

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

May 19, 2020

CONVENE: 9:01 a.m.

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

STAFF: Shelly Espeleta, Legislative Analyst
James Forrest, Legislative Attorney
Kasie Apo Takayama, Legislative Analyst
Pauline Martins, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk

Lois Whitney, Executive Assistant to Councilmember Kama
Sarah Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Gladys Baisa, Executive Assistant, Office of the Mayor

OTHERS: Wallace Tom
Aaron Boswell
Lorraine Sablas

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for Tuesday, May 19, 2020, is now in session. Good morning, Members. It's time for roll call. I'm Mike Molina, your Committee Chair. So, what we're going to do right now is go find out who's here and

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who's not here. I know I heard the wonderful voice of our Committee Vice-Chair, Ms. Keani Rawlins-Fernandez. Good morning. Okay, I think she may still be working on her video, right now, but she is present. Moving on, let's go to East Maui and recognize Mr. Sinenci. Good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka kakou from East Maui. Nice to see everybody.

CHAIR MOLINA: Mahalo, Mr. Sinenci. And let's go now to Councilmember Kelly King from South Maui.

COUNCILMEMBER KING: Good morning, Chair. How are you doing? It's beautiful here but we had some very sad news yesterday. So, I just want to send my condolences out to the family of Willie K. and to everybody who appreciated his spirit and his music. It was a great loss.

CHAIR MOLINA: Very sad, indeed. Thank you for sharing that with us. And, let's go now to West Maui and Councilmember Paltin. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou mai Napili. Sending our condolences to the ohana of Uncle Willie K.

CHAIR MOLINA: Thank you. Thank you for that Member Paltin. And, let's go to Kahului and our Council Pro Tempore, Ms. Tasha Kama. Good morning.

COUNCILMEMBER KAMA: Good morning, Chair. It is still a beautiful day in this neighborhood. And we know that the neighborhood where our brother Willie is at is even better. So, good morning, Chair. Good morning, everyone.

CHAIR MOLINA: Good morning. Amen to that, Member Kama. And let's go now to beautiful Upcountry Maui and Member Yuki Lei Sugimura. Good morning.

COUNCILMEMBER SUGIMURA: Good morning. Yeah, I think we are all grieving the loss of Willie K. and he's super amazing. I loved him when he sang Ave Maria. I couldn't believe he could sing opera. That guy is a legend, but good morning, Chair. Look forward to your meeting. Nice to see Gladys Baisa.

CHAIR MOLINA: Same here. Thank you for that, Member Sugimura. And, certainly, Willie K. had that very operatic voice. Just a multi-talented individual. Okay, let's go across the pond now over to Lanai and say aloha to Mr. Hokama. Good morning,

COUNCILMEMBER HOKAMA: Good morning, Mr. Chairman. And, yes, we all will miss Brother Willie. He was a very great institution that represented not only our County well, but, you know, he represented the values of what we believe is very precious. So,

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again, to all of us who had special relations and memories of Willie, let us all, you know, think of him in a better place. Mahalo, Chair.

CHAIR MOLINA: Thank you, Mr. Hokama. And now let's go, of course, to our Council Chair, Member Alice Lee. Good morning.

COUNCILMEMBER LEE: Mr. Chair, okay, the word of the day is buenas, buenas. That's from South America near the Galapagos Islands where our Member Kelly King went there for vacation. So, it's buenas. They don't say buenos dias, they say buenas. And I, too, would like to offer my sympathies and blessings to the family and friends of Willie K. Thank you, Mr. Chair.

CHAIR MOLINA: Mahalo, Chairman Lee. And, joining us for our proceedings this morning, as well, we have from the Mayor's Office, Ms. Gladys Baisa. Good morning.

MS. BAISA: Good morning, everybody, from Makawao.

CHAIR MOLINA: Thank you, Gladys. And we have our Deputy Corporation Counsel, Mr. Gary Murai. Thank you for joining us.

MR. MURAI: Good morning, Chair. Good morning, Members.

CHAIR MOLINA: Good morning. And, by the way, Members, if you hear some birds chirping, forgive me. Birds, they just love to participate in my meetings. So, I'll try to monitor their activity as we go along here today. My Committee Staff joining us, of course, very hardworking group of folks, we have Pauline Martins, Committee Secretary; Shelly Espeleta, Legislative Analyst; and Kasie Apo Takayama, Legislative Analyst; and, of course, Jean Pokipala, monitoring the testimony. Good morning, ladies, and thank you for assisting me today on my maiden voyage operating the BlueJeans application here today. So, with that said, we'll go ahead and start with public testimony. Oral testimony is being offered to the public via phone or video conference, which is . . .

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .

CHAIR MOLINA: Yes? Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .

CHAIR MOLINA: Yes. I'm sorry, oh, there you go. Okay. Now I can see you. Okay. Now, joining us officially via video we have Committee Vice-Chair Keani Rawlins-Fernandez. Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, and my aloha to Uncle Willie K.'s ohana. He was truly a legend and an icon and a tremendous loss to our State, to our culture, and mahalo to his ohana for sharing him with us. Mahalo.

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CHAIR MOLINA: Mahalo for your thoughts, Member Rawlins-Fernandez, and, certainly, it's a day where we're operating our meeting with very heavy hearts, to say the least. Continuing on with testimony. Testifiers wanting to provide video testimony can join online, our online meeting today via the BlueJeans meeting link which is at bluejeans.com/551273481 as stated on today's agenda. And, testifiers wanting to provide audio testimony have the opportunity to participate via phone conference by dialing 1-408-915-6290 and entering meeting code 551 273 481, also noted on our agenda. Written testimony is highly encouraged by sending your comments to get.committee@mauicounty.us. Today, we're going to limit oral testimony to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony and, when testifying, please testify your full name for the record and, if you are testifying on behalf of an organization or if you are paid lobbyist, please inform the Committee of that. And please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers. Now, while others are testifying, please be courteous by turning off your video and muting your microphone while waiting for your turn to testify. And participants who wish to view the meeting only without providing testimony, please view a live cablecast on *Akaku* Channel 53. You can also visit mauicounty.us/agendas to access live and archived meeting videos. Now, I want to remind Committee Members, Administration, and the public to please be patient with us if we run into any technical difficulties during the meeting. So, Members, I've said a mouthful, so I'd like to now proceed with oral testimony and Staff has been monitoring individuals joining today's meeting by phone and by video; and, we will do our best to take each person up in an orderly fashion. So, with that being said, Staff, could you please call up our first testifier.

UNIDENTIFIED SPEAKER: Mr. Chair, there are no testifiers signed up to testify today.

CHAIR MOLINA: Okay. All right. So far, no one testifying. Is there anyone else out there that, we'll give you one last opportunity to call in? Okay. Seeing none, then, Members, being that no one here to testify, which is one of those rare days, without any objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

COUNCILMEMBER KING: Sounds like your bird has a lot to say, though.

CHAIR MOLINA: Yeah, I know, those darn birds. I tell you they keep on saying things like that. But, anyway, all right, so, public testimony is now closed. We will now proceed with our business.

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

CHAIR MOLINA: We'll start first with GET Item 2(30). Members, just to share with you, at the Council's March 13...oh, okay, yes, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, hi. Did you receive written testimony?

CHAIR MOLINA: I believe so. Staff, did we receive written testimony?

UNIDENTIFIED SPEAKER: I did not see any written testimony received for today's meeting.

CHAIR MOLINA: Okay. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I received eight pieces of testimony but I'll bring that up when the Item comes up.

CHAIR MOLINA: Okay, so noted.

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . Okay.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez. Members, any objections to Member Rawlins-Fernandez receiving written testimony for today's agenda?

COUNCILMEMBERS: No objections.

CHAIR MOLINA: Okay. So ordered. Okay, moving on first with GET Item 2(30). Members, at the Council's March 13th meeting we disapproved a total of five of the Mayor's nominations. GET-2(30) and 2(31) are the second round of nominations from the Mayor to fill the vacancies. First, on the Civil Service Commission, Liquor Control Commission, Maui Planning Commission, and Lanai Planning Commission for a five-year term expiring on March 31, 2025. GET-2(30) is also posted on the May 26, 2020, Council Meeting agenda. So, now we will proceed first with GET 2(30). As you, see there are four nominees. I am going to be deferring taking any action on them. Today's, the intent for today is just to vet the nominees, ask questions, and then we will defer and final decision-making on the four nominees will occur at the May 26, 2020 Council meeting. Any questions about the process? Yes, Member Paltin, and then Member Rawlins-Fernandez?

COUNCILMEMBER PALTIN: Thank you, Chair. My question is, kind of, like, a general overall question. I know, like, some of the Boards and Commissions are meeting via BlueJeans and whatnot, and, so, my question is, is the County providing the Board and Commission members with the equipment to get on the meetings if they don't, say, have a computer with a video link, or, is that something that we should be taking

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into account? Like, if they're ready to hit the ground running and share via this platform, or is it something that's irrelevant? Just wondering.

CHAIR MOLINA: No, I think it's a good question to ask. Let me ask Ms. Baisa, from the Mayor's Office, if she has anything to share with us on that.

MS. BAISA: Thank you very much, Chair. To my knowledge, we have not provided anyone with equipment, nor have I heard of anybody having a problem. We've been monitoring all of the BlueJeans' meetings of any commissions that have happened up until now, and, I am so excited, because, essentially, we're having a 100 percent attendance. I really think that the attendance policy has had a tremendous impact and I want to thank you for that. But, no, I am not aware of anybody getting equipment and, I do know, that some people do it by phone, and some people do it by computer, but I haven't run into that. Thank you.

CHAIR MOLINA: Thank you, Ms. Baisa, for your comments. Member Paltin, anything else?

COUNCILMEMBER PALTIN: As long as they can call in they're okay, then.

MS. BAISA: That's correct.

COUNCILMEMBER PALTIN: Okay. Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to get a better understanding of the process that you proposed. Why we were going to defer today and not make, take action?

CHAIR MOLINA: Okay. Okay. The reason is that these four nominees under GET 2(30), their deadline, I believe, is May 24, excuse me, May 29th, if you look on your agenda, so the next Council Meeting is scheduled for May 26th, so our deadline, yeah, we have to make a decision by May 29th. So, which is why we've had to, we have to address it at the rescheduled Council Meeting of May 26th for final decision making. So, the intent is just to vet the nominees and then defer, and then we'll go ahead and make the final decision on these nominees at the May 26th Council Meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for the explanation.

CHAIR MOLINA: Okay. No, perfectly good question to ask. Okay, Members, let's start off first with the first nominee for the Civil Service Commission, Mr. Wallace Tom, and, I believe, we have Mr. Tom on the line. Mr. Tom, if you're able to hear me, can you go ahead and share with the Committee a brief one or two-minute statement as to why you would like to serve on the Civil Service Commission?

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MR. TOM: Yes, hello. Can you hear me?

CHAIR MOLINA: Yeah, you're coming in fine.

MR. TOM: Oh, okay. Good morning, Chairman, and good morning, Councilmembers. My name is Wallace Tom. I'm here to continue to serve and contribute to the County in a capacity in an impartial manner. I recently served on the Salary Commission for the last five years from 2015 to 2020. And, like the Salary Commission, I feel I can serve in a fair and impartial manner. I'm a retired police officer with the Maui Police Department where I served for 32 years and 10 months and I retired on December 1, 2014. I worked in the internal affairs sections, conducting investigations in an impartial manner. And, that's all I have to say, unless there's any questions.

CHAIR MOLINA: Okay. Thank you very much, Mr. Tom. Members, any questions for Mr. Tom? Okay, seeing none, no questions for the nominee. I'd like to thank you very much, Mr. Tom, for sharing your thoughts with us. So, we can go ahead and excuse you at this point. Thank you for coming in, Mr. Tom.

MR. TOM: Thank you. Thank you for listening to me. Thank you.

CHAIR MOLINA: Okay, Members, moving on to our next nominee. This time, for the Liquor Control Commission, we have J. Aaron Boswell, and, I believe, I'd like to confirm if Mr. Boswell is on our phone for this, to share his thoughts. Staff, is Mr. Boswell on?

UNIDENTIFIED SPEAKER: Yes, Mr. Chair. Aaron Boswell, do you hear us?

MR. BOSWELL: Yes, I'm on.

CHAIR MOLINA: Okay. Good morning, Mr. Boswell. This is Mike Molina. Thank you for taking the time out to share your thoughts with us as to why you would like to serve on the Liquor Commission. So, like I did with the previous nominee, can you give us a one to two minute short presentation as to why you'd like to serve on the Liquor Commission, and a little something about yourself?

MR. BOSWELL: Okay. Good morning. I'm currently a Fire Captain with Maui County Fire Department. I'm still employed. I'm also a farmer and a small business owner. I'd like to serve on the Liquor Commission. I was basically asked to consider it and after thinking about it and talking it over with my family, we feel it will be a good way help serve our community. I have no ties to anything Liquor related and, as such, it would make me an impartial . . . I don't really side on one side or the other, so I have the ability to remain impartial on most decisions. Thank you.

CHAIR MOLINA: Okay. Mahalo, Mr. Boswell, for your thoughts and comments. Okay, we have, excuse me, let me recognize first Mayor's representative, Ms. Baisa, to add additional thoughts about Mr. Boswell. Ms. Baisa?

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MS. BAISA: Yes, thank you very much, Chair. I just wanted to remind everyone that Mr. Boswell is from Molokai and we'd be delighted to have him on the Commission. Thank you.

CHAIR MOLINA: Thank you, Ms. Baisa. Okay, the floor is now open for questions for Mr. Boswell. I believe I saw Councilmember, well, I'll recognize Molokai representative Rawlins-Fernandez first, to be followed by Member Paltin. Ms. Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, and mahalo, Ms. Baisa, for, and the Mayor, for considering Mr. Boswell for this position. He is someone that I recommended and I am really happy that he was someone that you also considered qualified for this position. So, I did receive eight letters of testimony in support of Mr. Boswell from Jayene Nuesca, Mahie McPherson, Charlene Souza, Wanette Lee, Kawehi Horner, Zhantell Lindo, Henry Lindo and Anela Albino. So, I think, Mr. Boswell will do an excellent job in serving on the Liquor Commission and in representing the voice of Molokai. Mahalo, Mr. Boswell, for your willingness to serve. Mahalo, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Boswell, for your willingness to serve. I just wondering, you know, if you had watched the last Liquor Control meeting, or any of them?

CHAIR MOLINA: Mr. Boswell?

MR. BOSWELL: No, I haven't. I haven't been able to watch any of those.

COUNCILMEMBER PALTIN: Okay. So, my question is, you know, a lot of the decisions that the Liquor Commission makes has effects on access to alcohol and there are times the public doesn't know what, what kind of decisions they're making when based on just the way that they're worded in the agenda. And, I just wanted to know, you know, your, the value you place on getting the public input on things like, you know, home delivery alcohol and, maybe, in the course of your work with the Fire Department, if you have seen the effects of easier access to alcohol?

CHAIR MOLINA: Mr. Boswell?

MR. BOSWELL: So, in the course of my job, I've seen the downside to alcohol. I've seen probably more than my fair share. And, I'm sure it does shape my opinions on the access of alcohol. Whether it be underage drinking, or even the time that people are allowed to drink until, and quantities. So, I have seen the effects of the access of alcohol, the ease of access to alcohol.

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COUNCILMEMBER PALTIN: And, you're okay with giving the public more opportunities to input on the rules regarding that?

MR. BOSWELL: Yes.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: All right. Thank you very much, Member Paltin. Members, any other questions for Mr. Boswell? If not, I have one quick question for you, Mr. Boswell. One of your decisions, or major responsibilities will be, is to vote for a new director for the Liquor Department. Recently the director retired. The former director retired in late February. What qualities will you look for in a new director when you have to make that decision?

MR. BOSWELL: I would look for somebody who, I would think my biggest concern, is someone who doesn't benefit one way or the other, who's impartial to their decision-making, somebody with integrity and who can be trusted and, as a public servant.

CHAIR MOLINA: Okay. Thank you very much for that. We have a question from Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Boswell. So, I see on your application that you're still currently employed with the County's Fire Department. Do you foresee any conflicts between your attendance at the meeting and still being able to continue working as a Fire Captain in the Department?

CHAIR MOLINA: Mr. Boswell?

MR. BOSWELL: As far as showing up in person, there might be sometimes. I have a lot of vacation and stuff saved, so it's not a big deal for me to take off for a day. I was told that I might be able to call in if there are times where I'm not able to fly. And, if that's the case, then I shouldn't really have any issues.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Boswell, I appreciate your candor.

CHAIR MOLINA: Thank you very much, Member Kama. Members, any other questions for Mr. Boswell before we excuse him? Oh, I'm sorry, we have . . . Ms. Baisa, would like to add additional comments. Ms. Baisa?

MS. BAISA: Thank you very much, Chair. I would just like to thank Councilmember Keani Rawlins-Fernandez for her assistance in finding Mr. Boswell. It is very difficult sometimes for us to recruit on the neighbor islands, on our sister islands, and I was

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very, very thankful that she found a great candidate. And I want to thank Mr. Boswell also for going the extra mile. He was easy to work with. Thank you.

CHAIR MOLINA: Thank you, Ms. Baisa. Okay, Members, seeing no other questions for Mr. Boswell, I'm going to go ahead and excuse him and mahalo, Mr. Boswell, for sharing your manao with us, and as I mentioned earlier, final decision making for your nomination will occur at the May 26th Council Meeting. Just as an FYI for yourself. Mahalo for sharing your thoughts with us, Mr. Boswell. Aloha.

UNIDENTIFIED SPEAKER: Mr. Chair?

CHAIR MOLINA: Yes?

UNIDENTIFIED SPEAKER: Mr. Chair, I just wanted to state for the record the written pieces of testimony that Vice-Chair Rawlins-Fernandez was referring to, was forwarded to, from the Molokai District Office, to the Clerk's Office. The Clerk's Office has since forwarded those e-mails to the GET Committee e-mail box after the meeting convened at 9:05. So, it was in the process of being uploaded. Thank you.

CHAIR MOLINA: Thank you, Staff, for that update. Okay, Members, moving on to our next nomination, we have from Lanai for the Liquor Control Commission, Mr. Stanley Ruidas. I've been informed that Mr. Ruidas is not able to join us today due to a prior commitment. So, at this time, I'd like to ask Ms. Baisa for some opening comments regarding Mr. Ruidas.

MS. BAISA: Yes, thank you very much, Chair. We are very excited to have Mr. Ruidas. He is a Lanaian, I mean a real Lanaian, and he attended Lanai High, and he has served in the Air Force. He's a veteran. He also is very involved in the community and has served on the Lanai Planning Commission, served on the Lanai Community Plan Committee and, I believe, that he's very well known by our Lanai Councilmember. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Baisa, and, Members, even though Mr. Ruidas is not here, you do have access to his contact information so if you need to ask him questions prior to final decision making on May 26th, you have that opportunity. At this point, Chair would like to recognize Councilmember Hokama for comments on Mr. Ruidas. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you very much, Mr. Chairman. Again, Stanley Ruidas is a proven Lanaian resident who takes his civic responsibility very seriously. And he has generously given his time in the past and continues to wish to volunteer his services, not only to Lanai, but the rest of the County. I would highly recommend his consideration to be a part of this new position that the Mayor has nominated him in, and I would ask my Members to also consider supporting Mr. Ruidas. Thank you.

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CHAIR MOLINA: Okay. Thank you very much, Mr. Hokama, for your insight on Mr. Ruidas. Members, any other comments regarding Mr. Ruidas before we move on to our next nominee? Seeing none, all right, we'll move on to our last nominee for GET Item 2(30), and that is the Mayor's nominee for the Maui Planning Commission, Ms. Lorraine Sablas, and she is available for, to give us her thoughts. But before we do that, I'd like to ask Ms. Baisa for comments on Ms. Sablas.

MS. BAISA: Thank you very much, Chair. Mayor and I are very excited to be presenting Lori Sablas to be on the Maui Planning Commission. I think all of you remember that we had nominated her earlier and asked her to be the Hawaiian expert on the Planning Commission, and she is the most modest person in the world and said, no, I think I can't do that, so she withdrew her nomination. However, since then, we have acquired the Hawaiian person that is required on the Planning Commission. Kawika Freitas has fulfilled that role and so, now, Ms. Sablas, is more than willing to serve and we are very excited to have her. She is, again, a Maui girl, from Lahainaluna, and she . . . *(inaudible)* . . . commission. She also previously served on the Planning Commission for three years. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Baisa, for those opening comments. Now I'd like to call upon Ms. Sablas. If you're with us, if you could give us, maybe, a one to two minute opening remarks as to why you'd like to serve on the Planning Commission. Of course, a lot of us know you very well, but we certainly appreciate you taking the time out to be here with us. Ms. Sablas, if you will? Ms. Sablas, can you hear us?

MS. SABLAS: Hello?

CHAIR MOLINA: Oh, there we go. Okay, Ms. Sablas, could you go ahead and share your thoughts with the Committee as to why you would like to serve on the Planning Commission?

MS. SABLAS: Yes, I'm trying to. Hello? Hello?

CHAIR MOLINA: Yes, you're coming in fine. Go ahead.

MS. SABLAS: Okay, fine, thank you. My name is Lori Ululani Sablas. And I, first of all, wanted to acknowledge you, Chair, and the rest of your hardworking Committee, for your hard work in this new-normal, challenging times and all the work you are doing. I want to serve on the Planning Commission because I love Maui. I've been fortunate to have been born, of all the places on earth, to be born on this beautiful island like many of you. And, I feel a passion to preserve what makes this island special. I think I bring to the Commission my passion and love for Maui, as well as my understanding of community as I have served in one form or another in community service since I was in my early twenties, the first as a senior Girl Scout leader at Lahainaluna High School. So, I feel, you know, as I tell a lot of my ohana, if you love Maui, get involved.

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Don't just namunamu and grumble. Get involved. Listen to our decision makers. Be a part of the process and not the problem. So, I bring to, again, on why I want to serve because I do want to make a difference. I think this challenge that we've had with COVID-19 gives us an opportunity to look forward to the future on how we can make Maui better and learn from our past. Sometimes, our past is, you know, mistakes. We need to take care of our local community and this is why I want to be able to serve. I look at myself now at the age of my late seventies, is my opportunity to give back to the island that I love as a final tribute and hopefully, you know, to make decisions that will benefit our keiki o ka aina and those who love Maui who live here. Mahalo.

CHAIR MOLINA: Okay. Mahalo, Ms. Sablas, for sharing your manao with us. Now, I'll ask the Committee if they have any questions for Ms. Sablas with regards to her nomination to the Planning Commission? Member Paltin? Followed by Member Sinenci.

COUNCILMEMBER PALTIN: Thank you so much, Chair, and, Ms. Sablas, for your willingness to serve our community again, and again. I had a couple questions. My first question is, are you employed or a consultant in any form for Peter Martin, under Makila Land or any of his projects?

MS. SABLAS: The answer is no.

COUNCILMEMBER PALTIN: And, today is the last day of our West Maui CPAC and after that it will be handed over to the Planning Commission. I just was wondering your feelings about Olowalu?

MS. SABLAS: You know, I'd like to keep an open mind. And attending the meetings as projects come before the Commission, I'd like to keep an open mind and listen to all sides before I give my opinion.

COUNCILMEMBER PALTIN: Seeing as how the Planning Commission also deals with all SMA shoreline management areas, how familiar are you with the SLR-XA and issues about rising sea level?

MS. SABLAS: Somewhat, because of my prior, you know, sessions with the Planning Commission. We've had presentations. But it's been awhile so, I probably need to be updated. But I would say somewhat familiar.

COUNCILMEMBER PALTIN: And, what is your understanding of what Smart Growth means?

MS. SABLAS: To me, Smart Growth is to be able to look at the community needs. As an example, I'll give you an idea of what I thought was Smart Growth. It was back in the '80s when they were planning to tear down the old Pu`ukoli`i Village. I approached the then AMFAC President, Teney Takahashi, and asked Teney, I said Pu`ukoli`i Village is

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a plantation village is one of the last on West Maui. It has, you know, wonderful resources like the mango trees, the avocado trees, the old Japanese Fudo, the general store and, I said, instead of tearing it down and turn it into to sugar, why not have this be a community to serve Kaanapali. Because if we have that, they rebuilt a community that service the needs and provided homes for the different, you know, like the, probably the night time servers. They would just need to have a place to sleep because the hotels would be . . .(inaudible). . . but in general, I envision, back then, about 40, 50 years ago, a place that would be close to the workforce; and my proposal to him was that if you built that, you wouldn't impact the highways, because you could use a shuttle and have the bridge overpass to take a lot of employees. At that time, they had 5,000 employees. And you wouldn't have people traveling across the Pali. So, that's an example of what I think about Smart Growth. Is looking at the needs of the community and how do you fulfill it with the least impact on the environment.

COUNCILMEMBER PALTIN: Thank you so much. Just my final question. What do you see the Planning Commission's role in passing on the Community Plan Advisory Committee? Our Community Advisory Committee spent about six to eight months on it. What do you see the Planning Commission's role in viewing the CPAC as?

MS. SABLAS: Again, you know, I'd like to keep an open mind, like anything else. I've been involved in many, many meetings. And I do try to go to meetings with an open mind and do take into consideration all those involved in whatever the issue is. I take into consideration the time involved that those have and, in this case, I know the hours and hours and hours that the community have involved in CPAC. But one of my concerns, and I'll be honest about that, is that, you know, I've attended couple of meetings, and I see you've been at the meetings too, is can we truly say that we've had the voice of the community? I mean, the real workforce community who attend the meetings. That's something that I, kind of, feel, I don't think that we've really reached out to the workforce. You know, the people who are the moms and dads, the ones who work every day and not able to attend the meetings. So, I just kind of a puka in that end but not taking away from the hard work and dedication of all the volunteers who serve, and especially the staff who, I think, did a tremendous effort in, you know, getting outreach. So, yes, I will take time to really take into consideration all the hard work that was put into the, into this whole process, because I appreciate the volunteer of all of those, and it has been a long process.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Member Sinenci, questions for the nominee?

MR. SINENCI: Thank you, Chair. I just have a couple questions for Ms. Sablas and, Ms. Sablas, mahalo for your willingness to serve. So, as you know, here in East Maui, we have the Hana Advisory Committee to the Planning Commission, and we hear a lot

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of applicants for short-term rental homes, specifically on Agriculturally zoned property. So, as a small community, and making decisions for our remote communities, what is your feelings about keeping a balance with short-term rentals in our remote communities?

MS. SABLAS: You know, that's a very good question, Councilmember Sinenci. I happen to, where I live, in Kihei, my neighbor, she has a short-term rental. And when that came before me for comment, I was initially opposed to the idea of having a visitor accommodation as my neighbor. I just retired after over 50 years in the visitor industry, and I didn't look forward to having visitors in my neighborhood. So that's, kind of like was my attitude. But then, the applicant made an effort to personally reach out and come and visit with me. And when I talked to her, and got to know her, and she was originally born and raised on Oahu, and now is on the mainland, and her hope is to eventually move back to Maui, and so she said she and her husband invested in this property but the only way they saw they could come back was to turn it into a short-term rental until they were able to retire and, again, eventually move back to Maui. While I think they've had their rental for the last five years, and I have to say, as their immediate neighbor, we haven't had a single issue. In fact, because they're a bed and breakfast, they've elevated our neighborhood. Theirs is the best, I mean their home is well maintained, the landscape is well maintained, they have regular maintenance people come over, you know, they've been very, very responsible in adhering to the rules of noise and parking. They don't park on the street. It's the renters across the neighbors that always are parking on street. The short-term rental have been very, very responsible. So, I guess my answer to that is, really is, a case-by-case, and depends on the individuals who have . . . and as a traveler myself, and I travel a lot, I would prefer actually staying in a short-term rental where I could be part of the community. I've been involved in hotels and stayed at the finest hotels but that's not my choice, personally. If I had a choice, you know, my family and I, when we went for graduation, we stayed at a short-term rental in Phoenix, I mean in Flagstaff, Arizona, and we had the wonderful opportunity as a family, because we could cook our meals, we could shop at the local grocery store, and, I think, the main thing again is the case-by-case. If people are permitted they need to be monitored. If you don't have any complaints and they comply, I see no reason why we cannot extend their permit because, again, as a traveler . . . so, I guess it's my personal opinion, hotels --

COUNCILMEMBER SINENCI: Thank you.

MS. SABLAS: --are not necessarily the way to go. I'm sorry --

COUNCILMEMBER SINENCI: Thank you for that . . .

MS. SABLAS: --for that long answer.

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COUNCILMEMBER SINENCI: Thank you for that comment about the case-to-case. Because we have been receiving calls about some neighborhoods that have, kind of, been overtaken with STRHs, where there is no parking and people are starting to put cones in front of their house just to keep from STRH parking infringing in front of their homes. The second question was the maintenance of Agriculturally zoned properties. A lot of the applicants are asking for STRHs upon Agriculturally zoned properties, and as a community that wants to diversify our economy and look to more, support more agriculture, how do you feel about promoting Agriculture zoning and keeping that in our communities?

MS. SABLAS: Well, the short answer is, yes, definitely, I think, especially with the new normal, we need to have Maui become more self-sustaining, and we certainly have the land available. So, the short answer is strongly, yes. I would love to be able to see more of our community, you know, even if they have community gardens. To be able to not rely on, you know, having food from offshore, but taken care of. I mean we've done that, you know, our history proves that the Hawaiians were able to self-sustain themselves for years. And I think we can learn from the past.

COUNCILMEMBER SINENCI: Thank you. Thank you for that comment. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Mr. Sinenci. We have a question now from Committee Vice-Chair Rawlins-Fernandez. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. SABLAS: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Sablas. Mahalo for joining us today --

MS. SABLAS: Sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --and your willingness to continue serving after a lifetime of service. So, you've mentioned the new normal several times now. I'm really curious to hear what you feel, like, the new normal looks like for Maui island.

MS. SABLAS: Okay, that's a good question. You know, to me, the new normal and, again, you know, Maui . . . I've been involved in the visitor industry. That's my career for 50 years, and we've done a good job and as promoting Maui and having it to be a sought-after destination. And, I think, for the last 50 years, we've, kind of, like, put more focus on taking care of the outside. I mean the visitors. Meaning, the best golf course, the best hotels, the best restaurants. But the new normal to me is come back and look at our community. Look at our people who live here and want to be able to have their families grow by generation and not losing our children so, part of our new normal to me is, again, to take care of our community. I think Maui, as a resort, we've done enough, and we're okay with that. We don't need to add more hotels. We need

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to be able to take care of our people. In prior administrations, like under Cravalho, he established all the parks, like Wahikuli. I remember the vision that they had. That the resorts should be at Wailea, Kaanapali, and Kapalua. And, then, you know, and then we should have more parks. Thank goodness we've had the Kamaole and the Kalama Parks. And, we need to have more of those things in the new normal to take care . . . I'd like to see camping facilities for instance being in the making future for our beach. Our locals like to go out in the beach and fish and camp with the family. That's one of the ways of stress relief. We don't have enough of that on our island. And, that's the kind of thing I think our new normal, in my opinion, is. Let's look at how we can better take care of our people who are living on this island and have been committed, especially those that's been here for many generations.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that response, Ms. Sablas, and I think you, kind of, answered the next question I had which was, if you felt like pre-COVID we did have a problem with over-tourism and hotels acting as a cap to limit the amount of tourists that we have on the island, so, it sounds like you wouldn't be supportive of more hotels on Maui, particularly, in other districts, than the districts that you named.

MS. SABLAS: Yes, again, you know, I've been a product of the visitor industry. So, I know the economic value of the visitor industry and we need it. I mean, you know, that's what I mean about balance. But we have an inventory that, I think, is, it's good. I mean, we don't need to add more. We've got beautiful hotels, beautiful rooms, beautiful resorts. We didn't need to add anymore. I think if our hotels run an 80 percent occupancy with the present inventory, we should be fine. We should have our employees, you know, they should all have their jobs, they can take care of our families, we don't need to add more hotel inventory to our island.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Sablas. And, my last question for Ms. Sablas is, in your response to Member Sinenci's question, Member Sinenci was specifically asking about rural districts because we, you know, work hard to protect the character of our rural districts as much as possible. So, I wasn't super clear on your response to protecting the rural district, in regards to the proliferation of STRs. And, in your response to his question, you named a lot of positive experiences, and I know you mentioned balance, and, so, it sounds like, in your own firsthand experience, that STRs are a good thing, and I didn't really hear any, like, impacts. I understand you said, like, case-by-case basis, but if your standard based on your personal experience is that it's a good thing, even though it takes away inventory from our housing stock for our residents, that's, I guess that's concerning to me. So, I don't know if you wanted to, like, expand on your response regarding that?

MS. SABLAS: I guess on my previous tenure on the Planning Commission we did have several short-term rentals come and I felt, my understanding at the time, there was a limit per community, rural community, to stay. I think it be good to revisit, you know, the whole thing. It's been awhile. But I really, again, you know, when I was on the

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Commission and short-term rentals came, I always wanted to listen to the neighbors. What were their input, you know, what were their concerns? And, then final, I mean, it comes to the Commission to make a decision whether to approve or not. But then we also have guidelines to follow, you know, the number, how far away they are from the nearest neighbor. Again, when I go to Hana, I prefer staying in those little, you know, short-term rentals, you know, instead of, you know, at the hotel. So, I like to keep an open mind and listen. You know, times change, and I'd like to be able to listen to the community that's going to be impacted on a case-by-case, you know, I don't know if it make sense to you, but, you know, rather than just making and say no, I don't want anything or I don't believe in anything, I truly believe that we need to keep an open mind and we do have guidelines, you know, we have as the County, rules in place. If the rules need to be updated, you know, let's go there. My thing about it is enforcement. That's what my concern is. There's a lot of conditions set forth, but then there was, in my opinion, not enough manpower to be able to enforce the rules. And, that's what we need to look at.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Sablas. And, then, I have a question for Ms. Baisa, and it's my final question. So, I see that on the current commission, there's two residents from Kihei, and so this would be a third Kihei resident on the Maui Planning Commission, out of the nine, and so, a third of the Planning Commission would be all Kihei residents. I didn't see any, you know, from Kula or from Haiku, or, you know, like other locations, so I was just curious if, you know, other people applied from the other districts?

CHAIR MOLINA: Ms. Baisa?

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Baisa, you're muted.

CHAIR MOLINA: Ms. Baisa, could you unmute yourself? There you go.

MS. BAISA: Can you hear me?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MS. BAISA: Okay. I'm looking at the Maui Planning Commission roster and I'm assuming I have the latest. But I have Kahului, Lahaina, Pukalani, Wailuku, Makawao, Lahaina, and Kihei.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. BAISA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: We, I guess the website needs to be updated at some point.

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MS. BAISA: You know, all of this is kind of new. It all happened during the COVID thing and I just got yesterday the latest update so, I'm sure it's available. It will be available. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, and usually when we meet in person they hand out the current roster as a hard copy and so we didn't get the benefit of that this time. Mahalo, Ms. Baisa.

MS. BAISA: I apologize. I hope you . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: It's on Granicus.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, it is on Granicus? Okay, sorry, I missed it. My fault.

COUNCILMEMBER PALTIN: They just uploaded it this morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Mahalo, Member Paltin.

MS. BAISA: Thank you very much, though, for your concern. I'm trying very hard to pay attention to that.

VICE-CHAIR RAWLINS-FERNANDEZ: You're doing a fabulous job. Mahalo, Ms. Baisa.

MS. BAISA: Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Rawlins-Fernandez. We have a question from Member Sugimura, followed by Member Paltin,

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just wanted to thank Ms. Baisa for all the nominees that you're presenting today. It is quite a good mixture of people and especially seeing Molokai, Lanai. I like that, and bringing that to the Commissions. So, Ms. Sablas, I really appreciate this testimony that you're giving today. That we're getting to know you better and your commitments for how you probably have lived your life. And I look forward to having you on the Planning Commission as I think you'll bring your years of experience just from reading your resume. And, I guess, one of the things that we always would ask, and, maybe, we don't have to ask you, because you proved your commitment, is Maui County Cultural Commission, one full term, and two replacement terms; Maui Planning Commission, three-year replacement; and, I must say, anybody who is brought in for replacement must be that you have no attendance problems, but would you just like to make a comment about that?

MS. SABLAS: Attendance is very, very important to me. If you look at my application I served in, what you see in my application, I've served on double. I didn't have enough

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room to put all the things I have served on. And I can honestly say that I've never had a problem with attendance because, you know what, it's not all about your name on something. It's about being there because you care. And, no, my . . . in fact when I was on the Planning Commission, I was appointed April, my first meeting is when the prior meeting, the Planning Commission had decided to meet every week for the CPAC. And I was still employed. But we met from April to September, every Tuesday. I never missed a meeting.

COUNCILMEMBER SUGIMURA: Thank you. I look forward to confirming you at the next Council meeting and thank you very much for putting your name out there.

CHAIR MOLINA: Thank you very much, Member Sugimura. Member Paltin? Questions for the nominee?

COUNCILMEMBER PALTIN: My question got answered. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Okay, seeing no other hands being raised, I assume there's no more questions for the nominee. So, with that being said, I would like to thank you, Ms. Sablas, for sharing your mana'o with us today. And, as mentioned earlier, final decision making for you and the other three nominees will occur at the May 26th Council meeting. Mahalo. Thank you for joining us.

MS. SABLAS: Thank you, thank you, thank you very much. And, you know what, if I'm not appointed, you know, no problem. I do want to serve but I understand. You know, if there's others who wanted to serve, hey, go for it, but I'm committed. So, thank you everyone for your hard work. Aloha.

CHAIR MOLINA: Aloha. Okay, Members, that takes care of the four nominees for GET Item 2(30). So, if there are no objections, the Chair is going to defer this item. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered. Let's move --

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: --on to our next item.

COUNCILMEMBER KING: I have a question.

CHAIR MOLINA: Yes, Member King?

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COUNCILMEMBER KING: Chair, can you hear me?

CHAIR MOLINA: Yes, you're coming in fine.

COUNCILMEMBER KING: Yeah . . .

CHAIR MOLINA: Can't see you but we can hear you.

COUNCILMEMBER KING: I've been trying to raise my hand for awhile --

CHAIR MOLINA: Oh, there we go.

COUNCILMEMBER KING: --here, but --

CHAIR MOLINA: Okay. Sorry.

COUNCILMEMBER KING: --my computer's giving me some _____. I just wanted to ask a couple questions of Ms. Sablas. Is she still here?

CHAIR MOLINA: Ms. Sablas, are you still with us? I think she may have hung up.

COUNCILMEMBER KING: She dropped off, already?

CHAIR MOLINA: Yeah, apologies to you, Member King, about that. Again, you have her contact number if you'd like to call her over the weekend and to have her answer your questions. That's an option for you. So, unfortunately, I think, she's left the call. Maybe, if you want, may want to ask Ms. Baisa might have something to add, maybe you'll answer some of your questions?

COUNCILMEMBER KING: Well, no. Because I just wanted to ask her her thoughts on the Community Advisory Committees that you and I have been working on. I guess I'll try to get with her or ask her at the Council meeting.

CHAIR MOLINA: Okay. Thank you. That would have been a good question to ask. I agree with you.

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

CHAIR MOLINA: Okay, so with that being said, we'll move on from GET Item 2(30) and moving on now to GET Item 2(31). The 60-day deadline for this nominee to fill this vacancy is May 24, 2020, and, of course, the name of the nominee is Andrew de la Cruz for the Cultural Resources Commission, who'll represent the island of Lanai. Now, because the Council is unable to meet the 60-day deadline to approve or disapprove this nomination, initially, when the Council Meeting was scheduled for May 22nd, the intent for this nominee was to vet the nominee today and then we could make a decision on the 22nd. However, due to some unforeseen circumstances, the Council Meeting was changed to May 26th, so, therefore, we will miss the deadline which was May 24th for this Council to take action. So, for all practical purposes, this nominee is deemed approved to the CRC. So, there's really nothing we can do about it now, but I'd like to ask Ms. Baisa if she could share some thoughts on the nominee, that is Andrew de la Cruz, from the island of Lanai. And, I believe, Mr. de la Cruz, is standing by as well to share his thoughts. Ms. Baisa, could you provide us some comments? Ms. Baisa, could you unmute yourself?

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

CHAIR MOLINA: Okay, we can hear you now.

MS. BAISA: Okay, I was muted by the operator, but I'm okay now. Can you hear me now?

CHAIR MOLINA: Okay. Yeah, we can hear you now. Can you share some thoughts on the nominee, Andrew de la Cruz?

MS. BAISA: Yes. I . . . he is from Lanai and he is being nominated by the Mayor for the CRC. He is a retired businessman and he has served on both the Police and Fire Commissions. And he comes recommended by Councilmember Hokama, who I would like to thank very much for his assistance in helping me recruit on Lanai. It's another very difficult thing to do. And, Mr. de la Cruz has the time he's required, has the experience, and I think he'll do a wonderful job. Mayor and I are very happy with him.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Member Hokama, would you like to make comments on the nominee, Mr. de la Cruz?

COUNCILMEMBER HOKAMA: Thank you very much, Mr. Chairman. Mr. de la Cruz comes from a longstanding family that gives public service. Some of you may know his father was the late Vice Speaker of the State House of Representatives and whose name is placed upon our State Department of Education gymnasium on Lanai, the Pedro de la Cruz Gymnasium. So, again, his family has been part of the labor movement regarding pineapple and Andrew has continued, as well as his wife, Joan, has given service to the community in various ways. They've been great business partners with

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the community at times. During the strikes they were one of the three and four independent families that gave credit to the community of the whole island and helped us survive those long strikes in the past. Andrew has, again, also shown to be a . . . given service. He is a Vietnam veteran giving service to our country and has returned home to, you know, take over his family business and has chosen retirement. And, in his retirement, I've asked him to continue to serve our community, and he has agreed to serve in this manner. I can say he is very ma`a about Lanai. I think he is one of the few I can vouch for because I've walked with him. I think he knows every part of our island. He's either hunted, fished, camped or hiked the island in totality so he knows what's happening. He's been part of the development community that has watched how the landowner has moved the development over the last 45 years so, he's very ma`a about the conditions of requirements and what is expected of the development to maintain its responsibility to our community. So, I highly recommend that Andrew can speak for our cultural resources for our island. Thank you, Mr. Chairman.

CHAIR MOLINA: Thank you for that overview of Mr. de la Cruz, Mr. Hokama. So, Members, being that Mr. de la Cruz is deemed approved because of the Council not being able to meet the deadline, I'm going to forego questions. If you have any pressing questions for Mr. de la Cruz, I would ask that you contact him. You do have access to his contact number or you can contact Ms. Baisa for additional insight on Mr. de la Cruz. Personally, I'm satisfied. I did get a chance to meet Mr. de la Cruz once and, of course, I trust in Mr. Hokama's judgment. He knows his community very well. So, I'm very confident that Mr. de la Cruz will be a reliable member of the CRC who will show up to the meetings and offer his insight. So, with that being said, I'm going to ask for a motion to file the correspondence.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member Lee. Any discussion? All those in favor of filing the correspondence, signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Seeing no opposition, Chair will mark it unanimous. Nine "ayes," zero opposition. Thank you very much.

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CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Again, I'd like to call upon Lanai representative, Mr. Hokama, to add his insight with regards to Ms. Ropa.

COUNCILMEMBER HOKAMA: Hi, Chair, thank you very much, and my fellow members. Natalie Ropa is one of our freshly, new, younger people of our community that many people have asked me to consider supporting her for this nomination. The Ropa family is well-known on our island. They're part of the Ropa Kanipai Kaopuiki ohana that I can vouch for and, of course, for Lanai, they are the roots, they are our koko, so, you know she is very grounded. For our Molokai friends, you would notice that she also has the name Misaki, as part of her application, and she has her family and relations on Molokai, as well. She's very intense in her culture, in our island, and being a mother. Also, she's very interested in the opportunities that the Lanai will present to her child as it grows older and the ability for them to consider Lanai as a home. So, Members, I would ask that you consider this fresh, young person for us on Lanai. I think she, her heart's in place, and, if you notice, again, and thank you, Mr. Chair, she is fulfilling an unexpired term. It's a very short term, but I think this will give her an opportunity to see if she wants to continue to give this type of service to our community and our County. So, I thank you very much.

CHAIR MOLINA: Thank you very much, Mr. Hokama, for your overview of Ms. Ropa. And, again, and also to Ms. Baisa. So again, Members, basically, Ms. Ropa, as well as Mr. de la Cruz, they are deemed approved because of the circumstances that I explained to you earlier. Committee Vice-Chair Rawlins-Fernandez? Do you have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No, no question. I just, I wanted to thank Member Hokama for finding someone from the younger generation to, you know, start training them, and getting them more involved. The Misaki family on Molokai are heavily involved in our community here so that's, kind of, the values of the Misaki family. I don't know her personally, but I do know her family here, and they, you know, they're all raised to give back to community, so, if she's anything like the Misaki family here, this is a really good pick, good nominee, to serve on the Lanai Planning Commission. So, mahalo, Member Hokama.

CHAIR MOLINA: Mahalo, Member Rawlins-Fernandez. Certainly, very well-stated. So, with that being said then, Members, I'm going to ask for a motion to file the correspondence with regards to Ms. Ropa, GET Item 2(35).

COUNCILMEMBER HOKAMA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, it's been motioned by Member Hokama to file and seconded by Committee Vice-Chair Rawlins-Fernandez. Any discussion? Seeing none, all those, signify by saying "aye" and raising your hand.

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Seeing none, we will mark it unanimous. Nine “ayes” and zero opposition.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: FILE.

CHAIR MOLINA: Thank you very much, Members. Well, Members, we are moving right along here. We are sailing through this agenda. We’ve only been at it just over an hour.

**GET-10(12) PROPOSED CHARTER AMENDMENTS (BOARD AND COMMISSION
MEMBERS AND NOMINEES) (CC 19-28)**

CHAIR MOLINA: We are now on to GET Item 10(12) with a proposed Charter amendment, which has been, being proposed by Member Kama. But before we address that, you know, to date, the Council has approved two Charter amendments. One relating to the Affordable Housing Fund, and the other relating to a County Manager form of government. And, the Charter amendment we are discussing today would amend the process relating to the Mayor’s nominations to Boards and Commissions and the Council’s process to approve and disapprove them. So, for opening comments on this, I would like to ask Council Pro Tempore Tasha Kama, to give us an overview of this proposed Charter amendment. Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair, for the opportunity to speak on behalf of this Charter amendment. If you remember, early on, in our days when we all began, we talked about how we bring nominees before us and we have to dismiss them, and,

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sometimes, just having a dismissal is almost like a negative mark upon them, if they, we have to come to before us so that we can thank them and let them go and allow them to retire or to resign, or whatever. And we felt like it wasn't something that we wanted people to have come through and have something like that on their record, but that we wanted to be able to just allow them to be dismissed without having to come before Council, and that would be an automatic dismissal, or removal or whatever. But so, that's what this amendment is about. It's just allowing our nominees to be able to withdraw or to be able to leave their positions without having to come before Council. So, thank you, Chair.

CHAIR MOLINA: Thank you very much, Member Kama. Before I open up the floor for questions to you from the Members, I'd like to get some thoughts from Ms. Baisa or Mr. Murai, from Corporation Counsel, on this particular Charter amendment proposal.

MS. BAISA: Mr. Chair, I'll wait for Attorney Murai.

CHAIR MOLINA: Thank you, Ms. Baisa. Mr. Murai?

MR. MURAI: Mr. Chair, I don't really have any comment on this. This is certainly something that's within the Council's discretion to enact. Although, I do have to admit that as a practical matter, though, having staffed many Boards and Commissions, you know, this is something that, I think, I can't speak for the Mayor, but it's a duty that I don't think that anyone relishes doing, having to remove a member, especially if it's, you know, for reasons like non-attendance, or for that kind of thing. But, other than that, I don't have any comments about, you know, the Council's authority or the wisdom of this action.

CHAIR MOLINA: Okay. Thank you very much, Mr. Murai. Members, questions for Member Kama about this proposal?

MS. BAISA: Chair?

CHAIR MOLINA: Okay, is that Ms. Baisa?

MS. BAISA: Yes, thank you very much. Again, my video is still messed up, but I can, I'll go ahead. Thank you for the opportunity. I am speaking on behalf of Administration and, again, as attorney Murai says, it's not a thing you relish to have to remove anyone for whatever reason. We also feel very bad when people have to resign for good reasons. But I think that any way that we can speed up the process of replacing that member is very beneficial to all of us. It's a long process already. And, by the time we get the resignation and the Mayor sees it, sends it down to you folks, and finally, you have an opportunity, because you're so busy, to schedule it, a lot of time has evolved. So, if we can cut that a little short, I think, it's a good thing.

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CHAIR MOLINA: Okay, thank you Ms. Baisa. I have a question. I need some more clarity on the language. If you look, Members, Section 1, Item 5, where it underscored “effective thirty days after the council is notified of the mayor’s recommendation, unless the council disapproves the removal by resolution.” So, I’m still having a hard time trying to get clarity on this. Maybe, Ms. Kama, can you, kind of, break it down for me? Just in my personal opinion, seems a little wordy, so, if you could, kind of, I guess, how can we revise this language to make it a little bit more clearer of what the intent is. Member Kama?

COUNCILMEMBER KAMA: Chair?

CHAIR MOLINA: Any thoughts?

COUNCILMEMBER KAMA: Chair, I don’t know what other verbiage to use except though, you know, we speak in what we call colloquial language. Just everyday kind talk, right? But then once, once this goes to either OCS or Corp. Counsel, then they have to put in the language that they believe is the proper language. So, my sense is, we want to do an automatic removal as painless as possible to the nominee, right? But I’m not sure what that wording could look like in terms of, or even what 30 days after the Council is notified of Mayor’s recommendation unless the Council approves or disapproves, I’m not, I’m just as, kind of, like, confused as you, but I was just looking at doing an automatic removal in a painless way.

CHAIR MOLINA: So, basically, it’s just to automatically, if the Mayor, for whatever reason a Board or Commission nominee is not showing up to their meetings, so the Mayor just removes without Council approval? Just by, just notify the Council by letter? Is that the intent?

COUNCILMEMBER KAMA: I think the intent is that he would be able to have the power to do that, but should we decide that we don’t want him to do that, we could overrule that. That’s what my understanding of this . . . *(inaudible)*. . .

CHAIR MOLINA: Okay. Members, any questions for Ms. Kama? Member King?

COUNCILMEMBER KING: Thank you, Chair. I’m not sure if this is for Member Kama or for our Corp. Counsel, but I’m just wondering if there, is there anything in here that we can’t do by ordinance? Because I know that we’ve spent a lot of time on the ordinance for attendance, and I’m not, and I’m trying to figure out how, why this needs to go in as a Charter amendment.

CHAIR MOLINA: Mr. Murai? Can you comment?

MR. MURAI: Actually, I believe the Council would have the discretion of doing it either way. I don’t think that there’s one method that is superior to the other.

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COUNCILMEMBER KING: Okay. So, I guess my concern, Chair, is the 30 days. You know, if there was somebody that was doing a good job that the Mayor just decided he didn't like the decisions they were making, then, you know, we can't even, we have 2 people today that we haven't even been able to approve within the 60 days. So, 30 days, I don't think would work, as far as that. But I'm just, I'm still not sure of the necessity for a Charter amendment versus if we wanted to look at this in ordinance. I guess that's my main concern.

CHAIR MOLINA: Okay --

MS. BAISA: Chair?

CHAIR MOLINA: --thank you very much, Member King. Question. Who's calling? I don't see the screen. Someone has a comment, is that Staff?

MS. BAISA: You can't see me. This is Gladys.

CHAIR MOLINA: Oh, Ms. Baisa. Proceed.

MS. BAISA: Okay. I think that the confusion is that there are several reasons why people go to Council. You know, when we receive a resignation, and the person says I'm resigning immediately, we have to wait to go all through the process to replace them. I can understand if we're removing for cause, where you would definitely want to be involved, but if they're resigning and they're, they're gone, we still go through the process and I think that's where time comes in.

CHAIR MOLINA: Okay. Thank you for that. I have one more question with regards to Section 2, Item 16, which proposes to revise the notification by the Mayor to the Council for a nominee that has withdrawn its nomination. Now, my thought would be, is the public fully concerned with how the Mayor notifies the Council and that, my thought is that if people aren't familiar with the nomination process, they will be unable to potentially understand these revisions. So, Member Kama, can you share your thoughts on this? I mean, have you received, was the impetus for this generated by concerns from the public that were expressed to you?

COUNCILMEMBER KAMA: No, this is when we, when we discussed this as on the Council about what to do about these nominees who would, that the names would come before us, what we're going to do with it, and how we were going to try to figure out how to make it painless for them and for their names to come before us. And that's what was the impetus of this Charter amendment.

CHAIR MOLINA: Okay. Thank you. Okay, Members, any other comments or thoughts before the Chair offers his thoughts on this particular item? Okay. Committee Vice-Chair Rawlins-Fernandez?

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VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, I understand what the intent is for this now, and what the difference from this resolution, proposed Charter amendment, versus the ordinance that we had passed regarding removing people for not having, you know, attending the meetings. Okay. So, my understanding from Pro Temp Kama is that it's not, it may need more wordsmithing?

COUNCILMEMBER KAMA: . . .*(inaudible)*. . .

VICE-CHAIR RAWLINS-FERNANDEZ: So, if it does need to be further amended, would we defer today to have it amended so that we can see the amended language? Because I agree with you, Chair, that it's a bit cumbersome. So, that's my question. Mahalo, Chair.

CHAIR MOLINA: Thank you for thoughts, Member Rawlins-Fernandez. I'd like to throw this out to you, Member Kama, as a consideration. Corporation Counsel and, I guess, Member King, as well, offered the potential of this being proposed as an ordinance. As I mentioned earlier, we already have two Charter amendments and this Committee is going to have to decide how many Charter amendments we want to put on the ballot for the voters. Another three or four, or five? Maybe, as a consideration, that you would consider proposing this as an ordinance and because of the language that might not be clear to not only us, but to also some members of the public, I fear there's that potential where people may not, you know, mark yes or no, or just leave it blank. So, I think it might be more, I guess, serviceable or more useful if it's proposed as an ordinance, if you would consider that?

COUNCILMEMBER KAMA: Absolutely, Chair. I think the intent was not to defame any of our nominees especially after they've done such a great job. But to be able to also not cause them any other future defamations, if you want to call it that, you know, after they've already served. So, I think, like I said, I just wanted, and I'm looking for the most painless way of possible, to say thank you and, you know, dismiss them in a manner that doesn't offend them or bring anything to them in a negative way. So, absolutely, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama, and I think it might be more expeditious as well, you know, if you can prepare an ordinance before the end of the term I'd be more than happy to entertain it, as well to have it heard.

COUNCILMEMBER KAMA: Okay, I will do that. Thank you, Chair. Thank you, Members.

CHAIR MOLINA: Members, any other questions for Member Kama? Okay, I hear some feedback here. But any other questions for Member Kama before . . . the Chair is then going to recommend a motion to file this particular matter. Members? Is there a motion to file?

MR. FORREST: Can you hear me? This is Forrest.

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CHAIR MOLINA: Forrest, oh, yes, okay, go ahead Mr. Forrest. You have something to add to the conversation?

MR. FORREST: I just wanted to get Corp. Counsel's opinion on whether the Charter Section 13-2 required a amendment to the Charter if you wanted to change this process? That's the section that, you know, sets out the requirements and the process for removing or appointing a Boards/Commission member. And have they reviewed it and can they say that it's . . .

COUNCILMEMBER HOKAMA: Point of order, Chairman?

CHAIR MOLINA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Who is this guy?

CHAIR MOLINA: Oh, yes, he is one of our attorneys from OCS. James Forrest.

COUNCILMEMBER HOKAMA: Well, I would hope he would go through you, Chairman. He's not a Member, so I don't need him asking questions or discussing things that is within our purview. Thank you.

CHAIR MOLINA: Okay. Thank you for your thoughts, Mr. Hokama. All right, Corp. Counsel, are you able to provide some insight with regards to Mr. Forrest's thoughts with regards to this matter?

MR. MURAI: I'll try, Mr. Chair. You know, I wasn't involved in the preparation of this and it was Mr. Kushi who had signed off on it. But, you know, as I read the, you know, the changes, I don't . . . well, I guess, when, when Member King asked whether this could also be done through an ordinance, I said, yes, I believe so, because the ordinance just, it doesn't, the proposed ordinance, well if it were to be submitted as an ordinance, it doesn't conflict internally with the Charter provision as written. In other words, I would see the ordinance as being adding more detail, or more clarity, procedurally, to an existing Charter provision. Now, of course, this is entirely up to the Council, but, you know, as we all know, Charter amendments are, just take more time, can be, you know, present its own challenges as opposed to ordinances. But, you know, the things that make Charter amendments more challenging, more difficult, also make them more difficult to change, you know, based upon, you know, the potential action of future Councils. So, to answer Forrest's question, I don't, I don't see that, that a Charter amendment along these lines is the only way to do it. I think it's something that's discretionary on the part of you folks. But again, I say that without, without a lot of background on this and if Council Services Staff have more insights than me, then I would defer to them as well,

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CHAIR MOLINA: Okay. Thank you very much for your thoughts, Mr. Murai. And the point of, I think, maybe we need the time to get the language clarified, so I think the ordinance route may be the best route to take, so long as there are no legal obstacles to that. So, I'm in agreement with going with the ordinance route, so, anyway. So, with that being said then, I believe, we have a motion on the floor. Do we have a motion on the floor to file at this time? I did ask for one. No, we didn't. Okay. All right, Chair will ask for a motion to file this item.

COUNCILMEMBER LEE: So moved.

CHAIR MOLINA: Moved by Member Lee. Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, seconded by Committee Vice-Chair Rawlins-Fernandez. Okay, Members, and again as a final thought to this before the vote is taken, I look forward to a proposed ordinance from Member Kama related to this matter. And, as I've stated, if you can get this done prior to the end of the term, I will definitely have it heard. Thank you, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Okay. All right, Members. Chair is going to call for the vote. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark it unanimous.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: FILE.

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CHAIR MOLINA: The item is filed. Thank you very much, Member Kama and Members.

GET-10(9) PROPOSED CHARTER AMENDMENTS (BOARD AND COMMISSION MEMBERS AND NOMINEES) (CC 19-28)

CHAIR MOLINA: Okay, Members, we've got one more Charter amendment consideration. Would you like to take a break now or do you guys want to plow through it? What is the Committee's desire?

UNIDENTIFIED SPEAKER: Plow through.

CHAIR MOLINA: Plow through. Boy, you guys are some really some tough gamers, I tell you. Right on. After going through that grueling Budget Session, this is manini. This is nothing, right? I know with our task master, Member Rawlins-Fernandez as the Budget Chair, it was like boot camp. So, we are certainly well-trained to go through all kinds of stuff, however long it takes. All right, our last proposed Charter amendment, ironically, comes from our Committee Vice-Chair, Ms. Rawlins-Fernandez. This is a proposal with regards to an amendment to the Charter of the County of Maui relating to the retention and termination of special counsel. So, Ms. Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Boot camp sergeant reporting for duty here. Okay. Members, what you have before you is a proposal to amend the Charter to allow for the Council to retain or terminate special counsel with a simple majority. It currently has two-thirds of the membership in order to hire or fire special counsel. So, some background on this is, when an issue arose between the two branches, Executive branch and our Legislative branch, it became difficult for us to get representation for our branch and there was a question of who Corporation Counsel would then represent, if they would represent either branch or both branches would need to retain special counsel. And, a future Charter amendment that will come for consideration is adhering to the intention of the Charter that has Corporation Counsel being a neutral entity to both the Legislative and the Executive branch. But only the Executive branch has the authority to terminate Corporation Counsel. Council only has the authority to confirm Corporation Counsel and, so, we have the carrot but we don't have the stick. So, we don't have the enforcement piece like the Mayor does. And, we've seen, in this term, and previous terms, the problem that can arise because of that. And, so, this first proposal would allow Council to retain or terminate special counsel with a vote of five instead of six. Mahalo, Chair.

CHAIR MOLINA: Thank you very much for your thoughts, Member Rawlins-Fernandez. Any comments first from Corporation Counsel before I open up the floor for questions? Mr. Murai?

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MR. MURAI: Thank you, Mr. Chair. Again, I have to apologize that I wasn't involved in the drafting of this. Again, you know, my predecessor, I believe, Mr. Kushi was. I'm sorry, I don't think, I don't think my office, I'm not sure if my office signed off on this, but I guess one thing that, you know, popped up in my mind, being a lawyer, is that, you know, the retention of special counsel is based on a need, you know, that has to be, you know, proven to the satisfaction of the Council by the Corporation Counsel's Office. But the relationship between an attorney and their client is what, is, kind of, causing me to think about this some more, because when a department hires special counsel, that department is the client. And, so, what I'm having a hard time connecting is the relationship between the County Council and the special counsel. Because there's no, there's no relationship there between the County Council and the retained special counsel. So, the other thing I was wondering, was whether the, you know, this termination would also have to be by resolution as well. And, I apologize that I am, you know, asking more questions than I'm answering but, again, these are the thoughts that, you know, came to mind, again, without having too much background on this matter.

CHAIR MOLINA: So, Mr. Murai, as far as to your knowledge, Corporation did not sign off on this proposal at this point?

MR. MURAI: I don't believe so.

CHAIR MOLINA: All right. Thank you. Member Rawlins-Fernandez, questions for Mr. Murai?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I can first explain your question. So, you have an umbrella item in GET Committee that allows direct referral to your Committee, and, so, there was a tight timeline at the end of last year that we were trying to follow and it looks like Member Kama is agreeing. So, we were trying to get all of our Charter amendments to you before the end of last year, and we wanted to be sure it got to you in time, and then we would have Corporation Counsel review it. So, I did have a question for Mr. Murai. And, perhaps, I heard him wrong, but did you say, Mr. Murai, that Corporation Counsel would have to approve of special counsel if our County Council hired a special counsel?

MR. MURAI: No, no, no. I didn't say that. What I, sorry if I didn't make myself clear. What I, what I was explaining was well, normally, it would be, you know, the Corporation Counsel's Office that would be, you know, transmitting the resolution to the County Council, and, so, my point was, is, that the hiring of the special counsel would be at the request of the Mayor or a County department. And, what I'm, what I was trying to explain is that what I can't figure out, at least, based on my limited fund of knowledge, is how this would affect the attorney/client relationship. Because if the Council had the discretion to terminate the employment of special counsel, I just wondered where that would put the department, because it's the department that's the client, and I'm just, I just, you know, don't know how it would work. I'm not saying that this is not

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possible. I was just thinking of the more practical or logistical problems, you know, between . . . because what it would . . . I don't know what the basis for the termination would be. I suppose, you know, because retention is based upon need, that the, is the termination also based upon a lack of, lack of any more need? In other words, if the Council says, well, you know what, the department, or the Mayor, doesn't need this special counsel anymore so, therefore, we're going to terminate counsel. I just didn't know how that worked.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Got it. The Council may also need representation, too, so, but your issue is with the termination piece of it. Okay. Mahalo, Chair.

MR. MURAI: Well, I'm sorry, not necessarily. I don't necessarily have an issue with it, I was just thinking this through. I just couldn't figure out how it would work, but, then again, this is a Charter amendment and, you know, I'm sure that more detail will be developed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Murai. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez and Mr. Murai. And, I know, in all fairness to you, you've, kind of, just come onboard with this Committee with the retirement of Mr. Kushi, so I know sometimes it can be a bit challenging trying to get up to speed with all the stuff that has occurred while not under your watch, so to speak yeah. Okay, Members, questions for Member Rawlins-Fernandez or Corporation Counsel. Chairman Lee?

COUNCILMEMBER LEE: Chair, I don't have a question but I do have comments. Can I make a comment?

CHAIR MOLINA: Go ahead.

COUNCILMEMBER LEE: I just want to say that I can understand why this is being proposed but I am not in favor of this proposal. I think that retention of special counsel is just too significant of an act and too important for just a simple majority vote. Thank you.

CHAIR MOLINA: Thank you, Chairman Lee. And, I believe, I heard Councilmember King's voice. I don't see her coming up on my screen but, Councilmember King, do you have a question?

COUNCILMEMBER KING: I do. Can you hear me? I've been having some . . .

CHAIR MOLINA: Yeah, you're coming in loud and clear.

COUNCILMEMBER KING: Okay. Great. Thank you. So, I wanted to ask Mr. Murai, I mean, I know you're new, but this Council has in its term hired special counsel, one, early in

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the term to help us determine whether the Charter allows the Mayor to appoint a disapproved director as an interim. So, we did that. We also hired special counsel to help us determine whether we have a case against Bank of America. So, we did that. And those, I believe both of those times the Council was the client. So, I'm just wondering are you not familiar with those two cases and how that process goes through OCS rather than Corp. Counsel, when we have that, when we're hiring those special counsels.

CHAIR MOLINA: Mr. Murai?

MR. MURAI: Member King, I was only referring to counsel retained by the Mayor or the departments of the County. I wasn't thinking about the Council hiring special counsel because the Council would not need to have a Charter, authority by the Charter, to terminate their own retained special counsel. Usually, that's, you know, considered part of the retainer agreement, between the County agency, be it the Mayor, a department, or the County Council and the special counsel. So, through that . . .

COUNCILMEMBER KING: No, but I think the, I think the point that it sounded like you were making, was that only departments could hire special counsel, and, the question here, is not about hiring or termination, the question here is can we do that with a majority. Because the majority that decides on major issues anyway, and, so, if the majority wanted to go ahead and hire special counsel, but they were needing to have a two-thirds, then that hinders the majority from being able to be represented. So, I support the Charter amendment. I think it's something that the people should have an input on at the ballot box.

MR. MURAI: Yeah, Member King, I was, my comments earlier related only to the termination. I haven't expressed an opinion about the majority vote versus two-thirds vote. And that, I believe, is within your discretion.

COUNCILMEMBER KING: Well, it's within our discretion to put it on the ballot, but it would have to go for a vote of the people.

MR. MURAI: Yes.

COUNCILMEMBER KING: All right. Thank you, Chair.

CHAIR MOLINA: Thank you, Member King. We have Member Sinenci with a question?

COUNCILMEMBER SINENCI: Thank you, Chair. Just clarification. So, we would have to, before putting this, if it does go through on the ballot, we would still need Corporation Counsel to sign off on this amendment?

CHAIR MOLINA: Mr. Murai?

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MR. MURAI: In all candor, I don't know, but I certainly will get back to you folks.

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

CHAIR MOLINA: All right. Thank you very much, Mr. Sinenci. Members, any other questions for either Committee Vice-Chair Rawlins-Fernandez or Mr. Murai, at this point? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was, had a question about one of the testimonies that we had received forwarded from the County Clerk from a Mr. Salem that was saying that if special counsel procurement disclosures, if they need to reveal any conflicts of interest, and if you had any comment on this testimony, if he's read it. It seems to me that, and I might be wrong, but that he's saying that they don't need to disclose any conflict of interest. It says, "It is Corp. Counsel's professional and ethical prerogative to confer with any client verbally and confidentially about any potential conflict of interest involving retention of special counsel." It doesn't seem like that's what we're having the Charter amended to, but seems like that's what he's asking, for it be included in this Charter amendment? And, I just was wondering if Mr. Murai had any comment on that testimony.

CHAIR MOLINA: Mr. Murai? Can you respond to Member Paltin's question?

MR. MURAI: I hadn't seen the testimony and maybe if you could frame the question for me again. Could you ask the question again, please?

COUNCILMEMBER PALTIN: Sure. Is there currently a requirement of ethical public procurement that requires thereto to identify and eliminate any conflict of interest within the procurement process?

MR. MURAI: You know, I can't speak to the procurement process, but, certainly, in the retention of any counsel, the practice of law in the State of Hawaii is governed by the Rules of Professional Conduct and, certainly, an attorney should not accept any employment if that attorney has any conflict of interest with any of the parties who may be involved in the matter. So, I'm not aware of anything in the procurement process, but, certainly, it's incumbent upon the attorney to disclose any potential conflicts and, so, I don't know whether, I guess I am answering your question. I'm not aware of anything in the procurement process but certainly when it comes to actually retaining the attorney, there are external ethical considerations that govern all lawyers in Hawaii.

COUNCILMEMBER PALTIN: And, just to follow up on that, when we're talking about conflict of interest, are we talking about monetary gain or based on a Board of Ethics opinion on conflict of interest?

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MR. MURAI: No, it's a different kind of conflict. These would be legal conflicts, either because of things like, well it could be because of financial interests, it could be because of prior representation, any number of the elements under the Code of Professional Conduct. But, yeah, having a financial interest in the stake is definitely a reason, definitely a cause for a conflict.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. MURAI: You're welcome.

CHAIR MOLINA: Thank you very much, Member Paltin. I believe Member Rawlins-Fernandez, you had your hand up for an additional question? Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to respond to Member Sinenci's question to Mr. Murai who didn't have the answer right now. But this question was whether our bills would need to be signed off by Corporation Counsel. And, I checked with our attorneys, and the answer is no. That Corporation Counsel, it's not required for Corporation Counsel to sign off on. It's been the practice to have Corporation Counsel sign off on it, and we also have our own Council attorneys who review our laws, proposed laws. So, it's, it would be giving Corporation Counsel way too much power. They would actually have more power over the Council if we gave them the power to require signing off on the laws that we are trying to pass. So, yes, that's my response to Member Sinenci's question. Mahalo, Chair.

CHAIR MOLINA: Thank you, Member Rawlins-Fernandez.

MR. MURAI: Mr. Chair?

CHAIR MOLINA: Mr. Murai, go ahead, if you'd like to provide a comment.

MR. MURAI: Actually, Member Rawlins-Fernandez, her comment did remind me that what she said is correct. And, I believe, by Charter, I think, I'm going to answer a question in an opposite fashion, in that, I think, that the only things that we are required to sign off on would be contracts, as when we are approving "as to form and legality." But I believe she correctly states the rest of it.

CHAIR MOLINA: Okay. Thank you very much, Mr. Murai. Member Kama, you have a question?

COUNCILMEMBER KAMA: No, sir, I didn't have a question, I just wanted, I was just thinking about what, about Corp. Counsel and Office of Council Services and as both of them serve us in their capacities as legislative analysts and as, as legal attorneys, so and I usually think about, as an attorney, if somebody decides to want to sue me, that I'd want to get an attorney that has experience in the courtroom. And, so, I just was thinking that, for me, my thoughts about Corp. Counsel and Office of Council

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Services since we use both of them for different things and different reasons, my thoughts would always be that the attorneys that was going to have to represent me in court, is the people that I would probably adhere to the most. I was just thinking about that right now as Vice-Chair Rawlins had talked about both of them as being our attorneys. Because in the end, you only going get one attorney. I don't think all can represent us in a courtroom. But that's just what I was thinking. But, thank you, Chair, for that opportunity.

CHAIR MOLINA: Okay. Thank you very much for your thoughts, Member Kama. So, at this point, Members, any other questions as it relates to the proposed Charter amendment from Member Rawlins-Fernandez? Chair's going to offer his thoughts. There are a number of questions that may need to get some additional clarification. I'm reluctant, at this point, to ask for any action today. However, I am open to bringing it back. I can't give you any specific dates yet; but I would like to have a second opportunity, a crack at this, for this Committee to take action on, unless there's someone else has a consideration to take action, my recommendation today would be to defer. Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I was going to let you finish, Chair, and then --

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: --well, I'm just going to say that I'm happy to support your recommendation to defer and that I think that, you know, Charter proposals, Charter amendment proposals are really big, you know, deals. It's serious. We're changing the Charter. And, you know, I support more than one reading of it including ____ so we can fully understand what the ramifications of any Charter amendment would be. So, I support your recommendation to defer.

CHAIR MOLINA: Okay. Thank you very much, Member Rawlins-Fernandez. A couple of quick questions before we defer, for Mr. Murai. Are there any HRS provisions that regulate the Council for hiring or firing special counsel, and do we have any history, well, maybe this is something you can look up, as to why we currently require a two-thirds majority vote for the hiring and firing of special counsel? Are you able to answer those two questions now?

MR. MURAI: Mr. Chair, I'll be glad to confirm whether there is . . . I don't believe there is anything statutorily that specifies two-thirds. I do note that other counties' charters are similar in that the City and County of Honolulu, Hawaii County, also require two-thirds. Kauai is a little different. I believe they have seven members and their charter requires five of seven. But I'm not sure where that comes from, and I'll be glad to confirm that, you know, whether there is a source for that or whether it's just something that, you know, maybe some Charter Commission had recommended. I just don't know. But I'll be glad to follow up.

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CHAIR MOLINA: Thank you very much, Mr. Murai. Member Sugimura? Ms. Sugimura, I think you're muted right now.

COUNCILMEMBER SUGIMURA: Yeah, I got it.

CHAIR MOLINA: There you go.

COUNCILMEMBER SUGIMURA: So . . .

VICE-CHAIR RAWLINS-FERNANDEZ: It muted again.

COUNCILMEMBER SUGIMURA: Okay. We're both trying to unmute each other. So, thank you. I just wanted to get clarification before you defer this. Is that Mr. Salem, who Tamara Paltin brought up his testimony, who works for the 9th Floor, I just wanted to know if he was speaking in behalf of the Administration. That's my question. Thank you.

CHAIR MOLINA: Thank you, Member Sugimura. Can anyone answer that question that Member Sugimura had?

COUNCILMEMBER SUGIMURA: You can get me an answer later. I don't mean right now.

CHAIR MOLINA: Okay. Well, maybe Member Paltin has an answer for you. Member Paltin followed by Member Rawlins-Fernandez?

COUNCILMEMBER PALTIN: Yeah, it says on here, I thought I read in his testimony that it was . . .

VICE-CHAIR RAWLINS-FERNANDEZ: I got it, Member Paltin.

COUNCILMEMBER PALTIN: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: It's on Page 1 of his testimony and it says Chris Salem/resident.

COUNCILMEMBER PALTIN: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I believe that's in his individual capacity and not in his professional capacity as an employee on the 9th Floor. Mahalo.

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

COUNCILMEMBER KAMA: Thank you, Chair. Did he send that testimony to all of us, or the Committee, or . . .because I didn't see that on my, in my e-mail.

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COUNCILMEMBER KING: It's on Granicus.

CHAIR MOLINA: It is on Granicus? Okay.

COUNCILMEMBER KAMA: For . . . I don't see it on Granicus. Let me reboot. Thank you, Chair.

CHAIR MOLINA: Thank you. What we can do, Member Kama, if you're having a difficult time getting that testimony, I'll have Staff assist you to ensure that you get that testimony for your review. Okay, Members. So, the Chair's recommendation is to defer the GET Item, make sure I get the number straight, GET Item 10(9). Any objections to deferral?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered. Thank you very much, Members. So, I believe this completes our agenda for today. Staff, anything the Chair needs to be aware of before we adjourn?

MS. ESPELETA: Nothing further, Chair, and Staff will ensure Pro Temp Kama receives a copy of the testimony from Mr. Salem.

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CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. So, that being said, Members, thank you. You all did a wonderful job, yeoman's work here. So proud to have worked with you guys on our Committee. Keep up the great work. So, with that being said, the GET Committee Meeting for May 19, 2020, is now adjourned. It is 10:48 on Tuesday, May 19th. Mahalo for all your work. This meeting is now adjourned. . . . *(gavel)* . . .

ADJOURN: 10:50 a.m.

APPROVED BY:

Michael J. Molina

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

get:min:200519:mg

Transcribed by: Mary Lou Green

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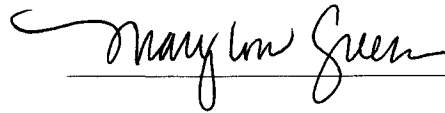
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CERTIFICATE

I, Mary Lou Green, 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 10th day of June, 2020, in Kula, Hawaii

A handwritten signature in cursive script, reading "Mary Lou Green", is written over a horizontal line.

Mary Lou Green