

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

MINUTES

Online Only via BlueJeans Link

September 8, 2020

CONVENE: 9:00 a.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair (arrived at
9:01 a.m./left at 11:37 a.m.)
Councilmember Riki Hokama
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

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

Kate Griffiths, Executive Assistant to Councilmember King
Lois Whitney, Executive Assistant to Councilmember Kama
Trinette Furtado, Executive Assistant to Councilmember
Rawlins-Fernandez
Sarah Freistat Pajimola, Executive Assistant to Councilmember
Rawlins-Fernandez

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the Corporation
Counsel
Moana Lutey, Corporation Counsel, Department of the Corporation
Counsel
Richelle Thomson, First Deputy Corporation Counsel, Department of the
Corporation Counsel
Richelle Kawasaki Lu, Deputy Corporation Counsel, Department of the
Corporation Counsel
Makalea Ane, Environmental Coordinator, Office of Economic
Development
Ipo Mossman, Executive Assistant to the Mayor, Office of the Mayor
John Buck, Deputy Director, Department of Parks and Recreation

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

Chris Kinzle, Parks Maintenance Superintendent, Department of Parks and Recreation

OTHERS: Faith Chase, Maui Faith (GET-3(2))

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . . (*gavel*) . . . The GET Committee meeting for Tuesday, September 8th is now in session. For the record, I'm your Committee Chair Mike Molina, and broadcasting to you live and direct from Wailuku, here in the County building on the 8th floor. Let's do roll call right now, and let's go out to Hana and check on Councilmember Sinenci. Good morning, sir.

COUNCILMEMBER SINENCI: Morning, staff. Good morning, Chair. Aloha kakahiaka mai Maui hikina. Nice to see everybody this morning.

CHAIR MOLINA: Thank you, Mr. Sinenci. And now let's do a virtual flight across the pond and go to Molokai, and check in on our Committee Vice-Chair, Ms. Rawlins-Fernandez. Are you with us Ms. Rawlins-Fernandez? Not yet. Okay. Well, let's go over and check on our Council Chair, Chairman Lee. Good morning.

COUNCILMEMBER LEE: Okay, Mr. Chair. Okay. In case you're traveling to Bangladesh very soon, you want to say good morning to everybody, so you would say shubh prabhat. Shubh prabhat. Morning, everybody.

CHAIR MOLINA: Shubh prabhat. All right. Back at you, Chair Lee. Thank you. And let's go out now to Upcountry Maui and check on Councilmember Sugimura. Good morning.

COUNCILMEMBER SUGIMURA: Yeah. Good morning. I'm in the County building like you are. It's a beautiful day. I can see West Maui mountains. A little bit cloudy on the top, but that's okay. I hope there's rain coming, right? Waving to my West Maui Councilmember. Yeah. Good morning, everybody.

CHAIR MOLINA: Good morning. Speaking of West Maui, good morning, Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, live and direct from the Old Lahaina Center. We did have some rain off and on in Napili last night and through the weekend, so everything is green and growing.

CHAIR MOLINA: Sounds awesome. Mahalo for the weather update. Okay. I see we have our Committee Vice-Chair online right now. Taking a trip virtually over to Molokai, good morning, Committee Vice-Chair Rawlins-Fernandez.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

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

CHAIR MOLINA: Good morning. And let's continue our virtual flight over to Lana'i. Good morning, Councilmember Hokama.

COUNCILMEMBER HOKAMA: Good morning, Chairman.

CHAIR MOLINA: Good morning, Mr. Hokama. And let's check in on South Maui and Councilmember King. Good morning.

COUNCILMEMBER KING: Aloha kakahiaka, Chair, from beautiful Kihei. Beautiful and dry.

CHAIR MOLINA: Oh, okay. We need to bring some rain over to your place, right?

COUNCILMEMBER KING: We would love it.

CHAIR MOLINA: All right. Mahalo. And let's see how the neighborhood is doing in Central Maui. Good morning, Councilmember Kama.

COUNCILMEMBER KAMA: Good morning, Chair, and it's still a beautiful day in the neighborhood of Kahului.

CHAIR MOLINA: All right. That sounds good. Thank you. Okay, Members, joining us as well from Corporation Counsel, we'll have Corporation Counsel Lutey, as well as Corporation Counsel Murai. And we also heard from...earlier from Corporation Counsel Richelle Kawasaki Lu, she'll be joining us for one of our items later. And from the Office of the Mayor, we have Makalea Ane, the Environmental Coordinator, as well as Mr. Mossman, who is the Committee Liaison. Parks Department will be joining us for GET Item 11(33), that will be Mr. Buck, Deputy Director, and Chris Kinzle, the Parks and Maintenance Superintendent. And of course, we have our wonderful hardworking staff. We have Ms. Espeleta, Legislative Analyst, along with Kasie Apo Takeyama; Jean Pokipala, Support Staff, and our always hardworking Secretary, Ms. Pauline Martin; and our Legislative Attorney, Mr. James Forrest. So Members, we have four items on the agenda. I think we might have a little shorter day than usual, at least possibly, but we'll, you know, go forward as we take each item and see how fast we can get done. But we need to start first with public testimony. Oral testimony via phone or video conference will be accepted today, and testifiers who want to provide testimony should have joined the online meeting via the BlueJeans link, which is 551273481. Those testifiers who prefer to do it by phone, you can do it by dialing 1-408-915-6290 with the aforementioned link that I provided for you just moments ago. Written testimony is highly encouraged by sending your comments to get.committee@mauicounty.us. Oral testimony will be limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. And when doing testimony, please state your full name for the record.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

And if you are testifying on behalf of an organization or a paid lobbyist, please inform the Committee of that. And also, participants who wish to review the...or look at this meeting only without testimony, you can tune in to a live cablecast on *Akaku* Channel 53. I'd like to remind our Committee Members, Administration and the public that...please be patient with us if we run into any technical difficulties during the meeting. So with that being said, let's start with oral testimony. Ms. Espeleta, can you please call us...call up our first testifier.

MS. ESPELETA: Thank you, Mr. Chair. Your only testifier this morning is signed in as Maui Faith. It's Faith Chase for Item GET-3(2).

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. Good morning, Ms. Chase.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. CHASE: Good morning, Chair. Good morning, Committee. I am just quickly testifying in support of GET-3(2), which allows for virtual meetings by interactive conference technology. We waited over 20 years for this to be enacted on a local level. And observing the participation, even during these strange and difficult times as now, in observing that this shift to remote testimony has provided a significant increase in access and participation, I strongly support this inclusion in the legislative package moving forward. I would say in referencing Item 2, which reads, "Allowing meeting conducted by interactive conference technology to continue without the need to be adjourned when a technological failure occurs," that just concerns me a little bit. I would ask that should this incidence of tech problems ever occur that a backup recording be ready to be implemented, and should any agenda item of interest produce an unusually high number of testifiers, that perhaps the Chair of any such meeting might consider adjourning to fix those kind of tech problems. I just want to mention that over 20 years ago, I saw Kahoohalala and Councilmember Kalani English were allocated \$250,000 to implement remote technology. I don't know if everybody recalls that. Those little buttons, the little microphones that you use in the Councilmember...the Council Chambers, were actually ordered at the same time. So that has not changed, those little devices have not changed in that many of years. And it's exciting. I'm so happy. I think that that one testimony in Chair Rawlins-Fernandez's meeting where Uncle Walter Ritte was on Molokai with all his farmers in the background, just priceless. We are on our way to more transparency and inclusion of the community, and I'm happy to see this. Thank you.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Ms. Chase. Committee Members, any need to clarify Ms. Chase's testimony? Okay. Seeing none. Thank you very much for your testimony, Ms. Chase. Okay. Ms. Espeleta, please continue.

MS. ESPELETA: Mr. Chair, there are no further testifiers.

. . . END OF PUBLIC TESTIMONY . . .

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Members, you heard it. So we have no other testimonies. If there are no objections, Chair will close public testimony for today's agenda items. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. So ordered. And if we have any written testimony any objections to accepting written testimony for agenda items?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR MOLINA: Okay. Thank you. So ordered.

GET-42 CONSERVATION PLANNING COMMITTEE (CC 20-69)

CHAIR MOLINA: All right, Members. Let's get right into the meat of things here today, which is our first Committee item, GET Item 42. This is, of course, related to the Conservation Planning Committee, and we did defer on this item two previous times. The Chair extends its apologies to the Administration. We did have some matters that went a bit overtime. We want to thank the Administration for their patience with the Committee Chair. And the Chair intends to first see about amending the Committee's membership and extend a deadline for the greenprint at today's meeting, then take up the Mayor's nominations for this particular Planning Committee at a later time. So we have two bills to consider today. First, we will look at the bill proposed from Committee Vice-Chair Rawlins-Fernandez. At this point I'd like to request opening comments from Committee Vice-Chair Rawlins-Fernandez, to be followed by comments from the Administration. Committee Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So I'll just talk to jog everyone's about this. So when we first took this up, we were starting to confirm nominations to the Conservation Planning Committee. And Member Sinenci was asked and was willing to serve as the representative from the Council, and then there were two representatives from the general public. One was a resident of Lana'i, and one was a resident of Hana. And so in putting together this Committee, there would have been, you know, everyone from Maui. One from...well, everyone from greater Maui, and one from Lana'i, two from Hana, and then none from Moloka'i. So when we were talking about it that initial time, we discussed adding a third representative, and that way one would be from Moloka'i and one would be from Lana'i. Oh, okay. And well, one should have been from Hana. And so that's the...that's what our Chair did, was in Number 7, add a third representative because that's what the Committee had talked about during that time. I went a little deeper. I spoke with the author of that bill, former Councilmember Don Guzman to find out what was the reason he put together a Committee that primarily consisted of Directors of the County Departments.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

Because it seemed kind of odd to me that we would need to put together a Committee to have Department Directors discuss doing a greenprint. Because the thought is that they're all together in a cabinet, the Mayor's Cabinet, and it would be something that they would do. So former Councilmember Guzman explained that there was more of a silo thing going on in the previous Administration, and that was one of the, you know, main reasons that this Conservation Committee was put together with having Directors from the County Departments. And so I spoke with him about an idea of not having them as voting members, and instead we would just have the most necessary Directors of the Departments. And, you know, he mentioned that, you know, having Public Works and Planning were the two main Departments that needed to be on this Committee and have a voting power, and then maintaining the one Councilmember. And there were a number of ex-officio members in the original bill, and so the thought behind having them as ex-officio members, meaning that they would be non-voting members of this Committee, was to have them be voting members of the Committee as representatives of the community. And so one representative from the Sustainable Science Management Program at UH Maui; one representative from Aha Ki'ole or Aha Moku; one representative from a Hawaii Base Conservation Group or Land Trust, which was part of the older bill; and one representative who is a full-time resident of East Maui Community Plan area; one representative who is a full-time resident of the island of Molokai; and one representative who is a full-time resident of the island of Lana'i. And then naming ex-officio non-voting members. A representative from the State Department of Land and Natural Resources, a representative from the Nature Conservancy, a representative from the County Information Technology Division, a representative from the Office of the Mayor, a representative from the Office of Managing Director, representative from the Director of--Department of Finance or Real Property Manager, and a representative from the Office of the Parks and Recreation. So those four representatives in the original bill were the voting members, and my proposal is to have them as ex-officio members. And then it goes into some detail about how the representatives would be selected and approved. So the following three members shall be appointed by the Mayor with approval of the Council and serve staggered terms of three years; the representative from Sustainable Science Management at UH Maui, the Aha Moku, Aha Ki'ole, and the Hawaii Base Conservation Group or Land Trust. And then the following three members would be appointed by the Council and serve staggered terms of three years; one representative from Moloka'i, one from Lana'i, and one from East Maui. And at least two voting members of the Conservation Planning Committee would have the following: and so it lists Native Hawaiian Traditional and Customary Practices as evidenced by one of the following credentials, and it follows the Planning Commission Guidelines that the...and then that the greenprint would be adopted by the Committee and submitted by the Council instead of January 1st, 2021, which is approaching very quickly, extending the deadline to December 31st, 2022. So that way it would give them sufficient time to discuss and report on a greenprint that would be approved by Council. Mahalo, Chair.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Thank you very much, Committee Vice-Chair Rawlins-Fernandez. You weren't kidding when you said you went really deep on this, but I say that in a complimentary fashion. So thank you for that. Members, so again, based on what we have on our agenda there are seven considerations for Member Rawlins-Fernandez's bill. And again, I thought about going through it all for you, but I think Committee Vice-Chair Rawlins-Fernandez did a good job for us on that. So with that said, the Chair would like to recognize members from Administration for this bill. We have the Environmental Coordinator, Ms. Ane, as well as joining with her is the Mayor's Community Liaison, Mr. Mossman. So I'll give the floor to Ms. Ane. Good morning.

UNIDENTIFIED SPEAKER: You're on.

MS. ANE: Okay, Aloha. I'm sitting here with Ipo Mossman. So we thank you for going in depth into the changes that were proposed. Yeah. Like Chair Molina had said, that it was very well thought out and researched. And I guess our comments, we were prepared to comment on both, but if we we're going to do one at a time. I guess our comments are that when we were forming the Conservation Committee, members that we were proposing, we totally took into account, like Gladys and I took into account the geographic locations, like you were saying, we should have representation from each island. And so we were trying to do that within the constraints of this Planning Committee. So we had proposed Lana'i and then Hana. So we definitely agree that there should also be one from Moloka'i. And so if we can...I think both of these bills address those issues, so we are totally for that. And then I guess just to comment about who is a voting member and an ex-officio non-voting member, I think as we have done some open space grants already within the past year and a half, it's been very challenging to be able to work within the Department and get these passed through, and it's been very helpful to be able to be in the County and being able to tap into certain departments and ask questions about the history of the land and these lands that are proposed. And so I think the Administration feels that the voting members should be Departments and represent Departments because it's money that we are in charge of and we're supposed to be held accountable for it, but then also, so that we can see internally what's going on and make those decisions with more information. And so I would say that I think the Administration would like to have the voting members stay the department heads so that we can make better informed decisions and not just meet. We don't even have like when the Committee Members are supposed to meet, but in the greenprint it'll decide that. But if it's only, you know, one month or every other month, it's really hard to make really informed decisions about really important plans in such a small timescale. And I've been through a lot of Legacy Land conservation program meetings, which is the DLNR's kind of version of this open space, and so I can kind of reflect on how they make decisions and who comprises their committee members and then how this is set up. So it would be really great to hear more about how Councilmember Molina had come up with his, and be able to provide some comments. That's it.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Thank you, Ms. Ane. Mr. Mossman, anything to add before I open up the floor for questions?

MR. MOSSMAN: No. I just wanted to, I just have a clarification, Chair Molina. And I know we have two before us, you had made changes, as well as Keani, and is there...is that what you guys are going to be talking about today, on who is going to basically be selected? Is that what we're doing?

CHAIR MOLINA: Well, thank you, Mr. Mossman. Yeah. Well, first we're working on the proposal from Committee Vice-Chair Rawlins-Fernandez, and then after that, we'll go on to the bill that I had proposed working with Corporation Counsel. So we'll take it one step at a time. Again, it depends on how the discussion and Q&A goes. We could come out with a decision today, or we could again defer and to work on matters. Just depends on what happens with the discussion. So that's how we'll proceed.

MR. MOSSMAN: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Mr. Mossman. Okay. Members, the Chair is now going to open up the floor, and Chair is going to institute a clock. The first round will be three minutes, and followed up with a second round for any final questions. So we'll try to do your best to keep within the time parameter set by your Chair. Chair is going to take the Chair's privilege of starting off with the questions. First for Section 2.82.040, subsection (6), how is Hawaii Base Conservation Group or Land Trust defined? I bring this up because I'm wondering if maybe we should add a definition to that. So I'll leave it to Committee Vice-Chair Rawlins-Fernandez or Administration to respond to that? Should we need a definition for that? Anyone? Or Corp. Counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your question, Chair. I'm looking to see. So in your proposed bill, did you have a definition?

CHAIR MOLINA: I don't believe so.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I was just wondering if maybe perhaps we could, you know, if you did propose a definition then we could easily incorporate it into, you know, my bill.

CHAIR MOLINA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So if you think that's something that would need a definition, we can, if it's not something that is self-explanatory enough.

CHAIR MOLINA: Okay. Yeah. I kind of just put it out there, and I don't know. Maybe we can ask Corp. Counsel if we need some specificity with that. Corporation Counsel, do you care to comment on that, if we need a definition for Hawaii Based Conservation Group or Land Trust, should it be defined in this proposal?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

MR. MURAI: Mr. Chair, this is Gary Murai. You know, I suppose it would be helpful because, you know, where it talks about, say for example, Land Trust--I mean, there's all kinds of different Land Trusts, and I presume this means land that is held in trust for conservation purposes. That's my assumption. But I think maybe some clarity might help.

CHAIR MOLINA: Okay. Thank you for that comment. And my next question before my three minutes are up, the ex-officio members seems kind of weighted towards the Administration, which includes Public Works Director, Planning, IT Division, Mayor's Office, Managing Director's Office, Finance, and Parks. I know they're non-voting members, but this much weight to the Administration possibly could be a huge influencing factor. So I don't know, maybe...can we reconsider these representations and consider it down to a smaller number? Anyone want to comment on that? Let me ask Administration.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Oh, go ahead Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I would say, yes, that, you know, I mean, it would be something I'm open to. Like I mentioned I just...I spoke with the author of the original bill, former Councilmember Guzman, and why there was such a large number of directors that were serving on this, and it was, you know, to have them collaborate on this. . . . *(timer sounds)* . . . Instead of having...so in the bill that we have...what's in the books currently is that it...they're voting members. And so the difference in my bill is that they're non-voting members. So they would have less influence in what you're saying. So to your concern, that it kind of does reduce some of the influence. Mahalo, Chair.

CHAIR MOLINA: All right. Thank you. Okay. Let's move on to...I saw Member Hokama had his hand up. Mr. Hokama, you have the floor.

COUNCILMEMBER HOKAMA: Yeah, Chairman. Thank you. My question for the admin representatives is, it concerns me hearing your comments earlier. Are you telling me the Department Directors are not following general plan, community plan, zoning, SMA requirements now? Because it's all laid out, where and what various regions have put forth in the Planning document. So we already have this information. I'm wondering why we need another bureaucratic layer to slow down implementing. We know what the people want. They're participating, CPAC meetings, everything we adopted. We know what's in the plans. So why do we need a panel to tell us what's in the plans?

CHAIR MOLINA: Administration, can you respond to Mr. Hokama's question?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

MS. ANE: Thank you for your question. So I'm sure the Directors are following all of the plans that are out there right now. This specific Committee, Planning Committee, was formed because there is this open space fund that draws money from our...I believe our tax, our land taxes, and right now anybody, the Mayor or Council, can tap that open space fund and propose to put it in the budget and have no real oversight on which plans are selected and put in there. And you guys debate, and you guys talk about it internally. But I believe what was meant at the time, and the other Councilmembers when you guys were forming this Committee, it was really to make sure that our process for selecting these lands are transparent, and that there is no...there is no, you know, favoritism, or only picking places that are not vetted properly. And so this bill really is to make sure that these lands that are proposed are vetted and in the best interest of our community. And so I believe that's why this Committee was formed, so that it wasn't just so that anybody, the Mayor or Councilmembers, could slip things in and be able to purchase land, which to me is the biggest issue, is that we could possibly select land and favor landowners to pay them out for property and put that property into an easement, but they get paid for the land. They still hold the title and then it just gets put into an easement. So really, you're just...it could have the potential for big landowners to land bank, get paid out for their land, and then they still have access to the property, but it's in an easement now. And so I've kind of seen that with the Legacy Land Program, and so that's what I'm really hesitant about. And so that's why I really appreciate that there's a Committee . . . *(timer sounds)* . . .

CHAIR MOLINA: Okay. Mr. Hokama, waiting for a response.

COUNCILMEMBER HOKAMA: Yeah, Chairman. Thanks for letting us know that you're using music for a timer, so I appreciate it. That was a nice . . . *(inaudible)*. . . Just a quick one, yeah, that is not how this County does land acquisition, I can tell you, Administration. We're pretty very much open, especially on the money, and our requirement is basically to retain ownership. We're not somebody who just throws County public money out to buy land for anybody. It has to prove its purposes within the Charter and within the Maui County Code. So I would say I don't know what legacy purchases you're talking about, but again, in my 20-plus years, I'd shoot that guy if he's screwing around with the County's money and not using our monies for the right use. Thank you, Chairman.

CHAIR MOLINA: Thank you, Mr. Hokama. Okay. Moving down the line. Let's go to Councilmember King. You have the floor. Any questions for Administration or Member Rawlins-Fernandez?

COUNCILMEMBER KING: Yeah. Okay. Real quickly, to follow up on the earlier discussion, is the main purpose of this Commission, the greenprint, is basically once they create the greenprint then is it done, or are there other purposes going forward?

CHAIR MOLINA: Administration?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

MR. MOSSMAN: Greenprint.

MS. ANE: So we actually sort of had the same question, but as we see it, the first step is to create this greenprint. And so the greenprint, did you want to elaborate?

MR. MOSSMAN: No. Because...

MS. ANE: So I guess the greenprint was mostly like the process for selecting land, and then getting that and vetting it. And so then...so that would be the greenprint, but then also it has, I kind of see this Committee as living past that initial formation of a greenprint and being able to vote on and actually process those land applications and vote on those, the land that is proposed.

CHAIR MOLINA: Committee Vice-Chair Rawlins-Fernandez, additional clarification?

VICE-CHAIR RAWLINS-FERNANDEZ: And, I . . . *(audio interference)*. . . and will kako'o that with Section 2.82.050 Greenprint. The Committee shall oversee the review and update of the Countywide greenprint, which shall be submitted to the Council every five years thereafter. So it'll be updated every five years, and that's part of their kuleana.

COUNCILMEMBER KING: Okay. Is that the main reason for the existence of the Committee then, Committee Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: To create it, and then to review and update, and as Ms. Ane said, to provide advisory recommendations to Council on land purchase.

COUNCILMEMBER KING: Okay. Then just real quick, on your proposal, Member Rawlins-Fernandez, I just had some questions. One, there doesn't seem to...there seems to be a potential for redundancy of Nature Conservancy because they're in the mandated for non-voting, but then there's also a voting requirement for someone from a Conservation or Land Trust. Same thing with...well, there doesn't seem to be a requirement for a separate Maui rep for the Island of Maui. I think it's maybe assumed that some of these other ones are going to be representing, but there could be redundancy like with our Council Chair, we have East Maui, then we'll also have another East Maui requirement. And then on the UHMC requirement, is that Staff that we're talking about, or students? Because, you know, there are various levels of students going through there. So I'm assuming that that's Staff from that Sustainable Science Management Program?

CHAIR MOLINA: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So...mahalo, Chair. Okay. I'll try to take them in the order that you brought them up. Okay. . . .*(timer sounds)*. . . For the redundancy that you're talking about the TNC, yes, they are named as one of the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

ex-officio members and could potentially have a second representative who would be a voting member if they were chosen as a Conservation Group or Land Trust. But ultimately, that would be up to the Mayor and the Council to try to prevent if that's something that the Council and the Mayor thought that there shouldn't be a redundancy. Maui, we know that all the Directors are on Maui. They are Maui residents. So I don't think there's a concern that this Committee would not have anyone who is a full-time resident of Maui. I think you said...what was the last one?

COUNCILMEMBER KING: On the UHMC Sustainable Sciences Program, would that be the...are we designating someone from the Staff or Administration?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. It would be like the Director of the program most likely.

COUNCILMEMBER KING: Okay. So maybe that should be named. Just so...because, you know, when I first saw it, I thought...I was thinking more like the students that go through that program, but they're all at various stages. And then, you know, do they have to be in the program at the time, or have, you know, graduated. So for talking Staff or Director or designee, maybe we should just put that in there as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Thank you, Councilmember King for that consideration. Okay. Let's go and check on Chair Lee, if you have any questions for Administration or Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER LEE: Thank you, Mr. Chair. I really don't have any questions. I'm not convinced yet of all the issues, whether it needs more work or not. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Let's go down to Member Kama, do you have any questions for Administration or Committee Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER KAMA: Thank you, Chair. Couple of things. I just want to ask, has this Committee actually met yet?

CHAIR MOLINA: Go ahead, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The answer is no, because we haven't seated everyone on the Committee yet.

COUNCILMEMBER KAMA: Okay. So we haven't seated anyone, Chair, and we now are in the middle of instead of seating people, we're now deciding that we're going to probably change things up or change things down, and we're going to extend the timeline

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

because they didn't do the job when we should have done it maybe a year or two or three ago, so now we're going to do it and we're going to extend the timeline for another whole year. My whole sense is that this is a lot of stuff, and I'm not yet actually tuned in to whether or not this is a good thing or a bad thing. I'm still trying to digest it. But just my gut reaction is that we should just go ahead and seat whoever it is that needs to be seated, and just let them do their work. And I heard what Ms. Ane said, so I want to hear what the other departments want to say later on too, because I think that there's some other things in this that we probably don't know that I'd want to know before I make a decision. So thank you, Chair. Thank you, Vice-Chair.

CHAIR MOLINA: Thank you, Member Kama. And as the Chair mentioned to you earlier, I should have done a better job making clarification of what we're doing today. We're basically setting up the blueprint, if you will, for this Committee, the parameters, who's going to be on and whatnot today, and at a future point in during this term or next term, that's when we'll start the administration. Once the blueprint has been set up, then the Administration will submit nominees to this particular Commission--or Committee, if you will. So that's kind of where we're at today. So this is...we're just in the initial process or stages. So with that said, let's go now out to Napili and Ms. Paltin, do you have any questions for Committee Vice-Chair Rawlins-Fernandez or the Administration?

COUNCILMEMBER PALTIN: Thank you, Chair. You know, one thing I would request is, you know, in reading through all of it, it was a little bit confusing about like the staggered terms and like that and then, you know, looking at the original one, how it was laid out with the, like an Excel kind of document where it says this, this and this, and five year, or whatever terms, and like that. Shelly, over the weekend while I was doing my homework, sent me a copy, but it was a little bit easier to understand, but it wasn't of the proposed format so much. So that was one thing that I would request, like to lay it out like your correspondence with, you know, those things. And then the other thing is like, you know, I don't know how much people, a lot of folks will be from probably Central Maui, but if, you know, a lot of them don't...aren't super familiar with West Maui or possibly South Maui, and I like how it says, you know, one or more...two shall have credentials, two voting members of a Conservation Planning Committee shall have demonstrated experience in Native Hawaiian traditional and customary practices as evidenced by one or more of the following credentials. I would kind of, for West Maui, ask one or more to be familiar at least with West Maui issues as like, you know, having worked in West Maui, or lived in West Maui for a period of time. Because when you look at the Directors, a lot of them, because of their job, will live in Central Maui. And sometimes, us folks in West Maui feel like, you know, we're on another island as to ourselves, not so much with this administration as with the previous administration. But that's part of the thing, is that we're trying to set this Committee up to last throughout all the administrations and not just like the one that we're in now, or the one that we were in before. So those would be my two main comments or requests.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Committee Vice-Chair Rawlins-Fernandez, a response to Member Paltin's suggestions.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm open to your...whatever language you want to propose, and I see Member King also nodding her head for South Maui. So if you have language that you would like to propose, I'm open to it. Mahalo, Chair.

CHAIR MOLINA: Thank you, Committee Vice-Chair Rawlins-Fernandez. Okay. All right. Let's go now to...

COUNCILMEMBER PALTIN: Would you like me to propose it now or turn it in at another time?

CHAIR MOLINA: Whenever you're ready. Like I said, today we're in our infancy right now, with coming up with the parameters for this Committee. So as soon as you can get it, I think I'm sure we'd appreciate it to Committee Staff, and of course, maybe discuss it with Member Rawlins-Fernandez as well to see how we can strengthen it.

COUNCILMEMBER PALTIN: Okay. I was just going to say, like, on the top of page 3, before it says in Native Hawaiian traditional and customary practices, I would also put West Maui issues, or West Maui conservation issues.

CHAIR MOLINA: Okay. . . .*(timer sounds)*. . . Perfect timing. Any response to that suggestion from Member Paltin, Ms. Rawlins-Fernandez or Administration? Chair Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: Oh, go ahead, sorry. Go ahead, Committee Vice-Chair Rawlins-Fernandez. I'll recognize Chair Lee after.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I think like you said earlier, Chair, we can accept the proposal. We can wordsmith it instead of trying to wordsmith it on the floor right at this moment. I hear where Member Paltin is coming from and, you know, I support it. But I think being careful about the words that we choose, West Maui conservation issues, may be a little vague. So we can wordsmith it, though. I heard the intention. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you very much, Committee Vice-Chair Rawlins-Fernandez. Chair Lee, you had a comment regarding the proposal from Member Paltin?

COUNCILMEMBER LEE: Is it inappropriate to ask at this time how much this Committee is going to cost to be maintained and who is going to staff it. Could we have those questions answered at some point? Thank you.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Sure. I don't know if the Administration has the figures at this point, but I'm sure through Committee staff or your Chair's signature, we can request that information, the specifics as far as costs and who will staff. Administration, any comments to Chair Lee's inquiry?

MR. MOSSMAN: Well, we, I mean, we don't have an answer for that as far as the cost is. We can get back to that, Chair Molina.

CHAIR MOLINA: Thank you, Mr. Mossman. So Chair Lee, yeah, we'll make sure we get a response from Administration as to estimated cost and who will staff at a later point when this matter is brought back to Committee. Councilmember King?

COUNCILMEMBER KING: Thank you, Chair. I just wanted to comment on the previous questions. And thank you, Vice-Chair Rawlins-Fernandez for recognizing that I was nodding my head, but I just wanted to say that South Maui has, you know, obviously a lot of conservation issues too, that we want to make sure that there's somebody on the Committee that represents and understands the issues. There are huge issues right now going on with wetlands and other things. So I just wanted to add that. Confirm what our Vice-Chair Rawlins-Fernandez was thinking.

CHAIR MOLINA: Okay. Thank you, Member King. Let's go out to East Maui, Mr. Sinenci. Questions for Administration or Committee Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. So just for clarification for Ms. Rawlins-Fernandez's proposal. So it looks like seven non-voting members would be from the Mayor's office, ex-officio non-voting members, and then three members would be appointed by the Mayor that would come from the University of Hawaii Maui College, a representative from Aha Moku or Aha Kiole, and then another member that represented a Hawaii-based conservation group or land trust. So that's...and then three members would be appointed by the Council, one from Moloka'i, Lana'i and East Maui. So that makes six. Then the final, or the other three would be college degree, Hawaiian law, substantial experience in Native Hawaiian, and the voting; is that correct? Does that make nine members, Ms. Rawlins-Fernandez?

CHAIR MOLINA: Okay. Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: And a Councilmember.

COUNCILMEMBER SINENCI: Oh, and a Councilmember, yes. Okay. All right. Thank you. Yeah. So it looks like from reading the greenprint, this is, this Committee is specific for land conservation acquisitions. So the land is not being acquired to develop any roadways, it's not required to do any parks. It's not required to do any other County operations, but just for...to keep in conservation in perpetuity, correct?

CHAIR MOLINA: Member Rawlins-Fernandez?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

VICE-CHAIR RAWLINS-FERNANDEZ: The greenprint shall guide land acquisition by the County for open space, natural resources, cultural resources, and scenic views preservation purposes, and help to identify land suitable for voluntary private sector conservation.

COUNCILMEMBER SINENCI: Yeah, that's...yeah. Thank you, Member Rawlins-Fernandez. So I can see where your intention is not to...I mean, I know a lot of the voting members are coming from the Department of Public Works and Parks and Recreation, but it's specific to keep these properties in conservation, not to develop for any roadways or parkways. So I can understand where the emphasis would be, and of course it does make sense that we have representatives from Maui, Moloka'i, Lana'i, and . . . *(timer sounds)*. . . because if we're looking at properties in different areas, they should have representation from these different areas. Thank you, Chair. Those were my comments.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Member Sugimura, questions for Administration or Committee Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER SUGIMURA: Thank you, both of you, for presenting your proposals. I'm just...my question actually was going to be what Chair Lee asked. I was going to ask the Department or Administration how much is the cost, and then who would be overseeing it just because of the involvement of all the departments. And you're going to get back to us on that, Chair? You're going to get back to us, right, yeah?

CHAIR MOLINA: Yeah, certainly. Chair's intent is to bring this matter back, hopefully this term. Thank you.

COUNCILMEMBER SUGIMURA: Okay. Thank you. And when this does come back, could we also have input from Public Works and Planning, from the departments that were originally thought of? And my last question to the Administration is, do you see a need for this?

CHAIR MOLINA: Okay. Administration?

MR. MOSSMAN: Hi. You know, this being something new to me, I'm going to turn it over to Makalea only because she's been working with this with Sandy Baz. So can you answer that?

MS. ANE: Yeah. So I think the last Council, by creating this Committee, they had expressed that there is a need for this Committee. So we are going along with that recommendation and trying to comply with what was previously...

COUNCILMEMBER SUGIMURA: Proposed. So thank you, Ms. Ane. So the next meeting then, could you also ask Sandy Baz then, what the intent was, if that's correct? I'm

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

not really sure. It doesn't sound like there's a need for it, to create it. I don't know. If they're not...it doesn't sound like there really are, or there is a need for it. So could you ask Sandy Baz to come to the next meeting too? Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura, for your comments. All right. The second and final follow-up round. I'm sorry, Member Rawlins-Fernandez, you had a response to Member Sugimura's comments. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So we're not creating, I just wanted to reminded Members that we're not creating a new Committee. Like this Committee, this bill passed in 2018 under the previous Council. So everyone that was on the previous Council already had these discussions about whether this Committee is something that would benefit the County or not, and the previous Council voted to create this Committee. So, you know, we're not really discussing the merits of this, it was already established, and the Mayor started filling the seats last year in 2019 because that's when it became established. And so I'm happy to send everyone the minutes from this so that we don't have to draw this out too much longer and repeating a lot of the questions that were probably asked in the previous Council because I'm sure all these departments were brought up, and this idea was already vetted. And so I feel like it would be kind of a waste of our time to go through that whole process again. So I'm happy to send the minutes to everyone so that everyone can get a little familiar with what this, the purpose of this was and previous Council establishing it. I mean, if we want to discuss repealing it because this is already law, you know, then that's something that we can discuss. But like going through the whole process again, you know, debating the merits of it without doing the homework of reading the minutes to see what were the questions that were already asked, because I'm sure cost and staffing was already asked. And because this passed in 2018....

COUNCILMEMBER SUGIMURA: Thank you. Sorry, Keani, to make you so upset about this, but if you could send the minutes, that would be good. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. And I can. And so in 2018 and in 2019, they already included it in the budget. So this was already planned for. So for like the costs was already budgeted for because this passed in 2018, and it was probably already in the budget for 2019. Mahalo, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: And then I can respond to your earlier question, Chair Molina, about a definition for the conservation group, and it's in the chat. There is already a definition for the Conservation Group or Land Trust. It's defined in 2.96.020. And so in Number 6, we can say, a Conservation Group or Land Trust as defined in 2.96.020 to address your concern about it not having a definition. Mahalo, Chair.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Excellent. That saves us a lot of time right there. Thank you for spotting that. And thank you also for making the clarification that this was done by the previous Council. It's already law. We have three current members that was from that previous Council, Mr. Hokama, Ms. King and of course, you, Member Sugimura. Can someone refresh my memory? I think I...did that pass unanimously from the previous term? Maybe Mr. Hokama, Ms. King, or Ms. Sugimura can tell me if that passed? Chair Lee, you have some information on that?

COUNCILMEMBER LEE: No, I don't. I have another question and comment.

CHAIR MOLINA: Okay. Well, we can look back into the minutes to see what the end result was for this particular item. All righty. Second and final round, Chair will...oh, sorry. Chair Lee and I believe someone else had their hand up that wanted to make comment. Chair Lee first.

COUNCILMEMBER LEE: Yeah. Mr. Chairman, my concern over cost, I think, is under the circumstances is very significant because the previous Council did not have to deal with a pandemic or a severely damaged economy. So, you know, we're in a different environment totally, and the fact that we're talking about advisory commissions for various different regions, I'm wondering, where does it stop with regard to advisory committees and commissions and so forth, which are expensive. So, you know, I think we have to sometimes perhaps not necessarily change what was done before, but perhaps delay. Some things can be delayed. So that's the reason why I think it's important for us to know exactly what we're dealing with besides the particulars of who's going to sit on this Commission or Committee. We need to know how much this is going to cost in relationship to all the other Committees that we're creating. So, you know, that's the reason why I ask these questions. And it doesn't matter to me that it was passed by the previous Council because other things have been passed by the previous Council that this Council doesn't necessarily follow. So to me, I think I have legitimate questions, and at some point, I really would like to see some of the answers to these questions. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. And there was someone else that had their hand up, I think we have Mr. Hokama, followed by Ms. King.

COUNCILMEMBER HOKAMA: Thank you, Chairman, for my second and final round. I appreciate your leadership this morning, Chairman. I appreciate the comments from Chair Lee. I would agree with her that circumstances have changed, the parameters and scope of the picture I'm looking at regarding this. One of the things though, I am supporting the Administration on is to get their land management program squared away because this would be under land management, and in the overall umbrella on whether it would be land for affordable housing, land for office space, land for non-profit services, whatever it be, it'll be part of, I would assume, Land Management's responsibility overall, reporting to the Finance Director, and the man who

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

understands the finances to be able to recommend to Council appropriate priorities within the financial capacities of this County to purchase acquisition for whether it be scenic view planes, cultural, historic resource preservation, whatever it be, it's got to be balanced with the other operational needs that the Charter has already set for us to fund and operate on behalf of our community. So I just share that, Chairman, that I see it happening, but I don't see it right now as a priority. So I would be more comfortable to defer this, and allow finance to get the Land Management Program moving and how this would all fit within the scope of that program, Chairman, is how I envision it to move forward. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Okay. Follow up round, Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to comment on a couple of things that we've been talking about and why this is coming up. You know, it's coming up because there's already a law, as was mentioned earlier, but I think the reason why these questions come up with this and some of the Charter Amendments, like the Charter Commission, is that the community hasn't felt well represented, and that's why we're looking at these Commissions and Boards as to how we can get better representation on there, and how it can become more transparent. There's been a lack of transparency, which has carried over into all the COVID stuff. There's a lot of stuff we don't know that's happening, and it's starting to come out slowly through the media pressure. But I would just say that, you know, creating these additional, that we just created one for the homelessness, has to do with people feeling like they're not being heard in these issues. So let's not take that lightly and, you know, democracy is expensive and sometimes it's messy, but you know, this is how we include more people. So I just wanted to make that comment, you know, understanding that yes, we are in a very different world right now with the COVID, but this makes people sometimes even more fearful and wanting to be...wanting to know more, not less about what's going on. And the other thing I wanted to say is that the priorities are not necessarily financial when it comes to open space. So I wouldn't just leave it in the hands of a land management office to set priorities, the priorities need to come from the community. Because we're talking about priorities for open space and where people in Maui County want to see that open space. So it's not just a matter we have this much money and then have the Financial Department figure out where we're going to spend it. Really, the spending of money happens through this Council, through the budget process, and we're the representatives of the people of Maui. So let's not just look at this as a financial issue. The greenprint, to me, is a statement of where we want to see open space happen because we've been, you know, we've been talking about this for years even, you know, way before the last Council, which was my first term. We've been talking about the difference between the development, the Maui Island Plan that gives the parameters and the Community Plan, which says within those parameters, here's where we want to see development happen or not happen. So I just wanted to, I support this body, and I think we can do it within the parameters of what was originally budgeted for when we created this Commission, but it also, to me, if it's existing to do a blueprint or a greenprint every five years, then it

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

could be something a lot more like the Charter Commission, where they can hopefully not take five years to create it. But we're giving them, what, a year and a half to create it and then, you know, the Commission could come, you know, it doesn't have to keep meeting every month after that, you know, it could be meeting quarterly just to update it or to monitor it. So I think this Commission, it should be treated somewhat in line with the Charter Commission that, you know, is formulated every ten years and does its work and then, you know, we do another Commission in another ten years. It doesn't have to be the monthly expense of a lot of our other Boards and Commissions, but it will be concentrated until they create that first greenprint, and I think it's going to take a lot of input too. So anyway, I don't see it as a huge expense, but I think that sometimes we, if we cut out the voice of the people or the reasons for these bodies, then we're doing a disservice to our community, and the reason why they elect us. So anyway, that's my input. I'm not requiring a response. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. Okay. We've completed a second and final round with Mr. Hokama, Ms. King, I believe Ms. Lee had her say. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just, you know, to go to the point, I believe Member Rawlins-Fernandez's draft has a representative from the Office of the Director of Finance in there, so that could be the land manager folk, or sorry, guy, or girl, person. And just, you know, I think if we had the chart like how your correspondence Board Listing Committee Chair Handout from 9/8/2020, it might be more clear to Members because, you know, reading it in your mind and trying to put like who's where is kind of difficult. To the point about a greenprint, I think it's really important because as we know, the State's Renewable Energy push is, they're going to need a lot of acreage, like for solar panels, and I think that this type of thing could play into the good of planning that. Because right now, I'm getting calls, you know, they want to put 220 acres above the airport in like, you know, some of the scenic views and the open space. And if we can make a greenprint of saying like which areas are really important to us for open space, and we don't want, say, solar panels, or we don't want development in these areas, or these are sensitive really important areas to us through this greenprint process, then it's that much easier to decide, you know, where the development should go, you know. If it's very clear what areas are sensitive, which areas are special, which areas should be conserved, and then what areas that we're willing to have, like, hundreds of acres of solar panels, you know. I think when the 10 to 15 acres went up right below . . . *(inaudible)*. . . in the West Maui Mountains on Lahainaluna Road, nobody knew that was going in. And once it went in and everybody seen it, there was a lot of complaint. So I think, you know, this greenprinting process where we designate which areas are really special and important to us is a worthwhile and important process because, you know, even in the tourism industry, what makes Maui, what makes Hawaii so special that people want to come and visit is the natural beauty. And what is the natural beauty? It's open space. People don't come over here because it looks like Arizona. It's not just the sand, you know. It's the entire everything that makes us unique. And so I believe in this

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

greenprinting process too, as a way for us to say...or not us, but the Conservation Committee, representing the County of Maui, to say, you know, these open spaces, these areas are really important and, you know, if we need to do hundreds of acres of solar farm, if we need to whatever it is--not here, you know. Maybe over here, or give a better direction of where we want development, of where we want renewable energy, of those things and where we specifically do not want it. So no need for comment. I would appreciate a chart, I think that would be fabulous, and that's it.

CHAIR MOLINA: Thank you, Member Paltin. I'm of the like mind. I like pictures and graphics too. But I'm not only an auditory learner, but visual helps. Especially, as I was saying, draw picture, yeah? Anyway, who had their hand up in response? I believe it was...nope. Okay. And no response to your comments. Let's go to Mr. Sinenci for the final round of comments or questions.

COUNCILMEMBER SINENCI: Thank you, Chair. Real quick. Yes, I just wanted to speak in support of the Conservation Planning Committee and the greenprint. You know, I believe funding this will only strengthen Maui County's home rule on all of our islands. There's still a lot of State agencies when it comes to...that we need to go through like SHPD and the Department of Land and Natural Resources. So I think if we create this Committee then, you know, here on Maui, we can do a lot of things right here versus going over to Oahu to get representation from all of the State agencies. So even the Aha Moku, I think the Aha Moku comes in under the Department of Land and Natural Resources. So should we give them this title onto this Committee, we strengthen our conservation efforts on the island. So I'm supportive. Thank you.

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

COUNCILMEMBER KAMA: Thank you, Chair. So this is my understanding of what we're doing today. That a couple of years ago, maybe quite some time before some of us or many of us got onto the Council, there was a pot of money that was created for open space funding. And while they opened this pot of money, and they put one percent of our taxpaying dollars into this, they didn't create the entity as to how to guide the spending of this one percent. So help me to understand if I got it or not. So we are here today because the establishment of this Committee has not yet gone forth, but we're taking the advantage of the opportunity now to maybe change some things as the make-up of this Committee. Nobody is saying about it, it is here. It's going to be done, it's just a matter of how it gets done, and the process in which we choose to make it happen. So that is my understanding of what we are doing here today. The only thing I have is some questions about costs, and of course that's always going to be it, and whether or not I like who's coming, and who's going, and who stays, and who votes, and who doesn't. So until I have that settled in my mind, those are my thoughts, and that's where I am on that. So thank you, Chair.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Thank you, Member Kama. Committee Vice-Chair Rawlins-Fernandez, you had a comment to make on Member Kama's...

VICE-CHAIR RAWLINS-FERNANDEZ: If everyone has gone, I can go, but, yeah.

CHAIR MOLINA: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: I was agreeing with pro tem Kama.

CHAIR MOLINA: Okay. Simply put. All right.

VICE-CHAIR RAWLINS-FERNANDEZ: That her understanding is correct.

CHAIR MOLINA: All right. Thank you. All right. Members, what your...oh, I'm sorry, did we get to--Member Sugimura, you have any final comments, I think we had one last opportunity for Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR MOLINA: Before the Chair makes a recommendation.

COUNCILMEMBER SUGIMURA: Yeah. So it sounds like you're going to defer this for further discussion. Thank you, Chair for bringing it up, and I look forward to that. I'm curious to get some of the questions we had answered. So thanks.

CHAIR MOLINA: Thank you. All right. Members, what the Chair would like to do, I think there's some components I believe we can take action on in Member...Committee Vice-Chair Rawlins-Fernandez's proposal. Before we do that, Committee Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I guess you're going to say it in your recommendation, but I just, for my second and final, I just wanted to make a couple comments that weren't addressed. One is, I know that pro tem Kama had asked like if maybe we can just seat everyone in the Committee first, and then we can discuss, like, changing it. And we thought about that too, but the thing is, it becomes tricky after seating a Committee to then change the Committee composition. So it's either we, you know, change it prior to, or it becomes really challenging afterward to say which seat would be, you know, changed out for whatever, you know, defined seat. So I wanted to address that. And the last thing I wanted to address is about the cost of this. And so my understanding is that when this Committee was established, like part of the purpose of it was the County purchasing land that was paid for far more than the value of the land. Such as Launiupoko and Peahi, where there was a feeling that perhaps it was, like a favor, that the landowner was receiving more money than the land was actually worth, and it was like a big payout for that landowner. And so I understand that we're in a pandemic and that funds are tight, but when we purchase

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

land, it's millions of dollars. And, you know, and the cost for staffing would be, you know, perhaps like a hundred thousand or something like that. So when we're talking about, you know, preventing the County from overpaying, you know, landowners for land that, you know, we would argue over the value of--and I know that this is, you know, like one of the big things that Member Hokama, you know, consistently brings up, you know, where is the appraisal? I want to see the true value of this land because I'm not going to just take your word that it's worth this much and, you know, the landowner ultimately gets, you know, like this huge payout of taxpayer dollars that we are responsible for protecting. And so it is an investment, but I think it's an investment that's, you know, worth it to save millions of taxpayer dollars in the long run. And so I just wanted to make that point, Chair. Mahalo.

CHAIR MOLINA: Thank you, Committee Vice-Chair Rawlins-Fernandez. Certainly, it's much appreciated that you're being cost conscious, and whenever you talk investment, you got to see what the return is, yeah, especially when it comes to using taxpayer dollars. So Members, with that said, I believe some of these points, seven proposals in Member Rawlins-Fernandez, I'm hoping that we can possibly take action on some. Now on the overall item, your Chair's intent is to defer, but I'm thinking some of these, we could probably...we can either vote on or do consensus. And of course, some, I'm sure, you know, there are some in here that I think will require more further research and consideration. So let's start first with the first point, removing the need for a Managing Director representative. Members, do you want to take action on this, is there a consensus or not? Nope. I see several heads. Okay. Member Rawlins-Fernandez, as the maker of this proposal, comments on this?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Really quickly. Like your initial comments when we started the meeting, it was heavy on the amount of administrative staffing directors that were voting members, and would have a lot more influence. And so the Managing Director or designee is still on the Committee, but is part of the ex-officio non-voting members. So it's still on the Committee, it's just, you know, moved to a non-voting member, you know, to address the concern that you brought up earlier, Chair Molina.

CHAIR MOLINA: Okay. Thank you, Member Rawlins-Fernandez. Again, good point. It is a non-voting position on this proposed Committee. Member King?

COUNCILMEMBER KING: Thank you, Chair. I just, I think I'd rather not go through this piecemeal because I think the whole thing is, every position is in relation to every other position. So I think we, you know, we might need time as individual Councilmembers to look at the proposal and, you know, maybe offer some changes. But I think the one thing we can do that probably needs to be done is to extend the deadline. Because I don't think the deadline is going to get done in the current deadline, so I have no problem voting on that. But to go through this piecemeal and then maybe get to the end later on after a couple more meetings and saying, well, if we have this, then we shouldn't have this or we should have this, and kind of--I think

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

everything is in relation to each other. So I'm just a little uncomfortable with the, you know, trying to designate individual places on this Committee if we're looking at the composition as a whole.

CHAIR MOLINA: Okay. Thank you, Member King, for your comments. All righty. Members, well, okay, I'll start first with that deadline proposal. I know in my proposal that we worked with on Corp. Counsel, I had proposed a deadline of December 31st, 2021. But already, just based on the discussions on this first time that this Council is meeting on this, or second time, I would agree with Member Rawlins-Fernandez's proposal of the deadline of December 31st, 2022. This way, whoever--if this is not completed by this term, whoever is the next GET Chair...and as you know, this is a very busy Committee, this will give the next GET Committee Chair some flexibility as far as time goes to work out the parameters of this, along with taking into consideration the future nominees to this particular Commission. So do we have consensus on the deadline proposed by Member Rawlins-Fernandez of December 31st, 2022?

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER KING: Yeah. Do we...can we do this by consensus, Chair, or do we need to vote?

CHAIR MOLINA: Well, let's go ahead and vote on it then, just to make it cleaner. Mr. Murai, would you prefer a vote, a formal vote on this proposal for the deadline?

MR. MURAI: Mr. Chair, since the matter has been raised by Member King, I suggest that we vote.

CHAIR MOLINA: Okay. So ordered. All right. Chair will entertain a motion to extend the deadline for the Conservation Planning Committee to be completed to December 31st, 2022.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KING: Second.

CHAIR MOLINA: Okay. Moved by Committee Vice-Chair Rawlins-Fernandez, seconded by Member King. Discussion? Chair Lee.

COUNCILMEMBER LEE: No, I was ready to vote.

CHAIR MOLINA: Okay, you have quick hands. Any other discussion on the proposal to extend the deadline to December 31st, 2022? Seeing none, all those in favor, signify by saying "aye" and raising your hand.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: All right Members. All right. I'll spare you some time so we can move on to our next agenda item. So...

COUNCILMEMBER KING: Chair?

CHAIR MOLINA: Yes, Member King.

COUNCILMEMBER KING: Yeah. Thank you. I just wanted to make one point that got a little confused earlier, that the open space can and has frequently been used for parks and parking. So I think there was some confusion with Mr. Sinenci's question and, you know, but we did one purchase in North Kihei last year that was...actually is being turned into a parking lot for the beach area. So I just want people to know that that's kind of what makes, I think, the Parks Department an important part of the equation because a lot...frequently the open space area is already used as parks.

CHAIR MOLINA: Okay. Thank you, Member King. All righty. And Chair's...last comments prior to that, Mr. Hokama, followed by Member Paltin.

COUNCILMEMBER HOKAMA: Chairman, thank you. Very quickly, Chairman, I appreciate Ms. King's additional comments and I would say one thing, you know, that it's fortunate for her District and Ms. Paltin's District and a little bit for mine, is that we have park assessment monies from developments that those developers had to pay the County to satisfy park requirements, and that is why some of our districts have CIP money through park assessment fees. And that's not anything to do with the general fund open space monies. These are separated monies that are specifically for the District that the development was derived from, and those are being utilized for West Maui and South Maui for its purpose, and I have always supported that. And I just wanted that to be shared again, Chairman, that, yeah, there's some districts that have that special additional source of resources. Thank you.

CHAIR MOLINA: Thank you, Mr. Hokama. And I believe...was it Member King, you had another comment on that. Oh, I'm sorry, Member Paltin. My apologies. Member Paltin.

COUNCILMEMBER KING: He was commenting on my comment. So yeah, that's in addition to the open space funds.

CHAIR MOLINA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. And sorry for this late question, but it just kind of came to my mind. I was wondering, you know, just looking at the previous chart, is it our intention, you know, how the Council can adjust things, that if there is a community representative from East Maui, Lana'i, and Moloka'i, that the Councilmember representative will not be from East Maui, Moloka'i and Lana'i, and then like, you know, maybe we add a South Maui or West Maui into the mix where,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

you know, if it's an either/or thing, like if the Councilmember is from East Maui, that would take the place the community member representative, or if, like say, the Parks representative lived in West Maui and was familiar with the issues, that like, as long as the condition is satisfied, you know what I mean. That somebody with knowledge of the area and those matters. I mean, do we want to lock ourselves in that the East Maui member, the Lana'i member, and the Moloka'i member has to be from the community, or could it be, say, the Councilmember, or could it be, you know, just throwing it out there for the future discussion because I didn't come up with this question ahead of time.

CHAIR MOLINA: No. Something worthy of consideration. And I guess we can mull over that consideration for our next meeting. And kind of dovetailing off of that, Member Rawlins' third proposal requiring a representative from Aha Moku or Aha Kiole, I'm strongly in support of having representation from our post-culture community on this Conservation Planning Committee. So whether it be from these two particular groups or some other groups, I don't know if maybe we should change the parameters in terms of something more broad to be inclusive of consideration for other Native Hawaiian groups. But again, that can be something for a future discussion. But again, I'm in strong support of having representation from our Native Hawaiian community on this committee. Member Paltin?

COUNCILMEMBER PALTIN: Yeah. Me too. And I'm just saying if they can double represent people. Like, you know, if...

CHAIR MOLINA: Wear two hats, yeah?

COUNCILMEMBER PALTIN: Yeah. If the Native population representative is from South Maui, or is from West Maui, like some way to insure that it doesn't have to be specifically only an Aha Moku representative, but if they can, like you said, wear two hats, so that each segment is at least somehow represented.

CHAIR MOLINA: Good point. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I guess age sometimes works slower, so thank you for juggling my memory because I just wanted to share, regarding this Planning Committee, it went back couple of terms. Because as I recall now, former Members Cochran and Guzman, about two or three terms ago, proposed to Council buying parcels at Hamakualoa. I don't know if you remember that, Mr. Molina. And we decided buying some, not all of the proposal. But Council requested those two Councilmembers, and they accepted, that they would come up with a plan, management plan, and that they would either use an advisory group or some sort of a TIG component to help a community driven plan be presented to the Council to manage the acquisition of those parcels. And then it kind of morphed into this Planning Committee thing because those two members never did present the plan back to the Council after the purchase of those lots or parcels. So I can tell you that that is part of the historic background as to why we're here today,

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

this morning, discussing this item, Chairman. Thank you very much.

CHAIR MOLINA: No. Thank you, Mr. Hokama, for that historical perspective to educate the Members now who were not on the previous Council. Okay. Let's see, Committee Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick. So I'll be sending all the Committee Members the minutes, and the minutes from when this meeting was discussed, and hopefully that will address some of the Members questions. And so it did pass out of Committee unanimously and, you know, passed the two votes unanimously. So, you know, for those that sat on those previous Councils, it was something that was supported by them. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you, Committee Vice-Chair Rawlins-Fernandez. Okay. Chair is going to close discussion on this item for today. If there are no objections, the Chair would like to defer GET Item 42. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR MOLINA: Okay, so ordered. All right, Members, I know it's getting close to our traditional morning time break, but I'm hoping we can address the last...or the next two items simultaneously, and then we can consider our morning recess after that. Any objections to proceeding in this fashion, the next two items? Okay. All right, no objections. All right. Let us go to our next item.

**GET-3(2) HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2021 HSAC
LEGISLATIVE PACKAGE) (CC 19-25)**

**GET-4(2) MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE (2021 MAUI COUNTY
COUNCIL LEGISLATIVE PACKAGE) (CC 19-26)**

CHAIR MOLINA: We'll take it, take the two items up simultaneously, GET Item 3(2), Hawaii State Association of Counties (HSAC) (2021 Legislative Package) and GET Item 4(2), Maui County Council Legislative Package (2021 Maui County Council Legislative Package). I should add we had this one item that we had deferred from our previous meeting on this matter, and we had asked both Members Paltin and Members Lee, or Chair Lee, to work on a proposal as it related to the virtual meetings. So I'd like to turn matters over first, who would like to go first, Chair Lee or Member Paltin? Okay. Member Paltin, you go first. Proceed.

COUNCILMEMBER PALTIN: Thank you, Chair. And I just request that Members refresh their Granicus. There was an amendment summary form that I submitted this

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

morning and, you know, basically from last Committee meeting, we decided to combine our proposals. And I just wanted to briefly describe the amendment summary form in prepping for this meeting today. When I was reading through the testimony, I came across Ms. Ma's testimony from Common Cause, and I recalled Member King saying, you know, we really need to get them on board to support this. And one of the second items in her testimony was, you know, if, for technological reasons we have to recess instead of adjourn and post another meeting, how will folks know how to get to that thing if there's technological difficulties. So that's basically what the amendment summary form that I submitted this morning is trying to address her concern. Basically, it says, when practicable meetings held by interactive conference technology may be recessed for up to one hour when audio communication cannot be maintained with a quorum of members or with the public location where the meeting by interactive conference technology is being held. So if there's these technological things in the past without the emergency proclamation exemption, there would have to be an adjournment. And then we don't want to adjourn because of a technological problem that can be fixed, but we do want to let the public know how to continue to participate once the technological problem has been addressed. And so I was just hoping that by doing this amendment, it would satisfy Ms. Ma and Common Causes' concerns, and that they would support us at the HSAC and at the State Legislature. So that's my two cents. Thank you. I'll yield to Chair Lee.

CHAIR MOLINA: Thank you, Member Paltin. Chair Lee, you have the floor.

COUNCILMEMBER LEE: Mr. Chair, I think Ms. Paltin said it all. I add my two cents to her two cents, so that's four cents. Thank you.

CHAIR MOLINA: Thank you. All right. We'll open up the floor. One round. Three minutes for questions for either Member Paltin or Chair Lee. We'll start first with Member King.

COUNCILMEMBER KING: Thank you, Chair. So questions are on the summary form amendment, that's what we are talking about. I just, I wanted to find out from Member Paltin if the amendment, or maybe Member Lee, if the intent of this is that if it goes longer than an hour, then we would adjourn? What was the intent of making the recess for up to one hour?

COUNCILMEMBER PALTIN: That was what was asked for in Ms. Ma's testimony letter. I, for me, my perspective, and I could be totally wrong is, you know, if it's one hour and we're still having technical difficulties, then we come back in and recess for another hour. But maybe that's against the law, I'm not too sure. But if you read her testimony, that's...I can try to pull it up here.

COUNCILMEMBER KING: No. I did read it, but what my concern was that if we're having technological difficulties, we might not be able to come back in and adjourn, and--I mean and reconvene to recess for another hour. So if the intent is to try and hold the

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

meeting, then maybe we should just take the one hour out and just say recess until, you know, we can figure it out. But if the intent is that, I didn't know what the intent, what your intent was. If the intent is that if it goes more than an hour, we should just adjourn the entire meeting, then that's a different story. So I just, I'm concerned about the one-hour limit.

COUNCILMEMBER PALTIN: Yeah. I'm totally open to taking out the one hour. We had a really good example last meeting with the technological difficulties, and then Mr. Molina was able to go to a better location, and it didn't take too much more than an hour. But say he lived in Hana or something, and he had to drive all the way out to Hana, that's a good point. I think, you know, to me, I'm pretty sure that the main gist of her testimony was that we're not going to reconvene without the public knowing when...wait for...and all that information. So I mean, I'm okay with taking out the one hour.

COUNCILMEMBER KING: Yeah, that's what I thought too, and so that's why I think the hour might be a little bit limiting. If...for example, if he took more than an hour to get home, then we're in violation of that Sunshine law if it limits us to an hour, so.

COUNCILMEMBER PALTIN: So maybe instead of recess of up to one hour, recess to a time that is everybody knows about, like that's, you know, made clear.

COUNCILMEMBER KING: Recessed to...yeah, recessed to an announced time.

COUNCILMEMBER PALTIN: Announced time and, you know, BlueJeans link, or whatever it is, the...probably would have to be the same link. But recessed to a designated or specified time.

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

CHAIR MOLINA: All right. Thank you, Member King. Chair Lee, you have something to add.

COUNCILMEMBER LEE: Yeah. I think it's really important that we do have the support of Common Cause, and if we can make these adjustments work with their support. Otherwise, you know, the State Legislature hasn't been all that supportive of us. And so we need support from the outside. And if the meeting is recessed for an hour, it can be reconvened and recessed again. So, you know, to a time not specified, I think, creates less transparency, and I would strongly, you know, suggest that we go with Common Cause.

COUNCILMEMBER KING: Well, no, what we said was a designated time, not a time not specified. But the problem is, we might not be able to...if we have technical difficulties that take longer than an hour, we might not be able to reconvene in an hour.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

COUNCILMEMBER PALTIN: So I just got a message from Staff, and they said that I guess one hour is the specified OIP guideline.

COUNCILMEMBER KING: Oh, okay. So that's why that's in there.

COUNCILMEMBER LEE: Yeah. Why don't we just stay with that.

COUNCILMEMBER KING: So do we have a contingency--if we're not able to reconvene within an hour, do we know what would happen? Would it have to be automatically adjourned?

COUNCILMEMBER PALTIN: I would imagine, but maybe we can check in with Staff, as they're the professionals.

CHAIR MOLINA: Thank you, Member Paltin. Let's check in with...

COUNCILMEMBER LEE: Okay. But you don't want this to hold up the whole train, yeah?

COUNCILMEMBER KING: No, we don't. But we also don't want to be in violation if there's something that an hour doesn't work. So that was my main concern.

CHAIR MOLINA: Okay. Thank you, Councilmember King. And Members, point of FYI, for HSAC...for GET Item 4(2)...or excuse me, the HSAC proposal, GET Item 3(2), the Chair's intent is to defer this because we do have a September 18th deadline. So it's to defer this matter to Council this Friday, where a final decision will be made. And just on the point of the one-hour recommendation by OIP, I'm comfortable with staying with that too. Because again, this is something totally new. It's still in its infancy and personally, I'd like to see us move forward with this and not have it being held up. But anyway, let's move on to Member Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, thank you. Couple things. I have an issue with Part Number 2, that the meeting can continue to go on in case we have technical breakdowns. I would say, one, to Corp. Counsel, is there anything that needs to be changed in the Charter that this bill for a statute is proposing? Because I thought the Charter was kind of clear that if there's an emergency, we can declare it by six of the nine members' votes affirmative, and then we already should have in our rules how we're going to operate under emergency because the Charter gives us the power to waive requirements as well. So I just wanted to know if there's anything we need to do on the County side, Mr. Chairman, besides....because I find, I believe this is home governance under the Constitution. So I don't know where the line is where I need a legislative approval to do a County governance decision.

CHAIR MOLINA: Thank you, Mr. Hokama. Mr. Murai, a response to Mr. Hokama's inquiry?

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

MR. MURAI: Yeah. Thank you, Mr. Chair. I'm sorry, Mr. Hokama, I didn't catch the very beginning of your question. You were asking about this measure that would amend the Sunshine Law? Is that what you're talking about?

COUNCILMEMBER HOKAMA: Right, yeah. And again, I'm just asking if we need to anything on the County side, either in the Code or the Charter, because the Charter is clear on how we can move forward during emergencies, and --

MR. MURAI: Yes, Mr. Hokama --

COUNCILMEMBER HOKAMA: --you know, updated language like conference telephone. So, you know, that it's probably old technology that we're using in the Charter. But it states that we create our own rules and procedures under emergency of a six vote affirmative action by the body.

MR. MURAI: The Sunshine Law...thank you, Mr. Hokama. Mr. Chair, if I may. Sunshine Law already provides for the County and its various departments to take action under emergency circumstances. So in other words, if the...well, Sunshine Law already provides for that, so that's found elsewhere. So there is no, in my opinion, there's no conflict between the County's powers, the County's inherent powers to act in the emergency, and they are not limited by the Sunshine law.

COUNCILMEMBER HOKAMA: Okay. Any concern with our document regarding in case technology crashes and the request to continue to conduct a meeting, Mr. Murai?

MR. MURAI: Under the current Sunshine Law, if the connection is lost, then the meeting must end. You cannot proceed. Excuse me. In this case, I don't...you know, one, obviously one thing that would be feasible or viable is if you can reconnect, you can recess the meeting and just attempt to reconnect. I think what this does is it gives you a one-hour window to try and do that. The problem with, in my opinion, with allowing a longer period of time where the meeting is in recess is, you know, if you don't have the connectivity, you would have...it would be very difficult, if not impossible, to notify, you know, members who are appearing remotely or the public that the meeting is being recessed. So I'm not sure how you would resolve that, you know, the meeting may have to be recessed and then reposted, again, the difficulty being how do you notify people of the technical difficulty, and the fact that we are going to recess, let's say, later in the day or maybe tomorrow. I think that would be the difficult problem. So, you know, you can...I see what is being done is this problem is trying to be resolved legislatively, and as the Council is aware, the idea of recessing and reconvening meetings can get tricky.

COUNCILMEMBER HOKAMA: Right, right. Well, Mr. Chairman, my concern is, you know, for regular meetings that have no deadlines or a court date scheduled, you know, for me, I don't have too many problems in case we lose communications, you know, we can either recess or reagendize the meeting. If there is a deadline and we have a

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

communication breakdown, and let's say only five of the nine Members can reconnect, do we continue the meeting and allow five Members to make the decision on behalf of the nine Member Council because four of us cannot connect.

CHAIR MOLINA: Okay. Good point. Staff, or Mr. Murai, any thoughts on that?

COUNCILMEMBER HOKAMA: Mr. Murai, just remember now, the Charter says if we pass an emergency ordinance under the Charter, it is only good for 90 days, you know, 90 days, and then it expires.

MR. MURAI: Mr. Chair, this is Gary again, if I may. Well, you know, even in the Sunshine Law, even the provision that allows you to pass measures in emergency situations do require you to bring those matters before the body, you know, when practicable. So I don't think that the County's powers are inconsistent with what the Sunshine Law requires.

COUNCILMEMBER HOKAMA: Okay. I just wanted to make sure because the Charter allows the Council to waive all requirements regarding passage of ordinances and resolutions, okay, should we need to in emergency cases. So I just bring that up, Mr. Murai, because under the emergency...yeah, I'm more concerned about if we're in an emergency, how does the body continue to perform when communications is at the low point or pretty much non-existent because of dependency on technology.

MR. MURAI: Mr. Hokama, you know what, if I attempt to answer that, I'd be shooting from the hip. So therefore, I'm going to not stick my neck out and ask you for some time to think about that.

COUNCILMEMBER HOKAMA: Okay. No, no, I mean, I appreciate that candid comment, Mr. Murai. I rather you do some due diligence if you feel to. So thank you, Mr. Chairman.

CHAIR MOLINA: Thank you, Mr. Hokama. Member Paltin, a response to the inquiry made by Mr. Hokama or Mr. Murai's comments?

COUNCILMEMBER PALTIN: Yeah. I think if we're clarifying that the purpose of the legislation wasn't necessarily for times during emergency, it was for non-emergency times like, you know, being that this is so...such a good way to meet. And although we have an emergency proclamation on right now, say that, you know, we kind of get this under control, but still we want to act cautiously and not gather if someone has like an extreme underlying medical condition, and they want to continue to use this technology. That was kind of the purpose behind the suggestion of it is that we don't use this technology only during an emergency, that it can be integrated into our everyday use as well. So while during times of an emergency or in an emergency there are specified rules, my purpose in presenting this was to use it as well during times of...during regular times when an emergency isn't on. So just clarifying my perspective on that.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Thank you, Member Paltin. Your Chair, quickly as just couple of clarifying issues I'd like to hear from either you, Member Paltin or Chair Lee. Relating to page 7, the proposed bill states: "Pursuant to this section, shall not be required to allow members of the public to join board members at non-public locations where board members are physically present." Just wondering if this section may need additional clarification because if the Member is at a public location, such as the County building, County park, or Council district office, these are public locations. So would this section allow the public to physically join the Member at these locations if a Member, or the Member is at these public locations? I don't know if you, Member Paltin, or Chair Lee would like to chime in on that, or maybe Mr. Murai for clarification?

COUNCILMEMBER LEE: Mr. Chairman.

CHAIR MOLINA: Chair Lee.

COUNCILMEMBER LEE: As far as I know, you know, if there are, if for example, Member Paltin is at her Lahaina office, it's permitted for the public to go there and testify. Same with the Moloka'i office. Same with the Lana'i office.

CHAIR MOLINA: Okay. Now what about members who don't have district offices, how would that apply?

COUNCILMEMBER LEE: Then they can either go online, or they can go to any of the closest place that has, that is open for public testimony, but they have options. They can go online. They can go on the phone. They can go in person. Yeah.

CHAIR MOLINA: Okay. Very good important points to make. Yeah. You have other options to do by phone. Exactly. Good. Thanks for clarifying that. And one more clarification for page 7. The bill states: "And provided further that the notice required by Section 92-7 shall (1) list at least one meeting location that is open to the public..." So again, so for the purposes of clarification, does this mean that the Committee or Council meeting will be posted at the Council Chamber? I don't know if Mr. Murai or maybe even our Legislative Staff or Attorney Staff would like to comment on that? Anybody?

COUNCILMEMBER PALTIN: Well, it's still being...during this pandemic while we're hosting these meetings online, it still is posted at the Council building, the agendas, and it still is posted online. So I mean, although it's an emergency proclamation, we're still doing that now, and I would imagine that we still do that when it's non-emergency times as well.

CHAIR MOLINA: Okay. Thank you. And lastly, so--oh, go ahead, Mr. Murai.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

MR. MURAI: Oh, no, no. That's okay. I just wanted to comment that my interpretation of this is that at least one remote site must be available to the public, should the public decide that they don't want to participate or they cannot participate remotely, and they want to be there in person. And of course, I think this presumes that this is post-pandemic, where people can come to the Chambers or the District offices.

COUNCILMEMBER PALTIN: Yes, I agree.

CHAIR MOLINA: Okay. Thank you, Mr. Murai. And with that said, so if we have to post for a meeting location like the Council Chambers, does that mean Staff must be available at that meeting location, or will one or more of the Members be required to be at this posted meeting location? And I'm sorry I'm coming up with all these, you know, theoretical situations, but just need to know, I'd just would feel comfortable knowing what answers, if any, there are out there. Chair Lee?

COUNCILMEMBER LEE: It wouldn't be handled no differently than how it's handled, let's say, on Moloka'i. You know, there's the Representative, there's Keani there, and her Executive Assistant, and they handle all the testifiers.

CHAIR MOLINA: Okay. Thank you. Members, thank you for indulgence of the Chair's inquiries. Any other questions for either Member Paltin or Chair Lee? Member King?

COUNCILMEMBER KING: Yeah. Chair, I think, you know, the existing State law, as far as I know, because I was on a State board recently, is actually follows the Members. When I was on the Board of HGDC, if I was going to have to call in from my home rather than go to Oahu, I had to have my place of where I was calling in from publicly published, the people could actually could come to. So if this law were able to change, it would actually be good for all the Boards and Commissions on the State level too. Because you wouldn't be required to come to your home or to some private place where you are. But that's how I had to, you know, that's why I had to fly to Oahu for all the meetings because if I didn't, you know, the few times I didn't, I had to publish my address. But the other thing I wanted to say is that it's in...in our Charter, it allows for, it actually encourages these types of meetings for our outlying Districts in a non-pandemic. This is not within the pandemic, but on page 8 of the Charter, under 3-5, number 5, it says: "To the extent capable, the Council shall provide interactive communications access for the residents of Hana, Lana'i, Moloka'i, and other geographic areas as the Council shall deem appropriate and reasonable to all County Council meetings and County Council Committee meetings. So I think there's a recognition. It hasn't happened until we got into this pandemic, but that's...I think we've been trying, the last two years, trying to get into this, and this was an amendment that was made in 2012. So since 2012 we were supposed to have been trying to do this, and so now we're finally doing it. But this is outside of the pandemic and emergency and everything. So, you know, for our Council, we're not only allowed to do it, we're encouraged to do this.

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Thank you, Member King, your review of this. Members, again as I mentioned, for the HSAC package, we will have to take action on this--because of the September 18 deadline, we'll take action on this Friday, at our September 11th Council meeting. For the Maui County Council package there is flexibility, however, we could take action on that portion. So just updating you on what we will do, or what the Chair is recommending today. Any other questions on this proposal from Members Paltin and Chair Lee? Okay. Seeing none.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER Item 3(2) due to Chair's request for consideration of the revised proposed resolution at the 09/11/2020 Council meeting.

CHAIR MOLINA: The Chair's recommendation is to defer GET Item 3(2), the HSAC Association of County's Legislative Package and action to be taken at this Friday, September 11th Council meeting. And then for the GET Item 4-2, Chair will recommend a motion to approve the resolution entitled, APPROVING FOR INCLUSION IN THE 2021 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY. Is there a motion?

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Member Paltin. Seconded by Chair Lee. Members, discussion on the floor? Okay. Seeing no discussion, Chair will call for the vote for GET Item 4(2). All those in favor, signify by raising your hand and saying "aye."

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.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF REVISED RESOLUTION.

CHAIR MOLINA: Thank you. Chair will mark it 9 “ayes” with zero opposition. GET Item 4(2) moves forward.

GET-11(33) LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NORIYOSHI MAKABE AND MASAMI MAKABE, AS CO-CONSERVATORS OF HAYATO MAKABE, AN INCAPACITATED PERSON V. DEPARTMENT OF PARKS AND RECREATION, ET AL.; CIVIL 18-1-0346(1))

CHAIR MOLINA: Okay, Members. We are on our last item of the day. I’ll just briefly touch up on that item. It will likely require executive session, and when we do, prior to going into executive session, we’ll do our morning break. Is that okay with everybody?

COUNCILMEMBER LEE: Yes.

CHAIR MOLINA: Okay. All right. Let’s go on to our last item of the day, GET Item 11(33), Litigation Matters (Settlement Authorization) Noriyoshi Makabe and Masami Makabe, as Co-Conservators of Hayato Makabe, an Incapacitated Person versus Department of Parks and Recreation, et al. Committee is in receipt of the proposed settlement...proposal to authorize settlement of this matter. We have from the Administration, the Deputy Parks Director, Mr. Buck, as well as the supervisor of maintenance, Chris Kinzle, and Corporation Counsel, representing the Department on this will be Ms. Richelle Kawasaki Lu. So at this point, Chair would like to first recognize Corporation Counsel to give us an overview, and then to be followed by the Parks Department. Ms. Kawasaki Lu?

MS. KAWASAKI LU: Thank you, Mr. Chair. I’m sorry, it looks like you folks have my video muted. Let me unmute that. Good morning. With regard to this particular case, this is a lawsuit that was filed against the County for injuries sustained by a park user. The park user’s name was Hayato Makabe. He is the adult son of Noriyoshi Makabe and Masami Makabe. He’s an incapacitated adult. He was there on an Easter Seals outing when a tree branch fell on him, and he sustained injuries. This is a case that is in active litigation, and so therefore, we would be requesting the opportunity to discuss this in executive session.

CHAIR MOLINA: Okay. Thank you, Ms. Lu, Ms. Kawasaki Lu. Mr. Buck from the Parks Department, along with Mr. Kinzle, any comments on the proposed settlement authorization? Is the Parks Department with us? Have we muted them? Can we unmute them?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

MS. ESPELETA: Mr. Chair, I don't see Parks representatives on the call.

CHAIR MOLINA: Okay. What we'll go ahead and do, Members, if there are no objections, we'll go ahead and have them join us in executive session if that is the will of this body, and we'll right now entertain any questions in open session for Corporation Counsel before the executive session recommendation. Members, any questions? Member King?

COUNCILMEMBER KING: Thank you, Chair. I just wondered if I could ask in open session, which park is the park in question?

MS. KAWASAKI LU: Yes. That would be Kanahā Beach Park.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Member King. Any other questions in open session before the Chair makes a recommendation to go into executive session? Okay. Seeing none. The Chair will then entertain a motion to take GET Item 11(33)...I'm sorry.

MS. ESPELETA: Mr. Chair, I apologize.

CHAIR MOLINA: Yes, Ms. Espeleta.

MS. ESPELETA: Mr. Buck, I see him on the call now, if the Members want to ask him questions prior to executive session. Mr. Buck is on the call.

CHAIR MOLINA: Okay. Members, any need to ask Mr. Buck any questions in open session on this item? Okay. We have Member Paltin, a question for Mr. Buck. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Mr. Buck, I seen that the County had contracted with this company to trim the trees. I just was wondering if you knew when was the last date prior to the incident that they had came to the park for service at Kanahā.

MR. BUCK: Thank you, Chair. We would prefer to do any discussion regarding the claim right now in executive session, and if you could bring it out later. But we would like to into executive session to discuss this.

COUNCILMEMBER PALTIN: Fine with me.

CHAIR MOLINA: Okay. Members, any other questions for the Parks Department or Corporation Council in open session? Member Kama?

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to know, was the adult disabled before or after the incident?

MS. KAWASAKI LU: The adult was disabled prior to the incident.

COUNCILMEMBER KAMA: Okay, thank you.

MS. KAWASAKI LU: He was already an incapacitated adult at the time they went to the park.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR MOLINA: Okay, thank you, Member Kama. Members, any other questions in open session for this particular item? Okay. Seeing none, then the Chair will entertain a motion to go into executive session in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities to the County, the Council, and the Committee for GET Item 11(33). Chair will entertain a motion for executive session.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay. Moved by Member Kama, seconded by Chair Lee. Members, as a reminder, we do need six votes to go into executive session. Any discussion? All right. Seeing none, Chair will take the vote for executive session. All those in favor, signify by raising aye [sic]... raising your hand and saying "aye."

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.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

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

CHAIR MOLINA: All right. Chair will mark it unanimous – nine “ayes” and zero opposition to go into executive session. All right, Members, we will now take our break. You should have received your executive session link. Did everybody get their link to go into our virtual executive session Chamber, if you will? Okay.

MR. BUCK: This is John Buck from Parks, I haven’t received it.

CHAIR MOLINA: Okay. Committee Staff, you’ll forward the executive session link to Mr. Buck.

MS. KAWASAKI LU: Can I get that also, please?

CHAIR MOLINA: Okay, who was that? Who made that request?

MS. KAWASAKI LU: That’s Richelle.

CHAIR MOLINA: Oh. Okay, Ms. Lu, sorry. Yes, okay. Make sure we get the executive session link to both Ms. Lu from Corporation Counsel and Mr. Buck from Parks Department. With that said, Members, let’s go ahead and take our morning break. Let’s reconvene at 11:10 in executive session. Okay? Any objections? All right. Very good. We’ll go ahead and take our morning break, and be back in executive session at 11:10. GET Committee meeting for Tuesday, September 8, is now in recess. . . . *(gavel)* . . .

RECESS: 10:57 a.m.

RECONVENE: 11:51 a.m.

CHAIR MOLINA: . . . *(gavel)* . . . The GET Committee meeting for Tuesday, September 8th, is now back in session. Thank you very much for that discussion for GET Item 11(33), which we went into executive session for. At this point, Members, if there are no questions, the Chair is going to make a recommendation. Chair’s recommendation is to call for a motion to authorize settlement of Noriyoshi Makabe and Masami Makabe, as co-conservators of Hayato Makabe, an incapacitated person versus Parks and Recreation Department, et al.; Civil case 18-1-0346(1) based on the discussions in executive session with Corporation Counsel and the Parks Department. Chair will entertain a motion to support this resolution.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SUGIMURA: Second.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

CHAIR MOLINA: Okay. Moved by Member Lee, seconded by Member Sugimura. Any discussion in open session on the motion? Seeing none, all those in favor, signify by raising your hand and saying “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Rawlins-Fernandez.

MOTION CARRIED.

ACTION: ADOPTION OF REVISED RESOLUTION.

CHAIR MOLINA: Okay. Seeing no hands for opposition, Chair will mark it eight “ayes” with one excusal – Member Rawlins-Fernandez. All right. I believe that addresses our last item for today. Ms. Espeleta, anything the Chair needs to be made aware of before we adjourn our proceedings today?

MS. ESPELETA: I don’t have anything further, Mr. Chair.

CHAIR MOLINA: Okay. Fantastic. Well, thank you very much, Members, for your hard work today, and we do have a 1:30 EACP meeting under the leadership of Mr. Sinenci. So with that being said, the Committee meeting for GET, September 8, 2020, is now adjourned. . . . *(gavel)* . . .

ADJOURN: 11:53 a.m.

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

APPROVED BY:

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

get:min:200908

Transcribed by: Terianne Arreola

**GOVERNANCE, ETHICS, AND TRANSPARENCY
COMMITTEE**

Council of the County of Maui

September 8, 2020

CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 42 of 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 25th day of October 2020, in Wailuku, Hawaii



Terianne Arreola