

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

**Council of the County of Maui**

## **M I N U T E S**

**Online Only via BlueJeans Link**

**June 16, 2020**

**CONVENE: 9:03 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 (arrived at 9:25 a.m.)

**STAFF:** Shelly Espeleta, Legislative Analyst  
David Raatz, Supervising Legislative Attorney  
James Forrest, Legislative Attorney  
Richard Mitchell, Legislative Attorney  
Kasie Apo Takayama, Legislative Analyst  
Pauline Martins, Committee Secretary  
Jean Pokipala, Council Services Assistant Clerk  
  
Kate Griffiths, Executive Assistant to Councilmember King  
Lois Whitney, Executive Assistant to Councilmember Kama  
Davideane Sickels, Executive Assistant to Councilmember Kama

**ADMIN.:** Gary Murai, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Moana M. Lutey, Corporation Counsel, Department of the  
Corporation Counsel  
Richelle Thomson, First Deputy Corporation Counsel, Department  
of the Corporation Counsel  
Brian Bilberry, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Gladys Baisa, Executive Assistant, Office of the Mayor  
John Smith, Highways Division Chief, Department of Public Works

**OTHERS:** Margery Bronster, Esq., Bronster Fujichaku Robbins  
Rex Fujichaku, Esq., Bronster Fujichaku Robbins  
Brandon Maka`awa`awa

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

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Alicia Huevo  
Carolyn Franklin  
Plus (2) other people

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

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CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for Tuesday, June 16<sup>th</sup> is now in session. Good morning, Members. I'm your Committee Chair, Mike Molina. And, let's do a roll call. Let's find out who's here. We'll start out first with Committee Vice-Chair, Ms. Rawlins-Fernandez from Molokai. Good morning.

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

CHAIR MOLINA: Okay. Mahalo. Thank you. Let's go now to out to the beautiful area of Hana, Mr. Sinenci, good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair. And, it's a rainy overcast in Maui Hikina. Aloha.

CHAIR MOLINA: Aloha. And, let's go out to South Maui, Ms. King. Good morning.

COUNCILMEMBER KING: Good morning, Chair. And this morning, I am in mourning over the loss of a very dear friend, Nancy Meola. So, my thoughts and prayers go out to all of her thousands of friends and especially her close family. A big loss for the island as well, somebody who contributed a lot. Anyway, I'll try to hang in there as long as I can with you folks today.

CHAIR MOLINA: Thank you for being here, Ms. King. And all of our condolences to your friend and her ohana, and a very tough loss for you. Totally understood. Okay. Let's go and recognize our Council Chair, Ms. Lee. Good morning.

COUNCILMEMBER LEE: Chair, okay. All the way from Norway, people will say god morgen. Member King, I also would like to express my condolences to the family of your friend and we're here for you because we're part of your family. Thank you.

CHAIR MOLINA: Thank you, Chair Lee. Okay. Let's go to Mr. Hokama. Good morning.

COUNCILMEMBER HOKAMA: Good morning, Chairman.

CHAIR MOLINA: Good morning, Mr. Hokama. And let's go out to the West Side, Councilmember Paltin. Good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka mai Napili. We have the light misty rain over here today and I'm sorry for your loss, Member King.

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

**Council of the County of Maui**

**June 16, 2020**

---

CHAIR MOLINA: Thank you, Member Paltin. And, let's go to Kahului, Councilmember Kama. Good morning.

COUNCILMEMBER KAMA: Good morning, Chair. And it is a beautiful day, a blustery day here in Kahului. And I also would like to extend my condolences to Member King. You know, when someone loses a friend, or loved one, we all feel it. We all feel it. And so we will be with you today. So, let's all have a great meeting and God bless us all. Thank you, Chair.

CHAIR MOLINA: Thank you. Mahalo, Member Kama. And, although I don't see her on my screen, is Member Sugimura with us at our meeting this morning? Member Sugimura? Okay. I don't hear her or see her so I'm assuming Member Sugimura will be joining us little bit later.

COUNCILMEMBER LEE: Yeah, she's on her...

CHAIR MOLINA: I'm sorry, go ahead.

COUNCILMEMBER LEE: She's on her way down. She's on her way.

CHAIR MOLINA: Okay. Thank you for that update, Chairman Lee. All right. Joining us from Corporation Counsel we have Ms. Lutey and also Mr. Bilberry and Mr. Murai. And later on from the Department of Public Works joining us will be John Smith who's one of the engineers for the Department. And also the Mayor's Boards and Commission Liaison, Ms. Baisa will be joining us as well. And of course, I'd like to recognize the Committee Staff, Ms. Pauline Martins, our Secretary. Jean Pokipala, Support Staff. And Shelly Espeleta, our Legislative Analyst. And also, Kasie Apo Takayama, another one of our fine Legislative Analysts. And Mr. James Forrest, our Legislative Attorney. And as you can see on the screen, we'll be joined by Ms. Margery Bronster for our first item GET-19, as well as Rex Fujichaku from the firm Bronster, Fujichaku and Robbins. So, with that being said, Members, let's go ahead with public testimony. We have testimony that will be done via phone or video conference. Testifiers wanting to provide video testimony should have joined the online meeting via BlueJeans. The link is 551 273 481 and forgive me for the background noise, my animals are quite excited today. And testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and also entering the meeting code which is on the agenda. Committee intends to keep the same meeting link and phone number for future GET meetings and for the ease and convenience of the Members and the public. Written testimony is highly encouraged by sending your comments to [get.committee@mauicounty.us](mailto:get.committee@mauicounty.us). Oral testimony will be limited 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 state your first and last name. If you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee of that. And, please be mindful of using the chat during the meeting. Chat

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

---

should not be used to provide testimony or chat with other testifiers. And 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, you can view this meeting on cablecast via *Akaku*, Channel 53. And you can also visit [mauicounty.us/agendas](http://mauicounty.us/agendas) to access live and archive meeting videos. I know I've said a mouthful so far, but I do want to remind all of you, as well as the Administration and the public to please be patient if we run into technological issues during this meeting. So, with that said, I'd like to proceed with oral testimony. I'd like to ask Staff right now, who are monitoring individuals joining today's meeting by phone and by video to again, provide us any information as far as technical changes, or issues with testifiers. So, anyway, with that being said, Ms. Espeleta, can you please call up the first testifier.

## **. . . BEGIN PUBLIC TESTIMONY . . .**

MS. ESPELETA: Yes, Mr. Chair. You have two testifiers so far, signed in to testify. Your first testifier is Mr. Brandon Maka`awa`awa, for GET-19, followed by Alicia Hueu for GET-19, as well.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. Good morning, Mr. Maka`awa`awa. Please proceed with your testimony.

MR. MAKAWA`AWA: Good morning. My name is Brandon Maka`awa`awa. And I'm representing an organization called Na Po'e Kokua which was started on Maui by the kupuna on Maui. And mahalo for this time. I think today's report is a huge one for the Native Hawaiian people for this 20 year commitment that we've been fighting. It's also about justice and about equality and inequality. When banks hold people accountable, they get their money. When we don't pay our bills, there are ramifications. For banks like Bank of America, there has been no ramification for this. This is over 20 years of an unfulfilled commitment. Ms. Bronster in her report will share with you all the stats and everything. We have all the evidence to prove that this was a great injustice done to our people. This is time and blood, sweat and tears that we cannot get back anymore. You know, we can attempt to make this whole by receiving a settlement, but we've lost so much and what we need to do today is bring closure to this and move forward. This settlement money will help to bring real economic change into our community, because this money is going directly to our community. In this time of COVID-19 we are looking for economic solutions for our issues. And no better time to bring in these types of solutions. But this goes back to equality and inequality. And this goes back to what we're dealing in America today. Systemic racism starts at the top with organizations like Bank of America who look past commitments like these to people of color to the Hawaiian community. And we cannot go on letting these guys skate by. They get plenty friends. They get plenty lobbyists and they've helped to get them away from the original commitment, but we have the evidence. We have the law. We have public records. They all show that the commitment was not done. And so what we need to do today as Maui County Council, I appreciate all your efforts. I appreciate everyone here because you

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

---

have been one of the only politicians to actually step up to this challenge to help us close this gap. And I'd like to remind everybody that this initiative was started on Maui. This initiative was started by our kupuna and we're only the voice for today, but we're carrying on their legacy for them to fulfill their dreams for their keiki and their mo'opuna. Mahalo for your time. Aloha.

CHAIR MOLINA: Mahalo, Mr. Maka'awa'awa, for your testimony. Members, the floor is open for questions or clarification of Mr. Maka'awa'awa's testimony. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Maka'awa'awa, for being here, for always being here I think, and also mahalo for your representation of us at the United Nations. And I totally agree with this, you know, when we speak about social injustice and thank you for always putting your time and effort to fixing those social injustices. So, my question was, you know, we talked about what was some of the, you know, because of that lack of commitment, had we had that commitment, what types of investment losses that we've experienced, Hawaiians, Filipinos, because we didn't receive that commitment from Bank of America?

MR. MAKAWA'AWA: Mahalo, Councilmember Sinenci. You know, this was a rough estimate by our organization, Na Po'e Kokua, Ian Chan Hodges, Shay Chan Hodges, but a rough estimate of the loss cost opportunities can range from anywhere from \$500 million to billion dollars because you have to also factor in that there was another initiative that Bank of America committed to in 1998 when they wanted to merge again. When they didn't finish the commitment within those four years, and that commitment, that other initiative was for a Native Hawaiian owned and controlled bank. I don't know if you can put a dollar amount on what we lost without getting that bank, but we had the board members, we had everybody ready to go. We had unions signed up to put in deposits. That was a big loss, but I mean, just a rough estimate of the loss, you know, the loss cost opportunity for not just the Hawaiian community, but for the community in general. Because these loans to put, to take Hawaiians off of the Hawaiian homestead list and to put them on the Hawaiian Home Lands, would have opened up the housing market for everybody. You know, right now we are occupying the housing market because we cannot get on to the DHHL lands. Why? Because banks to not want to lend to Hawaiian homes. Bank of America had a commitment to put out \$150 million in loans. This was not even money out of their pocket. This was a loan program that was backed by the Federal government. And so, the loss cost opportunity, if we like talk about it, it can range from anywhere from the hundreds of millions into the billions.

COUNCILMEMBER SINENCI: Mahalo . . . *(inaudible)* . . . Mahalo, Chair.

CHAIR MOLINA: Mahalo, Mr. Sinenci. I saw Member Kama with her hand up. Councilmember Kama, you have a need to clarify Mr. Maka'awa'awa's testimony? Member Kama, you're muted. I saw your hand up earlier. Did you want to ask Mr. Maka'awa'awa...

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

---

COUNCILMEMBER KAMA: Yeah, I'm sorry I was trying to find my cursor to put on the unmute.

CHAIR MOLINA: Proceed.

COUNCILMEMBER KAMA: So, yes. I wanted to. So, Brandon. Hi. Aloha. And thank you again for being here and for being so faithful in coming to testify before the Council. So, my question is, you know you talked earlier about some of the sufferings and you mentioned that in terms of dollars and cents, right? But I want you to share a little a bit about, to clarify, . . . (*inaudible*) . . . but the other part would be the human suffering side.

MR. MAKAWA`AWA: Oh, try again, Councilmember Kama. You cut off a little bit.

COUNCILMEMBER KAMA: Okay. As you had covered already the loss opportunities when it came to the finance side, I wanted you to share with the loss opportunities on the human side.

MR. MAKAWA`AWA: Okay. I can only speak from our own personal experience, but the stress, you know, this is not paid work. This is community members, grassroots members, Auntie Tasha knows well about all our efforts to hold these guys accountable and that this has weighed heavy on our kupuna. This has taken years off of people's lives. And, you know, this is stuff that cannot be measured. And we're just talking about with our organization itself, but the human aspect, the human resources that we've lost as a community by not being provided homes has held our people back for generations. Because without a home, without some sort of foundation, we cannot move to the next level of becoming financially independent. We cannot become socially independent. We have a problem with houselessness in this State that is rotting us to the core. And, this problem did not just start with this last administration. This problem started generations ago. Bank of America came in to make a commitment and it wasn't just an open commitment so that they could just, you know, they wanted to feel charitable. They did this commitment because they wanted to do something to improve their organization, to make more money for themselves which was merged with another bank. They had to do this commitment because they wanted to get this other thing. And, so they got this other thing, but we got left with nothing. We got left with the pain and the anguish and a lot of our kupuna that stood and met Cathy Bessant face to face and she cried there at Iolani Palace and told the kupuna and committed to them that she was gonna do the right thing and fulfill this commitment. A lot of those kupuna are not here with us anymore. And many of them was from Maui, you know. And so that type of pain and anguish and suffering is unmeasurable [*sic*]. This is something \_\_\_\_\_ Bank of America can do.

COUNCILMEMBER KAMA: Thank you, Brandon. Thank you, Chair.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

CHAIR MOLINA: Okay. Thank you, Member Kama. Members, any other need to clarify, Mr. Maka'awa'awa's testimony? Okay. Seeing no hands going up...okay. I see Committee Vice-Chair Rawlins-Fernandez. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly. Mahalo, Mr. Maka'awa'awa for your testimony this morning. So, what I'm hearing is that you're basically saying, justice delayed is justice denied.

MR. MAKAWA'AWA: Exactly.

VICE-CHAIR RAWLINS-FERNANDEZ: Is that your statement? Okay. Mahalo. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Member Rawlins-Fernandez. Members, any other need to clarify Mr. Maka'awa'awa's testimony? Seeing none, mahalo for your testimony, Mr. Maka'awa'awa.

MR. MAKAWA'AWA: Mahalo.

CHAIR MOLINA: Mahalo. Okay, Staff, please call up the next testifier.

MR. ESPELETA: Mr. Chair, your next testifier is Alicia Hueu on GET-19.

MS. HUEU: Aloha. Good morning.

CHAIR MOLINA: Aloha.

MS. HUEU: I'm testifying on Item Number GET-19. In full support of authorizing the employment of special counsel to investigate and litigate the claims against Bank of America and the banking and mortgage industry. My testimony today touches on the loss cost opportunity and the pain and suffering that Mr. Maka'awa'awa had just touched upon. I'd like to read a summary of the situation that's playing out right now in Maui County which is directly related to this situation of Bank of America not putting forth that \$150 million. I have eight members of my family on the Hawaiian Homes list. Displacement of Hawaiians is a very real issue today. And had this \$150 million been accounted for and had been used for what it was supposed to be used for which is putting Native Hawaiians on Hawaiian Home Lands a lot of these other scenarios wouldn't necessarily have played out and so this is a summary of the situation that's occurring at the moment. All the Councilmembers have received the documents related to the gun violence incident that occurred on December 12, 2019 at our family property at 10301 Hana Highway, where Henry Hanalei Day shot our farm worker with an AR-15 after being released from prison the next day with an assault one charge. Henry Hanalei Day did return to our family property with other guns firing shots on multiple occasions. I'm sharing this information because this has to do with our Hawaiian, our ancestral lands that my family attempted to return to after the Hawaiian Home Lands has repeatedly failed in putting our family on land and providing the accommodations

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

---

that they are warranted to provide as their fiduciary duties. And so, now we have our family attempting to return to their ancestral land and dealing with all of the third party aggressing that comes down the line from the claimed owners, East Maui Land Holdings, LLC who has misappropriated our ancestral land in Wahine Pe'e. Due to the extensive misreporting by the Maui Police Department, specifically Detective Matthew Bigoss and also due to the lack of victim protection services available, our family, including my cousin, his wife and four children, were forced to flee their home in Wahine Pe'e on December 30, 2019 to take refuge on other ancestral family land in the Kipahulu region of which we had full permission from the property owner to take occupancy through means of a caretaker's agreement. The prior unpermitted tents on the property in Kipahulu were given thorough administrative notice to vacate the property and remove all of their personal possessions to make room for the rightful family. Henry Hanalei Day who attempted to murder and shoot our farm worker with an AR-15 walks free today, despite having shot our farm worker and making multiple gun violence attempts on myself and my family. I've been made aware of one...

. . . (timer goes off) . . .

CHAIR MOLINA: I believe that's our signal to end testimony. Ms. Hueu, I have to stop your testimony at this point. The three-minute limit.

MS. HUEU: ...ancestral and family land.

CHAIR MOLINA: Please finish.

MS. HUEU: So, I'm letting the Maui County know that because of the lack of victim protection services, the misreporting by Maui Police Department and how we have somebody who attempted to shoot our family, running free in Maui County right now, that this family is now in an extensive place of danger and I highly support you guys going after the \$150 million loan commitment so that we can end the displacement of Hawaiians and that so we don't have to have Hawaiians fleeing from ancestral family property to ancestral family property and having Maui Police Department remove them unrightfully. Please take care of this matter immediately. Detective Bigoss needs to be held accountable for his actions. Mahalo nui loa.

CHAIR MOLINA: Okay. Mahalo, Ms. Hueu, for your testimony. Members, any need to clarify Ms. Hueu's testimony? Seeing none, mahalo for your testimony, Ms. Hueu. Thank you. Staff, any other testifiers? Please proceed.

MS. ESPELETA: Mr. Chair, there is an individual signed in as Maui Faith? I'm not sure if that was connected to your last testifier or not?

CHAIR MOLINA: Yeah, I believe I did see Maui Faith on her screen.

MS. HUEU: That was me. I testified through her account, Napua Hueu. Thank you.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

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MS. ESPELETA: Thank you. Therefore, Mr. Chair, there are no other further testifiers.

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR MOLINA: Okay. Thank you very much. All right, Members, seeing no other testifiers, the Chair will close public testimony on our agenda items today. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Thank you. And, Members, any objections to receiving written testimony into the record?

COUNCILMEMBER VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So, ordered. I see Councilmember Sugimura has joined our proceedings this morning. Good morning, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Sorry, I'm late.

CHAIR MOLINA: No, no apologies necessary.

**GET-19    BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES FOR NATIVE  
HAWAIIANS ON HAWAIIAN HOME LANDS (CC 19-107, CC 19-108, CC 19-337,  
CC 19-338)**

CHAIR MOLINA: Okay Members, we'll get right into the first item which is GET-19, the Bank of America's Commitment to Provide Mortgages for Native Hawaiians on Hawaiian Home Lands. Just a brief overview of this, at the September 17, 2019 GET Committee meeting, the Committee agreed to the employment of special counsel for this matter and it was felt that it was warranted and discussed the possibility of litigation once results of the investigation were received. And then the Council at its October 4, 2019 meeting recommended adoption of Resolution 19-171 authorizing Maui County to employ special counsel and Resolution 19-171 required special counsel to transmit a confidential report to this Committee. This matter was scheduled for discussion at our meeting on June 2, 2020; however, we learned that the author of the report, Ms. Bronster would make herself available for June 16<sup>th</sup>, which is today, for today's meeting, thus the reason for the reschedule from June 2<sup>nd</sup> to today. And the purpose of today's meeting is to allow you, the Members to review the report in executive session and obtain legal advice in response to the report. I'd like to right now request opening comments from Corporation Counsel for this matter. Corporation Counsel, can you hear me? Are they available? Okay. If not...

MR. MURAI: Mr. Chair?

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

CHAIR MOLINA: Go ahead, Mr. Murai.

MR. MURAI: This is Gary Murai. I don't have anything, but I would defer to Ms. Lutey if she has anything.

CHAIR MOLINA: Ms. Lutey?

MS. LUTEY: Good morning, Chair.

CHAIR MOLINA: Good morning. You have any opening comments as it relates to GET-19?

MS. LUTEY: No, I do not. Thank you though.

CHAIR MOLINA: Okay. Thank you. Well with that said, we'll go to Ms. Bronster. First of all, welcome to our meeting this morning and thank you for making yourself available. As was stated earlier, we'd like to discuss this matter further in more detail in executive session, but if you have any opening comments to make here in open session which you are comfortable with, please proceed.

MS. BRONSTER: No. First I just want to thank you, Mr. Chairman and the Council, as a whole for engaging me and my firm to look into this issue. It was a very interesting issue, both legally and factually. And as the testimony you've heard before, it has a very long history which is very painful to see how some of the actions of Bank of America in particular, and other banks have handled loans to Native Hawaiians and other minority groups within the County. And I look forward to sharing our research with you in executive session. Thank you.

CHAIR MOLINA: Thank you very much, Ms. Bronster. Members, any questions in open session for Ms. Bronster at this time? Member King?

COUNCILMEMBER KING: Thank you, Chair. And thank you, Ms. Bronster, for being here and for taking on this issue which is a huge issue and it was actually comforting to know that you were one of the ones who responded to our RFP, 'cause knowing your stature that, you know, it felt like we were going to get a good review of this. But my question is did you, were you able to connect with the folks in Miami that have a similar case against Bank of America and did that help in any way?

MS. BRONSTER: Yes, we were. And, it was very helpful to do so. I think that the cases are similar in some ways, but very different in others and it was important for us to get some background. Our work was limited by time and by the scope of the resolution. And so, there was a lot that was not done which would need to be done if the County decided to proceed. And further work with the people in Miami was clearly one of those things that we would look forward to doing.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Thank you very much, Member King. Members, any other questions in open session for Ms. Bronster?> Okay. Seeing none then, Members, the Chair will entertain a motion to convene an executive session meeting in accordance with Section 92-5(a)(4) of Hawaii Revised Statutes to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities. Chair will entertain a motion for executive session.

COUNCILMEMBER LEE: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: It's moved by Member Lee, seconded by Vice-Chair Rawlins-Fernandez. Any discussion? Okay. Seeing none, Chair will call for the vote for executive session and by the way we do need a minimum of six votes to enter into an executive session. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The Chair will mark it unanimous. We will go into executive session.

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

CHAIR MOLINA: So, Members, prior to going into executive session, we'll take a recess. Please stand by. Your Committee Chair will provide you some instructions as to proceeding into executive session. Also, with instructions for a confidential document that will be distributed to you only in executive session. Okay. So, Members, we will go into recess

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

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and when we reconvene it will be in executive session. So, please stand by, the GET Committee meeting for June 16, 2020...yes, Member Kama?

COUNCILMEMBER KAMA: Do we have the link to get there. I was trying to look for it.

CHAIR MOLINA: I believe Staff should have sent to you a link for executive session this morning. But we'll work with you prior to going into executive session. Okay, Members.

COUNCILMEMBER KAMA: Thank you.

CHAIR MOLINA: All right, the GET Committee meeting for June 16, 2020 is now in recess.  
... *(gavel)* ...

**RECESS: 9:32 a.m.**

**RECONVENE: 11:13 a.m.**

CHAIR MOLINA: ... *(gavel)* ... The GET Committee meeting for Tuesday, June 16, 2020, is now back in session. Thank you very much, Members, for that discussion in executive session as it relates to GET Item Number 19. The Chair has a consideration for you, a resolution that has been attached to a June 10<sup>th</sup> County communication related to the Bank of America matter. The Chair is open for discussion on this and if you have any questions and if it is the will of this body to take action, the Chair is certainly open to that. I see Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I support your recommendation, Chairman. I want to thank our special counsel, Ms. Bronster. I believe that the report she presented to us and her findings for me supports the continuation for additional information, especially I believe we have a couple of viable legal options to consider moving forward. And so, I will be supporting the action that you will be recommending, Chairman. And I do want to thank Ms. Bronster for her very good historic review and timetable to bring us to the present and I appreciate this opportunity, Chairman. And again, Chair, one thing I just want to bring up, Ms. Lee as our Chair, as our Chief Procurement Officer, will follow State procurement requirements to enable us to move forward so I have no doubt that the resolution at this time is sufficient for us to move forward. Thank you.

CHAIR MOLINA: Thank you very much for your comments, Mr. Hokama. Member Kama, followed by Member King.

COUNCILMEMBER KAMA: Thank you, Chair. I'm so excited. I just want to hurry up and get the resolution passed. So, I just wanted to put that out there to everybody. Thank you, Margery. It's been an exciting 25 years. So, I'm so glad that we're here today. So, good job. Thank you.

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

**Council of the County of Maui**

**June 16, 2020**

---

CHAIR MOLINA: Thank you very much, Member Kama, also for your many years of advocacy for the Native Hawaiian culture, as far as it relates to getting affordable housing. We have Member King, followed by Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Yeah I've been looking at this for quite a while when we first brought it up last year and I was thrilled to have Ms. Bronster be the one investigating the issue. And so, I really want to thank you for all of your review...

CHAIR MOLINA: Sorry, Member King. Member Kama, please mute yourself. Thank you. I'm sorry, continue, Member King.

COUNCILMEMBER KING: Anyway, I just really want to thank Ms. Bronster as the previous two Councilmembers have for your diligence and I know there's more, that was a small window we gave you and a small amount of funding for that. So, but you gave us a good overview of the opportunities and the challenges and so I really want to appreciate that, and I do support the resolution as it's written. I don't know if you had a hand in it, Ms. Bronster, but I think it outlined the options in the resolution as well, so thank you for that resolution, Chair. I will be supporting it.

CHAIR MOLINA: Thank you, Member King. Committee Vice-Chair Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, my first question is regarding the intent of the resolution. I support moving forward, but I'm wondering, so the title is Authorizing Employment of Special Counsel to File Legal Claims against Bank of America, et cetera. Is it limited to just filing the legal claims or would special counsel continue to file motions in response to any motions made by the respondent, defendant?

CHAIR MOLINA: Okay. Let me refer your question to Corporation Counsel. Mr. Murai, can you respond to Committee Vice-Chair Rawlins-Fernandez's question?

MR. MURAI: Thank you, Mr. Chair. No, I don't think you're limited. Well, filing legal claims can be broadly construed to mean making claims against, you know, making demands against Bank of America. I don't think it presumes filing a lawsuit in State or Federal court. Ms. Bronster is on the call and disagrees, she can correct me if I'm wrong, but that's how I would interpret that.

MS. BRONSTER: I would agree.

VICE-CHAIR RAWLINS-FERNANDEZ: That wasn't my question. My question is when Bank of America files a claim in response to the initial claim, would special counsel under this resolution be able to respond to that?

MR. MURAI: Oh, I'm certain that they would be. Now, I guess it depends on the scope of the retainer, but I would anticipate that, you know, that it should, whoever is retained

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

**Council of the County of Maui**

**June 16, 2020**

---

wouldn't be retained to just make the claim, they would be retained to continue to represent and advocate for the County. In other words, you know, a claim is filed, there's a response and then you would continue to respond. If I'm understanding your question correctly.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Well, so the title of the resolution is Authorizing Employment of Special Counsel to File Legal Claims, so it doesn't, you know, like it's not broad like representing us, or you know, like it just says to file.

MR. MURAI: I don't believe that the limitation of just filing in the title limits this resolution to simply filing a claim. You know, when you read the resolution as a whole, it clearly contemplates more than that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So you're saying that the body of the resolution, even though it just says to file in the title, the second whereas clause, Council would like to retain special counsel with relevant experience and experience to represent the County in State or Federal court to initiate and pursue legal claims against the mortgage lenders. Where does it expand what file means in the title, like is it, is pursue where it means that it would expand the authority? I want to make sure that we're giving special counsel all the authority special counsel needs to continue moving forward and we're not tying special counsel's hands to just filing.

MR. MURAI: I don't believe we are because as you correctly point out, the resolution contemplates much more than simply filing a claim and as far as whatever kind of authority is given to special counsel, that would also be part of the retainer agreement that would ultimately be entered into.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, I know, well I think you signed off on this resolution you said.

MR. MURAI: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: So, will you point out where in the resolution it says that? Is it just that second whereas clause that I read, or is it in the be it resolved area too, because I didn't really see that in there?

MR. MURAI: Well, it's starting with the first clause, Council authorizes employment of special counsel to represent the County in the initiation and pursuit of legal claims against Bank of America and other mortgage lenders.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, Corporation Counsel is saying that this is clear enough that it doesn't just limit special counsel to file, but also to respond to counter motions made by Bank of America or other institutions, and so I just want legislative history to show that our Council understands that is the intent of adopting this resolution.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

MR. MURAI: I believe that the resolution as drafted is sufficiently broad.

VICE-CHAIR RAWLINS-FERNANDEZ: And then my second question, Chair, is does it need to specify that we would go through procurement with this in the resolution itself?

CHAIR MOLINA: Mr. Murai?

MR. MURAI: You know, I was not...I'm sorry, was that, question was directed to me right?

CHAIR MOLINA: No, yeah, Mr. Murai, proceed.

MR. MURAI: I'm sorry. Member Rawlins-Fernandez, I was not part of the procurement committee that retained Ms. Bronster's firm, and if...not knowing what the scope of that selection was, I would say this, if the selection was broad enough that it also contemplated the possible retention of Ms. Bronster's firm, then I would think that no further procurement is necessary, unless the Council chooses to cast the net wider and open it up to other bidders. But again, I'm speculating because I don't know what the scope of the procurement was for the study that Ms. Bronster has prepared. If it did not contemplate retaining the Bronster firm for any further work beyond this report that was prepared, then additional consideration should be given to going through, you know, soliciting proposals and considering other bidders.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Murai. Ms. Bronster, do you have an answer to that question? Mr. Murai doesn't have that answer.

MS. BRONSTER: It's interesting. The procurement code allows you to and I'm basing this in part on my prior knowledge about the procurement code, but it allows you to hire counsel in a number of different ways. One is through a prequalified list of professionals. One is through an RFP. And one is through sole source or other qualifications or exemptions that would enable you to do it based on expertise. So I don't think that the reso as drafted requires you to pursue any particular one of those. It's really a question of meeting the requirements of the procurement code by fitting into one of the buckets or one of the methods. The method that was used to select me, I understand was a prequalified list and, you know, so that there was an effort to try and figure out whether we were interested and we did submit our application to be on the list, et cetera. And the engagement was fairly broad and asked whether we would be interested in doing a second phase, but we did not get there. So, whether or not that qualifies as including going so far as to enable the Council to select us, I haven't looked at that in terms of the law, but it was a broad inquiry as to whether we would be interested and said that we would be. But of course, we haven't met, haven't discussed any of the potential parameters of that engagement, and as Gary Murai said earlier, I believe it would require a new contract so that it could be compliant and clear to the Council as to what you're getting.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Bronster. I support the resolution and I'll be voting to adopt it, recommend adopting it. Mahalo, Chair.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Bronster, for all your work. I really appreciate it. You know, for me, I feel a little bit guilty because, you know, when we first...I haven't been on this case for 25 years and when I first heard about it, it sounded so like fantastic, you know, \$150 million, like what? No way. That can't be true, you know? And, for me even I have, I live with beneficiaries. I have two beneficiaries in my household right now that are on the list. My friend's parents they died on the list and to hear the things that we did in executive session it's just, and at this timeframe and what is going on in the world right now, I feel guilty where I was 25 years ago and not listening and not saying everything what I could to further actions, you know. I mean, I fully support it and I will tell everybody to, you know, rally on this cause. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Paltin. All right Members, if there are no other questions, the Chair will then entertain a motion to adopt the proposed Resolution entitled Authorizing the Employment of Special Counsel to File Legal Claims Against Bank of America and Other Mortgage Lenders for Failure to Fulfill Loan Commitments, Fraudulent Foreclosures, and Similar Unlawful Conduct.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Okay. It's been moved by Member Kama seconded by Member Hokama. Discussion Members? Okay. Seeing none, Chair will reserve the privilege for last comments. Thank you again, Ms. Bronster, for your input on this matter. We're very much appreciative of your attendance and in my opinion you are certainly a legal icon here in the State of Hawaii. I just wanted to tell you that.

MS. BRONSTER: Thank you so much for letting me participate in this fascinating issue.

CHAIR MOLINA: All right. Thank you very much. Okay, Members, Chair will call for the vote, all those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. Chair, will mark it unanimous, nine "ayes," zero opposition. The resolution passes.



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

**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:   ADOPTION OF REVISED RESOLUTION.**

CHAIR MOLINA: Thank you very much, Members, for your work and Ms. Bronster.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Members.

CHAIR MOLINA: All right, Members, we have another legal matter. Do you need a quick break before we delve into the next matter? You wanna just plow through it? Okay. Well, this is one of the most toughest and enduring Council's I've ever been a part of in years. Really love to work hard and that's a good thing.

**GET-11(39)   LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: AVID AMIRI,  
INDIVIDUALLY AND AS TRUSTEE OF THE DEUTSCHE INTERNATIONAL  
TRUST II V. COUNTY OF MAUI, CIVIL 19-CV-00373) (CC 19-29)**

CHAIR MOLINA: All right. Our next matter is GET Item 11(39) which relates to the Settlement Authorization: Avid Amiri, Individually and as Trustee of the Deutsche International Trust II versus County of Maui. We have Mr. Bilberry from Corporation Counsel to give us a brief overview in open session. Mr. Bilberry?

MR. BILBERRY: Yes. Can you hear me?

CHAIR MOLINA: Yes. You're coming in loud and clear.

MR. BILBERRY: All right. Great. So, I just sent some additional material this morning, which I'm hoping you'll be able to access. This is a case that I inherited from a former associate here and it's a property damage claim along with some claims that Mr. Amiri is making with respect to the value of his property. It's located on Pu'u Way in Haiku and it's a pretty opulent to State from judging by the photos I've seen. And I've just this morning

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

**Council of the County of Maui**

**June 16, 2020**

---

sent some photographs, well not of the residential property itself, but of the road that was washed out by Hurricane Lane in 2018. Forgive me just a minute, I need to close my door. So essentially, Mr. Amiri's claim is as a result of this road that washed out which is along Pu'u Way in Haiku as a result of what appeared to be some pretty devastating flooding from Hurricane Lane. And as some of you will recall the damage caused by Hurricane Lane across the entire State. But anyway, this road washed out that leads to this area in Haiku where Mr. Amiri's house is located along with several other residential properties and cut off access to this area. Mr. Amiri's place, again it's quite opulent. Apparently had historically been used for vacation rental. And I understand that it was unpermitted vacation rental. So, subsequent to Hurricane Lane there were some efforts to reestablish access to the residences in this area because the road washing out had cut off three or four of the residences from civilization. The County spent a little bit of time trying to negotiate a right of way with several of the property owners there whose residences were not cut off and was apparently able to achieve an agreement and establish temporary access for those owners whose residences were cut off. Mr. Amiri rejected the proposal for temporary access, an act which I'm not quite clear about. But in any event, he then subsequently filed a lawsuit claiming damages because of his inability to access his property. And so he's got two damages claims. One is he claims that the temporary lack of access to his property because of Pu'u Way washing out along the cul-de-sac that provided access to this area somehow devalued his three point, you know, something million dollar estate property. And his allegation is that he had the property appraised at three point something million. And I believe a copy of that appraisal has been produced, but then subsequent to the incident with Hurricane Lane washing out the road and temporary inaccessibility to the property, somehow the property has become stigmatized and the value has gone down, even though permanent access has since been restored. And then the second claim is that while he was allegedly unable to access his property, someone went in and burglarized it and walked out with somewhere near \$900,000 in personal property items. I will give you my take on this claim in executive session. Suffice to say for now, the matter is set for trial in September. I think Mr. Amiri is going to have some problems with his claims beginning with the fact that...well let me back up, the crux of the claim is that either failed maintenance and/or a defective design of the culvert running underneath the road that washed out was somehow foreseeable and therefore the County is liable for the damages that he alleges based on his inability to access his property for the three, four month period it took to get a temporary access in place. So, that's pretty much the crux of the claim. There's some disputes as to whether Mr. Amiri's property was actually inaccessible. There's some questions as to whether there were in fact people accessing his property during this period before the temporary access was established by the County via right of way negotiations with neighbors. And I think Mr. Amiri's damages claims are largely speculative and/or not supported by what would be evidence admissible at trial.

CHAIR MOLINA: Mr. Bilberry, I'm going to stop you there and I apologize, we're under some time constraints today.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

MR. BILBERRY: I actually just finished, so.

CHAIR MOLINA: Okay. Perfect timing then. Members, any pressing need to ask Mr. Bilberry questions in open session, because I think majority of the questions will probably be more appropriate for executive session? I did see Member Paltin's hand up. Do you have a question for Mr. Bilberry in open session? Please proceed.

COUNCILMEMBER PALTIN: I just was wondering, Hurricane, I think you said Lane?

MR. BILBERRY: Yes.

COUNCILMEMBER PALTIN: Wasn't that declared an emergency disaster?

MR. BILBERRY: It was.

COUNCILMEMBER PALTIN: Okay. That was my main question. Thank you.

CHAIR MOLINA: Okay. Member King?

COUNCILMEMBER KING: Okay. Quick question to follow on that. Isn't this, Mr. Bilberry, isn't this the property where we had something before with . . . *(inaudible)* . . . come forward offering to put money into repairing the big gap that was in the road because, you know, they recognized it as...but is that the same body, the entity that came forward?

MR. BILBERRY: I'm sorry. I was having trouble hearing you, Councilwoman, can you repeat your question?

COUNCILMEMBER KING: After this happened, we had an offer by a resident who was stuck on the other side of that big gap and his attorney came to the Council and offered that his client would pay for filling in that part, whatever part of that gap they needed to get access. Is that the same party that's bringing this lawsuit or is it a different party?

MR. BILBERRY: Yeah, I'm not aware of Mr. Amiri through an attorney making an offer like that. I do have a letter from Mr. Amiri's attorney, which again as I've mentioned, rejected the County's efforts to negotiate a temporary access by right-of-way with certain of the neighbors.

COUNCILMEMBER KING: Okay. Yeah, but do you recall that one resident, because I see Ms. Sugimura is nodding her head? So, do you recall when that offer was made to the County by a resident?

MR. BILBERRY: Yeah. I'm not aware of this. I don't know if that was something either presented to you by my predecessor, but that's not been brought to my attention by staff who have been working on this case with me and I'll certainly take a look.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

COUNCILMEMBER KING: Okay. I just wanted to make sure it wasn't the same entity because that wasn't presented by Corp. Counsel. That was someone who just came to the Council to testify and made that offer.

MR. BILBERRY: Well, I'll definitely have to look into that, because given from what I've seen of Mr. Amiri's position in this case and given the letter that his lawyer presented to the County regarding his refusal to cooperate in establishing temporary access and I think it's unlikely that Mr. Amiri at any time, through an attorney would have made an offer to pay for establishing temporary or permanent access along that roadway, but I'll certainly double check.

COUNCILMEMBER KING: Well, I just thought that was, you know, it was relevant in that there was a private citizen who lived out there who recognized that the County may not get to it for a while.

CHAIR MOLINA: Okay, Member King and Mr. Bilberry, I'm gonna have to put a stop to the line of questions in open session. Again, we're under a little bit of time constraints and I'd like to take this matter to executive session if you don't mind, please. So, we'll go ahead and do that and again, you can ask all the questions you want in executive session. We'll take it from there. Okay. All right. So with that said, Chair's going to entertain a motion to convene an executive session meeting pursuant to Section 92-5(a)(4) of Hawaii Revised Statutes to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities. Is there a motion?

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Okay. Moved by Chairman Lee, seconded by Member Kama. Any discussion on the motion to go into executive session? Members, six votes are needed. All right. Chair will call for the vote. All those in favor of executive session, raise your hand and state "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All opposed? Okay, thank you. Chair will mark it unanimous – nine "ayes" and zero opposition to go into executive session.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

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

CHAIR MOLINA: All right. Thank you very much, Members. So we'll take a brief recess. You know the drill. Do the BlueJeans executive session link. It will take you into our virtual chambers if you will and we will reconvene in there. Okay, Members, so the GET Committee meeting for June 16, 2020 is now in recess. . . . *(gavel)* . . .

**RECESS:**                **11:40 a.m.**

**RECONVENE:**        **12:08 p.m.**

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, June 16, 2020, is now back in open session. Members, thank you for that discussion in executive session related to the GET Item 11(39). Based on the recommendations in executive session, the Chair will entertain a motion to recommend the adoption of the proposed resolution.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER HOKAMA: So moved.

CHAIR MOLINA: Okay. I'm sorry. I asked for a motion is...motion made by Member Hokama. Is there a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay, seconded by Member Sugimura. Members, any discussion on the proposed resolution? And again, the resolution is to authorize settlement of the Avid Amiri, Individually and as Trustee of the Deutsche International Trust II versus County

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

of Maui. Okay. Seeing no further discussion, the Chair will call for the vote. All those in favor, signify by saying "aye." Raise your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Those opposed? Okay, thank you. The Chair will mark it unanimous - nine "ayes" and zero opposition. The resolution advances to the full Council.

**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:     ADOPTION OF RESOLUTION.**

CHAIR MOLINA: Thank you very much, Members. Okay. The Chair is gonna try and move us through really quickly on these next few items. I believe we do have Ms. Baisa from the Mayor's office joining us in open session. We have GET Item 2(37), as well as GET Item 2(38) and GET Item 2(39) and 2(36), four items related to Boards and Commissions.

**GET-2(37)    NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (ANIMAL  
CONTROL BOARD) (CC 19-24)**

**GET-2(38)    NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (LIQUOR  
CONTROL ADJUDICATION BOARD) (CC 19-24)**

CHAIR MOLINA: Members, if you have no objections with how the Chair wants to proceed with the first two items, 2(37) and 2(38), the Chair's intention was to defer and not take action and have action taken at the Council meeting this Friday. Item 2(37) relates to the Appointment of Noel Chivo Johnson to the Animal Control Board and Melissa Padilla to the Liquor Control Adjudication Board for the County of Maui. Any questions for Ms. Baisa at this time on these two nominees, Members? Okay. Thank you. All right. With that said, no objections we will defer those two items, GET 2(37) and GET 2(38) for action at this Friday's Council meeting. Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**ACTION: DEFER.**

**GET-2(39) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (REAL  
PROPERTY TAX REVIEW BOARD) (CC 19-24)**

CHAIR MOLINA: And moving onto to GET Item 2(39). This is relating to the Appointment of Carolyn Franklin to the Real Property Tax Review Board for the County of Maui. Ms. Franklin did contact us earlier. She is I guess on standby to answer any questions you may have. But very briefly, I would ask Ms. Baisa to just give us a brief overview on Ms. Franklin. Ms. Baisa?

MS. BAISA: Thank you very much, Chair, and good afternoon. It's been an interesting morning. These folks have been really excited and have been hanging on making sure that they were available. We're very excited to get Ms. Franklin's application. She is of course asking to be on the RPT Board. And she comes with experience and so we're very delighted. We're also happy that she's a female, because we're trying to balance the gender on that board. And she had served as a clerk for the Real Property Tax and is very, very familiar. And that board is just anxious to have someone else. I was discussing this with the Chair and they're very excited and would really like to have her. Mayor is very strong in supporting her. And we hope that you will approve.

CHAIR MOLINA: Thank you very much, Ms. Baisa. And should she be approved she will certainly be very busy on that Real Property Tax Review Board as it relates with the revenue situation with the County of Maui and I anticipate potentially a lot of appeals. But, Members, is there a need to hear from Ms. Franklin, otherwise the Chair will offer a recommendation for Ms. Franklin's nomination?

COUNCILMEMBER SUGIMURA: Recommendation.

CHAIR MOLINA: Okay. Chair's recommendation is to place the name of Carolyn Franklin on resolution...

COUNCILMEMBER KING: Chair, your Vice-Chair had her hand up.

CHAIR MOLINA: Oh, I'm sorry. I'm sorry. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Minor. Mahalo, Member King, for pointing that out. I just wanted to make sure, or ask Ms. Baisa, mahalo for being here. I just wanted to double check to make sure that those that, you know, we're selecting will have everything that they need to be prepared for online meeting, you know, if they see any issues with like connectivity, you know, Internet and all that stuff.

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 16, 2020

---

MS. BAISA: Chair, Ms. Franklin is very ma`a with this whole thing and it's been a pleasure to work with her electronically, 'cause I'm working from home too. And she's right there. She knows exactly what she's doing and I think she'll fit in beautifully. She has retired and so has lots of time to give to this.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for your response and mahalo for making sure our boards and commissions all have what they need to continue meeting. I'm supportive, Chair. Mahalo.

CHAIR MOLINA: Okay. All right. Mahalo, Member Rawlins-Fernandez. Members, any other questions before the Chair makes a recommendation? Okay. Seeing none, the Chair will ask for a motion to approve to place the name of Carolyn Franklin on Resolution A to approve the nomination of Ms. Franklin to the Real Property Tax Review Board.

COUNCILMEMBER KAMA: So moved.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Moved by Member Kama, seconded by Committee Vice-Chair Member Rawlins-Fernandez. Any discussion? Seeing none, all those in favor, signify and raise your hand by saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank you. Chair will mark it unanimous – nine "ayes" and zero opposition. Ms. Franklin's nomination will advance to the full Council.

**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:   ADOPTION OF RESOLUTION approving nomination to the  
                              Real Property Tax Review Board (Carolyn Franklin).**



**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

---

CHAIR MOLINA: Thank you very much, Members.

**GET-2(36) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (URBAN  
DESIGN REVIEW BOARD) (CC 19-24)**

CHAIR MOLINA: And we're on our last item today, which is the nomination to the Urban Design Review Board, GET Item 2(36), the appointment of Joshua Circle-Woodburn. Ms. Baisa, very briefly a quick overview of Mr. Woodburn, Circle-Woodburn, I should say.

MS. BAISA: Thank you very much, Chair. I'll make this very brief. I look at this as housekeeping. Mr. Joshua Circle-Woodburn was appointed to the UDRB as an alternate by you folks not that long ago. And then there has been a vacancy that occurred. And so, the Mayor and I discussed it with him and he is more than willing to become a regular member. And so, he is already voting and working on that Commission because he fills in as the member is gone. So, we just need to have this on record and we need to have you approve to move him.

CHAIR MOLINA: Okay. Thank you very much, Ms. Baisa. Members, any questions for Ms. Baisa? Otherwise, the Chair will make a recommendation. Okay. Chair's recommendation is to place the name of Joshua Circle-Woodburn on Resolution A to approve the nomination of Mr. Woodburn to the Urban Design Review Board for the County of Maui. Is there a second...a motion?

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay, motion made by Member Kama, seconded by Member Sugimura. Any discussion? If not, all those in favor, signify by saying "aye" and raise your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair will mark that unanimous as well - nine "ayes" and zero opposition. The name of Joshua Circle-Woodburn will advance to the full Council for final approval.

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

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**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:**    **ADOPTION OF RESOLUTION approving nomination to the  
Urban Design Review Board (Joshua Circle-Woodburn).**

CHAIR MOLINA: All right, Members, I believe this concludes business today. This is a new record. I think we dealt with four nominees in five minutes, I think. So, thank you very much for your expediency with this matter. So, with that being said, Chair would like to thank all of you for your hard work. Member Sugimura?

COUNCILMEMBER SUGIMURA: I just want to thank Gladys Baisa. Is this your last meeting with us? You're retiring she told me.

MS. BAISA: Ms. Sugimura, this is my last GET Committee meeting with you. I will be sitting in on your 23<sup>rd</sup> meeting because you're still taking up those two nominees earlier. But that's it and someone new is coming. I don't know who that is yet, but I want to thank all of you, to all the courtesy that you've given. It's been a pleasure working with you. And I'm sure...

COUNCILMEMBER KAMA: Ditto. Ditto.

CHAIR MOLINA: Okay. Member Kama, you have something to say, if not, anybody raise your hands, you have something to say about Member Baisa. Ms. Baisa. Member Emeritus. Yes, Member King?

COUNCILMEMBER KING: I just wanted to thank Ms. Baisa for all your diligence and your hard work on trying to balance out the recommendations for the various commissions and boards and I know sometimes the final names you bring before us aren't your own because you don't have the final word, but I also know that you've done a lot of work to try to get that demographics and the gender balance and the geographic in everything. So, it's been really lovely working with you. I know we haven't seen the last of you because you can't stand it. You'll be involved somewhere else, I know. But thank you

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

**Council of the County of Maui**

**June 16, 2020**

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for all your years of dedication to the County through MEO and through the Maui County.

MS. BAISA: Thank you.

CHAIR MOLINA: Thank you, Member King. I think I saw Mr. Sinenci's hand up, followed by Chairman Lee.

COUNCILMEMBER SINENCI: Mahalo, Aunty Gladys, for all your service all these years and we look forward to working with you later. Mahalo.

MS. BAISA: Thank you.

CHAIR MOLINA: Thank you, Mr. Sinenci. Chairman Lee?

COUNCILMEMBER LEE: Thank you, Mr. Chair. I just wanted to say, like everyone else, Gladys, you did an outstanding job as you do with everything that you, you know, take on. You had big shoes to fill.

MS. BAISA: Yes.

COUNCILMEMBER LEE: You had the Chairman's shoes to fill and you did, you know, outstanding work, as usual. So we look forward to you in your next role and, you know, however we can be supportive of you, just call on us. Thank you.

MS. BAISA: Thank you. Thank you.

CHAIR MOLINA: Thank you, Chair Lee. Any other tributes for Ms. Baisa? Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I want to echo Member King and Chair Lee's sentiments. You truly put your heart into it and I really appreciate you ensuring balance, ensuring that those that came before us were prepared and you working with our office to make sure that, you know, our community's voices were being appropriately represented on all the boards and commissions. So, I heard you retired in the past, so I don't know how much I believe this and like Member King said, I'm sure we'll see you again soon somewhere and as Chair Lee said, you know, don't hesitate to call upon us whatever it is.

MS. BAISA: Thank you.

CHAIR MOLINA: Thank you very much, Committee Vice-Chair Rawlins-Fernandez, and, Ms. Baisa, certainly please don't mind us if some of us ever call you for some sage advice too, as well. You're certainly a tremendous and valuable resource to this community

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

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and I certainly echo the sentiments of my colleagues and you have certainly epitomized what community and public service is all about. So, thank you again.

MS. BAISA: My honor. Thank you.

CHAIR MOLINA: And best of luck to you and Sherman as you sail off into that wonderful sailboat of retirement and travel and everything else. I'm envious. Thank you. All right, Members, any other last thoughts or questions? Yes, Member Kama?

COUNCILMEMBER KAMA: I just wanted to echo what everyone else is saying. Gladys, I just miss you. I love you already and thank you. Not just for your Council presence or your presence with the Mayor, but even before that, you know. I remember MEO, you're always going to be Mrs. MEO to me. So, thank you for all your years of service. I love you and God bless you.

MS. BAISA: Thank you, Tasha.

CHAIR MOLINA: Thank you, Member Kama. Well stated. Okay. If there are no other comments, we're going to go ahead and call it a day here. Thank you very much, Members, for your hard work today. The GET Committee meeting for June 16, 2020, is now adjourned. . . . *(gavel)* . . .

**ADJOURN: 12:20 p.m.**

APPROVED BY:

**Michael J. Molina**

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

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Transcribed by: Terianne L. Arreola

**GOVERNANCE, ETHICS, AND TRANSPARENCY  
COMMITTEE**

**Council of the County of Maui**

**June 16, 2020**

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I, Terianne Arreola, 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 8<sup>th</sup> day of June, 2020, in Makawao, Hawaii

  
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Terianne Arreola