

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

June 23, 2020

CONVENE: 9:03 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair
Councilmember Riki Hokama (left at 3:28 p.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura (left at 3:59 p.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
Davideane Sickels, Executive Assistant to Councilmember Kama
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
Jordan Hart, Deputy Director, Department of Planning
Sananda Baz, Managing Director, Department of Management
Traci Fujita, Director, Office of Council Services
Kathy Kaohu, County Clerk, Office of the County Clerk
Lori Tsuhako, Director, Department of Housing and Human
Concerns
Stephanie Chen, Deputy Corporation Counsel, Department of the
Corporation Counsel

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

OTHERS: Teena Rasmussen, Maui County Farm Bureau
Gabe Johnson
Bobbie Patnode, Agriculture Working Group
Simon Russell
Faith Chase
Albert Perez
Gretchen Losano
Lisa Darcy
Phyllis Robinson
Jennifer Karaca
Kyle Clarkin
Jennifer Chrupalyk
Leonard Nakoa
Evan Ryan
Adam Hicks
Jill Paresa Rogoff
Bill Greenleaf
Hanalei Colleado
Barbara Savitt
Donna Sterling
Margit Tolman
Deborah Rybak
Plus (2) other people

PRESS: *Akaku Maui Community Television, Inc.*
Kehau Cerizo, Maui News

CHAIR MOLINA: . . .*(gavel)*. . . The GET Committee meeting for June 23, 2020 is now in session. This is a special meeting held during the off week. Chair would like to thank all of the Members for making adjustments to your schedule to be here today. We have a marathon. We have 12 agenda items to address today. So, the Chair very much appreciates all of your attendance. And for the record, I'm Mike Molina, Committee Chair. And let's see who's joined us today. I believe we've got everybody. Starting off with Mr. Sinenci from Hana, good morning.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair. We're in the building for today. So, nice to see everybody.

CHAIR MOLINA: Okay. Mahalo, Mr. Sinenci. And let's go to Ms. Sugimura from Kula. Good morning.

COUNCILMEMBER SUGIMURA: Good morning, everybody, nice seeing all of you.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Mahalo, Member Sugimura. And let's go to South Maui and see Ms. King, good morning.

COUNCILMEMBER KING: Good morning, Chair. Good morning, colleagues. A beautiful day in Kihei.

CHAIR MOLINA: Thank you, Member King. And let's go out to Molokai. Good morning, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka kakou mai Molokai ahina.

CHAIR MOLINA: Aloha and mahalo, Member Rawlins-Fernandez. And let's go out to west Maui, Ms. Paltin, good morning.

COUNCILMEMBER PALTIN: Aloha kakahiaka mai Napili.

CHAIR MOLINA: Good morning. And let's go to Kahului and let's see what's happening in the neighborhood. Good morning, Ms. Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and it is still a beautiful day in the neighborhood of Kahului. And even if it was raining cats and dogs, it's still a beautiful day. Thank you, Chair.

CHAIR MOLINA: I appreciate your enthusiasm, Member Kama. And let's go to our senior Member and our handsome Member of the Council, Mr. Hokama.

COUNCILMEMBER HOKAMA: Good morning, Chairman.

CHAIR MOLINA: Good morning, Mr. Hokama. And last but not least, our Council Chair, Ms. Lee, good morning.

COUNCILMEMBER LEE: Mr. Chair, in case you fly out to China, like, you know, if you want to buy crack seed, in the morning you would say to the people, zao shang hao, zao shang hao, good morning.

CHAIR MOLINA: All right, good morning, back at you, Chairman Lee. And I'm still waiting for that greeting from Antarctica. I hope to have, to hear from you someday on that.

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

CHAIR MOLINA: All right, with that...okay, joining us as well this morning from Corporation Counsel we have Mr. Gary Murai.

MR. MURAI: Good morning, Mr. Chair.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Good morning, Mr. Murai. And later on we'll be hearing from the Department of Management from our Managing Director, Mr. Sandy Baz; from the Department of Housing and Human Concerns, Director Lori Tsuhako; from the Planning Department, Deputy Director Jordan Hart; and Office of Council Services, Director Traci Fujita; and then, the Clerk's Office, Kathy Kaohu, County Clerk, and Deputy County Clerk, James Krueger shall be, will likely be in attendance as well. And of course, I'd like to recognize our hard-working Committee Staff, Ms. Martins, Committee Secretary; Jean Pokipala, supporting Staff member; and of course, Shelly Espeleta, Legislative Analyst joined by Kasie Apo Takayama, fellow Legislative Analyst; and Mr. James Forrest, Legislative Attorney. And we may also hear later from Mr. David Raatz as well. So, as I mentioned, 12 agenda items. So, Members, the Chair intends to go up into the late afternoon today if need be, 4:00, maybe 4:30, so just for your information. If for some reason you are unable to go up to that time, please inform the Chair of that so we can make appropriate adjustments. So, but before we address our 12 agenda items today, we're going to start with public testimony. Oral testimony can be done via phone or video conference. And testifiers wanting to provide testimony can join online today via the BlueJeans meeting link which is 551 273 481. And those of you who want to provide audio testimony you can participate via phone conference by dialing 1-408-915-6290. The Committee intends to keep the same meeting link and phone number for future GET meetings for the ease and convenience for Members of the, for you, the Members, and the public. Written testimony is highly encouraged by sending your comments to get.committee@mauicounty.us. Today, oral testimony will be limited to three-minutes per item. If you are still testifying beyond that time, you will be kindly asked to complete your testimony. At around the two-and-a-half-minute mark you will hear a, someone warn you that you've got 30-seconds to finish. And if you hit that three-minute mark, you will be informed of that as well. And please try to adhere by the rules so as, you know, we can maintain decorum and we make the rules fair for everybody. And so, when testifying, please state your first and last name and if you are testifying on behalf of an organization or if you are a paid lobbyist please inform the Committee of that. And please don't use chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers, okay, while the meeting is going on. And while others are testifying, please be courteous by turning off your video and muting your microphone while awaiting for your turn to testify. And those of you wishing to view the meeting only and without providing testimony, you can view the meeting on *Akaku* channel 53, and also you can also visit mauicounty.us/agendas to access live and archived meeting videos. So, anyway, if we do run into some technical issues during the meeting, please be patient with us. So, with that said, I'd like to ask Ms. Espeleta to announce our first testifier.

MS. ESPELETA: Thank you, Mr. Chair. Your first testifier is Ms. Teena Rasmussen, for item 10(15), followed by Mr. Gabe Johnson for the same item.

CHAIR MOLINA: Okay. Good morning, Ms. Rasmussen.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

. . . BEGIN PUBLIC TESTIMONY . . .

MS. RASMUSSEN: Good morning, Chair Molina. Yes, I'm Teena Rasmussen, I'm here this morning representing the Maui County Farm Bureau, which represents 200 farm family members on Maui. I want to first start by thanking the Council and the County of Maui for the support we've, you've been giving us with the CARES Act and COVID for purchasing farm produce to help our farmers and give it to needy families out there who have lost their jobs. Through this funding, we have been able to supply over 650,000 pounds of produce in addition to supplying retail customers. This has saved our farms during this period of time and we look forward to them coming out of it at the end of this pandemic. Today, I'm testifying to urge you to please collaborate with us but defer this well-intentioned but unvetted proposal for the establishment of a County Department of Agriculture. We certainly agree with the need to support island farmers. But we request that the proposal be deferred until the public, and stakeholders, and advocacy groups for agriculture have the opportunity to review. We believe it has been rushed. We are, the Maui County Farm Bureau is the oldest agriculture advocacy group on Maui, and we represent the majority of production farming in Maui County. We were disappointed that we were not included in meetings, we were not asked for input, and there was no collaboration with our nonprofit organization. We believe that collaboration and transparency leads to better decision making. Another concern is that we feel that this adds a layer of cost and bureaucracy to farming. Farming is one of the most heavily regulated industries. We operate under the weight of complying with thousands of regulations in every area. We believe that a new Department will yet create another layer of bureaucracy to hinder the growth of agriculture in Maui County. In our longer written testimony, we've outlined four areas that we believe are regulatory in nature in the description of this Department. It also is a concern to us that the cost estimate hasn't been given for this new Department. Without this information, neither the Council nor the public can realistically assess the proposal. And is this really a time to be expanding government? We also believe this proposal is duplicative of many Federal and State agencies that have greater resources. Nearly all of the duties described in this Department are duplicative of other agencies, Federal and State. Paying for something at the County level that is already provided by government agencies is really squandering our precious County resources. You really must ask . . . *(inaudible)* . . . will not be funded.

MS. ESPELETA: Three-minutes.

CHAIR MOLINA: Okay. Thank you very much. Ms. Rasmussen, as you've heard our alarm, thank you for your testimony. I'm going to open the floor up for any questions or clarification of your testimony. Members, any need to clarify Ms. Rasmussen's testimony? Seeing...oops, okay, we have a hand up from Member Rawlins-Fernandez, followed by Member Sugimura. Member Rawlins-Fernandez, you have the floor.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Rasmussen. Mahalo for your testimony this morning. So, you started your testimony by saying that you see the need for this Department, or you support it? If it's something that was needed by the community as the longest serving organization and someone who's been in the industry, is there a reason that the Farmers Bureau never initiated some, this effort?

MS. RASMUSSEN: We see a need to have a strengthening of agriculture support. But we do not see the need to develop an entirely new department. We have a lot of ideas that I didn't get to in my testimony that are in our written testimony. And we just want to be, we want to come to the table. We feel this is rushed. We feel that it hasn't been thoroughly vetted. We feel that the description is duplicative of a lot of other departments. We feel there's better ways to expend the money and be streamlined and not expand government.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, the County already does a lot of the ag work such as having an Ag Specialist in the Mayor's Office, having someone in the Planning Department that determines ag use, and other initiatives, the Water Department. And so, by putting all of these positions and efforts together, it's something that we as a County already spend money on. So, I don't, I guess I don't understand how you're saying that it's duplicative when it's something that we currently do.

MS. RASMUSSEN: If you look at the description in the resolution, there are many, many, many duplicative services with other government agencies. And, you know, I don't know if you want to expend the time today, but this is exactly why we wanted to be at the table to help design a way forward. But we feel that there's a much more cost-effective way to move forward. And we don't need to spend money on duplicating other agencies' services because we have precious resources in our County. And, you know, it would be wasteful. And so, I think that we really need to be at the table, take more time, deliberate on this, and not rush it through today. I think there's a lot of desire on our part to be at the table and to find a way forward. But we do not believe rushing this measure through today as it's described is the way to do it.

VICE-CHAIR RAWLINS-FERNANDEZ: You've answered my question. So, my last question is, you said in your testimony that you don't know how much a Department like this would cost. But simultaneously say that it's cost prohibitive. So, how can something be cost prohibitive if you don't even know how...

MS. RASMUSSEN: Well, I will, we think expanding an entire Department of government is going to be very costly. I think anybody could tell you that. And I challenge you to put a price tag to it, really, because we need to know, the public needs to know what it's going to cost. They need to know the cost benefit of this.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Rasmussen.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MS. RASMUSSEN: And we believe that there are other easier ways and more expeditious, more efficient ways to help agriculture.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. RASMUSSEN: Thank you.

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

COUNCILMEMBER SUGIMURA: Thank you, Mr. Molina. So, Ms. Rasmussen, you opened by, when talking about the Charter amendment, about the regulatory. Can you say some of the regulatory items that you, you did not mention, or did you?

MS. RASMUSSEN: Yes, yeah, I didn't have time to read through all of them. But as you go through the description in the resolution there's four areas that popped up to us that appear to be regulatory in nature. One is 5(B) which is prioritize the use of Agriculture-zoned land to feed the local population and for a sustainable and diversified agricultural activities. It appears to me that this is saying that somehow, we are going to prioritize specific agriculture lands for food production and that somehow there's going to be a priority system and, you know, that's kind of a red flag to me. I don't think it's spelled out well enough. And I think that anything like that that's going to prioritize what you can do on agriculture land is a red flag. The other one is assist the agriculture sector, it's 5(H), assist the agriculture sector in complying with County, State, and Federal regulations and permitting requirements. You know, that to me is duplicative of every other agency that is there to help you comply with the regulations. Then, there's 5(N), which is collaborate with State Department of Agriculture, and Board of Agriculture regarding restricted materials, permits, and use. This is absolutely a function of the State Department of Agriculture. And now, we are going to create a County Department that steps into that role. And then, the last one is 5(O), which is perform agriculture property inspections to streamline County processes. And of course, this is a point of contention across the County. We haven't figured out how to do this, and a lot of the production farms are wondering why they have to submit themselves to property inspections routinely and they believe that it is, it just infringes on their time and that they shouldn't have to prove that they're farms every single year that they are in business. So, these are areas that concern us with the regulatory aspect of this.

CHAIR MOLINA: Member Sugimura, could you unmute yourself?

COUNCILMEMBER SUGIMURA: Sorry, I might end up going to the County building. I have my other computer. So, maybe during lunch, but I'm sorry about that. I'm done. Thank you very much.

CHAIR MOLINA: Thank you very much, Member Sugimura. Any other need to clarify Ms. Rasmussen's testimony? We have Member Paltin.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER PALTIN: Thank you, Chair. It seems when I was doing my homework, I didn't refresh everything. And so, I'm just seeing the flood of e-mail testimonies now. I was trying to quickly scan through, but I didn't find your written testimony, Ms. Rasmussen. I'm sure it's there. But would you mind sending it to me one more time?

MS. RASMUSSEN: Oh, yes absolutely. We'll do that, I'll do that right when I hang up, yes.

COUNCILMEMBER PALTIN: Thank you. And then, my question was, so, you don't think that ag and the diversifying of the economy is in a, kind of a dire situation right now with the whole economic spectrum and what's going on with the farmers? It's manageable is what you're saying? We don't need to take any immediate sort of action?

MS. RASMUSSEN: At the end of my testimony, which I didn't get to, unfortunately, I wanted to let you know that we do not believe that the resolution as written for the description of the Department gets to the core issues that are affecting agriculture. We believe that agriculture issues stem around the cost of agriculture water, the availability and affordability of long-term leases, and excessive regulatory burden, and also the exorbitant shipping costs for both inputs and exports. We do not see anything really in the description of this department that is going to get to those core issues. And we want to come to the table with the County and find out ways to do this. But as it is written, this is not going to solve those core problems that farmers are living under today. We have ideas. We are, we want an advocate in the County for agriculture, we absolutely want that, whether it was a agriculture advocate, an ombudsman, a commissioner, an agriculture commissioner, whatever it's called, we need an advocate but we don't need a regulator. And we don't believe that it requires an entire department. But we are of course wanting to see the County support, and we have appreciated the extraordinary support the Council has come to the table with this year for farmers. It truly is unprecedented, and we really have appreciated it. We just think this needs more time, more deliberation. We think we can come up with great ideas. You all...

CHAIR MOLINA: Ms. Rasmussen, I think you've answered Member Paltin's question. Member Paltin, you have another question for Ms. Rasmussen?

COUNCILMEMBER PALTIN: Yeah, I have another question if we can just, you know, just answer the question would be great. My other question is, how long do you think it would take to get from where we are to where you think we need to be? That would just be a, kind of a short answer.

MS. RASMUSSEN: On these core issues, the County has some very specific things that they can do. And I don't know if you want me to go into them. But they do...

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER PALTIN: No, I just want to know like about how long you think it would take to, yeah, to get to the point--hey, sorry, my kids--how long it would take to address those issues from us. Like how long, like if we meet every day next week, can we figure out, hammer out a solution? 'Cause from my understanding, first reading isn't for a while, it's like two weeks away or so. Or we could even work on it today, you know. I mean, what you're saying is that you guys weren't consulted to the degree that you wanted to be, and that we do need help, which is, you know, it's kind of a global pandemic diversify the economy situation. So, I mean, rather, are you saying defer this until two years from now, or are you saying let's work on it and hammer something out so we can get something that we all agree needs to be done? Like are you guys willing to work over the next two weeks to get it to where it needs to be?

MS. RASMUSSEN: We are absolutely committed to a dialogue. We're not convinced that an entire department is needed at this time because we feel it's the wrong time to expand government in that way. But if it's a focus on the core issues that affect the ability to farm in our community, we are at the table with you every day, all day long, whatever it takes. We want to see...

COUNCILMEMBER PALTIN: So, okay, thanks.

MS. RASMUSSEN: Yeah.

COUNCILMEMBER PALTIN: So, like I know County of Hawaii has a Division of Agriculture and Food Production I think under the Department of Research and Development.

MS. RASMUSSEN: Correct.

COUNCILMEMBER PALTIN: Like would that be something that you're talking about? Like under, I mean, I guess OED isn't a department, but a section or a division or something like that? Is that what you had in mind, or just one person?

MS. RASMUSSEN: I think that strengthening a division within OED is the right way to go at this point with the constraint of the budget that the County's going to entail. And then, bring all of the ag organizations together to the table. I've never seen an effort on the part of the Ag Coordinator now to bring all the entities to the table and have a discussion. So, I think we need somebody that's, that is a stronger voice, a stronger advocate for agriculture in OED, and then, this Ag Specialist could possibly work in tandem with them. But that is something I think that we could, as support, as the Maui County Farm Bureau.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you so much for your testimony and thank you for e-mailing it to me again under the fire. I always think I refresh in time. But I, there's always something I miss sometimes.

MS. RASMUSSEN: Thank you so much, Councilwoman Paltin. Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you, Member Paltin. Members, any other need to clarify Ms. Rasmussen's testimony? Okay. Seeing none, thank you very much for your testimony, Ms. Rasmussen. Okay. Miss...

MS. RASMUSSEN: Thank you.

CHAIR MOLINA: Thank you. Ms. Espeleta, please continue with testimony.

MS. ESPELETA: Mr. Chair, your next testifier is Mr. Gabe Johnson, testifying on item 10(15), followed by Bobbie Patnode for the same item.

CHAIR MOLINA: Thank you. Good morning, Mr. Johnson.

MS. JOHNSON: Good morning, Chair. Aloha. Can you guys hear me?

CHAIR MOLINA: Yeah, coming in loud and clear.

MR. JOHNSON: All right, great. Good morning, everyone. Good morning, Chair. Thank you for giving me the chance to testify. I'm Gabe Johnson. I'm an organic farmer on Lanai. We have a small farm, three-acres. We, I'll be very clear, very specific, we need a Department of Ag for our small farmers. So, I am totally in support of this. I also want to give a shout out to my Councilmember, Councilmember Riki Hokama, I really appreciate his efforts on trying to get farming back on Lanai. We have, on this island specifically, we have so much ag land that is not being used. I mean, it's absurd that we import 90 percent of our food when the whole, when almost the whole island of Lanai is zoned Ag. And I think that a Department of Ag could push for more ag land to be in use, to be in food production across the County and on this island specifically for Lanai. I think that one thing that is really interesting to me that Councilmember Hokama mentioned was, you know, helping us, the Department of Ag could help us find ways to process our venison, to process our deer meat. We often have regulatory things we need to do with the USDA, and as small farmers and a small island, we need to really up our ante. And I think that the County who's been really preaching the importance of food security as well as our electorate, a lot of people want local grown food and we're going to push people, we're gonna, you know, we're going to vote for people who care about those things. So, that is, that's time I think for our County to put its money where its mouth is because we often talk about food production and talk about food security. Well, now I think Ag, a Department of Ag would really make that happen. So, I am in full support of it and I just want to say thank you for all of the effort that you guys are doing. So, that's it. Thank you. Aloha.

CHAIR MOLINA: Thank you, Mr. Johnson. Members, any questions or need to clarify Mr. Johnson's testimony? Okay. Seeing none, mahalo for your testimony, Mr. Johnson.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MR. JOHNSON: Aloha.

CHAIR MOLINA: Aloha. Ms. Espeleta, please continue.

MS. ESPELETA: Mr. Chair, your next testifier is Ms. Bobbie Patnode, she's representing the Agriculture Working Group for item 10(15), followed by Hanalei Colleado for the same item.

CHAIR MOLINA: Good morning, Ms. Patnode.

MS. PATNODE: Aloha. Aloha, Chair Molina, and the GET Committee. My name is Bobbie Patnode and today I am submitting testimony for the Ag Working Group on the proposed charter amendment establishing a Department of Agriculture. We would first like to thank Councilmember Sinenci and his staff, and Jennifer Karaca for creating this proposed amendment. There are so many good ideas here. It's clear that the support and energy enthusiasm is there for enabling successful agriculture in Maui County. The Ag Working Group has been working with the Administration to improve County processes related to agriculture, farmers, and ranchers since 2013. We believe more formalized County support will help existing departments understand better how to ensure farmers and ranchers receive the benefits the County has legislated, thereby increasing the success of our farmers and ranchers and the well-being of our whole community. We're truly sorry we have not had the opportunity to discuss this more within our group and with the other groups we represent, Maui County Farm Bureau, Farmers Union, Cattlemen's Association, Coffee Association, community associations and others. The Ag Working Group submitted several proposed amendments to Councilmember Sinenci, which we think will help support the existing language and create the sort of Department we think will most help our existing and future ag businesses and our whole Maui community. These amendments would enable us to support the proposed Charter amendment. We're hoping for the opportunity to continue to work on the Charter amendment language. In short, these are the amendments we support. First, we would have at least five years of ag experience added as a qualification for Director. Second, that specific positions of inspectors, grant writers, and advocate/ombudsperson be added to the staff. Three, that the overlaps with State, Federal, and County agencies be eliminated or rephrased to collaborate with, and that a reduced and simplified version of the duties and powers replace what is proposed so the description aligns with how our Charter describes departments and notes the desired functions and services provided. And last, reword the ballot question so Maui voters better understand what is happening. So, I put the specific language, it was suggested we give specific language to Councilmember Sinenci. So, we...I put that in the written testimony. And we hope that you will consider these proposed amendments in your discussion today. Thanks very much.

CHAIR MOLINA: Thank you for your testimony, Ms. Patnode. Members, any need to clarify Ms. Patnode's testimony? Member King?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: Aloha, Bobbie, good to hear from you. Thank you for being here. I just had one clarification. When you were suggesting to add the five years' experience required for the Director of the Department of Ag, can you clarify what exact experience you were looking for in that suggestion?

MS. PATNODE: We're looking for agricultural experience. As it's written today, you could become the Director of this Department with no ag experience at all. And we really think that's...

COUNCILMEMBER KING: Right, right, I know, I understand that. But I just, what specific type of ag experience? Farming, direct farming, or...

MS. PATNODE: Yeah, our group is really, you know, we want, you know, boots on the ground, ground pound, and people who've actually been farmers, yes.

COUNCILMEMBER KING: Okay. Okay. Great, thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member King. I see a hand up from Member Sinenci, followed by Member Sugimura. Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo, Ms. Patnode, for, we did receive the Ag Working Group, and thank you for always including my office and our staff in your meetings. So, looking at some of the amendments, as you know, I just wanted to add that even though it's creating a Department of Agriculture, the bill looks at other things as well outside of just agriculture, including inspections of invasive species and those types of things. So, have you considered when looking at the bill, some of these other items that the Department would address besides just the farming aspect?

MS. PATNODE: Yes, but I would say that in our thinking, all, it's all ag. I mean, if you have invasive species, that's ag too. And we do, with that in particular, we have MISC already. So, that would be a great example of something where the additional County support could do even more collaboration with MISC but not replace MISC.

COUNCILMEMBER SINENCI: Thank you for that. And we can have that discussion later, too. Thank you for your testimony.

MS. PATNODE: Thank you.

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

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, Bobbie, nice to see you here, and thank you for your, all your hard work with the Ag Working Group. So, I just wanted clarification. The previous testifier said they were not consulted with this. So, was it,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

did the Ag Working Group, it looks like not from what you said, but I just wanted clarification, did you have a chance to look at this before it was, came out?

MS. PATNODE: Yes, I got a call from Jennifer on May 29th. So, we quickly called together members who could meet with the Ag Working Group and discuss, that was the first version, and then there was another version that came out on June 8th. And we've also talked about that too. But we really, so, we've talked about it within a few members of our group, as many as could get together. But we really haven't had a dialogue with Jennifer or Councilmember Sinenci on this topic. We would, we think it needs more work and the, I hope that the amendments that we proposed will be useful in your discussion today.

COUNCILMEMBER SUGIMURA: Thank you, Bobbie. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Sugimura. We have Member Kama, followed by Member Paltin. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Bobbie, for being here. So, you know, previous testifiers have said that they would want us to defer this because they felt like they wanted to give more input into this process to make it better. So, are you also saying that maybe you all want some more time so that more people could probably be included in the, in this, in the vetting of this and coming together so that when you look at what you're going to come out, what your outcome would be, would be something that everybody would be able to celebrate with, or that they could have a feeling that they all contributed to putting this together?

MS. PATNODE: Short answer, yes.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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

COUNCILMEMBER PALTIN: Oh, it was just a point of information that I received the Maui County Farm Bureau testimony and it wasn't in all the other testimonies. So, I'm going to forward it to the GET Committee so that the other Members can read it as well. I guess the online testimony that I refreshed only has up until June 22nd, and this one was sent in on June 23rd.

CHAIR MOLINA: Okay. Well, thank you for that information, and it'll certainly be helpful to the Committee. Okay. Thank you. Members, any other need to clarify Ms. Patnode's testimony? Seeing none, thank you very much for your testimony, Ms. Patnode.

MS. PATNODE: Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta, please proceed.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MS. ESPELETA: Mr. Chair, your next testifier is Mr. Hanalei Colleado, for 10, for GET-10(15), followed by Mr. Simon Russell, for the same item.

CHAIR MOLINA: Okay. Good morning, Mr. Colleado. Mr. Colleado, are you able to hear us? Calling once, twice...

MS. ESPELETA: Mr. Chair, it looks like he may have dropped off the call.

CHAIR MOLINA: Okay. Proceed with our next testifier.

MS. ESPELETA: Proceeding on with Mr. Simon Russell for item 10(15), followed by Faith Chase, for items 10(4), and 10(15).

CHAIR MOLINA: Thank you. Good morning, Mr. Russell.

MR. RUSSELL: Well, good morning, Chairman Molina, and Members of the Committee. I just want to mahalo all of you for staying the course in this really difficult time we're in and for all of the support you've put forward to our families and our community. I really, really appreciate your service and your hard work. I'm on my farm this morning. There's a little background noise and my children running around. But hopefully everybody can hear me. Can you hear me?

COUNCILMEMBER PALTIN: Yes, we can hear you loud and clear.

MS. RUSSELL: Mr. Chairman, can you hear me?

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

MS. RUSSELL: Wonderful, thank you so much. So, I just wanted to start by echoing Mr. Sinenci's article from, Councilman Sinenci's article from I think it was a couple days ago, *Maui News*, and he said that, you know not only has unemployment risen to the highest in the State at 33.4 percent as of May, agriculture is deeply rooted in Maui County's history. And for generations, we've discussed the need to create food security for our islands. I've been discussing food security for our islands since I went through Hurricane Iniki on Kauai. I'm a second-generation family farmer from Kauai. I've been here for almost 30 years now. But originally, I went through Hurricane Iniki and we didn't have any kind of food security. I mean, without the National Guard we would've all starved to death. And I think it's urgent we have a food security-oriented division of our County government, no matter what it's called, to focus on this need. It will create jobs, and I just wanted to present for your information today some of the most important things I think a division or a department could take a look at, you know, one of the things we can all agree on is that ag theft isn't okay. I've been a victim of ag theft multiple times. Recently, had all my tools stolen out of my truck, all of my farm tools two months ago. I've had crops stolen out of my field and it feels to

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

me like the regulatory structure around ag theft is just not being, excuse me for the noise, it's not really being paid attention to close enough. So, most of us in the ag community agree on this. The cost of living is the second highest priority. I think that this Department could take a look at the cost of living and the availability of land, secure land for farmers. It took me most of my life after my mother sold our farm to find a piece of land that I could feel comfortable farming on with long-term horizon. The succession of family farmers is another thing that's super important where, you know, we're not really cultivating the next generation as a community. I mean, many of us try to, I try to, but it's something that is so important that we have ag in our classrooms. I know the Farm to School Network is working hard on these things. But having a focal point where all the different communities, whether it's the Farm Bureau, the Farmers Union, the Farmers School and School Garden Network, the you know, the Common Ground Collective, the Food Security Hawaii, there's so many different agencies.

CHAIR MOLINA: Okay. Sorry about that, Mr. Russell. Yeah, please go ahead and complete your thought. You're almost right at your three minutes.

MS. RUSSELL: Thank you. There's so many different agencies, so many different organizations on Hawaii that could use this type of department. So, I just wanted to end by saying I have submitted testimony for the record in strong support for this department. Please don't wait two years, whatever it takes, you know. I'm also available to assist in any type of way that I am able to because I have had past experience with the Hawaii State Department of Agriculture as a board member and I can tell you, they do not have the capacity, you know, especially in light of this COVID-19 crisis and the economic shortfalls for the State of Hawaii. The Department of Agriculture will not have the capacity to help us very much, I guarantee it, as much as they would like to.

CHAIR MOLINA: Okay. Thank you very much for your testimony. I'm going to open up the floor for questions if the Members have any for you. Members, any need to clarify Mr. Russell's testimony? Okay. Seeing none, thank you very much for your testimony, Mr. Russell.

MS. RUSSELL: Mahalo, Mr. Chairman, aloha.

CHAIR MOLINA: Aloha, thank you. Okay. Ms. Espeleta, please proceed.

MS. ESPELETA: Your next testifier, Mr. Chair, is Faith Chase, for items 10(4), and 10(15), followed by Mr. Albert Perez.

CHAIR MOLINA: Good morning, Ms. Chase.

MS. CHASE: Good morning, Chair Molina. Aloha, Committee. While I'm speaking on two items, I'm going to be succinct. I am in support of changing the Department of

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Housing and Human Concerns to the Department of Housing and establishing a Department of Human Concerns. While this is generally not my area, during this COVID I have seen the inter-workings of the Department and I believe this would really strengthen the goals of our County. I am in strong support of establishing a Department of Ag. I want to mention that the National Association of Counties, while I'm waiting to hear the exact data, listening to two different Councilmembers who have attended the National Association of Counties' meetings, the continental United States meetings, there are so many counties, municipalities that have their own Department of Ag that they actually raised their eyebrows at the fact that our County doesn't have one, so, just to mirror that national trend. I'm excited about a Department of Ag because I feel like the Board of Water Supply, as well as CWRM, as well as the Water Department needs a bridge to help continue this conversation. I am from East Maui; I feel like I'm speaking on a minimum of behalf of 30 members of my kalo farming family today. We all know what that is about and that there needs to be assistance in that area. I echo Simon Russell's concerns about the State not having the capacity to take care of our needs. I was a board member for the Hawaii, while I was a board member for the Hawaii Organic Farming Association, HOFA, we were asked our opinion about little fire ants. Just so happen to be the Moku o Keawe Hawaii island, there was a lot of board members and that was a pressing issue for them, and they warned us. They warned Maui that it was coming down the lines and to be more strict about what was going on with LFA. We asked for an emergency declaration, we gave recommendations, we gave, you know, cited other cities, Texas, after their flood, it took one year to get that on the agenda, it took one year. And I don't want to be negative and say it's too late. But we are in a, definitely in a dire situation with little fire ants. So, they cannot do what our County needs to voice our opinion. I want to say don't be afraid of regulations. Yes, there is bureaucracy, but this might be one example where the bureaucracy can be our friend. I know regulations sometimes come with issues of enforcement. So, let's just make sure that that's in there. Yesterday, Farmers . . . *(inaudible)* . . . Hawaii, small blog-like organization of mine, we hosted a conversation about this legislation trying to just give a nonbiased, you know, floor to this conversation and an important point was made that I had not thought about. The State for years, like 100 years or over 100 years, kind of generally believed that HC&S, and Maui Land and Pine were generally taking care of ag issues. And while that was true, it's a new day. That, those days are over. We don't have those entities playing out doing that, you know, hosting, you know, giving employment to these ag employees. So, that's something to consider. Thank you, Chair. Thank you for listening to my testimony.

CHAIR MOLINA: Thank you very much for your testimony, Ms. Chase. Members, any need to clarify Ms. Chase's testimony on the two agenda items? Okay. Seeing none, okay, thank you very much for your testimony, Ms. Chase.

MS. CHASE: A hui hou.

CHAIR MOLINA: A hui hou. Okay. Ms. Espeleta, please continue.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MS. ESPELETA: Mr. Chair, your next testifier is Mr. Albert Perez, and if you could please identify the item or items that he is planning to testify on, and he will be followed by Gretchen Losano.

CHAIR MOLINA: Good morning, Mr. Perez.

MR. PEREZ: Good morning, Chair Molina. Good morning, Councilmembers. I didn't know I was signed up, but I'll go. Nice to see all of you. I'm testifying on behalf of Maui Tomorrow on item 10(15), establishing a Department of Agriculture, and Maui Tomorrow's in strong support of this. I would say the evidence that existing programs are not working, is not in the fields, and that we don't have that many farmers. It's hard to farm...

COUNCILMEMBER KAMA: Oh, thank you so much for sweeping.

UNIDENTIFIED SPEAKER: Oh, you're welcome.

MR. PEREZ: Hello?

COUNCILMEMBER KAMA: Oh my gosh. . . .*(inaudible)*. . .

MR. PEREZ: . . .*(inaudible)*. . .

CHAIR MOLINA: Mr. Perez, sorry. I hear...Member Kama, can you please mute? Okay. Thank you. Go ahead, Mr. Perez. Sorry about that. Proceed with your testimony.

MR. PEREZ: If you look back in history the last decades after tourism started, the newspaper articles document the decline of agriculture in part due to the growth of the tourism industry to the point where tourism was dominant. Now that a pandemic has halted tourism, we see the folly of overreliance on the visitor industry. We have a much smaller ag industry that's unable to provide our emergency food needs. We're actually in a situation in which it's possible that our County could be out of food in less than a week. There is clear justification for government intervention and government facilitation, I would say. We need to remedy it now. A County Department of Agriculture can be a facilitator to help farmers access programs that are out there, Federal, State, CTAHR services, and even private grants. Farmers don't have time to be filling out paperwork or filing grant reports when their crops need attention. And the County could help make it easier for farmers so they can farm. I want to say the high cost of agricultural land is a major barrier to profitable farming, and this is directly related to a lack of enforcement. Farmers cannot pay 500,000 an acre and expect to make a profit growing food crops. If all you can do, if all you could do on ag land is farm, it would be less attractive for gentleman's estates, and the price would come down. A Department of Agriculture can help ensure that farmers can afford to farm. Talk of boosting local ag always runs into the same barrier that local

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

produce costs more so people will buy whatever is cheapest. We need to have a County Department of Ag that can help to develop subsidies and advocate for subsidies at the State level. If the subsidy is high enough, people will choose locally grown produce over mainland produce, and our local farmers will begin to thrive. When their businesses become profitable, they can pay workers a decent wage. And there's a clear public benefit in terms of greater food security that we really need in the event of a disruption in our food supply chain. I want to say that the language of the resolution is quite specific, and this is necessary, well to ensure performance by the Department over time.

CHAIR MOLINA: Okay. Thank you very much, Mr. Perez. Your time has run out. We have questions or clarification from the Members. We have Mr. Hokama, proceed.

COUNCILMEMBER HOKAMA: Mr. Perez, thank you very much. So, just two questions for clarification. Did you mention ag land at \$500,000 an acre?

MR. PEREZ: Yes, I was just looking actually on the Maui Real Estate listings and I was looking in Kula, you know, you have a lot of gentleman's estates up there. This is 500,000 an acre for ag land with no water. So, if you want to farm, you're going to have a difficulty there. And it's tough to do that growing orchids or anything.

COUNCILMEMBER HOKAMA: Yeah, yeah, yeah. So, okay, yeah, if you could share that with the Committee, I'd be very surprised to see what the hell is worth half a million with no water under Agriculture classification zoning.

MR. PEREZ: Okay.

COUNCILMEMBER HOKAMA: And then, the second thing is, I just wanted to share with you yeah that, you know, as far back as two years ago, the General Fund was subsidizing agriculture between 25 and \$30 million a year. So, I don't know how much more people like me can afford more subsidy for agriculture. You need to think about who's paying the bill.

MR. PEREZ: Well, my response to that, Mr. Hokama, would be that we need food. And if our farmers cannot afford to farm, we're not going to have food if the boats stop coming. So, there is a clear public benefit...

COUNCILMEMBER HOKAMA: If I cannot pay my taxes, you're not going to get any subsidy.

MR. PEREZ: There is a clear public benefit in us having food security and I think it's worth it.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Members, any other need to clarify Mr. Perez's testimony? Seeing none, thank you very much, Mr. Perez.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MR. PEREZ: Thank you, aloha.

CHAIR MOLINA: Aloha. Ms. Espeleta, please proceed.

MS. ESPELETA: Mr. Chair, your next testifier is Gretchen Losano for item 10(15), followed by Lisa Darcy for item 10(4).

CHAIR MOLINA: Good morning, Ms. Losano.

MS. LOSANO: Good morning. So, . . . *(inaudible)*. . . of Department of Ag for our County. I think, and I'm coming at it from a kind of a different angle. I've had personal experience with the State Department of Ag concerning pesticide regulations, and there were some clear violations that they were given. This was several years back, and I don't know what was going on if they were too busy or what. But absolutely nothing was done to enforce, you know, a very clear public safety issues on several occasions which was incredibly disappointing and frankly pretty scary because if you cannot enforce, you know, something as clear cut as a pesticide health hazard for our community members, I'm not sure how effective everything can be on the other level. Sorry, my children just chose this moment to come in and...right now I'm in the middle of something, thank you, of course. And on the other end of this as well, moving forward with our waste diversion plans with the composting facility that I'm setting up, we do need more support in the government arena. There's a lot of counties, municipalities all over the continental U.S. that have passed things like organics bans and certain legislation that has aided in the success of waste diversion. And I do personally believe that the Department of Environmental Management right now is kind of at maximum capacity for the things that they can deal with right now. And adding all these other different regulations that as it stands right now, they would have to be the regulating body. They would have to be the ones enforcing this. I do believe that moving forward with a lot of agriculture hopefully in our future we cannot let the burden of all of those things fall on to the Department of Environmental Management. I do believe they need more support. So, for me, from my experience, those two specific areas do really need their own, they need their own department or their own branch to be able to deal with because obviously, as we move forward with more ag in Maui County, you know, pesticide regulations for the health and safety of our kids and our kupuna is very important. Thank you.

CHAIR MOLINA: Okay. Thank you, Ms. Losano. All right, let me open up the floor for questions for you from the Members. We have Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Losano, for your testimony. I just was wondering if you could clarify, when you were speaking about the pesticide violations. Was it violations on behalf of farmers, like were farmers violating it, like maybe is that the reason why there's resistance to this idea? Or was it not farmers that were violating the pesticide?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MS. LOSANO: You know, for the specific instance that I am referring to, it was not farmers. But the Department of Ag is the one that deals with all regulations, or sorry, all complaints. And it was a private entity that...

COUNCILMEMBER PALTIN: Would it...is it the Department of Health?

MS. LOSANO: No, we were directed to --

COUNCILMEMBER PALTIN: Is it Department of Health?

MS. LOSANO: --the Department of Ag.

COUNCILMEMBER PALTIN: Oh, okay, interesting.

MS. LOSANO: I'm not really sure. I mean, so, our, yeah, it was, I mean, it went, it pretty much went nowhere, you know. I had several conversations and there were several people who were, with me were, I think it was in 2015, I believe, when we were really trying to work with the Department of Transportation and the County to kind of shift our pesticide, our roadside spraying practices. And so, we were, you know, paying attention to the lot, a lot of the other spraying that was going on. And I can't remember, I just remember speaking to the Department of Ag and having complaints kind of fall on deaf ears. It was really incredibly frustrating. And I'm not sure if it's 'cause they were too busy, or they, I don't know, I mean, there's a lot of, you know, a lot of people who have interest in several different areas, and it might've been a conflict of interest for them. I'm not sure. I, it was really hard to get to the bottom of it. But it was incredibly frustrating, and it certainly is something that...

CHAIR MOLINA: Ms. Losano, I think you've answered Member Paltin's question. Okay. Member Paltin, do you have another question for --

MS. LOSANO: Thank you.

CHAIR MOLINA: --Ms. Losano?

COUNCILMEMBER PALTIN: I guess I just, you know, if they were short staffed or too busy, then, with the cutbacks in the State I would imagine that it wouldn't get any better. Would you agree?

MS. LOSANO: Yeah, absolutely.

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

MS. LOSANO: I think it would just get worse, yeah.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you, Member Paltin. We have a question for Ms. Losano from Member Sinenci. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to mahalo Ms. Losano for your testimony today. I wanted some clarification. You mentioned waste management almost this as part of a division for a Department of Ag. Is this so that we could look at I guess agricultural waste, food waste, green waste, animal waste, aquaculture waste? So, these byproducts could be worked in with the waste management division that could use this as a way to, you know, just kind of, for reuse, or for waste to energy? Is that what you're saying?

MS. LOSANO: Absolutely. Our diversion rate, I mean, from just our waste stream, just from our municipal waste stream about 70 percent of everything going into the landfill right now can actually be composted. So, which, you know, especially when we're dealing with animal waste, and human waste, and those kinds of things need regulations. They need to be disposed of in the proper way. But we can really increase the capacity of our landfill. We can never have to expand our landfill when we increase our composting practices, I mean, up to 70 percent while also at the same time creating really good nutrient-rich soil for all of the agricultural operations in the future.

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

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Members, any other need to clarify Ms. Losano's testimony? Seeing none, thank you very much for your testimony, Ms. Losano.

MS. LOSANO: Thank you. A hui hou.

CHAIR MOLINA: Thank you. Okay. Ms. Espeleta, please proceed.

MS. ESPELETA: Mr. Chair, your next testifier is Lisa Darcy on item 10(4), followed by Barbara Savitt.

CHAIR MOLINA: Good morning, Ms. Darcy.

MS. DARCY: Good morning, everybody. Good morning, Committee. My name is Lisa Darcy, and I am testifying on behalf of myself as the founder of Share Your Mana. In _____ of the COVID pandemic and the affordable housing crisis, I support 10(4), which establishes a Department of Housing and Human Concerns. It has been an extraordinarily enlightening event experiencing the COVID pandemic and witnessing what our communities need in terms of being healthy and safe. I've personally witnessed this and believe it needs a clear leadership role. I am in awe of the responsibility of the current Director of Housing and Human Concerns and the vast responsibility with that. Personally, Share Your Mana activated in mid-March and tried with several, several agencies to do some on-the-ground work for individuals

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

unsheltered, which is just one tiny part of this whole pie, and all was shuttered. And this also was reflected in the Housing and Human Concerns. And I believe that if we had an individual or a small department dedicated to this specifically, it would relieve that position of even the huge topic of house, and Human Concerns and Housing which we're currently undergoing. So, I'd just like to say that I support the opportunity for more dialogue on the benefits of this potential growth and exploring this. So, thank you very much.

CHAIR MOLINA: Thank you very much, Ms. Darcy. Members, any need to clarify Ms. Darcy's testimony? Seeing none, thank you very much for your testimony, Ms. Darcy.

MS. DARCY: Thank you.

CHAIR MOLINA: Thank you. Ms. Espeleta, please proceed.

MS. ESPELETA: Mr. Chair, it appears Barbara Savitt has dropped off the call. We'll proceed with the next testifier, Georgia ____, followed by Phyllis Robinson, and if Georgia could identify the item or items that she wishes to testify on today.

CHAIR MOLINA: Okay. Good morning, Georgia. Ms. ____, are you there? Okay. Last call...

MS. ESPELETA: Georgia, can you please unmute yourself on your end?

UNIDENTIFIED SPEAKER: I'm here. I wasn't planning on testifying. So, my apologies, I wasn't ready. I'm just listening. Thank you, folks.

CHAIR MOLINA: Okay. Thank you, Georgia, I appreciate that. Ms. Espeleta, please announce the next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is Phyllis Robinson, followed by Donna Sterling, and if Phyllis can also identify the item or items that she wishes to testify on today.

CHAIR MOLINA: Okay. Good morning, Ms. Robinson. Hello, Ms. Robinson, are you there?

MS. ROBINSON: I'm here.

CHAIR MOLINA: Oh, there you go. Okay. You're coming in loud and clear. Proceed with your testimony.

MS. ROBINSON: Oh, good morning, everyone. I just want to applaud whoever put together this amazing proposal, bill, for a Department of Agriculture. I read through it all, I have comments for different aspects of that, and I'm wondering to save time whether

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

you would prefer that I put it in writing. I'm going to ask the Chair that because I'm happy to do that 'cause I have very specific additions to the bill. So, what would you prefer? Anybody?

CHAIR MOLINA: I guess you're asking us; we're certainly welcoming of any written testimony. Mr. Sinenci, any thoughts on Ms. Robinson's suggestion?

COUNCILMEMBER SINENCI: Yeah, that would be greatly appreciated if she can send in her written testimony as well. We'll listen to her --

MS. ROBINSON: Okay.

COUNCILMEMBER SINENCI: --testimony today. But that's always helpful, thank you.

CHAIR MOLINA: Okay. Thank you.

MS. ROBINSON: Of course. So, I really want to emphasize that the, if a Director is appointed for a Department of Agriculture, that they rely heavily on the Ag Working Group for direct access to the farmers and their needs. Either that or create a community taskforce to examine this job description for the Director and Deputy Director to see how they can be helped by the ag community in a way that they're really serving the needs of the County. I think that we have an opportunity to have this direct link to the community, especially our farmers. So, that's one thing. And also, in terms of research, it's under number five and it's A, it's provide research and development to support agriculture, including for technological advancements in farming. And I would like to have a special emphasis on soil health because my understanding is that the Federal government, especially the USDA, is positioning themselves to offer farmers credit for carbon offsets through developing their soil. And I would love to have our farmers here on Maui benefiting from that over time because we have a great opportunity to create healthy soil, and of course, we know that the nutrition comes from that and it means we have a healthier population. And I also strongly support grants and grant writing for ag-related businesses in the County. It may be, I don't know exactly the configuration of the grant writing at the Mayor's and Finance Department, but it if there needs to be a separate person to write grants for the Department of Agriculture, again, I highly support that that be, you know, their key job because there's going to be . . . *(inaudible)*. . . so, my last . . . *(inaudible)*. . . is that, is that...

CHAIR MOLINA: Yeah, go ahead --

MS. ESPELETA: Three-minutes.

CHAIR MOLINA: --and conclude your last thought, Ms. Robinson.

MS. ROBINSON: Yeah, so --

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: You've got 30-seconds.

MS. ROBINSON: --I want to support that we, in education for agriculture that we start with support of our school gardens all the way through middle and high school, and that we support the credit and non-credit ag programs all to grow this new generation of farmers while supporting existing farmers in having more bio-intensive farming practices. Okay. That's it for me.

CHAIR MOLINA: Okay. All right.

MS. ROBINSON: Thank you so much, and congratulations on the putting together this bill. I really, really think it's a wonderful addition to our County. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Robinson. Members, any need to clarify Ms. Robinson's testimony? We have Member King, followed by Member Sugimura. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Phyllis. Thank you for --

MS. ROBINSON: Aloha.

COUNCILMEMBER KING: --testifying today. I just had a, I wanted to, you mentioned the Ag Working Groups. Are you talking about the Upcountry Ag Working Group?

MS. ROBINSON: Oh, I'm talking about the appointed group that Patnode --

COUNCILMEMBER KING: Oh, okay.

MS. ROBINSON: --Patnode chairs.

COUNCILMEMBER KING: Okay.

MS. ROBINSON: Yeah.

COUNCILMEMBER KING: Okay. That's, the, I think that's, maybe they changed their name to make it more inclusive than just Upcountry. But I don't think that was necessarily appointed. I think they're all volunteers. But what I wanted to ask you was, you know, you had, you said you mentioned you had some suggestions for edits to the Department of Ag proposal. Did you look at the Ag Working Group, Ms. Patnode's suggestions, 'cause she sent in written testimony, it's online?

MS. ROBINSON: Oh, I have not, I have not. Cannot...we can have access to that on the County website, is that correct?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: I believe so, and I think that, I just wanted to maybe suggest to you, they were pretty specific, that you might want to look through their suggestions and, you know, if you echo some of them so that we --

MS. ROBINSON: Okay.

COUNCILMEMBER KING: --we can have a, you know, a more cohesive input.

MS. ROBINSON: Good idea.

COUNCILMEMBER KING: If you're following that group and you support them. So, you know, it might be --

MS. ROBINSON: Yes, yeah.

COUNCILMEMBER KING: --good to consolidate that.

MS. ROBINSON: That's a great idea. Thank you.

COUNCILMEMBER KING: Okay. Thank you. Thank you for being here.

CHAIR MOLINA: Okay. Thank you, Member King. We have Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you here, Phyllis. Thank you for --

MS. ROBINSON: Hi.

COUNCILMEMBER SUGIMURA: --all that you do. I, you mentioned in your testimony, so, I just want clarification that the Department of Ag should use as a advisory to it the Ag Working Group? And what about the Farm Bureau, the Cattlemen's Association, there's lots of diversified groups, so you're just saying that the Ag Working Group is the one agency that you think should be consulted?

MS. ROBINSON: Well, what if, Yuki, what if the Ag Working Group had member representatives appointed by their agencies to be on the Ag Working Group? That way, you have a single group with appointed members, you know, maybe Vincent is on that, and Warren, that you have that voice included. It's, it needs to be representative, I agree, and maybe even having ag teachers from the high schools, and maybe a representative from the School Garden Network. It's just important that this Director and Deputy Director really feel that they're reaching the farmers themselves, and, you know, testimony is very difficult for farmers. They're often in the field when these meetings are happening. And they can send in written testimony, I agree, but it's hoping that this Ag Working Group can be representative of the many organizations that would want to have a voice in the Department.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SUGIMURA: I see, so, I think from hearing what you said, you're actually talking about having a diversified ag group, not necessarily the Ag Working Group, but just to have all the voices be part of advisory then?

MS. ROBINSON: Yes, and --

COUNCILMEMBER SUGIMURA: Thank you.

MS. ROBINSON: --it could be a separate taskforce, you know. I'm just suggesting you already have an existing Ag Working Group that's been working very hard for the farmers and their rights. So, yeah.

COUNCILMEMBER SUGIMURA: And the Farm Bureau. Thank you.

MS. ROBINSON: Yeah.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. We have a question for you, Ms. Robinson, from Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you again for being here, Phyllis. So, you know, since the testimonies I'd just been listening and a couple of key words that I keep hearing from various testifiers is the word to defer, to vet thoroughly, to maybe become more inclusive 'cause some people felt like they weren't included, some people like they were glad that they were able to participate. So, I'm kind of like getting a sense that maybe this, you called it a community taskforce or something. So, could you help me to explain if that's, if that's what your thought is about having more people included and who those other people might be, and what that would be like?

MS. ROBINSON: Yes, I thought...thank you, Councilmember Kama. I did voice that representation on this taskforce should be of the organizations that have direct connection with the farmers and the agricultural sector. And it could even be the Farm to School initiative. I just finished a Federal grant through Food Security Hawaii that will be a food hub. And that food hub, you know, if we have that established then perhaps we have a representative from that food hub, it's that kind of thing so that the sector and the Deputy Director and the Director have, you know, an advisory group. It's a group that they look to and it's going to be time saving, I have to say, because I've looked at that job description for the Director, and I tried to imagine having that position and doing all of that, and it's going to be quite a stressful job and we don't want to burn out directors. And so, having this taskforce would be good, yeah.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you very much, Ms. Kama. Members, any other need to clarify Ms. Robinson's testimony? Seeing none, thank you very much for your testimony, Ms. Robinson.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MS. ROBINSON: Take care, everybody. Aloha.

CHAIR MOLINA: Aloha. Ms. Espeleta, before moving forward with announcing our next testifier, just for the Members' information, roughly how many more testifiers do we have signed up for today's agenda?

MS. ESPELETA: Mr. Chair, we're on testifier number 12, and we have a total of 21 testifiers on the log.

CHAIR MOLINA: Okay. Thank you for that information. Please proceed with announcing our next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is Donna Sterling, and if Donna could identify the item or items she is testifying on today, followed by Jennifer Karaca for item 10(15).

CHAIR MOLINA: Okay. Good morning, Ms. Sterling.

UNIDENTIFIED SPEAKER: Hold on.

CHAIR MOLINA: Ms. Sterling, are you there?

MS. ESPELETA: Donna, you have been unmuted on our end. Oh, it looks like she dropped off the call.

CHAIR MOLINA: Okay. Please announce our next testifier.

MS. ESPELETA: We'll proceed with Jennifer Karaca for item 10(15), followed by Kyle Clarkin.

CHAIR MOLINA: Good morning, Ms. Karaca.

MS. KARACA: Can you hear me?

CHAIR MOLINA: You're on, Ms. Karaca.

MS. KARACA: Okay. Hi, I just want to thank the Members for their time this morning. I wanted to touch on a few points that other testifiers have discussed. One was that the community didn't have a chance to vet this thoroughly, that it has been behind closed doors. That's actually incorrect. We put this resolution and all of the forms of its draft publicly online on a public website for everyone to see and be part of the process. Every group that has reached out has expressed support. While maybe they don't agree on certain aspects, they all had wanted to see this move forward. The only group that has not reached out and basically has refused contact is the Maui Farm Bureau. Unfortunately, that kind of shows that they have...I don't think all their

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

members have lost touch, but one specific member, and I believe Teena has really lost touch with the community and the farming community. Her name has also been brought up multiple times by farmers who are really nervous about coming out and saying that they don't want this resolution to be changed and modified behind closed doors because they don't feel like some of these groups have the whole agricultural community in mind as they move forward with some of these like changes and amendments. We've even gotten concerns of where we could possibly find a way for farmers to express who they don't want to see become part of this Department in a confidential manner because they're nervous about speaking out about some of these people in the agricultural sector. I feel like, while everybody has the best intention in these groups, there has been a, such a lack of support in the agricultural sector that it has kind of really created these harsh stances between the agricultural community. And a lot of the farmers that are in the middle ground don't feel represented anymore. And we've seen some of those clashes actually play out on the Council floor and in the community at large. There is a lot of high running emotions in the agricultural community and so, that's kind of why we did put it up on a public website so that the community could be informed throughout the process, they could, you know, talk to us, they could contact us, they can make changes, they could be part of the process so that it wasn't behind closed doors. So, that is actually not a correct statement. The community has had process to this. In addition to the community having process to this, we've had over 1,100 signatures in support of a Maui County Department of Agriculture on our petition. We have ample support from the community on having this move forward.

CHAIR MOLINA: Okay. Ms. Karaca, sorry I have to end your testimony there. You've hit the --

MS. KARACA: That's fine.

CHAIR MOLINA: --three-minute mark. I'll open up the floor for questions from the Members. We have Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. No, I was just wondering if Ms. Karaca could be considered as a resource when this item comes up? She has some information that she shared in our EACP meeting. And so, if Members had questions and that she could answer I'd really appreciate that. Thank you, Chair.

CHAIR MOLINA: Okay. We'll consider that. Members, any objections to having Ms. Karaca as a resource when we do reach that agenda item?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Seeing no objections, alright, we have a question for you, or a clarification request for you from Ms. Sugimura. Mr. Hokama?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SUGIMURA: Thank you. So, clarification...

COUNCILMEMBER HOKAMA: Yeah, I have a...

COUNCILMEMBER SUGIMURA: Oh I'm sorry.

CHAIR MOLINA: Hang on, I'm sorry, Ms. Sugimura.

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . who you would like for our resources. I just ask that they state their qualifications for such a designation. Thanks.

CHAIR MOLINA: Okay. We'll make note of that. Thank you, Mr. Hokama. Okay. Member Sugimura, sorry about that. Please proceed with your question for the testifier.

COUNCILMEMBER SUGIMURA: No, I apologize, I...thank you. So, I think that the testifier said that there was a website that this was posted on for everyone. So, what was the website, and was it made public? I'm not aware of that website. Or was it the County website?

MS. KARACA: No, it was made public. It was a public website. It's Maui Food Security Now, and it's had its three different versions of the draft that have been switched out as we progressed. It has background information; it has all of the resources that were used to create the draft resolution. And we also put on the presentation, we informed the community about the meeting times, need to submit testimony, and the link to the petition was also there as well. So, it was a public website that anybody could get on and see.

COUNCILMEMBER SUGIMURA: That's great. So, when, what date was it made public?

MS. KARACA: It was done in the beginning of April.

COUNCILMEMBER SUGIMURA: And there was a press release, or something so that all these names that we've been hearing from the numerous testifiers, they would've been informed that this public...

MS. KARACA: Yeah, so, we put, we posted the website in I think like maybe 43 different online groups, the social media groups. It had a reach of around 4,000 people. It's up to over 300 members. Some of the people that were talking, that have already testified, were part of that group. We also had, you know, press releases in *Maui News* where Shane had talked about the reso and things like that. So, it has been made fairly public. I have been talking with the Ag Working Group for over a month now, and then, various farmers within the community for a few years trying to get the information of issues that they have to create a cumulative list of issues that could be covered by the Department. So, that's what the resolution is.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SUGIMURA: One last point of clarification, then. So, are you saying then, by your testimony, for clarification, that the Maui County Farm Bureau did not participate, and they were given an option?

MS. KARACA: The Maui County Farm Bureau, I've tried to reach out to them for multiple things actually, and I've never gotten a response from them. So, I realize that maybe because they're busy. But that is kind of a general statement that I hear from multiple farmers is that you can reach out, but unless they know you or you're kind of in their group, you don't really get a response back. So, I know that they have known about this for at least a week or over a week, and none of them have reached out to me about it, or to the group, or e-mailed, or anything like that. So, they haven't reached out unfortunately.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. We have a need for clarification from Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Jennifer, you know, you mentioned about the farmers were, probably are at odds with each other and you mentioned the words they have taken harsh stances. Could you clarify that? What does, what are those harsh stances that you had mentioned in your testimony?

MS. KARACA: Yeah, and I want to clarify, I don't think most of the farmers are at odds with each other. I think it is more of the organizations within the agricultural sector that are at odds with each other. For example, the Farm Bureau is basically thought of as in the community only to represent larger agricultural entities, and that they don't care about the smaller farmer. I appreciate the work that they do, and I think that they do a lot for 4-H. So, I'm not trying to condemn any organizational group right now. I'm just kind of speaking to what the feedback has been for me. HFUU, they do wonderful things for some, but if, you know, they have a differing opinion sometimes that can clash, and we saw that kind of with organizations wanting to break away. There has, there's currently a lawsuit, there becomes really these huge battles within the agricultural community. We saw that with the GMO moratorium where these organizational groups are taking stances. And that's fine, everybody needs a stance, we all need a voice. But it's really left to the farmers in the middle ground kind of at odds on where they find representation, where they fit in. And so, having a Department of Agriculture would allow for unbiased representation to move all of the voices forward, and all of the agendas forward and really uplift the community. So, I once again I want to say I'm not trying to bash any organization, nor any one person. But it is a reality that there is, there has been a middle ground that has been lost.

COUNCILMEMBER KAMA: So, just one last question, Jennifer. Do you know how many active farms, do you know how many active farms we actually have on Maui? I mean, farms that actually have been there for years and actually make a, are able to make

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

some kind of a living off of that? Do you know how many of those farmers, or farms, that we do have?

MS. KARACA: I guess it would just depend on what people considered a farm. I mean, I think there are hundreds of farms that are selling products. But if you're putting like a financial threshold of a certain amount or a certain staff member it would probably be smaller. I would say around 500 at least.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Kama. We have a question for you from Committee Vice-Chair Rawlins-Fernandez, followed by Member Paltin. Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Karaca. Mahalo for your testimony this morning. So, the concerns that I've heard from the testifiers . . . *(inaudible)* . . . are three main things, one, that not everyone who wanted to be included were included, that a Department of Ag would cost prohibitive, and three, that it's unnecessarily duplicative with State and Federal entities. And so, what I've heard from you is that . . . *(inaudible)* . . . was included is that it was posted on the website and on social media, and it was heard in, it kind of was heard in Member Sinenci's EACP Committee meeting as far as discussing the details of that. So, you're saying that it was out there . . . *(inaudible)* . . .

MS. KARACA: Yeah, so, I'll address the first one first which was the feedback. Yes, it was out in the public and we have to remember that the, a lot of these groups have been around for years. And while we hear in the community this is what we want, and we've been wanting a Department of Agriculture for years, none of these groups have proposed it. And so, unfortunately, like while they haven't had specific, maybe not enough specific time to address this specific resolution, or they didn't feel like they had enough input in writing it, they've had years to push this kind of legislation forward. And a lot of these groups, that's what the community was looking at them to do. So, it wasn't a private thing. We did make it public and, you know, I really feel like this, this is way past due in the agricultural community. This should've been something that had started discussions years ago about. We're in a place right now where it's almost, you know, we're at a critical point and need it so much. So, I don't think that there hasn't been enough time to discuss a Department of Agriculture. I feel like the community really needs this and we're at such a critical point with our economy where we're, in our Maui County zip codes we're up to 55 percent unemployment in some of our zip codes. And we are seeing a breakdown of our global food supply chain as well. So, as much as I would love to discuss this and have every single person come on board and give their everything, it could take years if we do that. So, I think, you know, the Members should definitely weigh the amendments that are submitted and take those and move it forward because our community really needs this and they're asking for it overwhelmingly. The cost prohibition is always the concern with departments. Departments definitely can be inflated in price and the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

cost factor is definitely something that needs to be considered. But I think that the Department has the option to have some self-funding branches. So, a normal department in our County is averaging about \$33 million in operating costs a year, low end being around \$1 million, high end being upwards of \$90 million. If we, you know, put 5 to \$10 million into a Department of Ag, the amount of support that we could give to our community, not just on Maui island, but also on Lanai and Molokai, we have to think about that we have three islands that need support for their independent agricultural sectors. And that, you know, there's really, I sent you guys testimony, there's like a seven division breakdown that could be done within the County. And three of those divisions out of the four could be self-funding. On top of that, we could work with other counties who've also expressed support in having a Department of Agriculture to persuade the State to allocate more funding for agriculture. If we ask the State for 3.5 percent, the State Department could get a full percentage to do their duties, which would be more than double of what they're getting right now. And each county just asking for a half a percent would generate around \$8 million, \$80 million for each county to invest in their agricultural sector. Three-point five percent of the State Budget is not really asking for much, especially when that would just be less than 5 percent of the rainy-day fund of that they just put away. So, I don't think cost is an issue if we look at how much economic and social return on investments we could get from the Department. We're talking about health cost, community cost, biodiversity and ecosystem services cost that we would get return on investments from. And then, the overlap is the third question you asked about, I just want to clarify that the resolution is not asking to do away with any of the current organizations that provide inspections such as the State, or education such as UH CTAHR. We want to collaborate with them and provide more support. So, the overlap is not necessarily an overlap to do away with them. It would be to broaden the efforts of those areas. Right now, the State only has two inspectors for the entire Maui County for restricted use pesticides, and that's kind of created a mistrust in the community of people that are doing conventional ag, and I think the mistrust is unnecessary. If we had additional inspectors, we could show that the majority of our farmers are not doing anything bad when they're doing conventional ag. They're following the directions, they're not trying to hurt anybody, or hurt the environment. But with the lack of oversight, there becomes ways to blow that up and create more of a divide within the community. And for invasive species, we're spending millions of dollars each year to eradicate invasive species once they're here. But when you go to the airport, there's nobody screening your stuff as you're coming in and we're seeing coqui frogs at the retail locations. So, we obviously need more, we just...and we just found a snake in Kahului. So, we obviously need more oversight of what's coming in. And so, not taking that away from the State, but collaborating with them and providing support to increase those efforts.

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

CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. We had Member Paltin, and a follow-up by Member Sugimura. Member Paltin?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Karaca. You know, I'll definitely vote for you to be confirmed as the Director of Ag. But that's beside the point. My question is, you know, having been through the Charter amendment where we moved Ocean Safety from Parks and Rec to Department of Fire and Public Safety, and how long that took and how well, or not well, or that whole process. My question is, because, just because it's needed and we can do it, like the actual creation of it, was there any thought given to first starting with like a division or a section and then moving it up from there to a full-blown Department? Because it seems a little bit like much, or is there like a timeframe, like by this date we're going to establish the . . . *(inaudible)*. . . then we're gonna like, or it's gonna be all those, I read the, briefly read the e-mail that you sent during testimony about like the different sections, like the actual details of the rollout of the program. Do you think that just by the people voting on a Charter amendment and it passing, that the rollout of this whole Department and the sections could be a reality given, you know, the current Administration and all the extraneous County factors?

MS. KARACA: So, I definitely think, I'm not saying this is gonna be an easy task. I'm not going to sit here and make it seem like it's just going to happen overnight. And I'm going to clarify, I don't want the Director position.

COUNCILMEMBER PALTIN: Oh, okay.

MS. KARACA: I do work. I appreciate that, but I think there are actually people way more qualified than myself to be the Director. We have a tremendous amount of talent in Hawaii State in the agricultural sector, brilliant minds that have been studying even longer than I have, and I've been studying for eight years on just our specific agricultural sector alone. There are brilliant people that can fill that position. What I would recommend is that if this passes, the Council allocates funding to hire additional agricultural specialists and grant writers to kind of get the process started so that those agricultural specialists can start reaching out to farmers on each island to see which issues need to be addressed first, and start with those divisions first to get the hugest needs tackled first and then the Department can grow. So, if we had, you know, three to four representatives on each island to start handling agricultural issues, it could be a department, a small department that grows to a larger size. And then, we could use the money that's allocated to the Department in the first couple of years to more grants, more infrastructure buildout, things like that, for CIP projects by keeping the staff small. As we become more stabilized in our...sorry, go ahead

COUNCILMEMBER PALTIN: Just a follow-up question. If I --

MS. KARACA: Yeah.

COUNCILMEMBER PALTIN: --feel that you're really great for it and you don't want it, but there's all these other qualified people, the one thing I do notice is sometimes it's hard

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

to get those qualified people that are doing the farming to want to take on this kind of headache. Do you think that we do have the capacity of people that would be willing to take on this role?

MS. KARACA: So, I think that while farming experience is wonderful, and I've talked with actually a few farmers about this because there was suggestions to remove the degree minimum qualification, and just have farming experience. And when I talked to some of the farmers in our age sector, they all kind of agreed that this is not something that a farmer really wants to take on, being the position of a Director, and that it does need somebody with a degree in operations management, project management, or public administration, some type of management degree to head this because a farmer would be looking at it from their viewpoint of their farming operations. And this is much broader, we're talking about forestry and aquaculture, finance, economics, CIPs, reporting. So, having somebody that is in the agricultural sector and has an intimate knowledge of our agricultural system in Maui County and Hawaii would be the ideal candidate. And there are a lot of people out there even though they're not super vocal that are doing studies, that are doing the research, that are putting in work. I mean, if you guys look at the resources on the presentation I sent, a lot of those studies are coming out of Hawaii. There's a lot of really amazing and talented people that could be, and that would be part of the outreach is finding those pools of applicants to put into those positions as well. And while I don't want a Director position, I would be willing to put in a lot of work to make sure that we pull in those applicants, that we get more community buy-in, that we have more discussion as this moves forward.

CHAIR MOLINA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you so much.

CHAIR MOLINA: Okay. Oh, thank you. Thank you, Member Paltin.

COUNCILMEMBER PALTIN: Yeah, thank you.

CHAIR MOLINA: Member Sugimura, and also Member Sinenci. But prior to asking questions, now, the Committee's already committed to having Ms. Karaca as a resource, and we do have nine more testifiers that have been waiting patiently. So, Member Sugimura and Member Sinenci, would it be okay if you can ask your questions when we get to GET item 10(15) of Ms. Karaca? If you could withhold that so I can, we can allow other testifiers to give testimony? So, we can get through that, and then, save your questions for Ms. Karaca when we do get to GET item 10(15)?

COUNCILMEMBER SUGIMURA: Sure. Sure, Chair. Your call.

CHAIR MOLINA: . . . *(inaudible)*. . . Okay. Thank you very much. And thank you for your responses, Ms. Karaca, and we'll see you, we'll hear from you when we get to GET item 10(15). Thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MS. KARACA: Okay. Thank you.

CHAIR MOLINA: Ms. Espeleta...thank you, Ms. Karaca. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Mr. Chair, continuing on with Mr. Kyle Clarkin, for item 10(15), followed by Jill Paresa Rogoff.

CHAIR MOLINA: Good morning, Ms. Clarkin.

MR. CLARKIN: Aloha, and good morning, Chair, and respective Councilmembers. Nice to be here today. And thank you so much for this opportunity to express my support for a Maui Department of Agriculture. I am an organic farmer who will be going into one of the Mahi Pono community farm leases. And I just see through my education in the different farming schools that Hawaii offers, and through my personal research, that Maui is, you know, and through growing up here, that Maui is such a special place and with huge opportunity, and that being a bread basket of these islands, you know, it means that we have special goals and specific goals. And I really see that there's a huge effort in regenerative farming here to restore the land and to look at the, you know, Native Hawaiian practices that were so ecologically responsible and took in so much thought as to how do we make a sustainable system, how do we make, provide for everyone in the community and make something good that lasts for the next generations. So, I'll be a part of that, in my responsible farming practices and, you know, it'd be great to have it. Thank you, guys.

CHAIR MOLINA: All right, thank you for your testimony, Mr. Clarkin. Members, any need to clarify Mr. Clarkin's testimony? Seeing none, thank you very much for your testimony, Mr. Clarkin. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is Jill Paresa Rogoff, and if she could identify the item or items she is planning to testify on, followed by Margit Tolman.

CHAIR MOLINA: Good morning, Ms. Paresa Rogoff. Ms. Paresa Rogoff, are you there? Okay.

MS. ESPELETA: Mr. Chair, it looks like she dropped off the call.

CHAIR MOLINA: Okay. With that being said, please announce our next testifier.

MS. ESPELETA: Margit Tolman, followed by Jennifer Chrupalyk.

CHAIR MOLINA: Good morning, Ms. Tolman. Do we have another drop-off here. Ms. Tolman?

MS. ESPELETA: Chair, I don't see her on the call.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Well, let's move forward with our next testifier, please announce.

MS. ESPELETA: Jennifer Chrupalyk, for item 10(15), followed by Mr. Leonard Nakoa for items 10(4) and 10(15).

CHAIR MOLINA: Okay. Good morning, Ms. Chrupalyk.

MS. CHRUPALYK: Good morning, aloha mai kakou. Thank you all for giving us an opportunity to speak today, and I am here to testify on 10(15) about the Department of Ag. A lot of what Jennifer Karaca was saying I agree with and I am willing to offer an hour a week to work with her on creating this if we are going somewhere with this. My main points were that we can't subject our residents to starvation while wasting perfect agricultural opportunities to open up a Department of Agriculture and kind of like turn our production or turn our economy into a productive economy rather than depending on breastfeeding on tourism because as we see, that really put us at a very peculiar position during this COVID time. I farm with a lot of the people who have testified today, and a few more people who are going to testify. We are a very active community. Therefore, I do apologize for those who don't have time to get online and research ways to testify or become more committed into the governance aspect of agriculture. It's a very hard job and you're out there for lengthy hours. Therefore, most of those people are not really going to be here, and that's what Jennifer was talking about earlier to my understanding. So, in order to make a healthy economy, we need healthy people. In order to have healthy people, we need healthy food. I don't know if anybody's aware that several of the containers fell off of the barge in Hilo yesterday. We're already down with our barge supplies. So, what are we going to depend on if we're just waiting for tourist to arrive so that we can pay taxes? We're going to need something a tad bit more sustainable than that, and agriculture is the perfect economy to invest into. And yeah, it's going to take a year or so for it to actually pay off, just like when you open any small business, it takes a couple of years, one to three years for you to become profitable. So, with that understanding moving forward, I also know as a farmer, as a cultural practitioner, I can go on a land, I can go in a farm, I can not only harvest food, but I can also harvest materials to make products that will sell. And if we turned Maui's economy into that of export and production, does anybody realize how much we would go beyond the elements of survival and our economy would actually thrive? And that's pretty much the extent of it. I don't need to waste anybody's time going any further. I think we all get that picture.

CHAIR MOLINA: All right, thank you for your testimony, Ms. Chrupalyk. Members, any need to clarify the testifier's testimony? Seeing none, thank you so much for your testimony.

MS. CHRUPALYK: Yes, I also have business plans if anybody's interested, I could e-mail it to them just to give a better vision.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you for providing that opportunity for us.

MS. CHRUPALYK: Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta--thank you--please announce our next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is Leonard Nakoa, on items 10(4), and 10(15), followed by Deborah Rybak.

MR. NAKOA: Howzit, morning.

CHAIR MOLINA: Good morning, Mr. Nakoa.

MR. NAKOA: Mahalo, Mike. Howzit, yes, I want to talk about that Human Concerns, Department of Human Concerns and Housing. Yeah, we should make one separate one for the Human Concerns so they can take care of all the people with this whole COVID thing and, you know, make sure they're all good. And then, yeah, plus the Housing Department is, should be totally one different, on their own because, you know, we all know how lack of affordable housing and workforce housing we have here, we don't have here on Maui. That's good for have them in their own Department too, okay, that's all I going talk about that one. Getting back to the 15, brah, I gotta much mahalo's Jennifer Karaca. She, I mean, I found out about everything about this whole resolution. And if I can find out, everybody can find out, especially the first testifier, the one that came from the department of, Maui County Farming Bureau. If she never know nothing about this, I don't know where she was, maybe too much quarantine. But yeah, we all, if we all wanted to really be part of this Department of Agriculture, we going make it happen. We not going just sit down and watch 'em, you know, just sit down and wait for somebody come tell us, you know, we going make it happen. So, everybody out there, if you guys really confident in this whole Department of Ag thing, brah, we gotta come out, we gotta come out and make sure we make this, yeah, happen 'cause tourism we all know, the buggah, the thing when kinda put us in one, behind, you know, so we gotta get our farming going. What else, yeah, the Maui Farming Bureau, those guys, back when had the Monsanto thing, I tried calling them, you know what I mean, so the more we get one Department of Ag over here in Maui I think the more awesome we going be and the more we can provide our own food and help out all farmers, all farmers, small kind, big kind, the school, the ones in the schools, you know, like how we had before where we used to, you know, intermediate school, Mike Molina, I think you know about the, we had 'em over there in Lahaina Intermediate and the stuff. Yeah, so, everything, get the farming back on so the Department of Ag and sorry, I would vote Jennifer Karaca as the Department head too. Shoots, you guys have a good one. Mahalo, have a good...and great job, you guys for all you guys doing, mahalo, mahalo, mahalo.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Mahalo, Mr. Nakoa, and mahalo for all the love too. We appreciate that. Members, any need to clarify Mr. Nakoa's testimony? We have Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And real quick, I just wanted to mahalo Mr. Nakoa for his testimony. Mr. Nakoa, you know, we spoke about some of the shortfalls at the County, and Jennifer shared, you know, less than half percent is given to agriculture for Maui County. So, having that said, you think, you know, having our own Department, you know, would that, is this an investment for Maui that is, you know, that will, you think will show returns?

MR. NAKOA: Heck yeah, guarantee, yes, yes, yes. I...yes, we going, yeah, the thing going get plenty return. I know I happy what you guys did, you know, with the whole visitors' cutbacks. Let's put some of that money that we when cut back into the agriculture, and that thing going come back and help us out choke. Choke, the thing going help us, you know what I mean? Yeah, I agree.

COUNCILMEMBER SINENCI: Mahalo. Mahalo. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. Members, any other need to clarify Mr. Nakoa's testimony? Seeing none, thank you for your testimony, Leonard, much mahalo.

MR. NAKOA: Have a good one.

CHAIR MOLINA: Okay. Aloha. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is Evan Ryan for item 10(15), followed by an individual who signed up with the last four digits 5417.

CHAIR MOLINA: Good morning, Mr. Ryan.

MR. RYAN: Aloha. I guess you can hear me. Yeah, my name is Evan Ryan, and I am sharing today in favor of an initiative to create a Department of Agriculture within Maui County. I'm well versed in what it takes to start as a farmer in Maui County from the ground up. I began in Huelo about 20 years ago as an apprentice living on a tent on a farm for three years starting from scratch and devoted my life to learning to farm. I now have a thriving 15-acre production farm in Makawao, an educationally based nonprofit working to reignite agriculture on Maui. I've authored a beginner farmer training book, Hawaii Home Gardens, Growing Vegetables in the Subtropics Using Holistic Methods, and I've also been a consultant for hundreds of agricultural projects throughout the County, supporting design and management and navigating County and State regulations. My desire to teach and share knowledge and information is a direct reflection of the lack of information and support I found along the way in my early years. For the past ten years I've navigated the land we lease in Makawao through the building permit process, ag exemption permits, ag taxation, and

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

even a recently passed County Special Use permit for us to host educational programs. Navigating the County has been anything but easy, requiring hours of calls and e-mails. I've experienced a pattern of getting conflicting information from different departments, and even within the same department. A Department of Agriculture could be a service-oriented branch of the County that supports farmers in getting the information they need so that we can focus on what we do best, which is growing food for the community. I've spent countless hours diverted from growing food while my farm has suffered just to navigate these County processes. A DOA could be a one-stop shop for information related to ag taxation, planning, and water. The DOA could also be a congealing force for the ag community, so that the whole community's needs can be addressed. There are extreme politics happening right now within Maui's ag community. Farm Bureau versus Farmers Union, Farmers Union versus Farm Apprentice Program, farmers market managers against other market managers, there's such an organizational discord right now that the DOA could work to be an advocate and support system for all ag groups and interests can be represented and supported. I honor and commend the way the Council showed up for the ag community as represented in this coming year's Budget. A Maui County Department of Agriculture is the next big step to demonstrate that we are serious about honoring about Maui agricultural history and our plan to continue to grow it for the next generation. Thank you for all your support.

CHAIR MOLINA: Thank you, Mr. Ryan. Members, any need to clarify the testifier's comments or testimony? Seeing none, mahalo for your testimony, Mr. Ryan.

MR. RYAN: Thank you.

CHAIR MOLINA: Thank you. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Mr. Chair, your next testifier is participating via phone with the last four digits 5417, followed by Mr. Adam Hicks. And if each could identify the item or items that they wish to testify on.

CHAIR MOLINA: Okay. Testifier number 5417, good morning. Okay. Is testifier number 5417 still with us? Going once, twice...

MS. ESPELETA: Five four one seven, you have been unmuted.

CHAIR MOLINA: Are you there? Okay. Let's do this, Ms. Espeleta, let's go forward with our next testifier, and maybe at a later point we can make contact with testifier number 5417.

MS. ESPELETA: Thank you, Mr. Chair. Your next testifier is Mr. Adam Hicks, and I believe Ms. Jill Paresa Rogoff is back on the line if she would like to testify.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Good morning, Mr. Hicks. Mr. Hicks, are you there? Please proceed with your testimony.

MS. ESPELETA: Mr. Hicks, you have been unmuted.

MR. HICKS: Aloha, can you hear me? Okay. Can you hear me now?

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

MR. HICKS: Okay. Mahalo. I hadn't requested to testify. But since I have been asked, I appreciate your time and consideration, the Council, and I would testify on behalf of the Department of Agriculture, I believe it's 10(15), or yeah. I would just reiterate all the good words that I've...I'm a beginning farmer here managing 70-acres in Makawao and echo the fact that Maui has a unique opportunity to, at, especially at this time, to make a commitment to agriculture and the agricultural process for the County. Anything that you can do to support a Department of Agriculture to smooth this process and I believe would be beneficial to the future of the County. Mahalo.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hicks. Members, any need to clarify Mr. Hicks' testimony? Seeing none, thank you for your testimony, Mr. Hicks. Okay.

MR. HICKS: Aloha.

CHAIR MOLINA: Ms. Espeleta, please proceed with our next testifier.

MS. ESPELETA: Mr. Chair, proceeding on with Jill Paresa Rogoff, and your last testifier, if we can get the individual on the line, is with the last four digits 5417. Oh, I'm sorry, Mr. Chair, that individual has just dropped off. So, you're just left with Ms. Jill Paresa Rogoff.

CHAIR MOLINA: Okay. Good morning, Ms. Paresa Rogoff. Hello, are you there? Ms. Paresa Rogoff? Okay. It seems like we're having some possible technical difficulties.

MS. ESPELETA: Ms. Rogoff, you have been unmuted on our end, please proceed.

CHAIR MOLINA: Is she still there?

MS. ESPELETA: She is still on the call and has been unmuted.

CHAIR MOLINA: She has been unmuted. Okay. This will be the last call for Ms. Paresa Rogoff to testify. Going once, twice...

MS. ROGOFF: Can you hear me? Can you hear me?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Oh, now you're coming in loud and clear. Okay. Go ahead and testify please.

MS. ROGOFF: Okay. My name is Jill Paresa Rogoff. I've been a Maui resident since 1979. My grandmother's from Waihe'e. I am just a mom, grandmother, and also, a small farmer. We, my son and I, a very small group of beautiful young people just saw a need for us to provide more food for ourselves and our family and we just started doing it. And what we have found works really well is we're leasing land from a former organic farmer who left the island, and at a very reasonable cost. So, I'm just calling to say, there's many people like us doing it. It's only two acres, that farm, but on two acres, we've been able to produce so much food that we've been able to feed both of our families, which we have Hawaiian families that are huge. We've been able to give them poi, we've been able to give them luau leaf, we're starting on vegetables and Native Hawaiian plants. It's really exciting because the possibilities are quite enormous and I am just calling to speak out in favor of this in that we also can use your help because we don't know how to navigate the bureaucracy and all the different things that we need to do that could get us funds, that could just help us do what we do better. So, that's the reason I'm calling, to say yes, we need this Agricultural Department somewhere where we can go, just the little guys, you know. No, we don't have 500 acres, but we do have 2-acres, but we're probably feeding a whole bunch of people, you know, our families, our friends, and we've been very successful. And the really neat thing is, we're doing it together. Now, I'm old, you know, I'm over 60. But I'm doing it with all these young people, and they are loving it. And so, yes, we need this Department and I'm hoping that there's an area in that Department where we, just the local people who are not ma'a, we're not familiar to all the bureaucracy, to help us do what we do and do it better. Thank you.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Paresa Rogoff. And first of all, you're not old. You're young at heart, and I give you a lot of credit for farming. And way to show the younger people that can still do it. I appreciate that. Members, any need to clarify Ms. Paresa Rogoff's testimony? Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. I just wanted to mahalo Ms. Paresa for her diligence to stay online and to provide testimony today. You know, we constantly look back at those plantation days when all the plantation families would mahele and share their, not just what they didn't sell, but share some of the off-grades to help feed those families. So, could you quickly speak to that?

MS. ROGOFF: Absolutely, Mr. Sinenci, and thank you, I want to, I wish I could kiss you. Muah, big honi to you because if, when this goes through, it's going to be so good for us. But anyway, I wanted to say that, you know, I grew up in a time when families on the island really helped each other. And it's very sad for me to see nowadays that they don't do that. But maybe it starts with us individually. I've noticed in my neighborhood, I started with my neighbors 35 years ago. And now we're one little community and we all help each other. And if we don't do it, it's not going to happen.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Our food that we've been doing, we're not selling it, we're giving it away to our families because, you know, the local people, you guys know how expensive it is here and you see the price of food now ever since the pandemic? It's ridiculous. Our favorite food, poi, \$10 a bag. Are you kidding me? Okay. I have one bag for me, what about the rest of my family? Forty, fifty dollars just to buy the poi. No, so, that's what started us doing this, our desire to want to eat our foods, and we don't have to break our budget for it. That's why we don't eat it, we don't eat the fish, we don't eat the poi, it's too expensive. So, we have been giving it away. And all I can say, and we, the place that we're leasing, we're sharing with another farmer. And we've struck up the most awesome relationship between the two of us, and we're sharing food. They give us some of their tomatoes, we give them some kalo or whatever it is they want. And it works, and I think there are many, many people who would be open to this if they could just get a start somehow, somewhere. This happened to fall in my lap by a friend who, they moved to the mainland. . . .*(inaudible)*. . . but because it's a certified biodynamic farm, they didn't want to let it go. And we are just carrying on. And we don't need classes and all this stuff on how to make it healthy and . . .*(inaudible)*. . . Hello, our ancestors have done this for centuries. Let's follow in their footsteps and just do what they do. And when we have problems, we go ask them what should we do. But we need more help.

CHAIR MOLINA: Okay. Ms. Paresa Rogoff, thank you. I think you've answered Mr. Sinenci's question. Let me ask him if he's got another one for you. Mr. Sinenci?

COUNCILMEMBER SINENCI: No, I just wanted to mahalo. And I totally agree that sometimes, you know, the byproducts that agriculture creates is just as much valuable as what we sell to the markets. So, mahalo for your testimony. Thank you.

MS. ROGOFF: Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Members, any other need to clarify Ms. Paresa Rogoff's testimony? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Rogoff. You know, thank you for bringing up the situation with poi. We have the similar situation over here in my household, like, you know, two, three bags a day is just beyond the reach of . . .*(inaudible)*. . . families. I just was wondering, you know, the Department of Ag, do you think that that could be a priority?

MS. ROGOFF: In, yeah absolutely. But could you be a little more specific?

COUNCILMEMBER PALTIN: Well, there's all these different divisions and sections of agriculture in terms of ranching, or waste management, or food production. Do you think that poi, getting poi to our local people should be one of the priorities of the Department of Ag being that this is Hawaii?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MS. ROGOFF: Well, you know, as somebody who could eat poi day and night, breakfast, of course, I'm going to say yes to that. And it's not just myself, whenever we have made poi, and I'm talking, we don't, you know, we're not at full capacity yet. Now, mind you, we just started this about, let me see, April, so, April, May, June, July, we've only been able to put out small amounts of poi. And by small amounts, I'm saying 40, 50 pounds due to the huli that we're getting to plant our fields. Guess what? That poi has gone poof, so fast, and I'm not even outside of my little circle of family and friends. I'm not even giving to all my family yet. It's only the small, and everybody's asking me, Jill, can, next time you guys do it, can we, we'll buy from you. You know, I'm giving it away, and they want to give me money. But yay, we're going to need money because it costs money to farm. But that is not our primary purpose. We know that poi is so healthy. It's one of the best foods to give babies when they first start eating. It is the best food for all of our diabetics. Yes, it should be a priority. It's a healthy food.

COUNCILMEMBER PALTIN: Thank you. Thank you so much. I wonder if we can write that into the thing? Thank you.

CHAIR MOLINA: Okay. Mahalo, Member Paltin. Okay. Members, any other need to clarify Ms. Paresa Rogoff's testimony? Seeing none, mahalo for your testimony, Ms. Paresa Rogoff. And I appreciate you sharing the concept of sharing and all of the ono kau, too. I'm getting real hungry now after hearing your comments. Mahalo.

MS. ROGOFF: Thank you very much. Aloha. A hui hou.

CHAIR MOLINA: Aloha. Okay. Ms. Espeleta, please announce our next testifier.

MS. ESPELETA: Mr. Chair, your last testifier, if we can try him or her again, with the last four digits 5417. I see they have rejoined the call. That is your last testifier for today.

CHAIR MOLINA: Okay. Testifier number 5417, please proceed with your testimony.

MR. GREENLEAF: Thank you, Committee, this is Bill Greenleaf. Oh, aloha, Chair and Committee.

CHAIR MOLINA: Aloha.

MR. GREENLEAF: This is Bill Greenleaf calling in. And I'm calling in in support of creating a Maui County Department of Agriculture. As I listen to the testimony and think about my 20 years in agriculture here on Maui, and I hear conversations that start and stop, and good ideas that kind of stutter and sputter, and we're still in the, we're in a worst spot than we were 20 years ago. It's not getting better, and at this point in time with the new normal, when everybody's considering what the new normal looks like, it looks like to me, that agriculture can be a companion industry to an enhanced tourist industry. And the only way that's going to happen is if we put a full court, all in, ten-year plan to get it going. And we need a department for that. We don't need

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

different departments contributing 'cause every department has plenty on its plate. So, having a Department of Ag that can lead the way and then ask the other departments if they need some support. From department to department, I'm sure that kind of communication is expedited, which is what we need. So, finally, I'd say this is a, one of those rare chances when you can actually rewrite the future. This is a chance to create history, and at the same time, create a future for the children. There's so many young people on Maui now to fuel this industry and it's a viable industry. We see across the country where counties and states support agriculture, that there's a resurgence and a growth, and it supports community values. So, I strongly support this initiative and I think Jennifer Karaca's done an amazing job gathering all of the details. And I'm sure the community and the Committee can pull together a version of this that feels good to everybody. Mahalo.

CHAIR MOLINA: Okay. Mahalo, Mr. Greenleaf. Members, any need to clarify Mr. Greenleaf's testimony? Seeing none, thank you very much for your testimony, Mr. Greenleaf.

MR. GREENLEAF: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you. Ms. Espeleta, please proceed.

MS. ESPELETA: Mr. Chair, that was your last person signed up to testify today.

CHAIR MOLINA: Okay. Thank you very much. Members, with that being said, any objections to closing public testimony for our agenda today?

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: Thank you. Ms. Espeleta, did we also receive written testimony as well?

MS. ESPELETA: Yes, Mr. Chair, we did.

CHAIR MOLINA: Okay. Members, any objections to accepting written testimony for our agenda today?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. All right, thank you, so ordered. Alrighty, Members. Well, thank you. We had roughly 20 testifiers today for our 12 agenda items, much appreciated. So, let's get right into business here. Members, do you need a quick break, or do you want, the Chair's intent is to--

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

UNIDENTIFIED SPEAKER: Okay.

CHAIR MOLINA: --recess at twelve o'clock. Do you want to take a short recess and then proceed? Okay. All right, I think Members have some personal needs. So, let's do this, Members. Let's take ten minutes. Let's return at 11:15 promptly. The GET meeting for June 23 is now in recess. . . .*(gavel)*. . .

RECESS: 11:09 a.m.

RECONVENE: 11:23 a.m.

CHAIR MOLINA: . . .*(gavel)*. . . The GET Committee meeting for Tuesday, June 23, 2020 is now back in session. Thank you for that break, Members. Alrighty, well, we're going to proceed with this humungous agenda today. And just for everyone's information, we have 12 Charter amendment proposals. Member King has five proposals, Member Sinenci has one, I have one, Pro Temp Kama has one, and Vice-Chair Rawlins-Fernandez has six. The Chair posted all pending proposals on one agenda to help Members determine which proposal they would want to move forward with or recommend for adoption, and which ones can be filed, and which ones can be referred to the 2021-2022 Charter Commission. Speaking on just a matter of just opinion, there's not enough time to thoroughly vet each and every proposal today. The Chair is looking to possibly whittle down the list to a more manageable number. As you know, the number of questions on the General Election ballot, depending if you put on a lot, it can be quite cumbersome and maybe potentially distracting for the electorate. But that's just my opinion. I just wanted to throw out a number potentially of five, possibly six Charter amendment proposals, we already have two. And just to provide you a little historical background, since the year 2002, I was part of a Council that happened to be, I think it was a Charter amendment year, there were 19 that year on the 2002 General Election ballot. But I can tell you, a large majority of them came from the Charter Commission that met that year. In 2004, there was 0; 2006 there were 3 Charter amendment proposals; 2008 0; 2010 there were 3; 2012, which was the year the Charter Commission met, and I believe Member Sugimura was part of that, there were 11 ballot questions, and I believe a large majority of 'em came from the Charter Commission; 2014 there were 3 ballot questions; 2016 there were 5; and last election, 2018, there were 3. So, that's kind of my rationale for throwing out the number five for consideration. But ultimately, that will be a decision this body will make as to the amount of ballot questions we want to put on there. So, anyway, with that being said, let me just go over a few parameters first. Chair's going to take a lunch break at 12:00, and we'll reconvene at 1:30. And then, again, what I will do, I'll ask first if any Members who are proposing Charter amendments would like just to start off if you have a consideration for us to file right off the bat or defer, I'm going to open up the floor to that. But first, I believe we had some hands that went up. Let me recognize those Members who had questions first. Member King?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: Yeah, actually, Chair, I was just going to make a motion to file certain, two of the proposals that I made. So, I can wait until you ask for that.

CHAIR MOLINA: Okay. Good, Chair appreciates that very much. Other Members, I saw some hands that went up. I believe I saw, was it Member Sugimura or Member Kama that had questions, no? Okay. Well, let's get right to it. Members, if there's no objections, we'll take the agenda out of order first because Member King did say she had a consideration. Excuse me, Member Paltin?

COUNCILMEMBER PALTIN: Oh, I was the one who had a question.

CHAIR MOLINA: Oh, sorry, I'm sorry, I didn't see your hand. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering of the list of amendment years that you had, if you knew what was the most ever passed?

CHAIR MOLINA: Boy, that's a good question. I think that might be a good question to ask the County Clerk how many of them passed. That's a good, certainly a good question, especially the year 2002 when there were 19 of them. And of course, 2012 there were 11, so, we can make that request from the Clerk's Office to see how many of those measures actually passed. Good question.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: All right, thank you. Okay. Chair, at this point would like to recognize Member King.

GET-10(2) PROPOSED CHARTER AMENDMENTS (FREQUENCY OF COUNCIL MEETINGS) (CC 19-28)

GET-10(14) PROPOSED CHARTER AMENDMENTS (OFFICE OF COUNCIL SERVICES STAFF) (CC 19-28)

COUNCILMEMBER KING: Thank you, Chair. Yeah, I had a couple of proposals that I wanted to go ahead and file. I think they're not as important as some of the other ones. The first one is GET 10(2) --

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: --which is on the second page of the agenda, and that was on the frequency of Charter meetings, of Council meetings, which I'm happy to skip that one for now, and the second one is item 10(14), which originally came from Office of Council Services, and they are really not inclined to push that one right now. That

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

was sort of a reorg of Council Services that I think is, might be able to be taken up. But it's not as critical as some of the other proposals.

CHAIR MOLINA: Okay.

COUNCILMEMBER KING: So, I guess that would be my motion is to file those two, 10(2), and 10(14).

CHAIR MOLINA: Okay. Well, Members, you heard the motion from Member King, which is to file GET items 10(2), and GET item 10(14). Is there a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay. Motion made by Member King, seconded by Member Sugimura. Members, any discussion? Seeing none, all those in favor of filing the two items, signify by saying "aye." Get your hands up.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

**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 CORRESPONDENCE FOR BOTH ITEMS.

CHAIR MOLINA: Thank you. Chair will mark it unanimous. Nine "ayes," zero opposition. Well, thank you very much. That whittles down our number of agenda items today to ten. Okay. Are there any other considerations for deferral for any of our Charter amendment proposals on our agenda today? Committee Vice-Chair Rawlins-Fernandez?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

**GET-10(9) PROPOSED CHARTER AMENDMENTS (RETENTION AND TERMINATION
OF SPECIAL COUNSEL) (CC 19-28)**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. On Page 5 of the agenda, item GET-10(9), I move to file the item and the Communication, the County Communication.

CHAIR MOLINA: Okay. Motion has been made by Committee Vice-Chair Rawlins-Fernandez to file GET item 10(9) and the related Communication. Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Oh, sorry, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Go ahead, you can take the second and I'll explain.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Who made the second? Okay. Seconded by Member Lee. Member Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. There is no County Communication. That's why I couldn't find it. It was a direct referral because of, you have an umbrella item. So, this was directly referred. So, there's no need to file the County Communication. That's it. Mahalo, Chair.

CHAIR MOLINA: All right, thank you, Committee Vice-Chair Rawlins-Fernandez. Any other discussion as it relates to the motion to file? Okay. Seeing none, all those in favor, signify by saying "aye." Show your hands.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All those opposed?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 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: FILE CORRESPONDENCE.

CHAIR MOLINA: Okay. Thank you. Chair will mark it unanimous, nine “ayes,” zero opposition. Okay. Very good, Members. We’ve taken care of three items on the agenda for today. All right, and before we proceed, going back on our agenda to the first item, Chair would like to take a family moment and send out a shout-out, a lot of love and aloha to my two daughters who are viewing this meeting from the mainland, my daughter Malia from Denver, Colorado, and my daughter Aimee from L.A. Thanks for keeping an eye out on dad. Please stay healthy and safe. Everybody sends you their mahalo. Thanks, you guys.

**GET-10(4) PROPOSED CHARTER AMENDMENTS (CHANGING THE DEPARTMENT OF
HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING,
AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS) (CC 19-28)**

CHAIR MOLINA: Okay. Members, with regards to the first item, 10(4), that comes from your Committee Chair. And what I’d like to do is take a short recess to relinquish the virtual rostrum. I’ve asked Committee Vice-Chair Rawlins-Fernandez to the run the meeting for this particular item so I can make my appeal from the virtual Council Chamber floor if you will. So, with that being said, any objections to proceeding in that fashion?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Alright, seeing none, alright, Members, we’re going to take a very, very short recess. Please standby. GET Committee meeting for June 23, 2020 is now in recess. . . .(gavel). . .

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

RECESS: 11:31 a.m.

RECONVENE: 11:32 a.m.

VICE-CHAIR RAWLINS-FERNANDEZ: . . . *(gavel)*. . . Will the special meeting of GET on June 23rd please return to order. It's 11:32, and we will begin with the first item on today's agenda, GET 10(4), Proposed Charter Amendments (Changing the Department of Housing and Human Concerns to the Department of Housing, and establishing a Department of Human Concerns). This is a proposal by our GET Chair. And so, I will call on our GET Chair Molina for opening comments and followed by questions from the Members. Mr. Molina?

CHAIR MOLINA: Okay. Thank you very much, Ms. Rawlins-Fernandez. Members, I've got a semi-long dissertation. I'll try to keep it, summarize it as best that I can. But I've distributed correspondence that are in your Granicus, dated June 16 and 17th as attachments for this item, which is of course, to bifurcate the Department of Housing and Human Concerns, and creating a separate Housing Unit, or Division. The item attached to June 16th transmittal is an updated reso that revises the effective date of the Charter amendment from July 1, 2021 to December 30, 2021. And the items attached to June 17th transmit two letters dated May 5th, and May 20th from Director Tsuhako, responding to my questions regarding cost and various issues associated with bifurcation of the Department. And please note that certain concerns by the Director I've attempted to address, such as, maintaining the CDBG in the Department of Housing if bifurcation is implemented. My proposed resolution includes CDBG in the proposed Department of Housing per the Director's recommendation. And also, the Director notes a concern that bifurcation is not something that we feel can be accomplished within a few months of an election. So, therefore, to assist with the separation, I've revised the proposed resolution to change the effective date of the Charter amendment to December 30, 2021, which will allow for over a year to accommodate the separation. And accordingly, the Director noted that new proposed effective date would make the transition less onerous. And furthermore, the correspondence outlines various costs associated with the bifurcation. I want to note that the bifurcation of Public Works and Environmental Management, which occurred several years ago, and the cost associated with the bifurcation, which included then, hiring a Director, a Deputy, private secretary, and admin assistant. The estimated cost for that was 350,000. According to the Housing Director, Ms. Tsuhako, she's anticipating the hiring of new leadership and admin staff consisting of four E/Ps for the Housing Department to be 368,000. And furthermore, the Director anticipates hiring two E/Ps for the Housing Department, a Planner II, and a Housing Coordinator, the supervisor. The Director further clarifies that if CDBG is part of the Department of Housing, an Account Clerk II may not be necessary. And according to the Director, the total bifurcation cost, which includes salaries, operations, and equipment, the grand total is 522,000. So, now, Members, a half a million to create a Department with the sole purpose of increasing affordable housing, in my opinion, is a worthy

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

investment, which is, when you think about it, in the grander scheme of things is a minor fraction of our County's roughly \$800 million Budget. The focus for bifurcation of the Department of Housing and Human Concerns is to one, better service each area of jurisdiction, address the growing need for housing, to focus our energies on human needs in this pandemic era, and develop, or co-develop affordable housing. Another area I'd like the, you the Members to consider is that each of our neighboring counties has a separate agency or department that addresses housing and homelessness. On Oahu, they have the Office of Housing, and they oversee, coordinate, and direct the development, preparation, and implementation of plans and programs related to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the city. On the Big Island, they have the Office of Housing and Community Development, and their mission is for responsible, for the, responsible for the planning, the administration and operation of all the County of Hawaii's housing programs such as Section 8, and its overall goal is to provide for the development of viable communities in Hawaii County by providing decent housing, suitable living environments, and expanding economic opportunities. And over on Kauai, they have a Housing Agency, which is not a housing authority, and their mission is to provide greater opportunities for affordable housing, and to support community development for the residents of the County of Kauai. Now, I don't point out our neighbor counties to copy them. I point to them because they all have a separate agency or department to focus on either housing or human concerns. They've recognized that the housing crisis is too big to combine with other responsibilities. Their mission statements don't include community or human service functions. But I'd also like to add that it's important to note that the Director said ultimately, separating Housing from Human Concerns may allow the departments to focus more effectively on their respective area of jurisdiction. That, in my opinion, is a very powerful statement that bifurcation will help move the progress of affordable housing and human needs forward. So, in this time of need as it relates to jobs, shelter, and financial assistance, I believe the time is right to implement this bifurcation and allow our public to decide if this amendment will help to move housing in our community forward. So, that's my brief spiel to you, Members. I'll open up the floor and await to hear comment from you. Thank you, Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Molina. Okay. Members, I'll take...okay, it looks like Chair Lee has a question. And then, I'll go to Pro Temp Kama, and then, Member Sugimura, and work our way down there. Chair Lee?

COUNCILMEMBER LEE: Actually, I don't have a question. I'll just wait for my turn.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, Chair Lee. Pro Temp Kama, you have any questions for Member Molina?

COUNCILMEMBER KAMA: I don't have any questions for Mr. Molina, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Member Sugimura?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SUGIMURA: Mr. Molina, if I could ask you a question then? The difference between what was submitted earlier and what you, the proposed Charter amendment is primarily just the date, December 30, 2021?

CHAIR MOLINA: Yes, that's a good question. We changed the date based on a recommendation from Director Tsuhako who had expressed concerns with the original date. So, the December 30th date would give them more time to implement creating this Department, if that is the wish of the electorate.

COUNCILMEMBER SUGIMURA: But that's the primary difference between the two documents?

CHAIR MOLINA: Right.

COUNCILMEMBER SUGIMURA: Everything else is basically word for word?

CHAIR MOLINA: Yeah. And which...

COUNCILMEMBER SUGIMURA: That was my question.

CHAIR MOLINA: Yeah, and also, I wanted to add, and sorry for not mentioning this, Chair, I believe we did invite Director Tsuhako or a representative from the Mayor's Office to respond to any questions from the Body related to this.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Vice-Chair, or Chair?

COUNCILMEMBER KING: Chair, she looks like she's frozen. Oh, now she's gone.

VICE-CHAIR RAWLINS-FERNANDEZ: We still have her audio.

COUNCILMEMBER PALTIN: Can you hear me?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, although it's a little...

COUNCILMEMBER PALTIN: Okay. Thank you, Member Rawlins-Fernandez. My question is, you know, when we did the Charter amendment to take out one, like small section from Parks and Recreation and move it to the Department of Fire and Public Safety, it took a lot longer than what you have proposed. And, you know, part of it might have been political will and stuff. But you think that the bifurcation of the Department would take less time, is my first question. And my second question, those agencies

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

you mentioned in other counties, are they under a Department of, what department . . . *(inaudible)*. . . Office of Housing, is it under a Department of the County or is it just a section of a bigger Department? 'Cause it's not called a Department of Housing; it's called Office of Housing. So, is that like Office of Economic Development under the Mayor? Or is it under a different department? That was my second question.

CHAIR MOLINA: Okay. Well, thanks for the questions, Member Paltin. I got the first question. The second question you were kind of breaking up. So, I'll try my best to answer the first question. I believe you had asked about the Department implementing, you know, creating a new department and how long it would take. Maybe that question might be best suited for Director Tsuhako if she's available. But again, it is the option of the County as far as when they want to fund it. So, the future Council could decide they could wait a year or two years to fund it. So, that's one potential factor as far as the actual established date. But I think that first question may be, might be best for Director Tsuhako to respond to Member Paltin's question.

COUNCILMEMBER PALTIN: Or, I mean, if it's for you, I guess the question would be, like is there a consequence if it moves from Housing and Human Concerns by December 31, 2021, realistically what is the Council going to do? I guess that was the conversation that came up with Ocean Safety. Like, you guys gotta do this, this is a Charter amendment . . . *(inaudible)*. . . yet. So, realistically, is there a consequence to having a date on there? Like if whatever they try and do and it doesn't happen, is it gonna be a accountability ____? Or I guess that's to clarify the question. You can put any date you want on there, but are we making like . . . *(inaudible)*. . . something if they don't make the date? Or is it just try aim for this date?

CHAIR MOLINA: Well, that's a good, if I get your question right, is if the Department isn't formulated by the established date according to the Charter amendment, are there any consequences? I would yield to Corp. Counsel to maybe expound on that. And I believe Chairman Lee, who's a former Director of the Department also has something to chime in.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair Lee?

COUNCILMEMBER LEE: Yes, thank you. This bifurcation would not be as difficult as adding the lifeguards or the Ocean Safety officers to the Fire Department from the Parks Department because the Department is already bifurcated. It's not even physically together. The Housing is in Wailuku where the old, across from CPB bank, you have the Section 8, you have the Housing Development Group, all Housing operations come out of there. And Human Concerns is spread all over, but a lot of it is at the One Main Plaza. So, there's no issues with the union and so forth that you folks went through with the Parks and the Fire Department. It's already there, it's just adding some positions. That's all it is for Administration. It would be fairly easy because they don't all operate as a unit anyway right now. Human Concerns is one area, Housing is another area. Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER PALTIN: Thank you, Member Lee. That was very helpful for me, for my first question.

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

COUNCILMEMBER PALTIN: It makes sense.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And mahalo, Member Paltin. So, we also have Director Tsuhako on the line, and Managing Director Sandy Baz. Member King, you have something?

COUNCILMEMBER KING: Yes, thank you, Chair. Yeah, I just wanted to point out when you were, because Member Paltin was asking about enforcement, that we've had other Charter amendments, the one specifically that added the EP&S position, the Environmental Protection and Sustainability position and Office. That was a Charter amendment that was voted on by the public, voted in, and in 2012 I believe, and it didn't get seated until 2018. So, there were no consequences that I know of for the Administration not seating that position. Also, we, you know, just as in general, the Councils have been ten-plus years behind in doing our community plan reviews, which is a violation of the County Charter as well. And we don't have any consequences for that. So, I just wanted to respond to that question about what are the consequences if they don't get this to happen. There seem to be none.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Okay. I'll next go to Member Hokama for questions for Member Molina, or Director Tsuhako, or Managing Director Baz.

COUNCILMEMBER HOKAMA: Chair, thank you. This would be maybe for Director Tsuhako if she's listening in this morning. I know Big Island went and created, tried to create a super housing agency 15, 20 years ago. And my observation is they haven't been that successful in the construction of units. So, I'm trying to find out if we complete this official bifurcation, does it result in, I mean, what's the result for us? Same old, same old but just a new department with new overhead? Or are we going to get units built? I mean, that is the bottom line for me.

VICE-CHAIR RAWLINS-FERNANDEZ: Director Tsuhako?

COUNCILMEMBER HOKAMA: What makes the units built?

MS. TSUHAKO: Good morning --

COUNCILMEMBER HOKAMA: Director.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MS. TSUHAKO: --Madam Vice . . . *(inaudible)* . . . Thank you, Member Hokama. This is Lori. I think that is the most pertinent question that we have to answer is will the bifurcation of the Department of Housing and Human Concerns actually result in enabling the development of affordable housing. If the Department of Housing is not enabled to do more than the current Housing Division can do, then, I think the answer is no. You know, earlier, the discussion was about the Office on Housing on Oahu. Well, the Office on Housing on Oahu I think has maybe two staff, Marc Alexander, and somebody who helps him with clerical stuff. So, Marc doesn't oversee the development of Housing. The City and County has a special unit that actually looks at county-owned properties and pursues procurement for development of county-owned properties. I think the situation on Maui is different because we don't own as much property. So, most of the property that's here is privately owned. On Oahu, they've been able to take these old city-owned housing developments, procure them, have them bid out with public-private partnerships, and then, create additional housing units.

COUNCILMEMBER HOKAMA: So, Director, I appreciate that response, yeah. So, I appreciate you pointing that out because one of the things that they have that we don't have regarding their ability of housing on Oahu is they have a Land Management Division that is focused on a major component, which is getting the site and land available for the housing, either acquisition of private property, or use of government property. And so, they have a complete different setup from what we have. And if we're looking at some duplication, then we're going to need, what I would say, we started with this Budget for '21 is to continue to support the Administration's request regarding land management and put it under a division, or Finance, or somebody that can do a complete analysis and accounting of those assets that we have for the housing component. So, the Housing Department or whatever it be, Division, can then move forward. But the bifurcation by itself for me at this time doesn't equate to additional units. So, I appreciate my opportunity, Chair. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Okay. Chair Lee? Chair Lee, you're muted. One moment. Oh no, I can't unmute you.

COUNCILMEMBER LEE: Yeah, I speak in support of the recommendation. The, we're at about 34 percent unemployment, we have many people who will be homeless, if they're not already, people are struggling to pay for their rents and mortgages. And at the same time, we're anywhere between 7 to 14,000 units in the hole, in deficit. So, do we need an entity that focuses aggressively in the area of affordable housing? I would think so. You know, we can't just continue as if, you know, we're dealing with, you know, we're not dealing with any particular special problems. But we have special challenges right now. In addition to the carryover challenge of the deficit, we do need people who are focused primarily on housing, and bringing the CDBG Office under Housing would be great too. So, the idea, the problem with having Human Concerns and Housing together is that actually, when you have like five different divisions, there is a competition for money no matter how you shake it. Each one is a separate entity

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

that needs money. So, there is competition for money. So, we should not be in that situation. In 1989, I asked the Councilmembers to consider a Charter amendment to make Housing separate. The best I got out of them was, the Department was called the Department of Human Concerns. The best I got out of the Council was, we'll change the name from Housing, I mean, to Housing and Human Concerns. So, that's all. We had less money to deal with, and there was no pandemic, and we weren't in a crisis. But that's how long ago, you know, this thing could've been. Something could've been done. And like I said, we need an entity to focus on housing. And you can't do it with a czar, and you can't do it with an EA, or somebody like that because you need somebody of equal status as any other director. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Member King?

COUNCILMEMBER KING: Thank you, Chair. I have a couple questions. The first one is for Mr. Molina. Mr. Molina, so, it was nice to hear from Chair Lee that, you know, it wouldn't be that big of a change. But is the intent to put this into the Fiscal Year '22 Budget and then, have it start sometime towards the end of 2021?

CHAIR MOLINA: Yes.

COUNCILMEMBER KING: 'Cause it's not currently funded, so.

CHAIR MOLINA: Good question, I...that is the intent. But however, I, you know, we don't know what the revenue challenges will be this upcoming fiscal year.

COUNCILMEMBER KING: Right.

CHAIR MOLINA: But if it's passed on, if it's put on the ballot and passed by the electorate, then whether it be funded this upcoming fiscal year or later, either way --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: --it will still have to be funded eventually.

COUNCILMEMBER KING: Okay. So, the intent is to basically enable this bifurcation and then, rely on the next Council to fund it?

CHAIR MOLINA: Yeah, correct.

COUNCILMEMBER KING: Okay. Okay, very good. And then, the other question I have I think is for Chair Lee. I just wondered where we're at with the RFP for the comprehensive affordable housing plan and how this would fit into that? Do we know? I mean, is that the fair question to ask you?

COUNCILMEMBER LEE: Well...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: I don't want to put you on the spot, but.

COUNCILMEMBER LEE: Yeah, you're putting me on the spot.

COUNCILMEMBER KING: I know...

COUNCILMEMBER LEE: I really can't... no, no, no that's a...

COUNCILMEMBER KING: Sorry.

COUNCILMEMBER LEE: Well, it's coming. But I don't think that we're moving in the direction of a czar. That was for a --

COUNCILMEMBER KING: Yeah.

COUNCILMEMBER LEE: --more of a plan, to have a plan, a housing plan.

COUNCILMEMBER KING: Right, no, that's, and that's what I wanted to know is that are we, you know, does this fit in with that potential plan, you know, that would this support it, would it be...

COUNCILMEMBER LEE: I'm sure it will.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER LEE: I'm sure it can fit very easily, very easily.

COUNCILMEMBER KING: Okay. But we are moving forward with that, that RFP?

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER KING: Okay. Great, all right, thank you. I'll reserve until we get into deliberations. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Okay. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Committee Vice-Chair. Yeah, I just had one question for Director Tsuhako. So, it looks like one of the questions was sent to us was to identify the number of equivalent personnel that work both in Housing Division and Human Concerns Division. So, and there was no equivalent personnel. Do you, Director, do you see that there is a need or the possibility to share some of those personnel should a new Division, a new Department be created?

VICE-CHAIR RAWLINS-FERNANDEZ: Director Tsuhako?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

MS. TSUHAKO: Thank you, Madam Chair, and thank you, Member Sinenci. The answer to your question is no, sir. So, right now, if you look at how the Housing Division is organized, 22 out of 30 staff members are actually paid out of Section 8, which is a HUD-funded program. And so, those staff members are dedicated fully to the work of the Section 8 Program. They're not going to be used for other purposes. So, they can't be used for other purposes, pursuant to our agreements with HUD. So, they would be solely focused only on Section 8. So, we cannot, for example, like we would a normal program specialist and go assign them to some other specialized task. So, right now, there's no personnel who work both in a Human Concerns program and the Housing program, two separate things. And so, if the Department were to be bifurcated into two different departments, I don't foresee any reason that we would have staff members working in both.

COUNCILMEMBER SINENCI: Right, and so, it looks like what you're saying is majority, because of the Section 8 funding, that you would have enough staffing for the Housing section, but if you needed more staffing it would be more towards the Human Concerns section, Department?

VICE-CHAIR RAWLINS-FERNANDEZ: Director Tsuhako, video?

MS. TSUHAKO: No, not exactly.

VICE-CHAIR RAWLINS-FERNANDEZ: Are you able to turn your video on?

MS. TSUHAKO: No, I'm sorry. It's disabled. Oh, there it, did it work?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MS. TSUHAKO: Oh, okay great, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. And Member Sinenci's question.

MS. TSUHAKO: So, Member Sinenci, the answer to your question, no, the...so, if you look at the organization of the Department right, the Division right now, there's, so, there's 30 people in the Housing Division, 28 of them are assigned and paid for out of Section 8. So, we're talking about eight people who are General Funded positions in that division. So, for example, if the Department of Housing were created, you know, we would need to have the ability to do, at least the ability to do co-development of housing projects. And so, that capacity of those eight people would have to be built up to allow us to do that, to do that co-development piece and some of the ongoing monitoring. So, the more housing that is built, the more housing agreements that are made with developers, the more that group of, that staff would be required to monitor ongoing over the long-term for affordability and for all of the things that we monitor for. So, I would foresee that most of the staffing would need to be to enhance those functions.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SINENCI: Okay. Mahalo, Director Tsuhako. Mahalo, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Okay. And my questions are for Member Molina, and then, Director Tsuhako. My first question is I think one of the Members asked earlier, what the timeline envisioned for this to, for the Administration to consider a fair and implementable bifurcation of the Department.

CHAIR MOLINA: Well, with the deadline that we put on the resolution I think it was December 31, 2021. So, it would be for Fiscal Year 2022, which hopefully would be, if passed by the electorate, the Department, separate Department would be running by Fiscal Year 2022.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, two years?

CHAIR MOLINA: Yeah, two years, correct.

VICE-CHAIR RAWLINS-FERNANDEZ: And, Director Tsuhako, I heard Chair Lee say that it's, it wouldn't be as difficult because it's already, the Department has already physically bifurcated. So, this would kind of be just more on paper. Is that my understanding, Director Tsuhako, that...

MS. TSUHAKO: That's...thank you, Madam Chair. I think that that's perhaps what Council Chair Lee meant. I disagree with her, though. I don't think that the Department exists already in a bifurcated state. Budget-wise we have a Housing Budget, and we have a Human Concerns Budget. So, eight of our, I mean, our eight divisions are separated into Housing, and the other seven divisions are in the Human Concerns Budget program. And so, if that was the reference, then yes, I agree that that's how it works. But there's multiple ways that the Housing Division overlaps with what we do other, in the Human Concerns program. I'll give you an example, homelessness is one of them where additional funding has been received by our HOME program to do rental assistance. And that rental assistance actually has been awarded for administration to a homeless provider, Family Life Center. So, there's multiple ways that the two budget programs sort of overlap with each other. So, I don't think that it's as easy as just, you know, separating on paper because we're in different locations. So, we're in different locations just based on the fact that the, we have, there's a breadth of activities under the Department, including Senior Services, Office on Aging, Volunteer Services, Early Childhood. So, it, I don't think we could co-locate, you know, just based on the breadth of that service. So, I don't think that that's a necessarily the best measure to assess how easy a bifurcation would be.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. Okay. And my next question is regarding what Member Hokama kind of mentioned, like so, you know, part of what we would like to see achieved through this bifurcation is more affordable housing. And I think Member Molina did a really good job in adding language under the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Housing Department to initiate the creation of affordable housing units, develop and implement a comprehensive housing plan for the County, promote and expand new housing opportunities for homeless and needy families throughout the County, increase affordable housing stock for homeless and very low to gap group individuals and families. So, I see that as the Council trying it's best to, you know, nudge the Department along to, in this direction of creating more affordable housing for our residents. So, would, how would this not achieve more affordable housing policy-wise, and what more would Council need to do to achieve that?

MS. TSUHAKO: Thank you for your question, Vice-Chair Rawlins. I think the important thing to remember about some of the discussion is that we all, I think without doubt, want to have more affordable housing opportunities for our community. I think that is like our baseline. We all agree, there's uniformity in our agreement on that. The question to me is really about if we create a Department of Housing that's enabled to do more than the Housing Division is allowed to do. So, that means the resources, the human resources, planning, financing, CIP people who understand how to do development. Then, I believe that that would initial, I mean, you know, after initial startup and all of that, result in...my dream is possibly more partnerships with other developers so that we could work on projects together. I hope that the, whatever Administration is here, and the County Council is here would have agreement about projects. There's never going to be a perfect project. But if the goal is for affordable housing and we look at the pros and cons that there's more agreement on actually going through with the development and building those housing units. So, it's a matter of resourcing that. So, if it's just that 30 people plus CDBG, and a few more people, but we don't have the capacity to have land acquisition, and management, and CIP people, and planners, and financing people to do all of that work that goes into development, my fear is that we'll still be short, and we'll create a new Department, but we'll still fall short if it's not resourced properly. So, it's not a...yeah, that's the answer.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Director Tsuhako. Okay. Member Molina?

CHAIR MOLINA: Yeah, thank you very much, Madam Chair. I'm keeping an eye on the time and I understand you and Member King have an important meeting to attend to. So, if you would consider recessing now, and then, we can return to discuss this item and determine its fate after lunch?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Okay. So, Members, any objections to our GET Chair's recommendation of recessing now, and then, when we return, I did see some hands, and so, I'll allow Members one more question each, and then, I'll entertain the motion, and then, we can move forward from there. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Great, mahalo.

COUNCILMEMBER KING: Thank you, Mike.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, mahalo, Member Molina. Okay. So, it's 12:06, and we'll return at 1:30. Was that the intention? Okay. So, we'll return at 1:30. The GET Committee meeting is now in recess. . . .(gavel). . .

RECESS: 12:07 p.m.

RECONVENE: 1:37 p.m.

VICE-CHAIR RAWLINS-FERNANDEZ: . . .(gavel). . . Will the Governance, Ethics, and Transparency Committee please return to order. It is June 23 at 1:37. I am the GET Committee Vice-Chair, filling in for our Chair who has proposed the first agenda item. And we are on GET 10(4), the first agenda item, Changing the Department of Housing and Human Concerns to the Department of Housing, and Establishing a Department of Human Concerns. So, we did a round of questions and then, I seen some hands go up with additional questions. So, I'll open the floor for one more round, and then, I'll entertain a motion and then we can move forward from there. Okay. Pro Temp Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, let me see, where do I begin, so, the intent is for us to, should this be approved by us to put it onto the ballot, and for...and then if it gets...so, I'm going to make an assumption it goes through the ballot, the citizenry says yes, they're good with it, and so, they approve it in the, in November. So, what is it that we're going to be doing as a Council in the interim? Are we going to start maybe putting some suggestions together about, you know, what it's going to look like, or is it our role to make sure that we fund the thing in a totality or whatever? So, what do we do in the interim?

VICE-CHAIR RAWLINS-FERNANDEZ: Member Molina, would you like to respond to Pro Temp Kama's question? Okay. Member Molina?

CHAIR MOLINA: Yeah, well I'll give it a shot. I guess there's, the options, we have multiple options. I guess we can provide proposals to the Administration, again, we have to look at what our revenue source is. But as I mentioned, half a million dollars is really, I don't want to call it a drop in the bucket when you're talking about an \$800 million budget. But I think we can certainly give input along the way and make it known. Of course, we're talking about the next Council 'cause this is assuming, you know, we're back. So, that's my take on it at this point. I hope I answered your question as, provided a response to all of your concerns on that.

COUNCILMEMBER KAMA: Yes, yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: I'm just kind of shooting from the hip here.

COUNCILMEMBER KAMA: Right, well, only because I think that when I think about the Housing Department that having a separate portion actually gives more time, like you mentioned in your opening remarks, more time, more concentration, better concentration --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: --probably more deliberations, and more clear focus, I guess, you know, when you have a bifurcation. So --

CHAIR MOLINA: Yeah.

COUNCILMEMBER KAMA: --I was hoping that maybe in that 12 months that we have, that we'd be able to do something that would be able to, you know, kind of shape it, and make it, and mold it to what we think would be, what, whatever it is we're all thinking about how this could be an advancement to our housing crisis and situation. That's where my thought was going.

CHAIR MOLINA: Right. Yeah. Yeah, certainly it doesn't prohibit us from providing options for the Administration to consider. And the spirit of the resolution is really for the Administration obviously working in concert with the Council to aggressively address this problem, especially as we're having to look at what we're going to do next as we're going through the recovery period of the pandemic, and housing certainly has been at the forefront, one of the major issues. So, that's, those are some of the reasons why I proposed this. But thank you for the question.

COUNCILMEMBER KAMA: So, my last comment, Chair...Chair and Vice-Chair, that when I look at that Housing Department, I realize that what we really needed is like a developer, somebody who has the expertise in terms of development and construction, and all of those expertise that goes in with doing this. And I see the bifurcation as an opportunity to be able to allow that to happen. So, thank you very much, Chair, and Vice-Chair, Mr. Molina. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Temp Kama. Chair Lee, did you want to add to Pro Temp Kama's question?

COUNCILMEMBER LEE: Sure, yes, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Go ahead.

COUNCILMEMBER LEE: I'm sure Member Kama was thinking, does this include homeless, Mr. Molina?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KAMA: Automatic.

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER KAMA: That was my thought.

CHAIR MOLINA: Yeah, very good question, easy answer, yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Mahalo, Chair Molina. Okay.
We'll go to Member Sugimura; do you have any questions in this second round?

COUNCILMEMBER SUGIMURA: So, I do. Is the Department still on?

VICE-CHAIR RAWLINS-FERNANDEZ: Director Tsuhako?

COUNCILMEMBER SUGIMURA: Or Sandy Baz, whoever.

VICE-CHAIR RAWLINS-FERNANDEZ: Who would you like to ask your question to?

COUNCILMEMBER SUGIMURA: So, if . . . *(inaudible)* . . .

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz . . . *(inaudible)* . . .

COUNCILMEMBER SUGIMURA: Oops, there's echo going on. Is it from me?

MR. BAZ: It could be from me --

COUNCILMEMBER SUGIMURA: Okay.

MR. BAZ: --Sandy Baz.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, we have Managing Director Baz, on...

COUNCILMEMBER SUGIMURA: Okay. So, whoever. So, I'm just curious. If the discussion is saying that, I guess one of the Members was saying that the Housing and Human Concerns already operates under a bifurcated structure I guess is the word, then, I'm curious either the Department or Mr. Molina, I guess, how do you pay for all of this? And I understand that the Department is saying that it's half a million dollars is the cost for the Director, Deputy, administrative staff, and some of the positions that they outlined, and rent, you know. And I'm just curious about what are the deliverables that we're looking for to justify this? I am concerned about the pandemic that we're experiencing now, and I think that to create something that's going to expand government is not timely. And that what will this do by creating a new Department if we're saying that they're already doing it now? So, and we're still looking for housing. So, I see this huge gap still, and I think this is the wrong time to try to expand

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

government if we are concerned that, you know, we are in a pandemic and that we're concerned about our major real property tax, our revenue source may be affected. But I don't know, maybe Mr. Baz, who understands Budget well and the departments, might have a comment.

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz?

MR. BAZ: Thank you, Madam Vice-Chair. So, I tried to glean a question out of there. In general, you know, \$500,000 is a significant amount of money. But when you look at the operations of the departments it's not insurmountable. The focus of, on housing I think is important. It's one of the things that has prevented us from having enough housing for our citizens here. But I'm not quite sold on the fact that it needs to be a separate Department to be able to get that priority. When we look at the other counties in the State, the City and County of Honolulu's Office of Housing is actually an office under the Mayor, it's not a separate department. It's actually just Mayor's staff that they have assigned specifically to this. And Big Island is an agency, and same thing with Kauai, they're an agency, they're not large departments. But when you look at the need for housing and how to solve that, it's going to take more than just a Department. And we've been in this discussions, you know, before about the amount of, \$500,000 to create the administrative branch of this, this will be important, but to actually solve our housing problems it's going to need significant more investment than that. So, it just...and then, so, I mean yeah, so, \$500,000 is important but not insurmountable. But it's not going to also solve the problem. When you look at the duties that are in here that are under 8-10.3, you know, those are pretty comprehensive items. I did have some questions about those. If one and three were duplicative, and then, number five is administer and implement existing housing programs, does this prohibit them from creating new housing programs, and like that. The other thing that was just brought up and I had the same question was homelessness. You know, if this includes services and housing for homeless individuals, there, that's where it really crosses the section between human concerns and housing. As you know, it takes a lot of wraparound services and support items to be able to service somebody being homeless into getting them a shelter, you know, a permanent shelter over their heads. That's another factor that you've gotta evaluate how much of the responsibility will remain within a Department of Human Concerns, versus being shifted over to the Department of Housing. 'Cause generally, the homelessness responsibility is within the Human Concerns side of the Department right now. There is two sections, obviously, two divisions within the Department that, you know, theoretically could be bifurcated fairly simply if the desire was there. You know, Housing is fairly separate from Human Concerns. But there is a lot of, you know, cross work that needs to happen on both sides for it to work. And the Housing Division itself has never really been funded appropriately to support an expansion of services in that area. I remember trying to ask for the developer position that we have now, and it took years before Council supported that position just to be able to have somebody on staff that could evaluate the applications that we were receiving from a developer standpoint, let alone actually going and trying to develop housing. So, you

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

know, and then I also compare that with the Office on Aging and the efforts that were done with that. You know, 20 years ago when I was at MEO, the need for this, you know, to services to provide for the silver tsunami were really important and something that, you know, at the time the Council funded additional services for. A lot of if it was Federally funded at the time, but if you look at the services now, they're Federally funded and supported with County funds. And, you know, that's been a big benefit to our community. And the reason why there's a lot of support services for seniors and elderly is because of the effort that was put into that. And I think the same thing can happen with housing, and something that, you know, the Mayor's been pushing on a lot with the, you know, development of affordable housing and trying to work on the evaluation of projects through the _____ Program, looking at partnering with private nonprofits and foundations and others to be able to spur on more development, even to the possibility of as you know, purchasing Waiale so we can get, you know, more development going. But you know, those are things that happen, I guess, with or without it being separate departments.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Managing Director Baz.

MR. BAZ: Sorry, long answer.

VICE-CHAIR RAWLINS-FERNANDEZ: We have a lengthy agenda . . . *(inaudible)* . . . --

MR. BAZ: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: --move things along. Member Sugimura, was your question answered?

COUNCILMEMBER SUGIMURA: Yeah, so, I guess, Mr. Baz . . . *(inaudible)* . . . Housing last question. Do you think we need to create a separate Department?

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz, are you able to turn on your video?

MR. BAZ: No, I'm actually in another meeting. I'm multitasking here. So, I'm not on my phone.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. BAZ: Yeah, sorry. But the idea of having another department is I think could be something that would be beneficial. Right now, though, I don't know if it would be a distraction. It does take a lot of effort, not just to hire, you know, three people, you know, Director, Deputy, and secretary, you know, creating positions as you saw, even just me trying to create the archaeologist position took almost a year to get filled. But then, the other thing is, as you create a new department, there has to be Administrative Rules and, you know, personnel procedures and things like that that

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

need to be created, and like when they created the Department of Environmental Management, even though there was really no new employees other than the Director, Deputy, and secretary, and it was easy to split off necessarily. But the actual development of the pieces needed to be in place to operate the Department took a while longer and were a distraction to the actual activities of the Department itself. And I wouldn't want that to happen right now to the Department of Housing because it is such a big focus that we need to pay attention to.

COUNCILMEMBER SUGIMURA: So, the answer is no? Thank you.

MR. BAZ: Yeah, the answer is basically is no, yeah.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Managing Director Baz. Mahalo, Member Sugimura. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Vice-Chair Rawlins-Fernandez. My question would be for Director Tshako. In one of your previous answers, you were afraid that if we create this Department of Housing, it may fall short if it's not properly resourced. And so, my question is, aren't we already falling short? And I feel like, and I might have got it wrong, but I feel like when we first came in, you know, I mean, and still yet to today, housing is a priority for our people, and I think Member Kama tried to give Department of Housing and Human Concerns like \$20 million. And so, it's like the problem is not resource, it's...and how Director Baz, and I'm not trying to blame anybody, or blame you or anything, but like how Director Baz said it would take a lot of time to find these positions and describe them. Like why hasn't that been done in the past two years? I mean, housing is a priority for our people, and you know, if we can realize that, you know, last year we learned we can't solve the problem by throwing \$20 million at it, and you know, if the problem is finding the right people or getting the right plan, I mean, I commend Member Molina, I feel similar to Member Hokama that, you know, just creating this Housing Department isn't in and of itself going to solve the problem. But I feel like we tried other things and it's not solving the problem. So, we need to try something and, you know, if, and it's not even us trying something, we're giving the people the option to vote on whether they want to try this thing. So, I mean, if, I guess my question is, are we not already falling short, and we tried to resource properly the first time? I mean, if this is half a million dollars, what about the \$20 million we tried to put in there the first time around, you know, it...we tried to resource getting housing properly because it is a concern for everybody that got elected, I would imagine, you know. And so, I mean, if this isn't the answer, I mean, I know it might be a distraction. But in the long run, if your foundation isn't firm, you know it's going to come out from under you. And to make a firm foundation, sometimes it takes that extra work of creating the administrative rules or, you know, taking in the effort to find the right people, the, those things. So, I mean, if we don't do this, aren't we already falling short? And by trying to adequately resource the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Housing section, we weren't able to do it. So, I mean, if...I don't...we all want to solve the problem. But I'm not hearing a lot of solutions on how we can work together to do this if this isn't the answer.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, it sounds similar to a question that I asked in the first round. What more can we do?

COUNCILMEMBER PALTIN: Oh, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin was asking more detail. No, it's a good question. I don't think we got the answer, which is why you're asking again. Director Tsuhako?

MS. TSUHAKO: Thank you, Vice-Chair Rawlins, and thank you, Member Paltin, for the question. So, I agree with you that, you know, the production of housing units could, you know, should be better. I don't think that there's any argument about that. But I think the way that I, we're looking at this is that for the proposed Department of Housing to be able to actually develop more housing units, the expectation and the function of it has to change from what Housing Division is doing. The Department of Housing and Human Concerns, the County in itself has not been a developer of housing in the recent past. I mean, I think, well, the last project we did was Kula Malu, and that was, took a lot longer than we expected, and was over budgeted. But I think the projects before that were like maybe Skill Village in Paia and something like that. So, a real robust development arm of the County hasn't existed for a while because I think the conclusion that was reached back then was that we weren't efficient. It took us longer to do stuff, and it was more expensive than if we partnered with a private entity to get those developments done. So, the discussion that we're having today, and we've had in the past is about asking the, that entity, the Department of Housing as proposed to do something different than what our Housing Division has been resourced and expected to do. So, I think that that's a primary distinction that I would like to make, that our Housing Division hasn't been equipped, or hasn't been created in that way to make the County a developer of housing. It hasn't been done like that in the recent past.

COUNCILMEMBER PALTIN: So, to clarify, you're saying that as opposed to creating a Department of Housing, that we should re-describe what the Housing Division's role and, not message, but mission is. Is that that's what you're proposing?

MS. TSUHAKO: No, I'm not proposing that. I'm just saying that as it exists right now, and it has existed in the recent past, that Housing Division is not enabled to be a developer in the way that we've had conversations about over the past year and a half. They're not developers.

COUNCILMEMBER PALTIN: So, but you're not saying that they should be developers, you're not proposing that? Is that correct?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MS. TSUHAKE: Well, I think in the discussion that we've had over the past year and a half or so, the hope was, and I think Council Chair Lee said this, that the County would, if not be the developer, then be co-developers with other entities to ensure that more units are built. And what I'm saying is that, you know, they need to have those resource, the personnel resources in order to be able to fulfill that, those responsibilities, because right now, they're not necessarily enabled to do all of that because we haven't done that in the recent past.

COUNCILMEMBER PALTIN: So, sorry, just to clarify, to get from where we are to where we want to be, and you think that where we want to be to help us get there is to be a co-developer with other entities. And what we need for that is simply more personnel resources, and we can accomplish that within the Housing Division under the Department of Housing and Human Concerns? We can get to where we want to be by that means, just creating more personnel resources, and you know, advocating or shifting focus to be a co-developer with other entities?

MS. TSUHAKE: I'm saying that that's one potential. That's one potential avenue to look at it from. I think that the...

COUNCILMEMBER PALTIN: And it wouldn't take a Charter amendment to just add that personnel resources and pivot to become a co-developer with other entities?

MS. TSUHAKE: I don't believe it would.

COUNCILMEMBER PALTIN: And so, if say, this Charter proposal doesn't get on, and, or if it gets on and it doesn't get passed, is that like something that the Administration is prepared to do to get us to where we need to be, knowing that that's one of the most, I mean, if we work together and the Council is, you know, prepared to spend the money to get us to where we need to be, is that the plan moving forward if this one should fall through?

MR. BAZ: Chair, I might be able to answer that.

MS. TSUHAKE: Oh, go ahead, Sandy.

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz?

MR. BAZ: Yeah, thank you, yes, and actually, Ms. Paltin, thank you for the question because yes, that's very true. We would be very happy to do that. And that's part of the dream of the Waiale project is that we would be working with developers to co-develop the housing over there, you know, providing the largest cost items, the most difficult things, you know, the land and infrastructure would mean that developers could come in and build truly affordable housing for our people. And that's really yeah, the dream

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

that the Mayor has been trying to push forward and why we've been so actively addressing and focused on this project so that we can be co-developers.

COUNCILMEMBER PALTIN: Thank you, Director Baz. But, you know, just saying majority of the jobs right now are in Lahaina and South Maui and, you know, if that's co-developer, Waikapu Country Town is huge amount of houses right there. There's three 201H projects right there, like people need to work near the places that they live, you know, or live near the places they work. And, you know, there is a great need for housing in South Maui and West Maui and I would hope that we could do more than just one Waiale...

MR. BAZ: Chair . . . *(inaudible)*. . . right . . . *(inaudible)*. . . we have been looking at land in South Maui and in West Maui that the County either owns or that it's owed to, or, you know, that we could partner on. . . *(inaudible)*. . .

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz, we cannot understand. Your connection seems to not be very strong. Managing Director Baz?

MR. BAZ: Is that better?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

MR. BAZ: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we understood --

MR. BAZ: Sorry, yes, we are looking...

VICE-CHAIR RAWLINS-FERNANDEZ: --. . . *(inaudible)*. . . identifying land in South Maui and West Maui and that's kind of what we were able to understand.

MR. BAZ: Yeah, the short answer is yes, we are trying to identify land in South Maui and West Maui to co-develop and work with developers on . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Managing Director Baz? Okay. Mahalo, Member Paltin. Mahalo, Managing Director Baz. Okay. And next is Member Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. No, I have no questions at this time. I appreciate the comments that was provided to the Members' questions during this round. So, thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Chair Lee?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER LEE: These are only questions, right? Okay. Managing Director, you're sort of making the case for us, for a Housing Department and a Housing Director. 'Cause I have to ask you, why is the Managing Director looking for land for housing, and whoever else you're working with?

MR. BAZ: Chair, I say we, meaning the Administration, you know, the Mayor has been directly involved, I've been directly involved, the Housing, Department of Housing and Concerns has been involved, I have, you know, Saumalu has been involved in that. It's something that's a major partnership. But what we've realized is that it has to be across departmental to be effective and that's why my office specifically has been working with the _____ team to get that done.

COUNCILMEMBER LEE: Okay. Thank you, thank you, thank you.

MR. BAZ: I think...

COUNCILMEMBER LEE: Okay. We got...I got it, I got it. But you're also working on COVID-19, and you're working with tons of other issues. So, you know, that's the whole point, Sandy. It's not a criticism of what you folks are doing. It's, we're saying, in fact, we're willing to put the resources behind what we're proposing. Why not embrace it, because really, nobody has the time to, it seems with all that's going on, nobody has the time to commit and fully dedicate themselves to strictly housing. And that's all that we're talking about, Sandy.

MR. BAZ: . . .*(inaudible)*. . . appreciate the financial and resources support to get housing done. As Director Tsuhako mentioned, it's not just about creating a department, I think. That may be one solution to solving the problem, kind of a long-term solution. But immediately, by providing more, you know, financial resources, more positions, that will help the quickest. I think it's just where we're coming from.

COUNCILMEMBER LEE: Okay. So, you're not saying that you're not, it's not the cost that's holding you back?

MR. BAZ: Well, I, no, not necessarily because it's going to take a lot more money to solve our housing problem than \$500,000. What we're saying is that is the Director, Deputy, private secretary, and you know, the basic overhead administration worth it as a duplication to what's existing? Will that help to accomplish the goal quicker? We're not sure, that's basically where the Mayor is coming from.

COUNCILMEMBER LEE: Okay. Fine, that's an answer. Not...I don't agree with it, but that's an answer. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Member King?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: Thank you, Chair. Yeah, I don't see this as a, in addition to existing, I mean, the bifurcation is basically taking a department and separating out the two components of it. But I heard earlier there was a concern about keeping the, putting the homeless issues in with Housing. And so, I wanted to ask Member Kama, isn't that what we do on the Council? Don't you have the homeless issues in the Affordable Housing Committee?

COUNCILMEMBER KAMA: Yes, I do.

COUNCILMEMBER KING: Okay. 'Cause I know that we split that off from what we originally saw as possibly Healthy Families and Communities, and we put that with your Committee. So, we are addressing it kind of in that vein anyway as a housing issue because they're homeless because they don't have housing. So, I don't really see that as a, anything different than what we're doing right now, the way we address these issues and the way we bring them to the Council, certainly. And the Council committees were formulated around the General Plan goals and objectives. So, that's why that was put with Housing I believe. So, I, and just to reconfirm with Mr. Molina, we're not doing anything, we're not creating a new Department of Housing. We're taking Housing and making it its own Department. Isn't that correct? So, I don't understand the concern that we're creating something in addition to what we have. What we're doing is creating a new system. And I think that, I know that it's scary for people sometimes. But sometimes that's how you get things done that when you're stagnated because things aren't happening. You know, this is a reaction to things not happening quickly enough. And I don't want to say nothing's happening, because we have created new housing already. But this is, to me, this is giving the electorate the opportunity to say yes, we need some change. And I think a long, as long as, to me, as long as this is not conflicting with the affordable, the idea of comprehensive affordable housing plan, which the Council has already committed to, then I don't see it as, I don't see it as a duplication, I guess is what I'm saying. And then, I'm sure that's not what you meant when you created it. It's just taking something and having one Department focus on the housing piece, another department focus on the human concerns piece. Okay. So, I think I'm pretty clear. I support the, I support putting it on the ballot and allowing people to vote on if this is the structure that they want to see us operating under. 'Cause I really see this, all of our governance, all of our departments belong to the people, the taxpayers, and the people that we're trying to serve, you know. They're not our domain and, you know, and especially if you're in the political arena you're not going to be here forever. And, you know, that's the idea is to do the most good you can, address the people's concerns, and this is giving them a voice in that structure. So, I support it. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Member Sinenci, any questions?

COUNCILMEMBER SINENCI: None at this time, Committee Vice-Chair. Thank you. But I appreciate the conversation.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Okay. So, I have one question for Member, Chair Molina, regarding the CDBG, proposing to have it under Housing. I guess, I don't not support it, I just, I'm curious to understand how CDBG would fit under this Department when it has like other non-housing related activities such as funding large equipment for, you know, Public Works, or for the landfill.

CHAIR MOLINA: Good question. Yeah, you know, we looked at all of that and it was just a decision on my part to, it might be in my opinion it was a better fit to put it under Housing, and I did get the blessings from the Housing Director as well on that. So, yeah, there was no real science, I guess, put to it. But again, with the blessings of the Housing Director I felt well, if CDBG is a better fit under Housing, then I'm fine with that.

VICE-CHAIR RAWLINS-FERNANDEZ: Housing Director, meaning Director Tsuhako?

CHAIR MOLINA: Yes, Director Tsuhako.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Pro Temp Kama, did you have a question to my question?

COUNCILMEMBER KAMA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER KAMA: Yeah, so, my understanding is that the CDBG is actually, it's more like a housing entitlement program money. So, whatever has to do with housing, whether it's housing or trying to build --

CHAIR MOLINA: Good point.

COUNCILMEMBER KAMA: --yeah, for it to...it's actually it's housing money. And whatever it takes to put that house up, whether it's sidewalks or roads or whatever, even if you mean you gotta buy equipment to make the roads for build the house, but CDBG monies is all housing money as far as I'm concerned. So, thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Temp Kama. So, the funding to purchase large equipment would just be to help dispose of the solid waste that is created by the houses? Okay.

CHAIR MOLINA: You could make a case for that, sure.

VICE-CHAIR RAWLINS-FERNANDEZ: . . . (inaudible). . . you know, I just wanted to understand how that works. Okay.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

MR. BAZ: Chair, if you'd like, I can describe a little bit more in detail. But I think you guys get the point. It is something that actually makes a little sense. CDBG is funded under HUD, Housing and Urban Development, and they're very, very similar to the HOME Program, a little bit different focus, but the function is similar.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Managing Director Baz. Okay. Okay. So, I, in the discussion that we had, I guess we have a Deputy Director of Housing, and he would then move to, or I mean, she could either be like Housing Director or Deputy Housing Director. So, that wouldn't be a new position. I was trying to think of like what exactly would be the new positions. 'Cause as Member King was saying, it's not really an addition of new positions. It would be a new position for the Human Concerns, which Director Tshako kind of specializes in. So, okay, sorry, kind of thinking out loud. I thought I was going to have a question there. But I think I've answered myself. Okay. And...yeah, I think I got it. Okay. We'll just complete that round of questions if no one else has any burning questions. And I'll now entertain a motion.

CHAIR MOLINA: Madam Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Molina?

CHAIR MOLINA: I move that we adopt the revised proposed resolution.

COUNCILMEMBER LEE: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Moved by Chair Molina, seconded by Chair Lee. Member Molina?

CHAIR MOLINA: Yes, thank you, Madam Chair. Sorry, I lost my place. I wanted to give you the full title of the resolution. But anyway, the title of the resolution is, Proposing Amendments to the Revised Charter of the County of Maui (1983), as Amended, Changing the Department of Housing and Human Concerns to the Department of Housing, and Establishing a Department of Human Concerns. Now, I'm hoping that this proposal Members would support at least putting this on the ballot for the people to decide because as we recover from the pandemic, housing, affordable housing, is still going to be a major issue. A lot of people will be out of work, and one of the first things they're going to need is housing. Some people, their benefits are going to run out and we're going to have to find some way, shape, or fashion to provide shelter for those that have been severely impacted by this pandemic. Now, attacking the issue of housing, you have to take a multi-pronged approach and it's been done over the years. Prior Councils supported the Affordable Housing Fund, has that contributed towards doing more affordable housing? I believe it has. The First-Time Homebuyers Fund has helped people attain the dream of home ownership, and rental assistance, when that was created, and it still is in existence, that has really helped people pay their rents. And you know, this Council has added more monies towards helping those who

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

have been victims of homeless. So, there's not one giant solution. But I see the creation of this Department as a step forward. Is it going to be the cure-all? Maybe, maybe not, but the spirit of the resolution puts focus, direct focus on having a Director with the right expertise in this area and because, let's face it, currently the Department of Housing and Human Services, it's big and there's escalating needs for human services. And it's really tough on the Director to focus on both, the extreme need for both housing and human services. So, that's my primary focus for creating this separate Department. It reaffirms this Council's commitment in working in collaboration with the Administration to attack this issue of providing shelter for our citizens. This County will continue to grow, and the needs for housing will still exist. So, yes, it's one solution of many that I believe we need so we can move forward to address the issue of affordable housing. Thank you, Madam Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Molina, and just to clarify that the motion is on the revised reso with the new effective date, December 30, 2021, which is attached to correspondence date 6/16/20. Okay. Chair Lee, as the seconder of the motion.

COUNCILMEMBER LEE: Thank you, Madam Chair. I fully support Mr. Molina's resolution. I think this is very timely. I know that this and other proposals will probably meet some resistance because people are not ready to let go of the past. But today is a different day and requires us to be more open and willing to try things, new things. And that's what the pandemic has caused. 'Caused us, everybody talks about the new normal, well, here we go. And I believe since the Council is fully in support of housing and providing resources, that the Administration to feel a little comfort level in moving forward because, you know, it takes a little will, and it takes a little courage to make changes. But you can't get to second base when one foot is on first. So, we just have to get together and move forward. And this is one way we can do that, and I am in full support of Mr. Molina's motion. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Anyone else wishing to speak to the motion? Okay. Oh, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, I believe that I'm going to vote against this creation of a new department. And because of the situation that we are in, and unsure of our real property tax revenue base being able to fulfill adding a new expansion department right now, I'm going to vote, that's part of why I'm voting against it. But I also see that if what all of you say that we already have the existing Department and what they're doing, we have like, Kilohana Makai right in front of us, and it's being resisted, you know, or there is like some resistance, it feels like for its passage, and other projects that have come before us. And we have voted others down when we had this huge housing crisis. So, I believe that in step with a developer, the County Council has a responsibility in working with the departments, that's one. Number two is, we already have the staff that's already working on it, whether it's working or not, that is part of their job, and there is a division already working. And let's, you know, let's infuse

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

cash, let's do the things that we talk about, approve projects, let's move it forward and do something so that we can get housing for working families. So, I don't think this is the time to start a brand-new department. I think it's something that we can look at once this pandemic, and we understand what the new normal is as we're all talking about it, and then, take the necessary steps. But I don't think we need to do it today, or this next general election in November. And I think there's time after we understand what our revenue source looks like and how good or bad our economy is, and how good or bad the County Council will be in order to provide, again, basic services that we're responsible to do, regardless of this, you know, Charter amendment and anything else that we do. We gotta take care of the people. So, that's my position. Mr. Molina, thank you very much for this, and all the research that you put into it. I appreciate it. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Member King?

COUNCILMEMBER KING: Thank you, Chair. I want to thank Chair Lee for her visualization about not getting to second base if you still have your foot on first base, I liked that. You know, we're trying to move forward, and we're trying to move forward with the community. I don't think it's the responsibility of this Council, or the Department, to back up every developer, every proposal because some of them are appropriate and some of them aren't. And I think it's the responsibility of the Department to make sure the developers work within the community so that the projects that they proposed fit within the community and can be supported. So, that's, you know, to me, that's not the purpose of having this Department, just to support every developer. It's to help work on this plan for comprehensive affordable housing, things that make sense and things that are accepted by the general public and are good for the general public. And so, that's what the, I think that's what the Council has been very responsive for. So, I'm really grateful to this Council for listening to the public. But I do want to differ with Mr. Molina that I don't think we need to, this Department, to show our commitment. I think we're all committed to affordable housing, although, we may have different ideas of what that means. But, to me, this Department is about efficiency and just focusing the one Department on housing, and then, focusing the other Department on human concerns. I like that idea because we're all, I mean, these are probably the two of the most issues. You know, after...with people losing their jobs and I don't know anybody who's lost their home yet, but I'm sure that's happening, but the human concerns and the social services become imminently more important. We have to shore up our social services because we have people in a world of hurt. So, I like this idea. I actually, it was an idea that I tried to propose in the first term and didn't get anywhere on. And I, you know, it's interesting hearing Member Lee say that she tried too when she was in the Department and didn't get anywhere. So, I think it's a great opportunity to give the public a chance to weigh in on this subject, and thank you for putting it forward. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Okay. Anyone else wishing to speak to the motion? If not, I'll speak to the motion and then, I'll call for the question.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Okay. I speak in support of the motion to put this question on the ballot for our electorate to choose for itself if this is the appropriate direction to take. I and many of you promised in our campaigns that we would make housing our highest priority, and like everyone who spoke in support of this motion, you know, I believe we should, you know, do all we can. As Member Molina said, take a multi-pronged approach and we can, you know, let the electorate know that we did try everything, and that we, you know, we're not just spinning our wheels and doing the same thing, which is the definition of insanity, doing the same thing and expecting different results. So, I think, you know, it's worth putting on the ballot for, you know, our community to decide. And I think with the direction that Member Molina has put in the language, it gives far more, you know, instruction for this department to focus on affordable housing and not...and a housing that, you know, those who are houseless right now because housing is so unaffordable. And I will not support housing that is not affordable, or not appropriate, or not smart growth, or is not supported by the community just because we need housing. I think it's wrong to take advantage of the desperation of our community during a time that, you know, there's outcry for housing that we would just approve any project. It has to be affordable, otherwise, we're perpetuating the problem by increasing valuations, increasing property taxes, and continuing to make housing just unaffordable for our residents. But having, you know, clear direction that we don't want our Housing Department to just build houses. We want them to focus on what is affordable and supported by the community. So, I think this, it's great that prior, you know, that Member Molina put this in because prior to that, it just says perform such other duties and functions as be assigned by the, as may be assigned by the Mayor. And so, adding this, you know, gives it very clear direction. And I think as far as the, having the homeless, increase the affordable housing stock for homeless and very low to gap group individuals, it, whether the wraparound services comes under Housing or whether it comes out of Human Concerns, houselessness is a symptom of many underlying problems. And houselessness isn't the problem itself, it's a symptom. And so, I think, you know, separating this, giving Housing, and giving Human Concerns its own Director to, you know, be at the helm of these departments to take it in the direction that we need it to is the direction that, you know, I support, and I thank Member Molina again for putting this resolution and this idea forward. So, if there are no more questions or discussion, sorry, I'll call for the question. All those in favor of the motion, please raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I see, oh okay, I see Member Molina, I see Pro Temp Kama, Member Paltin, Member King, Member Sinenci, Chair Lee, and myself. All those opposed, please raise your hand and say no.

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Sure.

COUNCILMEMBER PALTIN: --it's kind of a similar discussion that, you know, you can't, I don't think you can vote on both. So . . . *(inaudible)* . . .

CHAIR MOLINA: Yeah, you're speaking of the term limit proposals?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR MOLINA: Yes, good, definitely good. I've thought about that too. But I'm certainly amenable to that. Good suggestion.

COUNCILMEMBER PALTIN: Thank you. Thank you, Member Molina.

CHAIR MOLINA: Thank you.

COUNCILMEMBER PALTIN: Or Chair, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci? Mahalo, Member Paltin. Member Sinenci?

COUNCILMEMBER SINENCI: Yeah, and real quickly, you know, the, our staff in our office have been fielding a lot of questions and contacts from this morning's testifiers. So, I was going to present to Chair Molina if, you know, if we could defer the Department of Ag until next week Tuesday's meeting, then we can take on some of the issues that this morning's testifiers had. And for those that weren't able to chime in on the bill, that we'd be able to work with them in this next couple days and see where we can come to a happy medium if there's no objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Any objections, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER LEE: Good idea.

COUNCILMEMBER SINENCI: And then that way we can, that way we can let some of the people on, for next week.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER SINENCI: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Pro Temp Kama?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KAMA: Oh no, I was just saying we should just hurry up and break so that Mike can get back in, and then we can resolve maybe, 'cause there's some other stuff I'd like to talk about too when we come back.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Sounds good. Okay.

COUNCILMEMBER KAMA: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, don't go anywhere. We're just going to quickly change so that Member Molina can take on the role of Chair. Okay. So, it's 2:32, and the Governance, Ethics, and Transparency Committee meeting is now in recess. . . .(gavel). . .

RECESS: 2:32 p.m.

RECONVENE: 2:34 p.m.

CHAIR MOLINA: . . .(gavel). . . The GET Committee meeting for Tuesday, June 23, 2020 is now back in session. First of all, I'd like to extend a big mahalo to my Committee Vice-Chair Keani Rawlins-Fernandez for facilitating the previous item we had just talked about. Thank you so much for providing me much needed relief and allowing me to make my appeal from the floor.

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

CHAIR MOLINA: So, Members...thank you, anytime. All right, Members, let's move on to our next item or items we have on the agenda. Now, we did deal with GET item 10(2), which was a proposal to file from Member King. So, the third item on the agenda is GET-10(13), also from Member King, which is proposing an amendment to the revised Charter to establish stricter term limits for Councilmembers. Now, Members, we also have another item on the agenda that relates to that as far as restricting term, setting term limits. And that is item number GET-10(7), which was introduced by Member Kama. What I'd like to do, if there are no objections from the Committee, is to I guess have a simultaneous discussion with both items if the Members have no objections on that.

COUNCILMEMBERS VOICED NO OBJECTIONS.

GET-10(13) PROPOSED CHARTER AMENDMENTS (COUNCIL TERM LIMITS) (CC 19-28)

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

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

CHAIR MOLINA: Okay. All right, seeing no objections, what I'll do first, I'll ask Member King to give us a brief description of her proposal, and then I'll go over to Member Kama to give her description of her proposals. So, Member King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair. This is a pretty straightforward proposal, and it's something that's been talked about for over a decade, for long before I got on the Council. But it's basically setting our term limitations as term limitations. And I've heard from countless members of the community that we don't really have term limitations because of that we're consecutive in there. So, all it does is it takes out the word "consecutive" and it basically, starting next, it would start next January 2021 of that term is that the Councilmembers from that point on they're elected, would be elected to, could only serve for a total of ten years, five terms, versus, you know, serving five in a row, and then, sitting out and coming back. So, that's pretty straightforward. And it also does the same for, let's see, it's supposed to do the same for the Mayor. So, let's double check that. But anyway, you can go ahead and...it's actually, I think the same concept is embedded in Member Kama's proposal. But she, hers expands on the, changes the terms. So, I'll yield the floor to her.

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

COUNCILMEMBER KAMA: Thank you, Chair. Okay. So, my sense of all of this was that I thought that term limits would be good. And so, the reso's there, but you know, I don't want to complicate stuff before everybody. I think as long as we all agree that we do want to put time limits, and I remember I think was Member Rawlins-Fernandez said that, you know, when she looked at the reso that it gave the neighbor islands a disadvantage because they are from the neighbor islands and that the way the, it was structured, allowed those with the most votes to run one term, and then, the guys with the least amount of votes ran the next term. So, I'm okay with, if we merge the two together and if we came out with something that was agreeable to everybody that we can say yes to without having to go through so much discussion. We agree on term limits, I'm okay with that too. ...*(inaudible)*...

CHAIR MOLINA: Thank you, Member Kama.

COUNCILMEMBER KAMA: Go ahead, Chair.

CHAIR MOLINA: Sorry, Member Kama, I had just a question for clarification. So --

COUNCILMEMBER KAMA: Yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: --your proposal is to establish two four-year terms for Councilmembers --

COUNCILMEMBER KAMA: Right, right.

CHAIR MOLINA: --versus Member King's, which is five two-year term limitations.

COUNCILMEMBER KAMA: Right.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Right, and then...

CHAIR MOLINA: And you...

COUNCILMEMBER KAMA: --Right, and then --

CHAIR MOLINA: And you like this...

COUNCILMEMBER KAMA: --Keani said that, mentioned early on when we first had the discussion, that it put the, to have a term limits as such puts the disadvantage at the neighbor island level 'cause, you know, because it's four years, the highest vote getter. So, my sense is that if we still want to keep it to what Member King's reso said, I'd be okay with that too, just so that we don't have too much conflict or disagreement. I'm more for agreeing to what we can do, as opposed to what makes it too complicated for everybody else to get to.

CHAIR MOLINA: Okay. So, if I'm reading it right then, if your preference is to, for us to consider Member King's, then are you okay with the consideration of filing your proposal?

COUNCILMEMBER KAMA: Yes, I am.

CHAIR MOLINA: Am I reading you right?

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Okay. If, with that being the case then, Members, any objections to...I'll throw it out there to Member Kama, if you'd like to do a motion to file your proposal, or resolution?

COUNCILMEMBER KAMA: Chair, I move to file the resolution GET-10-7 [sic].

CHAIR MOLINA: Okay. Is there a second?

COUNCILMEMBER LEE: Second.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Motion made by Member Kama, seconded by Chairman Lee. Any discussion? Seeing none, Chair would like to thank Member Kama for this consideration to help, I guess, make things a little less complicated for the Committee as far as deciding this issue. So, the Chair appreciates that.

COUNCILMEMBER KAMA: Also, less complicated for our Members, I mean, we don't want to give them so much that they end up choking on it and that we don't want, we don't get the results that we're actually looking for.

CHAIR MOLINA: Okay. Thank you so much. All right, Members, if there's no other discussion, Chair will call for the vote. All those in favor of filing, signify by saying "aye," raise your hands.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

**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 CORRESPONDENCE.

CHAIR MOLINA: Okay. Thank you. The Chair will mark it unanimous, nine "ayes," zero opposition, GET item 10(7) is now filed.

GET-10(13) PROPOSED CHARTER AMENDMENTS (COUNCIL TERM LIMITS) (CC 19-28)

CHAIR MOLINA: Okay. Let's go back to GET item 10(13). We'll open up the floor for questions to Member King. Members, any questions as it relates to the proposal to set a term limit for five terms, five two-year terms? I have just one question. Member

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

King, for someone who's had prior Council service, if the electorate passes this, would someone who had prior Council service, would that count against the five term, two-year consideration?

COUNCILMEMBER KING: Not the way...

CHAIR MOLINA: Or would everybody's slate be wiped clean, so to speak?

COUNCILMEMBER KING: Pretty much what you just said, it would be wiped clean. It doesn't go backwards and qualify any of the years any of us had served. I mean I thought about that 'cause I, I was willing to do it the year I had my first term. But then, you know, how far back do you go, and who do you affect? And so, the cleaner way, I mean, this is something that people have talked about for a long time and we gotta start sometime. So, getting this started next year is better than not, and you know, giving the electorate the opportunity to say yes, this is what we meant. So, I did talk to people who were instrumental in the, and one former Councilmember who was around when this was, when the original term limitation language went in there and they said it was never really intended to say consecutive. But somehow that word ended up in there. So, basically, we're just allowing the electorate to say, we don't want that, we want, you know, you guys do five terms and then move on or not. And it would start fresh with everybody on January 2, 2021. So, it wouldn't affect anybody who's previously, who's been on the Council or even are, it doesn't even include our current terms.

CHAIR MOLINA: Okay. Great, thank you for that. Members, any questions for Member King? Seeing none, then okay. Member King, I'll leave it to you as the maker of the motion, or the maker of the proposal to submit a motion or recommendation to the Committee.

COUNCILMEMBER KING: Okay. Chair, I move to pass the resolution Proposing an Amendment to the Revised Charter of the County of Maui (1983), as Amended, to Establish Stricter Term Limits for Councilmembers.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Motion has been made by Member King, seconded by Chair Lee. Discussion, Member King?

COUNCILMEMBER KING: I think I pretty much, that was the discussion. I think it's pretty straightforward, Chair, and we're basically, you know, doing something that people have been asking for, for several...many years.

CHAIR MOLINA: Okay. Great, thank you. Members, any other discussion as it relates to the motion on the floor, which is to pass the proposed resolution to set term limits? We'll go to Chair Lee, followed by Member Sugimura.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER LEE: I'm voting in favor of the motion. But it does sadden me that I can't come back in 20 years and run again.

COUNCILMEMBER KING: We can make a new law for you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, this is such an interesting discussion because I think that we, you as the Chair, Mr. Molina, Alice Lee as the Chair and the, we keep on hearing about when she was Housing and Human Concerns Chair, we have Member Hokama with all his years with NACo, HSAC, I mean, years of experience that counts so much in terms of our discussion. And it's interesting to hear that you think that it's not valuable, because I think it's super valuable in light of the history of our County and the direction that we take in terms of policy. And I think you all add such a big part of the discussion. And here, we're saying that we're going to cut it, you can no longer come back, and I think it's an interesting discussion. Thank you.

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

COUNCILMEMBER KING: Oh, was that, I just wondered if she was asking me a question or...okay. I'll respond after Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR MOLINA: Member Paltin?

COUNCILMEMBER PALTIN: I just, my perspective on it is that, you know, it's not that we don't value Member Lee, or Member Molina, or Member Hokama. It's just that, you know, we believe that much in our younger generations, we believe that much in the rest of the population, and we believe that much in new and different ideas. I think among others, Member Rawlins-Fernandez said, if you keep doing the same thing, you're going to get the same outcome. And the problems that we're facing moving forward and even today are radically different than they were 20 years ago. And not saying that, you know, if Member Hokama, or Member Lee, or Member Molina, or even Member Medina, and Member, oh, I spaced out on her name, but Maalaea Village Association.

COUNCILMEMBER KING: Oh, Ms. Britton?

UNIDENTIFIED SPEAKER: Britton.

COUNCILMEMBER PALTIN: Yeah, Ms. Britton.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Ms. Britton.

COUNCILMEMBER PALTIN: Ms. Britton comes, we don't, we're totally open to hearing their perspective, and their mana'o, and whatnot. Like myself personally, and I probably shouldn't be saying this during an election, I don't want to be here for 20 years, you know. I want all the problems to be solved by new people, and new perspectives, and reflect the changing times. And that doesn't mean that I'm not going to be a contributing Member to society and just go surf every day, although that is the dream. So, it's just the way that it's looked at, you know, it's, I appreciate Member Lee coming back and walking the stairs every time, and I appreciate, you know, Member Hokama staying on Maui and not going back to Lanai, and the sacrifices that they're making. But, you know, to have that mindset that only they can do the job I think is not the mindset that I would be coming from. It's a mindset that, you know, knowing that we don't have that to fall back on, we need to train new leadership, we need to invest in our entire community, we need to build out our young people to take on this role, somebody else to take on this role. And we might not agree with them all the time, but that's what it's about, you know, it's not about like having a power strangle hold on the position. It's about building up our entire community so that any one of us can take on these roles and understand the struggles that we all come across when there's decisions that, you know, we don't know what we're going to choose. And it's something that I think anybody that's willing to put in the time and to truly serve their community should have the opportunity to do so. And because of it being a non-district election, it's really puts anybody that wants to put themselves forward for that service at a disadvantage from the get-go because of the name recognition and, you know, things that we do being in the media. And so, people become familiar with our names. I think this is a leveling the playing field factor in that it is so hard to puka through like your first time as an unknown person. You could have all the qualifications in the world and never get sat on the Planning Commission. But, you know, if the electorate believes in you, then you know, you get a shot. And so, I just would encourage Members not to look at it that we don't appreciate Member Lee, and Member Molina, and Member Hokama 'cause we love you and we appreciate you, even if I support it, 'cause I'm gonna support it.

CHAIR MOLINA: Thank you for those heartfelt words, Member Paltin. Thank you. You know, we're not dead yet, you know, we're still here. But thank you for that, those very kind words. And I totally understand where you're coming from. And okay, I believe we had Member King.

COUNCILMEMBER KING: Yeah, I, I don't know, I feel like that was a drop the mic speech because I, she just said every, Member Paltin just said everything I was going to say. You know, this is not a referendum on existing Councilmembers, or people coming back. And there are a lot of ways to serve and to input besides being on the Council. I think the reference to Chair Lee being Chair of the Housing Committee, I think you were talking about being the Director of Housing in the experience that you've been giving us the benefit of. And so, there are different ways of coming back and

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

contributing. There are ways of contributing if you don't ever get on the Council. But, you know, it's like we're saying we recognize that there has to be at some point a passing of the torch if we're going to bring new leadership on. We can't just continue to keep coming back, and then, one day we're all gone and then there's like eight or nine new Members. So, I think I, you know, for me, it, I've always believed that we needed to have stricter term limitations, not just for the Council, but for all legislators. I mean, our legislators don't even have term limitations. So, this is a matter of putting our vote where our mouth is, is if it's good for another person who's on the Council, it's good for us, you know. So, let's walk the talk and give the people the chance to decide on their governance. So, anyway, thank you for saying everything I was going to say, Member Paltin.

CHAIR MOLINA: Thank you, Member King. Chairman Lee?

COUNCILMEMBER LEE: Yes, thank you, Mr. Chair. I want to thank Member Paltin for that unusual explanation of being grateful, and yet, ungrateful. Anyway, I've always...and by the way, Member Paltin, you really don't have to run for re-election, you know, don't feel, you know, obligated because you should let all the young people in Lahaina run for that seat. No, but what I really want to say, and I'm of course kidding because you know how I feel about you. Anyway, the thing is, one day before I leave, one thing I'd like to do is propose a resolution that allows a Councilmember one term of six years, one term. And the reason for that is because, yeah the two-year term only allows you to work for one year, 'cause the other year you're running for re-election and you're filling out questionnaires day and night, and you're going to forums day and night, then in between you have to do fundraisers and all this stuff. One term, six years is less political. That's what you want. You want your Members to focus on their work, not worry about running for re-election. But, since that's not before us, I will support the motion before us. Thank you.

CHAIR MOLINA: Thank you, Chair Lee. I saw Member Sinenci's hand up. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair, and yeah, I just wanted to add my comments. You know, as a first-time Councilmember, I appreciate having Member Lee, yourself, Chair, and Member Hokama here. It's been great to have, you know, the experience, expertise, and help us along this journey. So, I just wanted to thank you guys. You know, to Member Paltin's point, I think we just have more loftier expectations of you guys. So, we still support you. But I just want to say, I'm supportive of the resolution only because I think it, in the past it had a cause for some misinterpretation. So, I think this just kind of comes out and makes it clear that this is what it is. So, I appreciate the clarification on the bill. Thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Mr. Sinenci. Members, any other discussion as it relates to the motion on the floor? Okay. Well, I guess I'll add my thoughts before I call for the vote. I want to thank Member King for this consideration, and I know for some people it

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

might be tough. But communities changed. Call it evolution, whatever you want, new ideas, what was passé today may not be, may not be accepted tomorrow. So, this was all part of change, and I, this is about four words, leave it to the people. If people want a change in governments, that's who we work for. We work for the people and we need to put our personal opinions on the side and leave it to our community to determine the future fate of, the fate of future Councilmembers. Okay. Alrighty, I've said enough. I'll call for the vote. All those in favor, signify by saying "aye" and raising your hands.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR MOLINA: Okay. We have one, two "noes."

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

NOES: Councilmembers Hokama and Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: FIRST READING OF REVISED RESOLUTION.

CHAIR MOLINA: Okay. We have seven "ayes" with two "noes," Member Sugimura and Member Hokama. The measure passes and will go on to first reading to the Council. Thank you very much, Members, for that.

COUNCILMEMBER KING: Thank you, Members.

CHAIR MOLINA: Thank you. Thank you, Member King. I appreciate the very spirited discussion on this matter. Okay. All right, Members...

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER KING: Just a, real quickly, Chair?

CHAIR MOLINA: Go ahead.

COUNCILMEMBER KING: Just real quickly, leave it to the people is five words.

CHAIR MOLINA: Oh, okay.

COUNCILMEMBER KING: I think that's five words.

CHAIR MOLINA: I need to, I think I need to work on my math. See, actually, I knew that. I was just testing you, if someone would catch that. You know, you're right, I made a mistake. Okay.

COUNCILMEMBER KING: I was just letting you know why everybody was going like this.

CHAIR MOLINA: Oh, I thought they were giving me the high five or something. Okay. Okay. Boy, you guys are really alert today, I give you credit. Okay.

**GET-10(8) PROPOSED CHARTER AMENDMENTS (CONFLICTING INTERPRETATIONS
OF THE CHARTER) (CC 19-28)**

CHAIR MOLINA: Let's move on to our next item, which is GET item 10(8), which is a proposed amendment to the Charter, relating to conflicting interpretations of the Charter. And this came from our Committee Vice-Chair, Ms. Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, this proposal amends, proposes to amend Section 15-1, and it was inspired early on last year when we experienced, what was it, one of the new amendments. So, having Council confirm all the directors. And Corporation Counsel used older language to legally justify their position to allow the Mayor to have disapproved directors stay on. And my understanding, and the way that the Charter is setup is that the newest, the most recently established laws would override any conflicting areas in the, in existing law, because that would be the newer law. So, my proposal is to make more explicit the solution to that situation. So, did all the Members get an opportunity to read it? Would you like me to read it? Everyone read it?

CHAIR MOLINA: Just go ahead, Member Rawlins-Fernandez. There are no objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. I will, it's a bit lengthy, but I will read as quickly as I can. Okay. Okay. So, this proposes Section 2(A), when construing provisions of this Charter, the foremost obligation is to ascertain and give effect to the intent of the drafters, either Members of the County Councilmembers, of the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Charter...oh, of the County Council, Members of the Charter Commission, or registered voters' intent is to be obtained primarily from the language contained in the Charter itself. This Charter's language must be read in the context of the entire Charter and construed in the manner consistent with the drafter's intent. B, when there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression used in a statute or ambiguity exists. In construing an ambiguous Charter provision, the meaning of the word, the meaning of the ambiguous words may be sought by examining the context with which the ambiguous words, phrases, and sentences, may be compared to ascertain their true meaning. C, extrinsic aids may be reviewed to determine intent. In the case of a Charter provision drafted by the County Council, the relevant Committee report may be reviewed. In the case of a Charter provision drafted by the Charter Commission, the relevant Charter Commission report may be reviewed. Courts may also consider the reason and spirit of the law, and the cause that induced the County Council, the Charter Commission, or registered voters to propose the Charter provision to discover its true meaning. D, Charter provisions on the same subject matter must be construed with reference to each other. What is clear in one Charter provision may be called upon to aid in explanation to explain what is doubtful in another. E, conflicting interpretations of the provisions of this Charter may be resolved by complying with the intent of the most recent Charter amendment pertaining to the conflict. F, elected and appointed officials, including the Corporation Counsel, must carefully interpret the provisions of this Charter to ensure the officials do not violate the Charter. G, if a question, an interpretation is the source of a conflict between the Administration and the County Council, then the Corporation Counsel, or Special Counsel, if any, must seek a declaratory judgment, a writ of quo warranto, or other appropriate judicial remedy on the court's...County's behalf within 30 days of the conflict being identified to obtain clarity in the interpretation of the Charter's provisions unless another party has already brought a judicial action for the same purpose. And H, a willful violation of the intent of the Charter by the County officer or employee constitutes use of County property or personnel for other than public activity or purpose under Article 10, and therefore is grounds for the commencement of impeachment proceedings. Mahalo, Chair.

CHAIR MOLINA: Thank you for that, Member Rawlins-Fernandez. Members, questions for Ms. Rawlins-Fernandez, and also, we have Mr. Murai from Corporation Counsel, if you need some type of legal responses. Member King?

COUNCILMEMBER KING: Thank you, Chair. I just wanted to ask Ms. Rawlins-Fernandez if we could do a friendly amendment in Section G where it talks about, unless a party, another party has already brought a judicial action, if we could put the word viable judicial action, because there may be parties that bring judicial action and then, it's determined they don't have standing and so it gets, you know, that's happened recently. So, just to add the word "viable." Okay. Thank you.

CHAIR MOLINA: All right, Members, any other need for questions? Okay. Member Sugimura?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

COUNCILMEMBER SUGIMURA: Thank you. I would like to hear what Mr. Murai says. I think, this is not signed, or is, was it signed, I just haven't . . . *(inaudible)* . . .

MR. MURAI: Mr. Chair, may I respond?

CHAIR MOLINA: Proceed . . . *(inaudible)* . . .

MR. MURAI: Yes, thank you. Member Sugimura, my office did not have the opportunity to review this. So, it's not like we reviewed it and did not sign off. I, my understanding is that because of the time crunches, these had to be heard quickly. However, Mr. Chair, at the appropriate time, I do have some comments to offer when you think it may be appropriate.

COUNCILMEMBER SUGIMURA: . . . *(inaudible)* . . .

CHAIR MOLINA: Okay. Thank you, Mr. Murai. Ms. Sugimura? I'm sorry?

COUNCILMEMBER SUGIMURA: Could he reply or continue his discussion?

CHAIR MOLINA: You know what, Member Sugimura, if you don't mind, I'd like to first survey the rest of the Members if they have questions and we can come back to Mr. Murai to give his additional comments, please.

COUNCILMEMBER SUGIMURA: Okay. Thank you. I appreciate that.

CHAIR MOLINA: Okay. Members, any additional questions? I just have a couple for...oh, I'm sorry, I'll yield to Member Kama. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, item C, extrinsic aids may be reviewed to determine intent. What is that?

CHAIR MOLINA: All right, I guess we can have Vice-Chair Rawlins-Fernandez, if you could define that for us? That was one of my questions too, if you could help explain that to us, extrinsic aid.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, mahalo, Chair. Mahalo, Pro Temp Kama, for that question. So, it kind of gives some examples after. So, an...I can't say the word, extrinsic aid, in the case of a Charter provision drafted by the Council would be the Committee report. And if it's the Charter Commission, then it would be the Charter Commission report. So, and then, for the courts, spirit of the law, and for the registered voters, the Charter provision, discover its true meaning. So, that you're not confined to the four corners of the paper, that like in, so, in the, you can look at legislative history to help ascertain the intent. Does that answer your question?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Member Kama?

COUNCILMEMBER KAMA: In...yes and no, because now, so, one of us says in construing an ambiguous Charter provision, so, our, I think, I thought our intent in trying to do this was to ensure there is no ambiguity? Therefore, what we say in the Charter has to be clear enough so that I don't need to be keep asking people what does it mean. And hopefully, hopefully our constituents, as they read the Charter too would be able to say, oh, this makes sense to me, I get it, I understand it. But if it's too gobbledygooky, for me, it might be difficult to regurgitate if you understand.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Okay. Vice-Chair Rawlins-Fernandez, your response?

VICE-CHAIR RAWLINS-FERNANDEZ: I completely understand, and I would hope that it's always the goal of the Council to have legislation to be as clear and understandable to the public as possible, which is why our OCS attorneys have been working hard to use plain language and not legalese, or gobbledygook, so, that it is clear for everyone to understand what it is that we're trying to achieve through our legislation. We do have, you know, the Charter Commission who are made up of volunteers. And while they do have Corporation Counsel to help, there's never a guarantee that what is passed will be, you know, completely clear. And we try our best to vet through all the possible interpretations of what it is that we're, you know, the language that we're trying to pass at the time. But as we seen with the appointment, director appointments, it, that wasn't really clear in having sections that conflicted. And so, I think this is just, so, you know, even with the lifetime terms, so, when you're proposing that Charter amendment, that there was still room for misinterpretation and unintended consequences. So, I think, like, just having this language to help future Councils, future Corporation Counsels have more tools at their disposal to be able to understand what it is that the intent was when passing that law.

COUNCILMEMBER KAMA: Thank you. And my last one, Chair, is item H, a willful violation of the intent of this Charter by a County officer or employee constitutes use of County property, or personnel for other than public activity or purposes under Article 10, is grounds for commencement of impeachment proceedings. So, what, how, who determines the willful violation, and how do you define a willful violation?

CHAIR MOLINA: Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo, Pro Temp Kama, for your question. Okay. So, the courts would then...I think, I don't think it's ever happened. I think we have gotten close to it once before in the past if I understand correctly, where impeachment proceedings...I don't know, if there was something where the courts were going to interpret. So, basically, it would be for the courts to interpret whether it was a willful violation of the intent of the Charter, and if it would be

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

grounds for the commencement of impeachment proceedings.

COUNCILMEMBER KAMA: But for the courts to get it, who would have to bring, who would have to bring that to the court's attention, and how does that get brought up?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so, it would be the Council or employee constituents, yeah, so, the Council or the constituents.

COUNCILMEMBER KAMA: Does County officer, so, a County officer is who, all the legislative, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Uh-huh.

COUNCILMEMBER KAMA: So, it's us and our EA's, is that what this is referring to?

VICE-CHAIR RAWLINS-FERNANDEZ: It says County officer.

COUNCILMEMBER KAMA: Yeah, so, who...

VICE-CHAIR RAWLINS-FERNANDEZ: So, I think...

COUNCILMEMBER KAMA: How do you define County officer? I mean, there's officers of the court, right? And then, there's County officers, so.

VICE-CHAIR RAWLINS-FERNANDEZ: A County officer, or employee. So, I think it was written broadly.

COUNCILMEMBER KAMA: So, all us guys.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER KAMA: Okay. Okay. Let's not have willful violations. Thank you, Chair. Thank you, Keani.

CHAIR MOLINA: Right, thank you, Member Kama. I saw Chairman Lee with her hand up. Chairman Lee?

COUNCILMEMBER LEE: Yeah, Mr. Chairman, I'm getting a little concerned that we may have maybe too many proposals because you know that from your own experience, too many Charter proposals will just be skipped over by the electorate, especially when they come across something, you know, complicated that they don't understand or deal with on a regular basis. So, I, you know, like you asked before, anybody want to withdraw anything, because I have a feeling that we need to prioritize so that the ones we want to get through are passed. Otherwise, all this effort may be for not if there's just too many. That's all I have to say, thank you.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Thank you, Chair Lee. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just wanted to point out that in 2002 when there were 19 proposals, 17 passed, and 2 failed. And in 2012 when there were 11 proposals, 10 passed and 1 failed. So, the historical data on that, I don't think would jeopardize the other important ones that we want to get through, just as a point of information.

CHAIR MOLINA: Okay. Thank you for that, Member Paltin, much appreciated. Member Kama?

COUNCILMEMBER KAMA: Chair, so, I think it's great that Member Paltin had done that. I'm now, now I, my curiosity has peaked as to what were the questions on the ballot, or how complicated, or maybe not complicated they were that could put maybe our Chair's mind at ease in terms of the amount of the pieces that might go forward, that could be gotten.

CHAIR MOLINA: Yeah, I think we'd have to do some extensive research to find out every question that was on the ballot since 2002. But again, I put out the number five as a consideration. If the Members want to go beyond that, that's, that'll be, you know, obviously a call of this body. Member Paltin, you had your hand up again?

COUNCILMEMBER PALTIN: Oh yeah, I just wanted to say, you know, I have great faith in our County Clerk, and I bet she did that research. Maybe she can send it to us if she did do it.

CHAIR MOLINA: Yeah, we'll put in a request, if that could be sent from the, as a Committee, yeah, request to I guess provide us the specific ballot questions from those election years from 2002 to 2018. Member Kama, would that satisfy?

COUNCILMEMBER KAMA: Yes, thank you, Chair.

CHAIR MOLINA: Okay. I see our County Clerk, Ms. Kaohu, you have something to say?

MS. KAOHU: Hi, yes, I transmitted all that information this morning. So, it should be up on Granicus already.

CHAIR MOLINA: Okay. Great, thank you for letting us know about that.

MS. KAOHU: With the questions --

CHAIR MOLINA: The specific questions.

MS. KAOHU: --and the outcome. Yeah.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you. Okay. All right, right now, I'd like to recognize Mr. Murai, it was part of a request from Ms. Sugimura. Mr. Murai, you wanted to make comment on this proposal?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

MR. MURAI: Yes, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . all the Councilmembers --

CHAIR MOLINA: Hang on.

VICE-CHAIR RAWLINS-FERNANDEZ: --had an opportunity to ask questions yet, Chair. I think...

CHAIR MOLINA: Well, I haven't seen any hands go up.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I thought you were going in order.

CHAIR MOLINA: Yeah, sorry, well, if there's any other who have not asked a question of either Ms. Rawlins-Fernandez, or Corporation Counsel, speak up now or give me a wave. And I'll give everyone else an opportunity to ask questions after we hear from Mr. Murai. So, Mr. Murai, you want to make comment on the proposal? Please proceed.

MR. MURAI: Yes, thank you, Mr. Chair. First, I guess I wanted to start by saying, you know, my office did not conduct a formal review. However, although I can't claim to be an expert in this area, I did read the amendment, the proposed Charter amendment, and I would offer to the Members, that paragraphs Section 2(A), all the way through 2(E) correctly state the case law. In other words, should this matter need to be interpreted by the courts, this is precisely how the courts would, this is exactly what they courts would do when they're looking at, you know, any conflict in interpretation of a statute or in this case, the Charter. You know, they'd look to the legislative history, they'd look to things like Committee reports, even all the way down to like what the testimony was and, you know, they'd even look at what the transcripts of the proceedings were to glean the, you know, the, whether it's the Commission, Council, or even the voters' intent. So, I would suggest to you folks that, you know, regardless of whether this makes it on to the ballot, whether it's passed or not, we would still be able to use this framework for interpretation. I did have one comment about paragraph G, not, I don't have a problem with the concept of petitioning the court for guidance. However, I do want to point out that it does compel, whether it's the Corp. Counsel, OCS attorneys, or Special Counsel, to file a court action within 30 days. And I do want to point out that, you know, attorneys do have legal and ethical obligations ourselves. And I, you know, this is hypothetical, but, you know, there may be a

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

situation where the attorney may disagree that there is a conflict, or the attorney, you know, when lawyers sign pleadings and, you know, lawyers have to sign any petition to the court they need to be signed by an attorney, the attorneys, you know, must exercise good faith in the things that they file. So, I'm not saying this is a bad idea. I'm just saying that, you know, it may cause some problems for the lawyers. With regard to paragraph H, I guess I just want to comment that the language is somewhat confusing, and it does create a couple of pukas that I hope I can maybe, maybe not fix, but point out. First, my comment with regard to the phrase, "a willful violation of the intent of this Charter," that's a standard or proof that I'm not familiar with. You know, I don't know what willful violation of an intent is. You know, if it said, for example, willful violation of this Charter, that might be a little bit clearer. I'm not saying it can't be done, all I'm saying is that, you know, it just raises a bit of a concern. One other comment is, I don't know whether this amendment intended to include a violation of any section of the Charter, and if it was limited to just this section, you may want to add the word "provision" after Charter. And I want to comment on something that the, you know, Chair Pro Temp Kama raised when she asked about County officer or employee, and you know, in my experience, I believe, and I can't remember where it's written, but I think it may be somewhere, either somewhere else in the Charter, or in some ordinance. But County officers, in my experience, are either elected officials, or I believe members of boards and commissions. I think everyone else would be considered an employee. And having said that, when you go to the end of this section, it talks about impeachment. Well, only elected officials can be impeached, only the Mayor and Councilmembers. All other County officers, in other words, board and commission members, and County employees I believe would be disciplined under Section 10-5 of the Code of Ethics, which is also part of the Charter. So, perhaps a consideration should be given to making that clear that if it's the, if it's a non-elected employee or officer that has violated this section of the Charter, that their disciplinary action would not be impeachment, but would be other discipline, which could mean things like suspension, termination from their position, you know, that kind of thing. And I think that's about all I had, Mr. Chair.

CHAIR MOLINA: Is that it? You had a lot, but it's good, I appreciate it.

MR. MURAI: Yes.

CHAIR MOLINA: Okay. Thank you, Mr. Murai. Just a couple quick questions for Vice-Chair Rawlins-Fernandez. Under subsection D it reads, Charter provisions on the same subject matter must be construed with reference to each other. Can you help define that for me in layperson terms? Subsection D, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. So, in subsection D, so it says, Charter provisions on the same subject matter must be construed with reference to each other, what is clear in one Charter provision may be called upon in aid to explain what is doubtful in another. And so, that's what we experienced last year when we..

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Can you cite a, yeah, please cite an example that. That's was leading up to my question if you can.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, so, when we had, okay, so, the authority for Council to confirm all County directors was a Charter amendment adopted in 2016 I think, but it was just implemented in our first term of Council. So, that was the newest part of the Charter, and that should have been read together with what was, like that amendment should have been read together in that section. But I don't, so, I don't have the exact wording of what happened, and Mr. Murai looks like...

CHAIR MOLINA: Okay. Okay. I'll recognize Mr. Murai, to further add to that.

MR. MURAI: Mr. Chair, if I might, if I may chime in? I think this section, I think the Latin phrase is in *pari materia*, or something like that, and what it means is, if there's some, if looking at another section in the Charter adds clarity to the section that, you know, that may be vague, or, you know, needs support, what you do, what this says is, step back, look at the big picture, read everything together. In other words, if you can find guidance from some other section, then you may. Member Rawlins-Fernandez, is that kind of what you had in mind, or am I...

VICE-CHAIR RAWLINS-FERNANDEZ: Right, correct, right --

MR. MURAI: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --which is what we had encouraged Corporation Counsel to do at the time of when we were confirming, and then, disapproving directors. But it wasn't done. And so, that's why it's --

MR. MURAI: And so...

VICE-CHAIR RAWLINS-FERNANDEZ: --it's being written here.

MR. MURAI: Right, so, in other words, so, Mr. Chair, if what you're looking at is not clear, but there's another section that makes it clearer, then you would rely on looking at those two together.

CHAIR MOLINA: Okay. All right, thank you. And one other thing I wanted to ask, and for Member Rawlins-Fernandez, and you can respond to it if you want. Under subsection F, official and Corp. Counsel must carefully interpret the provision of this Charter. I would take that once interpretation of carefully may be different than another. Am I on the right track with this?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, repeat your question?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Yeah, subsection F states, official and Corporation Counsel must carefully interpret the provision of this Charter. Ones interpretation of carefully may be different than another.

VICE-CHAIR RAWLINS-FERNANDEZ: You're talking about F, right?

CHAIR MOLINA: Yeah, yeah, yeah, and I'm just guessing , you know, people have different interpretations of the same thing, yeah?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, okay, okay. So, you're saying that must carefully interpret the provisions of the Charter to ensure that officials do not violate the Charter, and you're saying that different attorneys could have different interpretations.

CHAIR MOLINA: Yeah, and only 'cause, you know, carefully can be also a vague word too yeah? What is, how do you specifically define carefully. So, I don't know, maybe I'm going too far with this. But, anyway, I just wanted to throw those thoughts out to you.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, I guess carefully, meaning like giving your best effort, you know.

CHAIR MOLINA: Yeah, yeah. Yeah, how do you measure it I guess is the question. But yeah, it's...anyway.

VICE-CHAIR RAWLINS-FERNANDEZ: Great, and so, I think when you, you can go through the other provisions that's been proposed to ensure that, you know, intent of the provision was carefully considered by looking at extrinsic aids. So, Committee reports, the Charter Commission report, minutes, testimony as Mr. Murai mentioned, and carefully in the sense that the best effort to look at all available resources was made.

CHAIR MOLINA: Okay. All right, thank you. Boy, I sure wish I went to law school. But anyway...

VICE-CHAIR RAWLINS-FERNANDEZ: So, yeah, so, it was made and, you know, they can...so, in the memo it would, it, you know, it would explain that these are the different aids that were used in determining what the intent and interpretation was, or is.

CHAIR MOLINA: Okay. Thank you. Okay. So, Member Lee, followed by Member Paltin, and Member King. Chairman Lee?

COUNCILMEMBER LEE: Thank you. Going back to D, was it an attorney that wrote these words, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, our attorneys.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER LEE: Our attorneys? You know why, because words like, what is clear in one Charter provision may be called upon in aid to explain what is doubtful and, those kinds of words are so...sort of nebulous themselves. Like what is clear in one Charter provision may be used to explain what is unclear in another. I mean, some of the phrasing of these sentences are almost, almost--

VICE-CHAIR RAWLINS-FERNANDEZ: I will accept that as a friendly amendment.

COUNCILMEMBER LEE: --almost prose, you know. I mean, like a story. So, I, that's why when the other, some of the other sentences are similar in that they use extra words that, and like, you know, something, what is doubtful, like untrue? You know, doubtful is like it may be true, it may not be true, as opposed to what is unclear in another, yeah?

VICE-CHAIR RAWLINS-FERNANDEZ: I'll accept that as a friendly amendment.

COUNCILMEMBER LEE: Okay. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I like it. Mahalo, Chair Lee.

COUNCILMEMBER LEE: All right --

CHAIR MOLINA: Thank you, Chair Lee.

COUNCILMEMBER LEE: --that's all I ask.

CHAIR MOLINA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I don't have any questions. I just thought this was the logical result of the situation earlier in the term. I thought Member Hokama was saying, you know, there are options, you know, fix it, do this and that, and so, this is like us fixing it. So, I'm okay with it. I mean, it's not us making the vote, it's just giving the vote to the public. And, you know, if they don't feel the need for clarity, they don't feel the need for clarity. But it could possibly save future Councils time that we had to spend on trying to clarify something, and you know, I think Member Kama and Member Rawlins-Fernandez had the little conversation about, you know, we try to make legislation as clear as possible. But obviously, we can't be perfect because only God is perfect. And so, this is the plan B for when the legislation is not perfect. So, it seems kind of logical to me. We can just put it to the people. If they want it, they want it. If they don't want it, they don't want it. I'll support it, giving it to the people and that's all I have to say. And just to let you know, that all the answers that we wanted came from our County Clerk, Ms. Kaohu, maybe her time working with me anticipate questions, I don't know, you know, I have a lot of

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

questions. So, she answered our questions and she e-mailed it, and it's under 10-1 on Granicus as well, so just...

CHAIR MOLINA: Thank you for that, Member Paltin. And you just reminded me about Member Hokama. Mr. Hokama had to leave our proceedings today due to a prior commitment. So, we're operating with eight Members today, for the rest of the day, I should say. Member King?

COUNCILMEMBER KING: Thank you, Chair. I just wanted to follow up on something that Mr. Murai said. Are you still there, Mr. Murai?

MR. MURAI: I am, I am.

COUNCILMEMBER KING: I think we...he dropped his video. Oh, there you are. Thank you for coming back. You made a statement that only elected officials could be impeached. And I just wanted you to look at Section 13-13 of the Charter, Impeachment of Officers. And it starts out, appointed or elected officials may be impeached, and it goes into for different various reasons. And so, I think the idea of a County Officer is not just people who are elected, but they could be appointed as well. And this, and this section kind of outlines how all that would happen. So, I know that was one of your concerns about the paragraph H, and I just wondered if you had the same concerns knowing that it is true that, you know, either elected or appointed officials come under that category.

MR. MURAI: I'm...thank you, I must've missed, I misspoke. You're correct. However, you know, I think my comment about, you know, because the word "employee" is also in here, there would be, there would still need for some degree for clarification because employees would not be impeached. They would be disciplined, which could be suspension or termination.

COUNCILMEMBER KING: Well, but all of the elected and appointed, we're all employees. Is that correct?

MR. MURAI: Well, if by employee, well, in that case, if employee means only elected officials or appointed officials, then that's fine. But when I saw employee, I thought it included civil servants --

COUNCILMEMBER KING: Well, I think...

MR. MURAI: --or staff.

COUNCILMEMBER KING: Yeah, because the Charter's pretty clear on who can be impeached. I think that's what we would look to is what's in the Charter, right? And the broader term of employee applies to all of us. We're all employees of the County, whether we're elected, or appointed, or you know. So, anyway, I just wanted to clarify

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

that language because it's a pretty big issue, the fact that appointed officials also can be impeached.

CHAIR MOLINA: All right, thank you, Member King. And I saw Mr. Sinenci, followed by Member Sugimura.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just had a clarification question for Mr. Murai. He mentioned that from A to E, these are already codified within the law. So, my question was, would we, if this was something that Corporation Counsel would go ahead and pursue, would we have to go to court to get a ruling if we needed to address ambiguity?

MR. MURAI: Well, you know, Member Sinenci, yes. What, well, the way that I read this entire section, it's guiding us towards court. In other words, it's setting out as the method for resolution, a judicial determination, or well, I guess I shouldn't say just judicial, but some kind of interpretation, whether it's from courts or some other body.

COUNCILMEMBER SINENCI: Okay. Thank you for that. And then, so, are, is there any benefits to having it in this resolution and outside of the court?

MR. MURAI: Well, in my opinion, and I'm just speaking for myself, as I said earlier, this, you know, this correctly states how a court would interpret it. I don't think...well, I guess, the thing is that when I look at charters, you know, generally speaking, charters tend to be, the language tends to be broad and brief, and details are generally taken care of in ordinances, or even, you know Administrative Rules. The problem that we sometimes have with Charter language is they're difficult to change, difficult to amend, you know, let's say there's a change in the way courts look at things. Then, our Charter becomes inconsistent. It's, it may be easier, or the Council could be more agile if some of these details were taken care of in ordinances. Now, in my view, even if this language does not appear anywhere in the Charter, this is very likely how a court would interpret, you know, interpret a conflict in, or a vagueness in the Charter anyway. So, I don't think it hurts that it's in there. But if this were not in the Charter, this is still the process that would be used.

COUNCILMEMBER SINENCI: Okay.

MR. MURAI: And also, if I may add, when attorneys interpret the law and they're trying to reach an opinion or a decision on what, you know, what something means, this is exactly the process that lawyers would use as well. Thank you.

CHAIR MOLINA: Committee Vice-Chair Rawlins-Fernandez, you had something to add to the question?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, my intention of putting it into the Charter is because, I hear what Mr. Murai is saying, and I hear that this is what

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

attorneys would, this is the procedure that attorneys would look to and follow ideally. But last year, it wasn't, which is why it's, which is why I'm proposing it today. And the reason I'm putting, I'm proposing to put it into the Charter and not just Code is because what we experienced last year, and I would hate for any Council to experience that again in the future is that the conflict was in the Charter. And the Charter is, supersedes ordinance, the Code, and so, I'm not sure how ordinance would direct an attorney in looking at, you know, the Charter. So, if you have it in the Code, and...yeah. So, it, this, the Charter is, you know, the strongest, you know, the highest law of the County.

CHAIR MOLINA: Okay. Thank you. Mr. Murai, you need to add something before I recognize Member Sugimura?

MR. MURAI: Oh, I'm sorry, I'm not sure whether Vice-Chair Rawlins-Fernandez was, I'm not sure if that was a question. If it's not a question, then I don't have anything.

CHAIR MOLINA: Okay. Thank you. Member Sinenci, any final, any additional questions before I recognize Member Sugimura?

COUNCILMEMBER SINENCI: No, thank you, Chair. Thank you for that explanation.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. So, going back to Mr. Murai, in your H, Section H, you suggested some cleaning up if we could of the language, a willful violation and delete, "of the intent," delete that, and continue, "of this Charter provision by a County officer." Is that what you suggested?

MR. MURAI: Well...

COUNCILMEMBER SUGIMURA: A willful violation of this Charter provision.

MR. MURAI: Mr. Chair, may I respond?

CHAIR MOLINA: Mr. Murai?

MR. MURAI: Councilmember Sugimura, you know, I guess I'm in an awkward situation. I'm not suggesting, maybe I'm not being very helpful because I'm not saying, you know, what should or shouldn't be in there.

VICE-CHAIR RAWLINS-FERNANDEZ: It's not . . . *(inaudible)* . . .

MR. MURAI: I, when I look at things like this, and my thought, go to, is this enforceable, is this...well, first of all, before you can get to enforcement, is it clear enough so that whoever reads it, whether it's like, if it's a County officer or employee, when they read

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

this, is it clear enough to them so they understand what it is, and they understand what they need to do, or refrain from doing? And if this needs to be enforced, is it clear enough so that it can be enforced? And my comment there was only that the phrase, "willful violation of the intent of this Charter," was a standard that I wasn't familiar with. You know, and maybe there's, you know, other lawyers, certainly smarter lawyers than me that say, no, it's not a problem. It's just that it's difficult to assess a willful violation of an intent. Anyway, that's just my thoughts on the matter. I'm not saying that the word "intent" should be taken out. I'm just trying to express my concern in case the Committee...if the Committee is clear on it, then never mind. I just point it out because I was just, I guess, a little bit puzzled by it.

COUNCILMEMBER SUGIMURA: Thank you. So, I wonder if we would consider it, then, if it's coming from Corp. Counsel, for, to make this amendment, friendly amendment. I see Ms. Rawlins' hand up.

CHAIR MOLINA: Okay. All right, thank you, Member Sugimura. Vice-Chair Rawlins-Fernandez, you have something to add to the discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I have something just for Member Sugimura. Okay. So, we can clean up the Section H by deleting the "intent of," as Mr. Murai had suggested, and adding "a," before the word "Charter" and "provision," after the word "Charter," and adding, "elected or appointed," before "County officer," striking "or employee," to read as follows, a willful violation of a Charter provision by an elected or appointed County officer constitutes use of County property or personnel for other than public activity or purpose under Article 10, and therefore, is grounds for commencement of impeachment proceedings. A willful violation of a Charter provision by an elected or appointed County officer constitute use of...did I repeat that, County employee, property, personnel, therefore is grounds for . . . *(inaudible)*. . . and then, add a last sentence, willful violation of a Charter provision by an employee constitutes termination of employment. And that section is there because deputy Corporation Counsels are employees and are not County officers. And so, if we are being advised, you know, in conflict with the provision, then, it would be grounds for termination. And, you know, we talk about this all the time. Why have laws if there's not gonna have any like enforcement? So, why, you know, why have any kind of rules if there's no teeth to it? And so, I put teeth into this proposal.

CHAIR MOLINA: Okay. Member Sugimura, any other questions?

COUNCILMEMBER SUGIMURA: No, that's great.

CHAIR MOLINA: All right, Members..

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

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Seeing no other questions, the floor is open to a recommendation. Your Chair is open to a recommendation from the floor. Okay. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to recommend passage of, or adoption of the GET-10(8) Proposed Charter Amendments (Conflicting Interpretations of the Charter) for passage in first reading.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay. Is there a second? All right, motion has been made by Vice-Chair Rawlins-Fernandez and seconded by Member King. Discussion? Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, again, to, the purpose of this is to establish standards for interpreting and complying with the Charter and judicial, requiring judicial action be filed within 30 days after a conflict in Charter interpretation is identified. And as Mr. Murai pointed out, that Sections A through E are case law already. So, it's established law that we would like for our attorneys to follow when giving us legal advice. My proposed amendments offers the guidance for proper Charter interpretation, including seeking context by reading the Charter in its entirety, and construing it in a manner consistent with the drafter's intent, sourcing intent through Committee reports, or the Charter Commission report, whichever is relevant to the Charter section in question, comparing sections of the Charter with other like sections to establish context and clarity, supporting current Charter language, and clarifying further that compliance and the intent of the most recent Charter amendments pertaining to the conflict is required. The intent of the amendment is to avoid future conflicts or loopholes which could allow false interpretation to occur, whether intentional or not, without allowing for proper recourse for the opposing body. Rules require process for enforcement, or they are at risk of abuse without remedy. If the Legislative Branch, and Administrative Branch find themselves without ability to move forward where one branch feels that the other branch is violating the Charter, then this Charter amendment creates a process for avoidance through proper analysis first, and an option for remedy through the third branch of government. Since the three branches of government are designed to be separate yet equal, this amendment supports tapping into the checks and balances that should occur for each branch by signaling to the judiciary to weigh in without bias. This proposal also establishes an enforcement section pertaining to willful violations, should willful violations be found. And my motion does include the friendly amendments from Member King, and Chair Lee, which includes D, in striking "be it called upon to aid to," to "used." So, and striking "doubtful" to replace it with "unclear." Charter provisions of the same subject matter must be construed with reference to each other. What is clear in one Charter provision may be used to explain what is unclear in another, and so, that's provision D. And in provision G, to add "viable" before the word "judicial action," so, a viable judicial action. And in H, for it to

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

read that a willful violation of a Charter provision by an elected or appointed County officer constitutes use of County property or personnel for other than public activity or purpose under Article 10, and therefore, is grounds for commencement of impeachment proceedings. And a willful violation of a Charter provision by an employee constitutes termination of employment. That was all the friendly amendments. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Members, any other discussion as it relates to the motion on the floor? Okay. Seeing none, the Chair wants to make some comments. I'm struggling with this, only because it is, there is a lot of legalese in this. And I appreciate the intent of Member Rawlins-Fernandez for doing this 'cause to alleviate any future conflicts of interpretation of the Charter between Corp. Counsel and the Council and so forth. So, my personal preference would be maybe forward to the Charter Commission for further review. 'Cause I guess based on some comments from Mr. Murai, that you could just see this jousting back and forth between attorneys. But although I have some reservations, I will support it at least out of Committee. So, I'll state that for the record. Member Rawlins-Fernandez, for the second, final time on the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I guess I'll wait. I just, I wanted to respond to your concern.

CHAIR MOLINA: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I will wait to see if anyone else has concerns for my second and final. So, I can catch everyone's concerns.

CHAIR MOLINA: Okay. All right, Members, the floor is open if you have any questions or concerns with regards to the motion on the floor and the proposal from Member Rawlins-Fernandez. Okay. Seeing none...oh okay. Member King?

COUNCILMEMBER KING: I just wanted to speak in favor of this motion because I think it solves more than just one immediate issue. You know, we had that immediate issue about the directors that were not approved, and there was some talk at the beginning of this term about needing a Charter amendment. But I think what this Charter amendment does is it addresses future conflicts of the same nature. And so, it gives us a broader guidance on it, instead of just every time we come up against the conflict, we put a new Charter amendment in. This one kind of covers all future conflicts that we could have. So, anyway, I appreciate the forethought in going beyond just one singular issue. Thank you.

CHAIR MOLINA: Thank you, Member King. Members, any other comments as it relates to the motion on the floor? Okay. And Member Rawlins-Fernandez, Vice-Chair Rawlins-Fernandez, I appreciate you, you know, should this matter move forward out of Committee, that you're looking at making some revisions should it come before

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

Council for first reading. So, I certainly appreciate that to provide more specificity, especially for the some of us who are legally, have the legally challenged minds like myself in trying to interpret some of these words. So, anyway, any other discussions? Seeing none, okay. The Chair will then call...oh sorry, Member Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, I just, I wanted to allay your concerns about it being legalese. So, part of the intent of this proposal is to direct those giving us legal advice on how to interpret the laws that are set forth, right? So, I understand your concern about it having a lot of legalese. But it is intended for our attorneys who give us legal advice to read and to understand so they can decipher it. And, you know, Mr. Murai said that with the amendments that we made, it's okay, and, you know, to echo what Member King mentioned, so, you know, this is a way, like last year when there was a conflict in interpretation, the Council was left with no recourse. And this will give future Councils a way to resolve this issue, because right now, we don't have a way to resolve this issue when there is conflicts. And so, you know, in working to improve at any time that we see something that needs improvement, that this is a, you know, a reaction to seeing a way to not leave us with, you know, no recourse. And that way, in the future, future Councils won't be left wondering why past Councils didn't fix it for them when they knew that this was a problem. And so, we know that this is a problem. And so, it's incumbent upon us to fix that problem, since we know that the problem exists. Mahalo, Chair, and mahalo for your support.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Okay. Seeing no other Member wanting to speak to the motion for a second time, Chair will call for the vote. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All those opposed.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: FIRST READING OF REVISED RESOLUTION.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you. The Chair will mark it eight "ayes," with one excusal, Member Hokama. Congratulations, Vice-Chair Rawlins-Fernandez, this moves out of Committee.

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

CHAIR MOLINA: All right, thank you. Okay. Members, the Chair is aware of the time. And I did tell all of you previously that the Chair is looking at concluding our meeting at around four o'clock, and it is roughly 3:45. I know some of you have the energy to go into eight o'clock, nine o'clock tonight, but I don't. So, I've got some other commitments. Just kidding. So, therefore, with that said, Members, I propose to you a recess date. We have a number of agenda items we need to still address. I propose a recess date of next week Tuesday, June 30, 10:00 a.m. Also, I wanted to inform you that there was one other Charter amendment proposal that I was not able to get on this particular agenda. I plan on putting it, posting it for a meeting on Tuesday, the same day, June 30 at 9:00 a.m. So, I will have a posted agenda for a 9:00 a.m. meeting on this one Charter amendment which is proposed by Member Rawlins-Fernandez for 9:00 a.m., and hopefully it should conclude by the 10:00 a.m. start of our recessed meeting. So, I just wanted to share that with you. Chairman Lee followed by Member King.

COUNCILMEMBER LEE: Are you still thinking of five Charter amendments? How many are we up to?

CHAIR MOLINA: I believe we've completed, we had 12 on our agenda today. I think we completed six, maybe seven, let me... Staff, can you confirm that for me?

COUNCILMEMBER KAMA: Four.

CHAIR MOLINA: I know we filed three at the start of the meeting.

MS. ESPELETA: Mr. Chair, from my records for GET 10(4), it passed seven, two; we filed 10(2); we passed 10(13) with a vote of seven, two; we filed 10(14); filed 10(9); and filed 10(7).

CHAIR MOLINA: Ten, seven.

COUNCILMEMBER LEE: So, that leaves eight, right?

CHAIR MOLINA: Six I believe. Ms. Espeleta, can you confirm how many items we have not addressed today?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER LEE: No, no, no, I mean, two passed, so four were filed, yeah? Okay. So, that leaves eight, and how many more did we, how many more were passed already?

MS. ESPELETA: Mr. Chair, I believe three passed with this last one, with Keani's proposal that just passed.

COUNCILMEMBER LEE: No, how many...

CHAIR MOLINA: . . .*(inaudible)*. . . passed...

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

COUNCILMEMBER LEE: There weren't any others that passed another time?

MS. ESPELETA: Oh, two...

COUNCILMEMBER LEE: I thought we did the Managing Director.

MS. ESPELETA: Yes, Mr. Chair...

CHAIR MOLINA: Yeah, that was done previously.

MS. ESPELETA: Yeah, Mr. Chair, the Affordable Housing Fund by Member King, as well as the County Manager proposed by Member King, both of those passed out of Council.

COUNCILMEMBER LEE: So, we got possibly ten left, possibly? Ten could go forward.

CHAIR MOLINA: Up to that number, possibly, or some could be forwarded to the Charter Commission as a consideration.

COUNCILMEMBER LEE: Okay. So, possibly ten from us, and then, Commission can add their own?

CHAIR MOLINA: No, Charter Commission doesn't come into play until 2021. So --

COUNCILMEMBER LEE: Oh yeah, that's right, that's right.

CHAIR MOLINA: --their proposals would come onto the 2022 election, yeah.

COUNCILMEMBER LEE: That's right.

CHAIR MOLINA: Yeah, we don't have to worry about Charter Commission adding to this year's election.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

COUNCILMEMBER LEE: Thank God. Thank you. Thank you.

CHAIR MOLINA: Okay. Member King?

COUNCILMEMBER KING: Chair, I just wanted to offer if anybody else is interested in moving, is addressing 10(10) before we adjourn because I think when we get to the next meeting, the Department of Agriculture is going to take a long time, a lot more discussion as well. But I don't know, I just wanted to throw that out there and see if anybody else is interested in, you know, having that discussion and addressing 10(10). I'm also a little worried about my own schedule because I won't be able to be here during the whole meeting one of those dates. I have an eye appointment that took me two months to get, so.

CHAIR MOLINA: Okay. Well, Members, what is the pleasure of the body? I know we're; we don't have one Member here with us today, which is Member Hokama. It's ten minutes, close to, closing in on four o'clock. Members, do you want to address this, or you want to save this for next week? What is the pleasure of the body? Vice-Chair Rawlins-Fernandez followed by Member Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I know it's four minutes to 4:00. But I guess, like I don't have any opposition or questions, it seems like 10(10) is kind of a housekeeping resolution proposal. Yeah, so, if it's just a housekeeping proposal and Members don't have objection, it just, it clarifies our OCS role, their roles and their positions. So, I don't have any objection. But I also don't have any, you know, appointments coming up. So, if anyone has anything that they would have to leave for, then, you know, I understand. But I would think that this one would be pretty easy. I don't want to jinx it either.

CHAIR MOLINA: I think you just did. No, no, just kidding. Nothing's ever easy for this Council. I'm saying that tongue in cheek. Thank you, Vice-Chair Rawlins-Fernandez. Member Sugimura, you had a comment?

COUNCILMEMBER SUGIMURA: Yeah, so, I have an appointment I need to get to. So, I mean, I'll leave, and you can continue --

CHAIR MOLINA: Today?

COUNCILMEMBER SUGIMURA: --doing what you need to do.

CHAIR MOLINA: Okay. So, now we're down to seven Members. Okay. Member Paltin?

COUNCILMEMBER PALTIN: I don't have any appointments or whatever. My question was just, is this going to be adjourned, and then, we take more testimony on the Department of Agriculture? Or is it going to be a recess...

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Recessed, yeah, we're going to recess today. So, no testimony. Now, with regards to the one Charter amendment proposal, I would like to have discussed on Tuesday the 30th, now, that one we'll take, we'll have to take testimony for that because that will be a posted agenda item. Whereas this one is just a recessed, so, no testimony on the agenda items today, on Tuesday. So, we're done with public testimony for agenda items.

COUNCILMEMBER PALTIN: But they can still send in --

CHAIR MOLINA: Written.

COUNCILMEMBER PALTIN: --written testimony?

CHAIR MOLINA: Sure. Yes, they can.

COUNCILMEMBER PALTIN: Yeah. I'm really pleased that Member Sinenci is back and reach out to those folks that wanted to get reached out to. I would just encourage everyone, you know, to send in written testimony so we know the update, I guess, from those testifiers if there's an update. I don't . . . *(inaudible)* . . . it doesn't bother me to hear it or not hear it. But it would be cool to get the update because I like the idea of going back and, you know, just taking another look at it and seeing if concerns can be addressed. But I'd like to hear the update from those folks. So, if they could send us written testimony and I'll try to refresh my thing, and maybe they can send it 24 hours in advance, or we can meet halfway or something.

CHAIR MOLINA: That's certainly a worthwhile request, Member Paltin. I appreciate that. Member Kama followed by Chairman Lee.

COUNCILMEMBER KAMA: Thank you, Chair. So, do you anticipate probably another recess after next week Tuesday? Because you only pushed out three today, Chair.

CHAIR MOLINA: Well, I, well, we, well, lucky we had some filings too. I'm hoping we can conclude business on the 30th. I'm looking at, at least one o'clock or I can go till 4:00, 4:30 if you want next week Tuesday depending on how the discussions go.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, and we won't have testimony.

CHAIR MOLINA: Yeah, yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Testimony took up . . . *(inaudible)* . . .

CHAIR MOLINA: Yeah, testimony took up two hours I believe. Thank you for mentioning that Vice-Chair Rawlins-Fernandez. So, yeah, I'm considering we won't have testimony for the rest of the agenda items, I'm confident we can get business done on

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

June 23, 2020

the 30th. Now, what time that will be, I'm not sure. But I'm ready to go all day and maybe into the early evening if necessary. Okay.

COUNCILMEMBER KAMA: Okay. Okay. I just want to make sure that...

CHAIR MOLINA: Thank you, Member Kama.

COUNCILMEMBER KAMA: Yeah.

CHAIR MOLINA: Chair Lee?

COUNCILMEMBER KAMA: Okay. So, it's an all day.

COUNCILMEMBER LEE: Mr. Chair, I just also wanted to commend Member Sinenci as Ms. Paltin said, I'm really happy that he's trying to get as many people to provide input as possible, even though, Mr. Sinenci, I do support that proposal, I do support a Department of Ag. But however, on number 10(10), I'm not necessarily inclined to support this one. And I do have to leave for an appointment. So, just thought I'd let you know.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Well, with that said, as well as you leaving and Member Sugimura, and Member Hokama not here, Chair's preference is not to go any further today and we'll address GET 10(10) next week Tuesday. Okay. And besides, I want you guys to get some rest, be charged up and ready to go fully energized. So, with that said, I see Member Paltin's got her hands up, she's happy and ready to hit the water. I don't blame you. So, thank you very much, Members, for all of your hard work. Staff, is there anything the Chair needs to be aware of before we recess?

MS. ESPELETA: Mr. Chair, I just wanted to state for the record, there are five pending proposals left for discussion at your recessed meeting next Tuesday, and that would be 10(10), 10(15), 10(16), 10(1), and 10(11).

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

June 23, 2020

CHAIR MOLINA: Okay. Thank you for providing that update to the Committee. All right, thank you very much, Members. You worked really hard today, and especially this is your off week. I know you've had other things possibly planned, meeting with your constituents and everything else. So, thank you for making the time to show up and be part of this meeting today. So, with that said, the GET Committee meeting for June 23, 2020 is now recessed until Tuesday, June 30, 10:00 a.m. This meeting is in recess. . . .(gavel). . .

RECESS: 4:02 p.m.

APPROVED BY:

Mike Molina

Digitally signed by Mike Molina
DN: cn=Mike Molina, o, ou,
email=mike.molina@mauicounty.us,
c=US
Date: 2020.07.30 11:19:31 -10'00'

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

get:min:200623r:mt

Transcribed by: Marie Tesoro

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

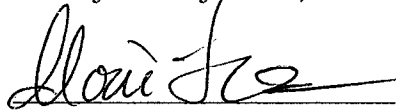
Council of the County of Maui

June 23, 2020

CERTIFICATE

I, Marie Tesoro, 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 16th day of July 2020, in Wailuku, Hawaii

A handwritten signature in black ink, appearing to read "Marie Tesoro", written over a horizontal line.

Marie Tesoro