula, Hawaii

\_\_\_\_\_

Daniel Schoenbeck